

CALENDAR FOR THE BOARD OF SUPERVISORS
CONTRA COSTA COUNTY
AND FOR SPECIAL DISTRICTS, AGENCIES, AND AUTHORITIES GOVERNED BY THE BOARD
BOARD CHAMBERS ROOM 107, ADMINISTRATION BUILDING, 651 PINE STREET
MARTINEZ, CALIFORNIA 94553-1229

JOHN GIOIA, CHAIR, 1ST DISTRICT
CANDACE ANDERSEN, VICE CHAIR, 2ND DISTRICT
MARY N. PIEPHO, 3RD DISTRICT
KAREN MITCHOFF, 4TH DISTRICT
FEDERAL D. GLOVER, 5TH DISTRICT

DAVID J. TWA, CLERK OF THE BOARD AND COUNTY ADMINISTRATOR, (925) 335-1900

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO
AN ITEM THAT IS ON THE AGENDA, WILL BE LIMITED TO THREE (3) MINUTES.

The Board Chair may reduce the amount of time allotted per speaker at the beginning of each item or public comment period
depending on the number of speakers and the business of the day.
Your patience is appreciated.

A lunch break or closed session may be called at the discretion of the Board Chair.

AGENDA
February 3, 2015

9:00 A.M. Convene, Call to Order and Opening Ceremonies

Inspirational Thought- "As one person I cannot change the world, but I can change the world of
one person." ~ Paul Shane Spear

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.100 on the following agenda) –
Items are subject to removal from Consent Calendar by request of any Supervisor or on request
for discussion by a member of the public. **Items removed from the Consent Calendar will be
considered with the Discussion Items.**

PRESENTATIONS (5 Minutes Each)

PR.1 PRESENTATION recognizing February 2014 as American Heart Month.
(William Walker, M.D., Health Services Director)

DISCUSSION ITEMS

D. 1 CONSIDER Consent Items previously removed.

D. 2 PUBLIC COMMENT (2 Minutes/Speaker)

- D.3** CONTINUED hearing to consider the appeals of the County Planning Commission decision to approve the proposed Propane and Additional Butane Recovery Project for Phillips 66 Rodeo Refinery in Rodeo; and to consider related actions under the California Environmental Quality Act, County File #LP12-2073. (Communities For A Better Environment and Shute, Mihaly, & Weinberger, LLP, on behalf of the Rodeo Citizens Association, Appellants) (Phillips 66 Company, Owners) (John Kopchik and Lashun Cross, Department of Conservation and Development)
- D.4** CONSIDER adoption of Resolution No. 2015/9 to implement Laura's Law and to certify that no voluntary mental health program serving adults and no children's mental health program will be reduced as a result of the expansion of Assisted Outpatient Treatment in Contra Costa County. (William Walker, M.D., Health Services Director)
- D.5** CONSIDER approving and authorizing the Chair of the Board of Supervisors to execute an agreement with Pacific Gas and Electric (PG&E) to establish a framework for evaluating the removal of trees as part of PG&E's Pipeline Pathway Project, as recommended by the Public Works Director. (100% PG&E funds) (Brian Balbas, Public Works Department)
- D.6** CONSIDER adoption of Resolution No. 2015/38 to approve the extension of the Memorandum of Understanding with SEIU United Healthcare Workers West, as recommended by the County Administrator. (David Twa, County Administrator)
- D.7** CONSIDER approving County Administrator recommendation for appointment to the position of Director of Conservation and Development-Exempt, effective February 4, 2015. (David Twa, County Administrator)

D. 8 CONSIDER reports of Board members.

Closed Session

A. CONFERENCE WITH LABOR NEGOTIATORS

1. Agency Negotiators: David Twa and Bruce Heid.

Employee Organizations: Contra Costa County Employees' Assn., Local No. 1; Am. Fed., State, County, & Mun. Empl., Locals 512 and 2700; Calif. Nurses Assn.; Service Empl. Int'l Union, Local 1021; District Attorney's Investigators Assn.; Deputy Sheriffs Assn.; United Prof. Firefighters, Local 1230; Physicians' & Dentists' Org. of Contra Costa; Western Council of Engineers; United Chief Officers Assn.; Service Empl. Int'l Union United Health Care Workers West; Contra Costa County Defenders Assn.; Probation Peace Officers Assn. of Contra Costa County; Contra Costa County Deputy District Attorneys' Assn.; and Prof. & Tech. Engineers, Local 21, AFL-CIO.

2. Agency Negotiators: David Twa.

Unrepresented Employees: All unrepresented employees.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: County Administrator

ADJOURN in memory of
Robert Anthony Dal Porto, Sr., Discovery Bay Resident

CONSENT ITEMS

Road and Transportation

- C. 1** ADOPT Resolution No. 2015/32 approving and authorizing the Public Works Director, or designee, to partially close a portion of Parker Avenue between 1st Street and 6th Street, on March 14, 2015 from 9:00 a.m. through 9:30 a.m., for the purpose of the Annual Little League Opening Day Parade, Rodeo area. (No fiscal impact)
- C. 2** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Mark Thomas & Company, Inc., effective January 6, 2015, to increase the payment limit by \$51,000 to a new payment limit of \$337,000 for additional professional engineering services for the Marsh Creek Road Bridge (Br. No. 28C-0141) Replacement Project, Clayton area. (89% Federal Highway Safety Improvement Program Funds, 11% Local Road Funds)

Engineering Services

- C. 3** ADOPT Resolution No. 2015/39 accepting completion of improvements for subdivision SD13-09303, for a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (100% Developer Fees)
- C. 4** ADOPT Resolution No. 2015/40 accepting completion of improvements for subdivision SD13-09325, for a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (100% Developer Fees)

Claims, Collections & Litigation

- C. 5** RECEIVE report concerning the final settlement of Kathryn Alexander vs. County of Contra Costa; and AUTHORIZE payment from the Workers' Compensation Internal Service Fund in an amount not to exceed \$125,000, as recommended by the Risk Manager. (100% Workers' Compensation Internal Service Fund)
- C. 6** DENY claims filed by Enterprise Rent-A-Car Claim No. 05824904, Allstate Insurance as Subrogate of Tammy Sizemore, Roque Gonzalez and Livier Garcia, Michael Walling, Bobbi Crew, CSAA NCNU LB, and Luis Duenas.

Honors & Proclamations

- C. 7** ADOPT Resolution No. 2015/30 recognizing Dianne Wilson as the 2015 Moraga Business Person of the Year, as recommended by Supervisor Andersen.
- C. 8** ADOPT Resolution No. 2015/42 recognizing February as American Heart Month, as recommended by the Health Services Director.
- C. 9** ADOPT Resolution No. 2015/43 recognizing Dick Burkhalter as the 2014 Orinda Volunteer of the Year, as recommended by Supervisor Andersen.

Appointments & Resignations

- C. 10** APPOINT Kathy Torru, Jeff Mini, Don Hoffman, Ray Brant and Vince Chow to the Diablo Municipal Advisory Council to a term coterminous with the member's term on the Diablo Community Services District Board of Directors, as recommended by Supervisor Piepho.
- C. 11** ACCEPT resignation of Nell Ryan, DECLARE a vacancy in Local Committee, Danville-Alamo Seat on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Employment and Human Services Director.
- C. 12** REAPPOINT Janet Smith, Ron Banducci, and Richard Rezek to the County Service Area P-2A Citizen Advisory Committee, as recommended by Supervisor Piepho.
- C. 13** REAPPOINT Sharon Marsh to the Byron-Brentwood-Knighten Union Cemetery District, as recommended by Supervisor Piepho.
- C. 14** REAPPOINT Bob Mankin and Gaylin Zeigler to the Discovery Bay P-6 Citizen Advisory Committee, as recommended Supervisor Piepho.

- C. 15** REAPPOINT Kathleen Gage to the Member-at-Large #3 seat and APPOINT Toya Thomas-Cruz to the Member-at-Large #2 seat on the Managed Care Commission, as recommended by the Commission.

Appropriation Adjustments

- C. 16** Contingency Reserve (0990): APPROVE Appropriation Adjustment No. 5031 transferring \$1,002,805 in appropriations to Conservation and Development (0280), District Attorney (0242), Health Services (0853), Human Resources (0035), Public Defender (0243), Probation (0308), Employment & Human Services (0501) for fiscal year 2014-15 Venture Capital Projects. (100% General Fund)
- C. 17** Employment and Human Services (0504) : APPROVE Appropriation and Revenue Adjustment No. 5034 authorizing new revenue and expenses in the amount of \$2,114,080, for the California Work Opportunity and Responsibility to Kids Expanded Subsidized Employment Program to reflect actual State allocations. (100% State)
- C. 18** Employment and Human Services (0504) : APPROVE Appropriation and Revenue Adjustment No. 5035 in the amount of \$1,085,850, for the California Work Opportunity and Responsibility to Kids Housing Support Program to reflect actual State allocations. (100% State)
- C. 19** Employment and Human Services (0504): APPROVE Appropriation and Revenue Adjustment No.5038 authorizing the decrease of revenue expenditures by \$256,207 in the CalWORKs Mental Health and Substance Abuse Program to reflect actual 2014/2015 State allocations. (100% State)

Personnel Actions

- C. 20** ADOPT Position Adjustment Resolution No. 21555 to add three Social Services Program Assistant (represented) positions in the Employment and Human Services Department. (45% Federal, 55% State)
- C. 21** ADOPT Position Adjustment Resolution No. 21576 to reclassify one Information System Administrator III (represented) position and its incumbent to Information Systems Programmer Analyst III (represented) in the Department of Conservation and Development. (100% Land development funds)
- C. 22** ADOPT Position Adjustment Resolution No. 21605 to add one Pharmacist I position (represented) in the Health Services Department. (100% CCHP Enterprise Fund III)

- C. 23** ADOPT Position Adjustment Resolution No. 21603 to add two Mental Health Community Support Worker II positions (represented) and cancel Community Health Worker II positions (represented) in the Health Services Department. (Cost savings)

Leases

- C. 24** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a lease agreement with Balco Properties, LTD, LLC, for a twelve-year term for approximately 16,709 square feet of office space located at 2600 Stanwell Drive, Concord, as requested by the Employment and Human Services Department. (80% Federal/State Funds, 20% General Fund)

Grants & Contracts

APPROVE and AUTHORIZE execution of agreements between the County and the following agencies for receipt of fund and/or services:

- C. 25** APPROVE and AUTHORIZE the County Probation Officer, or designee, to apply for, accept and execute a grant contract with the California Board of State and Community Corrections in an amount not to exceed \$119,285 to continue facilitation of Proud Parenting Programs for young fathers and mothers involved in the criminal justice system for the period July 1, 2015 through June 30, 2016. (90% State, 10% STAND! For Families Free of Domestic Violence)
- C. 26** APPROVE and AUTHORIZE the County Probation Officer, or designee, to apply for and accept an Evidence-Based Practices Training Project grant in an amount not to exceed \$20,000 from the California Board of State and Community Corrections to enhance evidence-based practices at John A. Davis Juvenile Hall, for the period May 1, 2015 through June 30, 2016. (90% State, 10% County match)
- C. 27** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the State of California, Emergency Medical Services Authority, to pay the County an amount not to exceed \$47,883 to provide County's EMS Federal Block Grant Support Quality Improvement Project, for the period January 1 through September 30, 2015 (No County match)
- C. 28** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with California Department of Community Services and Development, including modified indemnification language, to pay the County an amount not to exceed \$40,000 to administer the Low Income Home Weatherization Program for the period January 1, 2015 through January 31, 2017. (No County match)

- C. 29** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to apply for and accept grant funding from the Contra Costa County Healthy and Active Before 5 Collaborative in an amount not to exceed \$500 to support the purchase of non-disposable dishes for use in Contra Costa County Head Start Centers, thereby reducing the environmental impact of paper products, for the period January 1 through June 30, 2015. (No County match)
- C. 30** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the Catholic Council for the Spanish Speaking of the Diocese of Stockton, to pay the County an amount not to exceed \$28,000 to provide food services to the childcare program at El Concilio Preschool for the period February 1 through October 31, 2015. (No County match)
- C. 31** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with the California Department of Water Resources for a Flood Emergency Project Grant in the amount of \$570,000 for flood readiness planning, for a period of three years from the date of execution of the contract. (100% State)

APPROVE and AUTHORIZE execution of agreement between the County and the following parties as noted for the purchase of equipment and/or services:

- C. 32** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Child Abuse Prevention Council to decrease the payment limit by \$40 to a new payment limit of \$1,358,786 for continued child abuse prevention services, for the period July 1, 2013 through June 30, 2015. (66% State, 10% Federal, 24% County)
- C. 33** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Public Works Director, a purchase order amendment with Walnut Creek Ford, to increase the payment limit by \$175,000 to a new payment limit of \$600,000 and extend the term from January 31, 2015 to January 31, 2016, for vehicle parts and accessories, Countywide. (100% Fleet Internal Service Fund)
- C. 34** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Public Works Director, a purchase order amendment with Future Ford, to increase the payment limit by \$40,000 to a new payment limit of \$120,000 and extend the term from January 31, 2015 to January 31, 2016, for vehicle parts and accessories, Countywide. (100% Internal Service Fund - Fleet)
- C. 35** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Prime Mechanical Service, Inc., in an amount not to exceed \$500,000 to provide heating, air conditioning and ventilation services for the period December 1, 2014 through November 30, 2017, Countywide. (100% General Fund)

- C. 36** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Careerstaff Unlimited, Inc. (dba Therapists Unlimited), in an amount not to exceed \$220,000 to provide temporary occupational, physical and speech therapists, pharmacists and pharmacy technicians, medical social workers, ultrasound technologists and other ancillary classifications at Contra Costa Regional Medical and Health Centers, for the period January 1 through December 31, 2015. (100% Enterprise Fund I)
- C. 37** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Aspiranet, to increase the payment limit by \$28,084 to a new payment limit of \$228,084 for continued receiving center services for children pending placement to protective custody, with no change in the contract term of July 1, 2014 through June 30, 2015. (70% State, 30% County)
- C. 38** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, in an amount not to exceed \$108,072 to provide services for the Encourage Arrest Policies and Enforcement of Protection Orders Project, for the period January 1 through December 31, 2015. (100% Federal)
- C. 39** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, in an amount not to exceed \$507,529 to provide Phase II Lethality Assessment Program Implementation for Domestic Violence Homicide Prevention for the period December 5, 2014 through September 30, 2016. (100% Federal)
- C. 40** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Regents of the University of California, on behalf of its University of California, San Francisco School of Medicine, effective November 5, 2014, to increase the payment limit by \$70,000 to a new payment limit of \$105,000 to provide additional residency training program services in family medicine at Contra Costa Regional Medical and Health Centers, with no change in the original term of May 1, 2013 through June 30, 2016. (100% Enterprise Fund I)
- C. 41** APPROVE and AUTHORIZE the County Risk Manager to execute a contract with Contra Costa County Schools Insurance Group in an amount not to exceed \$198,500 to perform medical billing reviews for the period effective January 1 through December 31, 2015. (100% Workers' Compensation Internal Service Fund)
- C. 42** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with Michael Baker International in an amount not to exceed \$570,000 for flood safety services for the period February 1, 2015 through January 31, 2017. (100% State)

- C. 43** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Northwoods Consulting Partners, Inc., in an amount not to exceed \$1,089,814 for the continued license and support of the document management software, and for software customization services for the period February 1, 2015 through January 31, 2016. (10% County; 45% State; 45% Federal)
- C. 44** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Animal Services Department, a purchase order with Tri Star Vet in an amount not to exceed \$139,929 to procure specialized stainless steel stackable rolling cat cages. (100% Donations)
- C. 45** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Animal Services Department, a purchase order with La Boit Specialty Vehicles in an amount not to exceed \$170,000 to procure a mobile pet adoption vehicle. (100% Donations)
- C. 46** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Peyman Keyashian, M.D., in an amount not to exceed \$400,000 to provide anesthesiology services at Contra Costa Regional Medical and Health Centers for the period January 19, 2015 through January 31, 2016. (100% Enterprise Fund I)
- C. 47** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Cypress Meadows of Antioch, LLC, in an amount not to exceed \$153,096 to provide residential board and care services for post medical, surgical, and/or custodial care patients who have been discharged from Contra Costa Regional Medical Center, for the period November 1, 2014, through October 31, 2015. (100% County General Fund)
- C. 48** APPROVE and AUTHORIZE the Clerk-Recorder, or designee, to execute a contract amendment with AtPac, Inc., effective February 3, 2015, to increase the payment limit by \$17,644 to a new payment limit of \$1,672,852 to provide access to the Recorder's data system to 32 additional Assessor staff persons, with no change to the original term. (100% Modernization Trust Fund)
- C. 49** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Mental Health Management I, Inc. (dba Canyon Manor), in an amount not to exceed \$217,095 to provide mental health subacute care and treatment services for the period July 1, 2014 through June 30, 2015, with a six-month automatic extension through December 31, 2015 in an amount not to exceed \$108,548. (100% Mental Health Realignment)

- C. 50** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Probation Department, a purchase order with Bay Cities Produce Co., Inc. in an amount not to exceed \$150,000 to procure whole and processed fresh fruits and vegetables for the Juvenile Hall and Orin Allen Youth Rehabilitation Facility food programs, for the period January 1 through December 31, 2015. (100% General Fund)
- C. 51** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order amendment with Fisher Scientific, Inc., to increase the payment limit by \$150,000 to a new payment limit of \$450,000, for various clinical and pathology laboratory reagents, small equipment, supplies and test kits for Contra Costa Regional Medical and Health Centers, with no change in the original term from May 2, 2014 through April 30, 2015. (100% Enterprise Fund I)
- C. 52** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order amendment with Abbott Laboratories, Inc., to increase the payment limit by \$40,000 for a new payment limit of \$120,000 for reagents and supplies needed for the IStat Handheld Analyzer for Contra Costa Regional Medical and Health Centers, with no change in the original term of September 1, 2012 through August 31, 2015. (100% Enterprise Fund I)
- C. 53** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of Health Services Department, a purchase order amendment with Zebra Technologies, to increase the payment limit by \$140,000 to a new payment limit of \$540,000 to provide patient wrist bands and labeling at Contra Costa Regional Medical Center, with no change in the original term of June 5, 2013 through June 4, 2015. (100% Enterprise Fund I)
- C. 54** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order with Biomerieux, Inc., in the amount of \$135,000 for reagents and supplies for the Pathology and Clinical Laboratory at the Contra Costa Regional Medical Center, for the period January 1 through December 31, 2015. (100% Enterprise Fund I)
- C. 55** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order with Beckman Coulter, Inc. in the amount of \$280,000 for reagents and supplies needed to conduct urinalysis testing on patients seen at the Contra Costa Regional Medical and Health Centers for the period February 1, 2015 through January 31, 2021. (100% Enterprise Fund I)
- C. 56** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of Health Services Department, a purchase order with American Medical Systems, Inc., in the amount of \$250,000 for supplies and implants for the gynecological and urological surgery units at Contra Costa Regional Medical Center, for the period January 1, 2015 through December 31, 2017. (100% Enterprise Fund I)

- C. 57** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order with Sanofi Pasteur, Inc., in an amount not to exceed \$150,000 for vaccines and injectable medications at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period January 1 through December 31, 2015. (100% Enterprise Fund I)
- C. 58** RATIFY the County Clerk-Recorder's, or designee's, execution of a contract amendment with Election Systems & Software, LLC, which increased the payment limit by \$532,964 to a new payment limit of \$1,583,223 and extended the term from December 31, 2014 to December 31, 2016, for continued hardware and software maintenance services and support. (100% General Fund)
- C. 59** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Greater Richmond Inter-Faith Program, effective January 1, 2015, to increase the payment limit by \$36,477 to a new payment limit of \$373,865 to provide additional consultation and technical assistance on infectious disease to Health Services Department's Clinic Service, School-based Health Centers program, with no change in the original term of September 1, 2014 through August 31, 2015. (51% Federally Qualified Health Centers; 13% Targeted Case Management; 13% Public Health Administration; 23% County of Alameda, as grantee of Federal AIDS Program Funds)
- C. 60** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with David H.C. Raphael, M.D., in an amount not to exceed \$1,200,000 to provide general surgery services for patients at Contra Costa Regional Medical and Health Centers, for the period January 1 through December 31, 2015. (100% Enterprise Fund I)
- C. 61** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Rainbow Community Center of Contra Costa County, in an amount not to exceed \$486,496 to provide specialized behavioral health treatment services to members of the lesbian, gay, bisexual, transgender, queer and questioning community and their families for the period July 1, 2014 through June 30, 2015, including a six-month automatic extension through December 31, 2015 in an amount not to exceed \$243,248. (16% Federal Financial Participation; 84% Mental Health Service Act)
- C. 62** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Seneca Family of Agencies in an amount not to exceed \$7,661,820, to provide mobile crisis response and school- and community-based children's specialty mental health services for the period July 1, 2014 through June 30, 2015, with a six-month automatic extension through December 31, 2015 in an amount not to exceed \$3,830,910. (42% Federal Financial Participation, 41% Mental Health Realignment, 13% Mt. Diablo Unified School District, 4% Mental Health Services Act)

- C. 63** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Ujima Family Recovery Services in an amount not to exceed \$1,692,084 to provide residential and outpatient treatment for pregnant and parenting women and their small children, for the period July 1, 2014 through June 30, 2015 (84% Federal Perinatal Set-Aside; 16% Drug Medi-Cal funds)
- C. 64** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Adolescent Treatment Centers, Inc., in an amount not to exceed \$358,838 to provide mental health services for seriously emotionally disturbed dually-diagnosed adolescents at its Thunder Road Facility for the period July 1, 2014 through June 30, 2015, with a six-month automatic extension through December 31, 2015 in an amount not to exceed \$179,419. (50% Federal Financial Participation; 50% Realignment)
- C. 65** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a Software and Services Agreement with 3M Cogent, Inc., in an amount not to exceed \$657,000 to procure mobile identification devices, software, implementation services, and support of the software for the period January 1, 2015 through December 31, 2018. (100% CAL-ID funds)
- C. 66** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Hugo E. Altamirano, Inc., in an amount not to exceed \$400,000 to provide anesthesiology services at Contra Costa Regional Medical and Health Centers, for the period January 19, 2015 through January 31, 2016. (100% Enterprise Fund I)
- C. 67** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Ramon Berguer, M.D., in an amount not to exceed \$1,200,000 to provide general surgery services for patients at Contra Costa Regional Medical and Health Centers, for the period January 1, 2015 through December 31, 2017. (100% Enterprise Fund I)
- C. 68** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Desarrollo Familiar, Inc., in an amount not to exceed \$263,380 to provide mental health services in West County for the period July 1, 2014 through June 30, 2015, with a six-month automatic extension through December 31, 2015 in an amount not to exceed \$131,690. (18% Federal Medi-Cal, 40% Substance Abuse/Mental Health Services Administration Grant, 42% Mental Health Realignment)
- C. 69** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Stephen D. Weiss, M.D., in an amount not to exceed \$1,640,000 to provide general surgery services for patients at Contra Costa Regional Medical and Health Centers, for the period January 1, 2015 through December 31, 2017. (100% Enterprise Fund I)

- C. 70** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Bi-Bett Corporation in an amount not to exceed \$129,590, to provide transitional housing services for homeless adult males who have recently completed substance abuse treatment, for referrals from County's Assembly Bill 109 program, for the period July 1, 2014 through June 30, 2015. (100% State Public Safety Realignment Fund)
- C. 71** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Walnut Creek Surgical Associates, Inc., in an amount not to exceed \$1,350,000 to provide general surgery services for patients at Contra Costa Regional Medical Center and Health Centers, for the period January 1, 2015 through December 31, 2017. (100% Enterprise Fund I)
- C. 72** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Michael S. Baker, M.D., in an amount not to exceed \$345,000 to provide professional general surgery services at Contra Costa Regional Medical and Health Centers, for the period January 1 through December 31, 2015. (100% Enterprise Fund I)
- C. 73** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the City of El Cerrito, effective July 1, 2014, to increase the payment limit by \$23,843 to a new payment limit of \$352,473, to provide additional first responder fire paramedic services, with no change in the original term of July 1, 2012 through June 30, 2015. (100% Emergency Medical Services funding)
- C. 74** Acting as the Contra Costa County Board of Supervisors and the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Health Services Director and the Contra Costa County Fire Protection District Chief, or designees, to execute a contract amendment, effective July 1, 2014, to increase the amount payable by the County to the Fire District by \$315,553 to a new payment limit of \$4,112,290, to provide additional First Responder Paramedic Program Services, with no change in the original term of July 1, 2012 through June 30, 2015. (100% Emergency Medical Services funding)
- C. 75** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the City of Pinole for its Fire Department, effective July 1, 2014, to increase the payment limit by \$15,439 to a new payment limit of \$234,525, to provide additional first responder fire paramedic services, with no change in the original term of July 1, 2012 through June 30, 2015. (100% Emergency Medical Services funding)

- C. 76** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the Rodeo-Hercules Fire Protection District, effective July 1, 2014, to increase the payment limit by \$15,439 to a new payment limit of \$234,525 to provide additional first responder fire paramedic services, with no change in the original term of July 1, 2012 through June 30, 2015. (100% Emergency Medical Services funding)
- C. 77** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase order with Producers Dairy Products, Inc., in an amount not to exceed \$175,000 to procure dairy products as needed for the Martinez and Marsh Creek detention facilities, for the period January 1 through December 31, 2015. (100% General Fund)
- C. 78** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase order with Producers Dairy Products, Inc., in an amount not to exceed \$200,000 to procure dairy products as needed for the West County Detention Facility for the period January 1 through December 31, 2015. (100% General Fund)
- C. 79** APPROVE and AUTHORIZE the County Counsel, or designee, to execute a contract with Baker & O'Brien, Inc., in an amount not to exceed \$700,000 to provide refining industry analyses in connection with refinery property tax appeals, for the period January 1 through December 31, 2015. (100% Property Tax Administration fees)
- C. 80** APPROVE and AUTHORIZE the the Chief Information Officer, Department of Information Technology, or designee, to execute a contract with CSI Telecommunications, Inc., in an amount not to exceed \$200,000 to provide Federal Communications Commission radio licensing and microwave frequency coordination as needed; for the period February 1, 2015 through January 31, 2016. (100% User Fees)
- C. 81** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, California, including modified indemnification language, to increase the payment limit by \$105,170 to a new payment limit of \$1,237,440 to provide childcare services at Fairgrounds Children's Center, with no change to the term July 1, 2014 through June 30, 2015. (26% Federal, 74% State)
- C. 82** APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract amendment with Kids' Clubs, Inc., including modified indemnification language, to decrease the payment limit by \$253,369 to a new payment limit of \$1,137,857 to provide State Preschool, Pre-kindergarten Family Literacy, and Head Start services, with no change to term of July 1, 2014 through June 30, 2015. (89% State; 11% Federal)

- C. 83** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase order with Waxie Sanitary Supply in an amount not to exceed \$180,000 to procure miscellaneous janitorial supplies as needed within the County's detention facilities, for the period January 1 through December 31, 2015. (100% General Fund)
- C. 84** APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract amendment with Richmond Elementary School, Inc., including modified indemnification language, to increase the payment limit by \$9,498 to new payment limit of \$200,736 to provide State preschool services, with no change to term of July 1, 2014 through June 30, 2015. (100% State)

Other Actions

- C. 85** DECLARE as surplus and AUTHORIZE the Purchasing Agent, or designee, to dispose of fully depreciated vehicles and equipment no longer needed for public use, as recommended by the Public Works Director, Countywide. (No fiscal impact)
- C. 86** APPROVE the refund of overpayment of documentary transfer tax totaling \$15,323; and AUTHORIZE the County Auditor-Controller to issue refunds to specified parties, as recommended by the Clerk-Recorder. (100% General Fund)
- C. 87** APPROVE the design and bid documents, including plans and specifications, for the Roof Replacement at 2099 Arnold Industrial Way, Concord Project; and AUTHORIZE the Public Works Director, or designee, to solicit bids to be received on or about March 12, 2015 and to issue bid addenda, as needed, for clarification of the contract bid documents. (100% General Fund)
- C. 88** ADOPT revised bylaws form the Arts and Culture Commission of Contra Costa County, as recommended by the Commission.
- C. 89** APPROVE the Notice of Intention to Purchase Real Property for a 0.93-acre parcel adjacent to the West County Health Center on San Pablo Avenue, San Pablo, owned by Palm Plaza Development, as recommended by the Public Works and Health Services Directors. (100% Hospital Enterprise Fund)
- C. 90** ACCEPT the Clerk-Recorder's certificate of signature verification results for referendum petition on Ordinance No. 2014-10, which would have adjusted the salaries of the Board of Supervisors members, as recommended by the County Administrator.
- C. 91** ACCEPT the 2014 Annual Report submitted by the Knightsen Town Advisory Council, as recommended by Supervisor Piepho.

- C. 92** ACCEPT the 2014 Annual Report from the Byron Municipal Advisory Council, as recommended by Supervisor Piepho.
- C. 93** ACCEPT the 2014 Annual Report from the Bethel Island Municipal Advisory Council, as recommended by Supervisor Piepho.
- C. 94** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute an unpaid student training agreement with the Regents of the University of California, on behalf of University of California San Francisco, to provide supervised field instruction to physical therapy students for the period January 1, 2015 through December 31, 2020. (No Fiscal Impact)
- C. 95** ACCEPT the Contra Costa County Emergency Medical Care Committee's 2014 Annual Report, as recommended by the Health Services Director.
- C. 96** APPROVE the design and bid documents, including plans and specifications, for the North Richmond Pump Station Diversion Project; and AUTHORIZE the Public Works Director, or designee, to solicit bids to be received on or about March 10, 2015 and to issue bid addenda, as needed, for clarification of the contract bid documents, Richmond area. (63% Environmental Protection Agency Grant Funds, 37% Stormwater Utility Area 17 Assessments)
- C. 97** ACCEPT the 2014 Annual Report from the Contra Costa Commission on Women, as recommended by the County Administrator.
- C. 98** APPROVE and AUTHORIZE the allocation of \$213,286 from the Crockett Co-Generation Property Tax Allocation for four projects, as recommended by the Crockett Community Foundation and Supervisor Glover. (100% General Fund)
- C. 99** CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County, as recommended by the Health Services Director. (No fiscal impact)
- C.100** ADOPT Resolution No. 2015/50 as approved by the Retirement Board, which establishes retirement plan contribution rates for the period January 1, 2015 through June 30, 2016 for the Contra Costa County Fire Protection District and employer contribution rates to be effective for the period July 1, 2015 through June 30, 2016 for the Central Contra Costa Sanitary District, as recommended by the County Administrator.

GENERAL INFORMATION

The Board meets in all its capacities pursuant to Ordinance Code Section 24-2.402, including as the Housing Authority and the Successor Agency to the Redevelopment Agency. Persons who wish to address the Board should complete the form provided for that purpose and furnish a copy of any written statement to the Clerk.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting are available for public inspection at 651 Pine Street, First Floor, Room 106, Martinez, CA 94553, during normal business hours.

All matters listed under CONSENT ITEMS are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Board votes on the motion to adopt.

Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Supervisors can be submitted to the office of the Clerk of the Board via mail: Board of Supervisors, 651 Pine Street Room 106, Martinez, CA 94553; by fax: 925-335-1913.

The County will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 335-1900; TDD (925) 335-1915. An assistive listening device is available from the Clerk, Room 106.

Copies of recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 335-1900, to make the necessary arrangements.

Forms are available to anyone desiring to submit an inspirational thought nomination for inclusion on the Board Agenda. Forms may be obtained at the Office of the County Administrator or Office of the Clerk of the Board, 651 Pine Street, Martinez, California.

Subscribe to receive to the weekly Board Agenda by calling the Office of the Clerk of the Board, (925) 335-1900 or using the County's on line subscription feature at the County's Internet Web Page, where agendas and supporting information may also be viewed:

www.co.contra-costa.ca.us

STANDING COMMITTEES

The **Airport Committee** (Karen Mitchoff and Supervisor Mary N. Piepho) meets quarterly on the second Monday of the month at 10:30 a.m. at Director of Airports Office, 550 Sally Ride Drive, Concord.

The **Family and Human Services Committee** (Supervisors Federal D. Glover and Candace Andersen) meets on the second Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Finance Committee** (Supervisors Mary N. Piepho and Federal D. Glover) meets on the first Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Hiring Outreach Oversight Committee** (Supervisors Federal D. Glover and Karen Mitchoff) meets on the first Thursday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Internal Operations Committee** (Supervisors Karen Mitchoff and John Gioia) meets on the second Monday of the month at 2:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Legislation Committee** (Supervisors Karen Mitchoff and Federal D. Glover) meets on the first Thursday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Public Protection Committee** (Supervisors John Gioia and Federal D. Glover) meets on the second Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Transportation, Water & Infrastructure Committee** (Supervisors Candace Andersen and Mary N. Piepho) meets on the first Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

Airports Committee	March 9, 2015	10:30 a.m.	See above
Family & Human Services Committee	February 9, 2015 canceled	10:30 a.m.	See above
Finance Committee	March 2, 2015	10:30 a.m.	See above
Hiring Outreach Oversight Committee	February 5, 2015	1:00 p.m.	See above
Internal Operations Committee	February 9, 2015	2:30 p.m.	See above
Legislation Committee	February 5, 2015	10:30 a.m.	See above
Public Protection Committee	February 9, 2015	1:00 p.m.	See above
Transportation, Water & Infrastructure Committee	March 2, 2015	1:00 p.m.	See above

AGENDA DEADLINE: Thursday, 12 noon, 12 days before the Tuesday Board meetings.

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB Assembly Bill
ABAG Association of Bay Area Governments
ACA Assembly Constitutional Amendment
ADA Americans with Disabilities Act of 1990
AFSCME American Federation of State County and Municipal Employees
AICP American Institute of Certified Planners
AIDS Acquired Immunodeficiency Syndrome
ALUC Airport Land Use Commission
AOD Alcohol and Other Drugs
ARRA American Recovery & Reinvestment Act of 2009
BAAQMD Bay Area Air Quality Management District
BART Bay Area Rapid Transit District
BayRICS Bay Area Regional Interoperable Communications System
BCDC Bay Conservation & Development Commission
BGO Better Government Ordinance
BOS Board of Supervisors
CALTRANS California Department of Transportation
CalWIN California Works Information Network
CalWORKS California Work Opportunity and Responsibility to Kids
CAER Community Awareness Emergency Response
CAO County Administrative Officer or Office
CCCPCFD (ConFire) Contra Costa County Fire Protection District
CCHP Contra Costa Health Plan
CCTA Contra Costa Transportation Authority
CCRMC Contra Costa Regional Medical Center
CCWD Contra Costa Water District
CDBG Community Development Block Grant
CFDA Catalog of Federal Domestic Assistance
CEQA California Environmental Quality Act
CIO Chief Information Officer
COLA Cost of living adjustment
ConFire (CCCPCFD) Contra Costa County Fire Protection District
CPA Certified Public Accountant
CPI Consumer Price Index
CSA County Service Area
CSAC California State Association of Counties
CTC California Transportation Commission
dba doing business as
DSRIP Delivery System Reform Incentive Program
EBMUD East Bay Municipal Utility District

ECCFPD East Contra Costa Fire Protection District
EIR Environmental Impact Report
EIS Environmental Impact Statement
EMCC Emergency Medical Care Committee
EMS Emergency Medical Services
EPSDT Early State Periodic Screening, Diagnosis and Treatment Program (Mental Health)
et al. et alii (and others)
FAA Federal Aviation Administration
FEMA Federal Emergency Management Agency
F&HS Family and Human Services Committee
First 5 First Five Children and Families Commission (Proposition 10)
FTE Full Time Equivalent
FY Fiscal Year
GHAD Geologic Hazard Abatement District
GIS Geographic Information System
HCD (State Dept of) Housing & Community Development
HHS (State Dept of) Health and Human Services
HIPAA Health Insurance Portability and Accountability Act
HIV Human Immunodeficiency Syndrome
HOME Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households
HOPWA Housing Opportunities for Persons with AIDS Program
HOV High Occupancy Vehicle
HR Human Resources
HUD United States Department of Housing and Urban Development
IHSS In-Home Supportive Services
Inc. Incorporated
IOC Internal Operations Committee
ISO Industrial Safety Ordinance
JPA Joint (exercise of) Powers Authority or Agreement
Lamorinda Lafayette-Moraga-Orinda Area
LAFCo Local Agency Formation Commission
LLC Limited Liability Company
LLP Limited Liability Partnership
Local 1 Public Employees Union Local 1
LVN Licensed Vocational Nurse
MAC Municipal Advisory Council
MBE Minority Business Enterprise
M.D. Medical Doctor
M.F.T. Marriage and Family Therapist
MIS Management Information System
MOE Maintenance of Effort
MOU Memorandum of Understanding
MTC Metropolitan Transportation Commission
NACo National Association of Counties
NEPA National Environmental Policy Act
OB-GYN Obstetrics and Gynecology
O.D. Doctor of Optometry

OES-EOC Office of Emergency Services-Emergency Operations Center
OPEB Other Post Employment Benefits
OSHA Occupational Safety and Health Administration
PARS Public Agencies Retirement Services
PEPRA Public Employees Pension Reform Act
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications
RN Registered Nurse
SB Senate Bill
SBE Small Business Enterprise
SEIU Service Employees International Union
SUASI Super Urban Area Security Initiative
SWAT Southwest Area Transportation Committee
TRANSPAC Transportation Partnership & Cooperation (Central)
TRANSPLAN Transportation Planning Committee (East County)
TRE or **TTE** Trustee
TWIC Transportation, Water and Infrastructure Committee
UASI Urban Area Security Initiative
VA Department of Veterans Affairs
vs. versus (against)
WAN Wide Area Network
WBE Women Business Enterprise
WCCTAC West Contra Costa Transportation Advisory Committee



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Interim Director, Conservation & Development Department
Date: February 3, 2015

Subject: Appeal of the County Planning Commissions Approval of LP12-2073 (Phillips 66 Rodeo Refinery)

RECOMMENDATION(S):

1. ACCEPT testimony on the appeals of Phillips 66 Propane Recovery Project approval by the County Planning Commission.
2. CLOSE the public hearing.
3. CERTIFY the 2013 Draft and Final EIR, including the entire Recirculated Environmental Impact Report (REIR), consisting of the Recirculated Draft EIR (RDEIR) dated October 2014, and the Recirculated Final EIR (RFEIR) dated January of 2015; and CERTIFY that the Board has reviewed and considered the contents, that it is adequate and complete, that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and that it reflects the County's independent judgment and analysis. The Department of Conservation and Development, Community Development Division, located at 30 Muir Road, Martinez, CA, is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
4. DENY the appeals from Communities for a Better Environment and Rodeo Citizens Association, and UPHOLD the County Planning Commission's decision to approve the Land Use Permit (County File #LP12-2073) with the added condition of approval #36 and modified condition of approval #5.
5. ADOPT the findings contained in the County Planning Commission Resolution No. 19-2013, which

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/03/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes: See Addendum

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

NO: John Gioia, District I
Supervisor

By: June McHuen, Deputy

Contact: Lashun Cross 925 674-7786

cc:

RECOMMENDATION(S): (CONT'D)

includes the CEQA findings, Growth Management Standards and Land Use Permit findings as the basis for the Board's action.

6. ADOPT the attached Mitigation Monitoring and Reporting Program.

7. DIRECT the Community Development Division to post a Notice of Determination with the County Clerk.

FISCAL IMPACT:

None. The applicant, Phillips 66 Company, is obligated to pay any additional costs above the initial application deposit associated with the processing of the application.

BACKGROUND:

On January 21, 2014, the Board of Supervisors received testimony on two appeals filed in response to the Planning Commission's decision to approve the Phillips 66 Propane Recovery Project. Staff's responses to the appeals are contained in the attached January 21, 2014 board order (Exhibits #6 and #16). Prior to the Board hearing, on January 14, 2014, the Bay Area Air Quality Management District (BAAQMD or Air District), submitted a letter requesting additional information in order to verify the Project's potential impacts on public health, and to verify the projected decrease in greenhouse gas emissions. Upon conclusion of public testimony, the Board continued this item and directed Conservation and Development staff to respond to the Air District's letter. Subsequently, on June 3, 2014, the Board directed staff to recirculate portions of the 2013 Draft EIR for public review following completion of a cumulative analysis of health risks. The Board also directed staff to respond to a letter submitted to the Board by the appellants from the Attorney General to the City of Pittsburg, dated January 15, 2014, regarding a recirculated EIR for the WesPac Pittsburg Energy Infrastructure Project. The Board further directed staff to respond to specific testimony received at the hearing. The Board continued this item to September 23, 2014, December 16, 2014 and ultimately to February 3, 2015.

The portions of the 2013 EIR that were recirculated are Air Quality, Biological Resources, Energy Conservation, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, and the Analysis of Impacts. All the remaining portions of the 2013 Draft and Final EIR have not been superseded by the RDEIR and RFEIR and are recommended for certification along with the RDEIR and RFEIR.

January 14, 2014 Letter from the Air District and Recirculation of the EIR

On January 14, 2014, the Bay Area Air Quality Management District issued a letter requesting analysis of the Greenhouse Gas Emissions (GHG) that would be associated with the end use of recovered propane and butane, and requesting a health risk assessment (HRA) be conducted for the Propane Recovery Project. The HRA was to include verification of the Project's toxic air contaminant (TAC) emissions. Also, requested was a cumulative health risk analysis of the maximum exposed sensitive receptor (i.e. daycare, schools, elderly, etc.) that would include other sources of air pollution that could contribute to human health risks, including TAC emissions from rail activities, Refinery modifications, and Interstate Highways.

The Board determined on June 3, 2014, to conduct the additional GHG and health risk analyses and, in accordance with the Contra Costa County Guidelines for administering CEQA, determined this would require that the EIR be recirculated in order to provide the public an opportunity to review the new information provided by the studies. The County CEQA Guidelines, Section 15088.5—Recirculation of an EIR Prior to Certification, states, *"The County Department of Conservation and Development is required to re-circulate the EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. 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 on the project"*. The additional GHG and health risk analyses were determined to constitute "significant new information," and accordingly, the EIR was recirculated to give the public and any interested parties the opportunity to review and comment. On October 21, 2014, the Recirculated Draft EIR (RDEIR) was released with a forty-five day public comment period that ended on December 5, 2014.

The Air District instructed the County to consider in the analysis the end uses of the propane and butane after it

was sold on the market. Therefore a thorough investigation was conducted regarding these potential uses and their associated post-sale GHG emissions, and it was determined that the post-sale amount and nature of the associated emissions cannot reasonably be estimated without undertaking a substantial amount of speculation. In accordance with CEQA Guidelines, Section 15145, if after investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. Therefore, staff has not attempted to quantify the associated net GHG emissions and refer to the RDEIR, Section 4.5, pages 4.5-13 and 4.5-14 for summary of the results of the investigation. On December 2, 2014, the Air District stated its agreement with this conclusion.

BAAQMD's health risk guidance was used to evaluate Project specific and cumulative health risks. That guidance recommends that cumulative health risks first be estimated by combining Project specific risks with the risks from other existing and proposed sources of toxic air contaminants. Then, the total combined health risks are compared to BAAQMD's cumulative health risk thresholds.

The cumulative health risk analysis included health risks from Project specific emission sources. These included the new boiler (or increased use of the steam power plant (SPP)), fugitive emission sources, and increased locomotive emissions. In addition, the cumulative analysis evaluated the health risks from other existing and proposed projects in the vicinity. These other emission sources included existing refinery emissions, proposed refinery emission sources not related to the Project (such as the Marine Terminal II and III projects), transportation sources (rail and highway), and other stationary sources in the project vicinity (e.g., NuStar Terminal, Air Liquide Hydrogen Plant, etc.).

The health risk analysis found that for both Project scenarios (boiler and increased use of SPP), the cumulative cancer risk at the maximally affected residence and worker locations would be less than the BAAQMD's significance threshold of 100 per million. Similarly, the analysis found that the maximum cumulative chronic hazard from all sources would be less than BAAQMD's significance threshold of 10 per million.

During the public comment period, the Air District issued a letter on December 2, 2014 (Exhibit #15), stating they were in agreement with the results of the health risk and emissions analyses. The Air District further stated that the RDEIR justifies the Project's GHG emission decrease based on the anticipated change in fuel gas use. Other comments were received during the public comment period and at the Zoning Administrator's hearing held on November 17, 2014, which was another opportunity to accept public comments; these comments have been responded to within the Recirculated Final Environmental Impact Report (RFEIR).

Staff Responses to Specific Public Comments Made at the January 21, 2014 Hearing as Requested by the Board

- **Project Description:**

The appellants contended that the EIR should have also been recirculated based on the inaccuracy of the project description, because the Project scope does not include or address the nature of the crude oil that Phillips 66 will be capable of processing, that it does not identify and describe recent modifications to process units and operation, and that it does not describe the proposed Project's relationship with other projects being pursued at the Phillips 66 refinery in Santa Maria. Overall, the appellants stated that the proposed Project would allow the Rodeo Refinery to process more heavy, high-sulfur crudes by rail, such as tar sands. They further cited the "Greg Karras Declaration" and "Fox Report" as evidence of insufficient amounts of butane and propane in the Refinery's existing Refinery Fuel Gas (RFG), thus asserting that the Project is therefore dependent on a change to its crude slate in order to produce the proposed levels of propane and butane. RFG is defined as any gas generated and combusted at a petroleum refinery as a fuel used to run refinery processing units.

The Project application and RDEIR proposes the recovery of propane and butane, and the Project is based on existing levels of propane and butane in the RFG produced by the existing Refinery crude slate. Sufficient levels of butane and propane already exist in the RFG under current conditions at the Refinery. The Project was accordingly designed to give the facility the ability to capture, or recover, existing propane and butane, not to produce new or higher levels of propane and butane. Likewise, without the proposed Project, there would be no project-related decrease in Greenhouse Gas and sulfur dioxide emissions or a decrease in the number of flaring

events at the Refinery.

Currently, the propane and butane that is not recovered is used as fuel for the refinery (i.e. RFG). Exhibit #12 shows the butane and propane production at 15,400 bpd (barrels per day) for August 2011. Review of similar data for January through November of 2013, (see Exhibit #13), indicates levels consistent with the levels of butane and propane measured in August of 2011. The project proponents' proposal includes six pressurized storage tanks holding 2,500 barrels of propane each. The capacity of the removal equipment, including the amount of propane and butane, is specified in the Project's BAAQMD permit application and within the project description as 14,500 bpd. The project description is consistent with the BAAQMD permit, and does not seek to maximize butane and propane production by an increase or change in crude oil, but proposes to recover butane and propane that already exists in the Refinery Fuel Gas stream and to replace the fuel value of these extracted gases with purchased natural gas. The project limits and equipment are clearly described within the RDEIR, and they do not imply the Rodeo Refinery will change its facility or equipment to bring in heavy tar sands or change the crude slate. Nor is the proposed Project dependent on any projects at the Phillips 66 Santa Maria refinery. To further emphasize that the recovery of the propane and butane (Liquid Petroleum Gas or LPG) is limited to levels of LPG currently produced, staff recommends an additional condition which requires that Phillips 66 Company shall ensure that the throughput of propane and butane be limited to 14,500 barrels per day. The text of the recommended condition is cited below:

COA #36: Phillips 66 shall ensure that the throughput of propane and butane at the LPG Recovery Unit shall not exceed 14,500 barrels per day.

The project description is complete and adequate and all aspects of the proposed Project are supported by substantial evidence in the administrative record; therefore, an inadequate project description was not a factor in the recirculation of the EIR.

● **Fire District-Public Safety and Services:**

Several speakers at the January 21, 2014, hearing expressed concerns regarding the ability of the Rodeo-Hercules Fire District (RHFD) to respond to fires, explosions, or other emergencies at the Refinery. These concerns appear to stem from the 2012 closure of Station #75, located at 326 Third Street in Rodeo, which is perceived to have left the Refinery without adequate coverage in the event of an emergency at the facility. In other words, there is public concern that the RHFD now has a decreased emergency-response capability, and is thus under equipped to be the first responders to emergencies at the Refinery due to the closure of Station #75. RHFD Station #75 in Rodeo re-opened on October 1, 2014; therefore, any concerns regarding the closure of Station #75 have been resolved for the present time. It is also important to note that RHFD Station #75 was not, and still is not, the first responder for emergencies at the Refinery; nevertheless, since the Refinery is in their jurisdiction, the Rodeo-Hercules Fire District automatically responds to any incidents at the facility in a stand-by or advisory capacity.

Phillips 66 generally provides its own emergency response for Refinery incidents, independent of the RHFD. Its emergency teams are trained and equipped to respond to fires, rescues, hazardous materials releases, and other emergencies that could occur at the Refinery, including any potential incidents involving the proposed Project construction and/or operations. The Refinery is also a member of the Bay Area Petrochemical Industry Mutual Aid Organization (PMAO), which is composed of more than half a dozen refineries and chemical plants whose operators have agreed to provide one another with emergency response resources in the event of a major emergency. The PMAO holds monthly meetings and conducts quarterly equipment-deployment drills, including an annual training exercise to maintain inter-facility working relationships. Assistance is also available in the event of certain hazardous chemical releases from the County Hazardous Materials, Richmond Fire Hazardous Materials, and the San Ramon Valley Fire Hazardous Materials. These agencies are automatically alerted to any incidents at the refineries.

The general procedure in the event of an emergency at the Refinery begins with the initial report of the emergency condition, such as a fire, injury, etc. A Refinery emergency is reported by dialing number 88 on the Refinery's internal phone system or via the in-plant Refinery radio to a unit control room. Dialing 88 is the Refinery's equivalent of calling 911. The emergency phone is answered by the Marine Terminal Dispatcher who then uses

the “All Call” function to announce the type of emergency and the location over all of the Refinery’s radios and the public-address system. The Rodeo Refinery uses the Incident Command System to direct and control the emergency operations. The Shift Superintendent is the Incident Commander. The Incident Commander will conduct an initial assessment of the situation and determine if it can be handled by the Refinery’s Emergency Response Team (ERT) or if additional assistance will be required from the outside emergency-response resources.

The Rodeo refinery has 15 ERT members assigned on a 24/7 basis to respond to all types of emergency scenarios within the refinery. Once an emergency notification is made, the designated ERT members respond to an announced staging location for further instructions and deployment. In the event that additional emergency-response support is needed beyond the Refinery’s on-site capabilities, supplemental emergency responders and equipment are available from Refinery off-shift ERT members and mutual aid. As mentioned above, mutual aid is also provided by the PMAO. Additional emergency-response services are also available from the RHFD Stations 75 and 76 in Hercules and the Crockett Carquinez Fire Department. These fire departments attend annual fire training with the Refinery personnel and have a long history of working closely with the facility. The proposed project would not require the construction of a new fire station. Given that Phillips 66 currently provides its own internal fire protection and emergency-response services along with adequate emergency personnel, equipment, and response ability, therefore the project impact on the demand for fire services would be minimal.

• **Transportation of Crude, Propane and Butane Via Railroads:**

Several comments were received regarding rail routes, rail car storage, and the transport of crude, propane, and butane by rail. However, the County has no authority to impose any conditions on the railroad once a train has left the Refinery. Limitations on local and state regulation of railroads (Federal Preemption) is discussed in the RDEIR in Section 3.3.2.17, Tank Cars and a summary is provided below.

Under the Commerce Clause of the United States Constitution, no state or local government may impose laws or regulations that unduly burden interstate commerce. Because railroads are a key component of the system of interstate commerce, most aspects of railroad operations are governed exclusively by federal law. With respect to land use requirements, the Interstate Commerce Commission Termination Act (ICCTA) affords railroads flexibility in making necessary improvements and modifications to rail infrastructure, subject to requirements of the federal Surface Transportation Board. Congress afforded railroads this flexibility because of the integrated national nature of the American rail system and the need for uniform and consistent standards across the country. As a general matter, ICCTA broadly preempts state and local regulation of railroads. This preemption extends to “the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities . . . [T]he remedies provided under this part with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law.” The courts have repeatedly held that the ICCTA preempts state and local regulation, i.e., “those state laws that may reasonably be said to have the effect of ‘managing’ or ‘governing’ rail transportation.” The ICCTA also preempts state and local regulation of the construction and operation of rail lines.

In summary, because of Federal Preemption, the County has no authority to impose any conditions on the railroad once a train has left the Refinery.

Several commenters have expressed concern the Project will include the transport of crude oil by rail to the refinery. In North America, the movement of crude oil by rail, in particular, Bakken crude oil from the Midwest and the Canadian tar sands, has increased and subsequently has become controversial due to recent incidents of exploding rail cars. In response to these recent such incidents in Canada, North Dakota, and Alabama, the National Transportation Safety Board (NTSB) made several recommendations in 2012 to require older tank cars to be retrofitted in order to meet standards enacted in 2011 that require thicker steel in new tank cars. In addition, the Association of American Railroads (AAR) has urged the U.S. Department of Transportation (DOT) to improve tank car regulations. These proactive safety measures focus on moving crude oil by rail and the active fleet designed to carry this material. It should be emphasized, the project description does not include the transport of crude by rail.

Crude oil tank cars differ from cars that transport liquid petroleum gas (LPG) and have been retrofitted with safety

devices and other upgrades in and around 2009. The Department of Transportation classifies crude tank cars as Class 111 and LPG cars as Class 112. This is information provided by AAR/RSI (Railway Supply Institute), which helps to make the rail industry safe. The main difference between LPG tank cars and crude tank cars is that LPG cars are thicker than crude cars. It should be noted that Phillips 66 already transports butane by rail.

The railroad is owned by Union Pacific Rail Road (UPRR). Once cars are loaded and transferred to UPRR, whether it's incoming or outgoing cars, UPRR determines the constructive placement, which includes storage of cars on track, the railroad yard, and determination of the route taken. Phillips 66 has no direct control over operating decisions and has previously conveyed public concern to UPRR. To further encourage this communication, condition of approval #11 was placed in the Land Use Permit; it reads:

COA #11: "Phillips 66 must continuously monitor the storage of rail cars (primarily propane and butane rail cars), and as needed contact the Union Pacific Railroad (UPRR) to request and encourage that UPRR to utilize on-site areas for storage of rail cars and to make space available on-site to the extent practicable for the storage of any propane and butane rail cars."

• **Geology and Liquefaction:**

Some comments at the January 21, 2014 hearing expressed concern about the geological peer review letter by Darwin Myers Associates (DMA) dated July 13, 2012. Specifically, commenters cited the last sentence of the third paragraph on Page 5 of the DMA report which recommended that the application should not be deemed complete until a project-specific geotechnical report was prepared for the project. The implication being that since the recommended report was not prepared, a serious oversight was made in terms of the EIR's analysis of geologic hazards.

Darwin Myers Associates is a geology consultant that is retained by the County to review the geological aspects of projects being considered. DMA typically reviews projects that are located in areas that are susceptible to seismic events, such as the Rodeo Refinery. Although DMA makes recommendations for projects, it was determined by County staff that the recommended site-specific geotechnical report was not necessary prior to deeming the application complete, since a design-level geotechnical investigation would be performed for the site areas of each proposed project component prior to construction. In a subsequent letter dated, April 10, 2014, DMA supported the County's decision to move forward with the CEQA process without the recommended project-specific geotechnical report, because there is a large volume of existing subsurface geotechnical data for the Refinery property to adequately characterize potential geologic hazards, and also, because most of the project components are not proposed to be located in zones of high liquefaction potential.

Evaluation of liquefaction potential will be required for any site where components of the Propane Recovery Project will be constructed prior to issuance of building permits, and if determined necessary, appropriate stabilization measures will be implemented (see COA #7). The design-level investigation will include an analysis of expected ground motions at the site from known active faults. This analysis would be in accordance with applicable County ordinances and policies and be consistent with the current California Building Code (CBC), which requires structural design that can accommodate ground accelerations expected from known active faults. The investigations would determine final design parameters for the earthwork (i.e. grading), foundations, foundation slabs, and any surrounding related improvements, such as utilities, roadways, parking lots and sidewalks. The investigations would be reviewed by the Department of Conservation and Development and the County's consulting geologist. Additionally, appropriate grading and design in accordance with the CBC requirements and the County's grading ordinance would be used to reduce the secondary effects of ground shaking on structures and infrastructure. Any fill materials would be appropriately compacted and engineered as directed by the California certified engineering geologist or geotechnical engineer assigned to monitor the project.

The project has been conditioned to assure that the necessary and appropriate level of geotechnical investigation and review will be employed prior to issuance of building and grading permits and during the construction phases of the project (See COAs #7 and #8). The impacts of liquefaction, seismicity, and other potential geologic hazards on the project were also thoroughly examined and considered in *Section 4.4—Geology and Soils* of the RDEIR, as well as in the June 2013 Draft EIR, and in *Master Response 2.5—Liquefaction and Seismicity* of the November 2013 Final EIR. Therefore, the proposed project will not have any impacts to geology that cannot be addressed

under the County's standard procedures at the time of the building permit review process.

• **Attorney General Letter Regarding the WesPac Pittsburg Energy Infrastructure Project, dated January 15, 2014:**

The January 15, 2014 Attorney General (AG) letter addresses a Recirculated EIR for the WesPac Pittsburg Energy Infrastructure Project, which is a project to transform an inactive oil storage and transfer facility into a center for the storage, transfer, and transportation of crude oil by rail, pipeline, ship and barge, and bring new sources of crude to the Bay Area for refining. The AG letter, in summary, points out that the recirculated WesPac EIR failed to do the following:

- to analyze the significance of the local air quality impacts on the residents and the community of Pittsburg;
- to consider the effects on other Bay Area communities of refining the new crudes;
- to adequately disclose and address the risk of accidents that could result from transportation, storage, and refining of the new crudes; and
- to fully disclose and consider mitigation for the Project's climate-change related impacts.

The Propane Recovery Project proposes to store and transport propane by rail and to recover additional amounts of butane; the Refinery currently ships butane by rail, but not propane. The Propane Recovery Project will utilize the Rodeo Refinery's existing Refinery Fuel Gas (RFG) produced from the existing Refinery crude slate, and is not dependent on a new crude slate or any changes to the existing crude slate. The design and removal of equipment and the amount of propane and butane that can be removed is specified within the BAAQMD permit and has been inserted into an enforceable condition included in the draft permit prepared by the BAAQMD. Furthermore, the volume is specified as 14,500 bpd and is based on actual samplings and measurements of propane and butane in the RFG at the Rodeo Refinery in 2011. A summary of those measurements is attached as Exhibit #12; a review of similar data in 2013 shows levels consistent with the levels of butane and propane from 2011 (see Exhibit #13). In contrast, the WesPac project proposes to modernize and reactivate an existing oil storage and transfer facility in Pittsburg, California. The WesPac facility would receive crudes from various sources for storage and transfer to various customers. The Propane Recovery Project is not refining new crudes to recover additional LPGs; Phillips 66 is proposing to utilize the existing RFG produced by the existing crude slate to remove existing quantities of butane and recover existing quantities of propane.

• **Once-Through Cooling System:**

A few of the comments made at the January 21, 2014 Board hearing related to potential impacts on water quality and biologic resources due to increased use of the Refinery's once-through cooling (OTC) system. The OTC system is the current process in which Phillips 66 uses salt water extracted from the bay to reduce the temperature and cool off process streams, then discharging the water back into the bay. The use of the OTC system was analyzed in *Hydrology and Water Quality*, Section 4.10.5(a) of the June 2013 Draft EIR, and further clarified in *Hydrology and Water Quality*, Section 4.7.5(a) and *Biological Resources*, Section 4.2.5(d) of the RDEIR, which concluded that any OTC system impacts to biologic resources or water quality will be less than significant, because the increased use of the OTC system would not require any new construction or expansion of the existing system. The increased use would be accommodated entirely by the existing five pumps and equipment, and would continue to operate within the Refinery's National Pollutant Discharge Elimination System (NPDES) permit conditions, as determined by the Regional Water Quality Control Board.

• **Boiling Liquid Expanding Vapor Explosion (BLEVE):**

Several commenters at both the January 21, 2014 Board hearing and the November 17, 2014 Zoning Administrator public comment hearing expressed concerns about propane and butane explosions, especially in the form of a boiling liquid expanding vapor explosion. A boiling liquid expanding vapor explosion could occur when sealed tanks of liquid or gaseous hazardous materials are exposed to fire, which may cause excessive pressures within the tank, combined with weakening of the tank walls. The sudden failure of the vessel and rapid vaporization and expansion of its contents is termed a "BLEVE." A Quantitative Risk Analysis was performed to address the concerns regarding propane and butane explosions, and the results are presented in *Hazards and Hazardous Materials*, Section 4.6.6(a) of the RDEIR, and the risk associated with the proposed Project's transport of propane and butane was found to be less than significant.

The analysis evaluated potential impacts, including whether the project would affect risk levels within the Refinery and in locations well beyond the Refinery boundaries. As described in RDEIR Section 4.6.5, *Consequence Analysis Methodology*, to describe the worst case hazards at the Refinery, a consequence modeling program developed by the U.S. Environmental Protection Agency (EPA) was used to determine the maximum potential impacts of the current hazardous material processing and storage in the Refinery, as well as those associated with the proposed process unit and storage equipment. Results of this analysis are summarized in RDEIR Section 4.6.5.7, *Summary of Maximum Hazard Zones*. Figure 4.6.1 identifies the Worst Case Hazard Zones for the existing Refinery layout. The hazards and risks associated with rail car BLEVEs of propane and butane were included in the rail risk assessments in both the 2013 DEIR and RDEIR.

The RDEIR concluded that the overall risk increase due to the additional transport of butane and propane by rail is not materially higher than the current baseline risk associated with the current butane transport activity at the Refinery. Consequently, the proposed Project would have a less than significant impact.

Some commenters questioned the methodology used in the BLEVE analysis and suggested a specific methodology, as presented in a conference paper (Roberts, 2000). It should be noted that the same exact methodology used in the conference paper cited by the commenters was used for the RDEIR analysis. The conference paper even referenced the developers of the methodology (Martinsen and Marx, 1999) who, in fact, work as experts within Quest Consultants Inc., the very hazards firm who prepared the BLEVE analysis for the RDEIR.

It should also be noted that, as stated in RDEIR Section 4.6.2.1, *Regional and Local Setting*, BLEVES are extremely rare. As an industrial facility that handles hazardous chemicals, the Refinery must be constructed and operated in accordance with certain codes and standards, which are enforced via administrative mechanisms such as internal audits, design reviews, and building inspections. Operations at the Refinery are subject to extensive regulatory and safety controls (RDEIR Section 4.6.2.2, *Regulatory Setting*), to limit the probability of such an event, and a comprehensive emergency response system is in place to ensure public safety.

CONSEQUENCE OF NEGATIVE ACTION:

The Propane Recovery Project would not be constructed and the Refinery would not be able to recover and sell the existing propane and additional butane. There would be no project-related decrease in Greenhouse Gas emissions or a decrease in the number of flaring events at the Refinery.

CHILDREN'S IMPACT STATEMENT:

The impacts associated with sensitive receptors, which includes children has been addressed within Chapter 4.1 of the Recirculated Draft Environmental Impact Report. It has been determined through the preparation of the Health Risk Assessment (HRA) that the emissions associated with the proposed Propane and Additional Butane Recovery Project would be a less than significant impact.

ATTACHMENTS

Resolution No. 2015/37

Exhibit #1: CPC Resolution No. 19-2013

Exhibit #2 Conditions Approved by CPC

Exhibit #3a: Appeal Letter 11/22/13 Shute Mihaly & Weinberger, LLP (SMW)

Exhibit #3b: SMW 11/18/13 Letter and Related Fox Report

Exhibit #4a: Appeal Letter 12/02/13 Communities For A Better Environment (CBE)

Exhibit #4b: CBE 1/19/13 Letter by Roger Lin

Exhibit #4c: CBE 11/19/13 Letter and Related Report by Greg Karras

Exhibit #4d: CBE 12/12/13 Letter Regarding WesPac Project

Exhibit #4e: CBE 01/07/14

Exhibit #5: Mitigation Monitoring Reporting Program

Exhibit #6 County Responses to Project Appeals
Exhibit #7: Phillips 66 Response to Appeals
Exhibit #8: CPC 11/19/13 Staff Report
Exhibit #9: Notification List
Exhibit #10: Maps
Exhibit #11: CBE 01/14/14 Letter
Exhibit #12: LPG production for 2011
Exhibit #13: LPG Production for 2013
Exhibit #14: Comments Received During Continued BOS Hearings
Exhibit #15 12/2/14 Air District Letter
Exhibit #16 1/21/14 Board Order with Responses to Appeals

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/03/2015 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2015/37

Phillips 66 Company, Propane Recovery Project Land Use Permit Application, County File #LP12-2073 Rodeo Area, District V

WHEREAS, PHILLIPS 66 COMPANY (Applicant & Owner) propose to recover for sale propane and additional butane from refinery fuel gas (RFG) and other process streams; and to decrease sulfur dioxide emissions from the refinery combustions sources as a result of removing sulfur compounds from RFG, which is a necessary part of the process to recover propane that is sold commercially. The proposal would be phased and would add, modify, and remove processing equipment such as, but not limited to, new storage tanks and treatment facilities, removal of two 265-foot heater stacks and the addition of two new rail spurs on approximately 3 acres located at the Rodeo Refinery in the community of Rodeo of Contra Costa County, for which an application was received by the Department of Conservation and Development, Community Development Division on June 22, 2012; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, a Draft Environmental Impact Report ("Draft EIR") dated June 2013, and a recirculated Draft EIR dated October 2014, was prepared for the Project; and

WHEREAS, a Notice of Preparation of an Environmental Impact Report was distributed on July 24, 2012, and a scoping session held on August 20, 2012, on the Project in Martinez, CA; and

WHEREAS, the Draft EIR identified potentially significant impacts related to Air Quality, Cultural Resources, Noise, Traffic and Transportation and the Draft EIR recommended mitigation measures which would reduce each impact to a less-than-significant level, the Draft EIR recommended mitigation measures which would reduce each impact to a less-than-significant level, with no Significant and Unavoidable impacts identified with the Project; and

WHEREAS, on June 10, 2012, a Notice of Completion and Availability with copies of the Draft EIR were distributed and circulated for a noticed 60-day public comment period to end on July 25, 2013, and

WHEREAS, the County Zoning Administrator held a public hearing on July 15, 2013, to provide further opportunity for public comments on the Draft EIR; and

WHEREAS, on July 23, 2013, the public review period for the Draft EIR was extended 15 days to allow additional time for public review with a new end date of August 9, 2013; and

WHEREAS, following the close of public comment on the Draft EIR, the County prepared written responses to the comments received and in November 2013, the County as required by CEQA, State, and County CEQA Guidelines, published the Response to Comments known as the Final Environmental Impact Report ("Final EIR") which incorporates the Draft EIR and provides master responses and reasoned responses to all the comments received during the comment period including minor changes or additions to the Draft EIR; and

WHEREAS, at a public meeting on, Monday, November 18, 2013, the County Zoning Administrator recommended certification of the 2013 Final EIR finding it to be adequate and complete; and

WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Planning Commission on, Tuesday, November 19, 2013, for the 2013 Final EIR, during which the Commission fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, including the Environmental Impact Report, approved the project as contained in its Resolution No. 19-2013; and

WHEREAS, on November 25 and December 2 of 2013, the Department of Conservation and Development, Community

Development Division received two appeals citing numerous objections to the Final EIR's analysis and conclusions; and

WHEREAS, after notice have been lawfully given, a public hearing was scheduled before the Board of Supervisors on Tuesday, January 21, 2014. The Board continued this item to April 1, 2014, June 3, 2014, September 23, 2014, and December 16, 2014, with direction to work with the Air District and recirculate portions of the environmental document, and

WHEREAS, on October of 21, 2014, the Recirculated Notice of Completion and Availability was distributed and circulated for a 45-day public comment period ending on December 5, 2014; and

WHEREAS, the County Zoning Administrator held a public hearing for the Recirculated Draft EIR on November 17, 2014, to provide further opportunity for public comments on the Recirculated Draft EIR; and

WHEREAS, the public review period for the Recirculated Draft EIR ended on December 5, 2014, with no extension granted; and

WHEREAS, following the close of public comment on the Recirculated Draft EIR, the County prepared written responses to the comments received and in January 2015, the County as required by CEQA, State, and County CEQA Guidelines, published the Response to Comments known as the Recirculated Final Environmental Impact Report ("Recirculated Final EIR") which incorporates the Recirculated Draft EIR and provides master responses and reasoned responses to all the comments received during the comment period including minor changes or additions to the Recirculated Draft EIR; and

WHEREAS, at a public meeting on, Monday, February 2, 2015, the County Zoning Administrator recommended certification of the 2015 Recirculated Final EIR finding it to be adequate and complete; and

WHEREAS, the public hearing before the Board of Supervisors will be given on Tuesday, February 3, 2015, whereas all interested persons therein might appear and be heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors ("the Board") takes the following actions:

- A. ACCEPT the County Zoning Administrator's recommendation to certify with respect to portions of the 2013 Final EIR and the entire 2015 Recirculated Final EIR.
- B. ACCEPT the County Planning Commission's recommendations with respect to the 2013 Final EIR and Project as outlined in County Planning Commission Resolution No. 19-2013.
- C. CERTIFY that this Board considered portions of the contents of the 2013 Final EIR and the entire 2015 Recirculated Final EIR prior to making a decision on the Project.
- D. CERTIFY portions of the 2013 Draft and Final EIR and the entire 2015 Recirculated Final EIR for the Phillips 66 Propane and Additional Butane Recovery project, finding it to be adequate and complete, finding that it has been prepared in compliance with CEQA (Public Resource Code 210000-21177), the State CEQA Guidelines (Cal. Code Regs., Title 14, Section 15000-15387) and the County CEQA Guidelines, and finding it reflects the County's independent judgment and analysis, and specifying that the Community Development Division is the custodian of the documents and other material which constitutes the record of proceedings upon which this decision is based.
- E. ADOPTS the CEQA Findings that address environmental impacts and mitigation measures, and ADOPTS the Mitigation Monitoring and Reporting Program in the 2015 Recirculated Final EIR.
- F. APPROVES the proposed Land Use Permit, County File #LP12-2073, based on the CEQA Findings, Growth Management Standards and Land Use Permit Findings subject to the Conditions of Approval and Mitigation Measures.

BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows:

PROJECT FINDINGS

A. CEQA Findings

1. **Introduction:** The Contra Costa County Board of Supervisors adopts the following findings for certification of the 2013 Environmental Impact Report and 2015 Recirculated Environmental Impact Report (EIR) and approval of the Propane Recovery Project pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000, et seq. the Guidelines for Implementation of CEQA, Title 14 of the California Code of Regulations, Sections 15000, et seq. (CEQA Guidelines) and the County's CEQA Guidelines.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve and carry out a project where an EIR has been certified, which identifies one or more significant impacts on the environment that would occur if the project is approved, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- a. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant impact on

the environment. b. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

For those significant impacts that cannot be mitigated to below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant impacts of the project. The Propane Recovery Project did not present any significant impacts that cannot be mitigated below or to a less-than-significant impact level.

2. Project and EIR: The project proposes refinery processing equipment improvements to recover for sale additional amounts of propane and butane from refinery fuel gas (RFG) and other process streams; and to decrease sulfur dioxide (SO₂) emissions from the refinery as a result of removing sulfur compounds from RFG streams. The proposed project would add and modify processing and ancillary equipment within the Phillips 66 Rodeo refinery in Contra Costa County.

The proposed project would add: 1) a hydrotreater, 2) new fractionation columns to recover propane and butane, 3) six propane storage vessels and treatment facilities, 4) two new rail spurs, and 5) the removal of two 265-foot heater stacks. To provide the steam required by the project, either a new 140 million BTU/hr steam boiler would be added or more steam would be provided by the existing steam power plant if the new boiler were not built. There would also be minor modifications to existing process units and utility systems for the purpose of tie-ins and to address any changes in operating pressure or temperature at the tie-in points. The project also would require hydrotreating a portion of the RFG, a process that would reduce the amount of sulfur in the fuel gas, and because fuel gas is now burned to produce heat for refinery processes, it would ultimately reduce the refinery's SO₂ emissions within the atmosphere.

The project would be built in two phases. The first phase (Phase I) would include all project components except propane storage and the additional rail loading rack and spurs. During the second phase (Phase II), the facilities to store and ship propane would be added along with the piping and other ancillary equipment necessary to get the propane from the Propane/Butane Recovery Unit to the storage vessels and loading racks.

The Department of Conservation and Development determined that an EIR was required for the project. Accordingly, the County, as lead agency for this Project, distributed a Notice of Preparation on July 24, 2012. The Draft Environmental Impact Report ("Draft EIR"), State Clearinghouse Number 2012072046, was released for public review on June 10, 2013, and on October 21, 2014, for the recirculated Draft EIR. The initial public comment period was scheduled for 45 days and was extended an additional 15 days, ending on August 9, 2013. The public comment period for the recirculation Draft EIR was scheduled for 45-days ending on December 5, 2014. A public hearing before the Zoning Administrator to receive comments on the 2013 Draft EIR was held on July 15, 2013, and on November 17, 2014, for the recirculated Draft EIR. The Final Environmental Impact Report ("Final EIR") was published and distributed in November 2013, and in January of 2015, for the recirculated Final EIR. The Zoning Administrator held a hearing on November 18, 2013, and February 2, 2015, and recommended certification of both the 2013 EIR and 2015 recirculated EIR.

The 2013 EIR, as referenced in these findings, includes the Draft EIR (and its appendices) as supplemented and revised by the Final EIR, and the Final EIR (and its appendices). The Final EIR contains EIR Text Revisions (Chapter 4) that restates and revises some text, figures and tables of the Draft EIR. When these findings refer to sections, tables, figures or text of the EIR, and unless the context clearly indicates otherwise, reference is being made to the 2015 recirculated Draft and Final EIR which includes updates to several EIR sections as identified within Chapter 1 of the recirculated Draft EIR.

The 2013 EIR and the 2015 recirculated EIR identify potentially significant environmental impacts that would occur if the project were implemented, and feasible mitigation measures would reduce all of the potentially significant impacts to less-than-significant levels. The EIRs provide a comprehensive analysis of the project's impacts, and cumulative impacts to which the project would contribute. The EIRs include responses to all written and oral comments received during the comment period, and provide adequate, good faith, and reasoned responses to all comments raising significant environmental issues. The EIRs also address a reasonable range of alternatives. Evidence regarding the range of alternatives, and the evidence indicating that off-site and reduced development alternatives were not studied in detail, because they would not achieve most of the project objectives, are in the EIRs and in the record. The Board adopts the analysis and conclusions of the EIRs and bases its decision upon the evidence referenced in the EIRs and their appendices.

The comprehensive analysis within the EIRs provides the Board with the necessary information required by the California Environmental Quality Act (CEQA) to properly analyze and evaluate any and all of the potential environmental impacts of the Project.

Certification of EIR

The Board finds that both EIRs have been completed in compliance with CEQA; that the Board reviewed and considered the information contained in the EIRs prior to approving the project; and the EIRs reflect the County's independent judgment and analysis.

Recirculation

CEQA Guidelines Section 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 Draft EIR but before certification of the Final EIR. 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 Guidelines provide examples of significant new information under this standard, which involve evidence of a new or more severe significant impact, all as more specifically set forth in the EIR.

On June 3, 2014, the Board provided direction to the staff of the Department of Conservation and Development to work with the Air District and recirculate portions of the 2013 Draft EIR given the issues raised by the request to prepare a community health risk assessment and provide meaningful opportunity for public review.

The Board recognizes that the 2015 recirculated Final EIR incorporates information obtained since the 2013 Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. Various minor changes and edits have been made to the mitigation measures, text, tables and figures of the recirculated Draft EIR, as described in the recirculated Final EIR. Information that confirms the conclusions of the recirculated Draft EIR has been provided in response to comments, and mitigation measures have been edited for clarity, feasibility, and to strengthen them. With respect to this information, the Board adopts the conclusions and analysis of the recirculated EIR based upon the evidence to which the EIR refers. This information confirms and provides additional support for the conclusions of the 2013 Draft EIR and the recirculated Draft EIR, and further confirms that impacts will remain less-than-significant.

Based on the foregoing, and having reviewed the information contained in the EIRs and in the documents comprising the administrative record, the Board finds that no additional significant new information has been added since public notice was given of the availability of the 2014 recirculated Draft EIR that would require another recirculation.

Differences of Opinion Regarding Environmental Analysis

In making its determination to certify the 2013 Final EIR and the 2015 recirculated Final EIR and to approve the project, the Board recognizes that the project involves controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board has acquired an understanding of the range of this technical and scientific opinion by its review of the 2013 Draft EIR and 2015 recirculated Draft EIR, the comments received on both the 2013 and 2015 recirculated Draft EIR and the responses to those comments in the Final EIRs, as well as other testimony, letters, and reports submitted for the record. The Board recognizes that some of the comments submitted on the EIRs, and at the hearing, disagree with the conclusions, analysis, methodology and factual bases stated in the EIRs. The EIRs were prepared by experts, and that some of these comments were from experts, thus creating a disagreement among experts. In turn, this understanding has enabled the Board to make its decisions after weighing and considering the various viewpoints on these important issues.

Impact Conclusions and Mitigation Measures

The summary of impacts, mitigation measures, and resulting levels of significance within the recirculated EIR is a part of Appendix D to these findings and incorporated herein by reference. The mitigation monitoring and reporting program provides a summary description of each impact, describes the applicable mitigation measures identified in the recirculated EIR and adopted by the Board, and states the Board's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the recirculated Draft EIR. The Board adopts, and incorporates the analysis and explanation in the recirculated EIR, adopts in these findings the determinations and conclusions of the recirculated EIR relating to environmental impacts and mitigation measures. These findings are based upon the evidence contained in and referenced in the 2013 Draft EIR, recirculated Draft EIR, in staff reports, in the submittals from the applicant, and on the record as a whole.

The Mitigation, Monitoring Reporting Program [MMRP] within the recirculated Draft EIR as Appendix D is hereby adopted by the Board, and is incorporated into these findings. The mitigation measures will reduce or avoid the potentially significant and significant impacts of the project to less-than-significant levels, and will reduce some less-than-significant impacts as well. In adopting these mitigation measures, the Board intends to adopt each of the mitigation measures identified by the recirculated EIR. Accordingly, in the event a mitigation measure recommended in the recirculated EIR has inadvertently been omitted, such mitigation measure is hereby adopted and incorporated in these findings by reference. In addition, in the event the language

describing a mitigation measure set forth fails to accurately reflect the substance of the mitigation measures in the recirculated EIR due to a clerical error, the language of the mitigation measure as set forth in the recirculated EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings. Some language has been modified to reflect County practices and procedures regarding department approval processes, and to reflect technical details of the project that do not substantively affect the mitigation of impacts.

The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment. As shown in the MMRP Appendix D of the recirculated Draft EIR, primary responsibility for implementation, monitoring and enforcement of all mitigation measures lies with the County. Other agencies may play a role in approving the project. For example, there may be consultation with the Regional Water Quality Control Board regarding storm water plans and other water quality aspects of the project, and resource agencies may become involved should any resource issues need their input as a result of the project.

Some of the EIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the recirculated Draft EIR, requested mitigation measures for impacts that were less-than-significant, or requested additional mitigation measures for impacts as to which the recirculated Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary. The alternative and additional mitigation measures are not necessary to reduce impacts to a less-than-significant level, and some purported to address an impact that was not potentially significant. With respect to the additional measures suggested by commenters that were not added to the recirculated EIR, the Board adopts the reasons set forth in the responses to comments contained in the EIRs as its grounds for not including the adoption of these mitigation measures.

3. The various documents and other materials constitute the record upon which the Board bases these findings and the approvals contained herein. These findings cite specific pieces of evidence, but none of the Board's findings are based solely on those pieces of evidence. These findings are adopted based upon the entire record, and the Board intends to rely upon all supporting evidence in the record for each of its findings.

B. Growth Management Performance Standards

1. **Traffic:** A traffic impact analysis was prepared for the Propane Recovery Project which suggested mitigation measures that, if implemented, would reduce any potential impacts on traffic during construction of the project to less-than-significant levels. The project was also reviewed by the Public Works Department and Caltrans for impacts on traffic and circulation, and is subject to compliance with their conditions of approval and the mitigation measures required and identified within the 2013 Final Environmental Impact Report. Therefore, the proposed project will not have an adverse impact on traffic in the area.

2. **Water:** The refinery currently receives approximately 3,000 gallons per minute of fresh water from the East Bay Municipal Utility District (EBMUD). Implementation of the project would require an increase in fresh water by approximately 20 gallons per minute. The additional fresh water required for the proposed project would be available from EBMUD's existing entitlements. The additional water supply required during project construction would be only a small, temporary increment as compared to existing and proposed water usage.

3. **Sewage Disposal:** Although the refinery lies within the Rodeo Sanitary District's service area, the refinery collects, treats, and discharges all wastewater and storm water to its own on-site wastewater treatment system. Since the refinery does not discharge to the public wastewater treatment facilities, the capacity of the Rodeo Sanitary District's wastewater treatment facility would be unaffected by the project. The refinery currently discharges approximately 2.8 million gallons per day of wastewater to the on-site treatment plant, but it has the ability to treat up to 10 million gallons per day. The project would increase wastewater flows to the refinery's treatment plant by 0.03 million gallons per day, well below the plant's 10-million-gallon maximum treatment capacity. Thus, the refinery has the capacity to treat the additional wastewater flow.

4. **Fire Protection:** The refinery is licensed by the State Fire Marshal to provide its own fire protection. The refinery is part of a Mutual Aid Organization, which is composed of more than half a dozen refineries that agree to provide one another with emergency response resourced in the event of a major emergency. The Rodeo-Hercules Fire District could also provide emergency services to the refinery; however, the Rodeo-Hercules Fire District would be supported by the Pinole Fire Department, the Crockett-Carquinez Fire District, and the Contra Costa County Fire Protection District in the event that major assistance was needed at the refinery. Implementation of the Propane Recovery Project is not expected to require additional support from public fire protection agencies.

5. **Public Protection:** The Growth Management Element standard is 155 square feet of Sheriff's facility/station area and support facilities for every 1,000 member of the population. The Small population increase associated with this project is not considered significant, because the project would create temporary new jobs and only two permanent jobs. Any population growth resulting

from the new permanent job positions would be insignificant and positive to the economy and would not impact the County's ability to achieve the performance standard.

6. Parks and Recreation: The implementation of the project could possibly induce population growth and ancillary use by employees of nearby facilities due to the increase in employment opportunities. However, any population growth induced will not have a major cumulative effect on the demand for park and recreation facilities and is not subject to payment of park dedication fees.

7. Flood Control and Drainage: The proposed project elements would all be constructed within the previously-developed areas, where storm water and runoff is controlled and treated on-site before discharge. Therefore, drainage patterns would not be altered by the proposed project.

C. Land Use Permit Findings

1. That the proposed conditional land use shall not be detrimental to the health, safety, and general welfare of the county.

Project Finding: All significant environmental impacts of the Propane Recovery Project as identified in the 2013 Final EIR and the 2015 recirculated Final EIR, including Air Quality and emissions associated with construction and operational activities will be reduced to less-than-significant levels after the implementation of mitigation measures. Further, the reduction of sulfur dioxide (SO₂) is an environmental benefit. Therefore, based on the foregoing, the Propane Recovery Project will not be detrimental to health, safety, and general welfare of the County.

2. That the proposed conditional land use shall not adversely affect the orderly development of property within the county.

Project Finding: The refinery is approximately 1,100 acres in size and is located in the unincorporated area of Rodeo in Contra Costa County. Interstate Highway 80 (I-80) bisects the refinery in a northeast to southwest direction. All elements of the Propane Recovery Project would be located on about one acre within the existing boundaries of the 495-acre portion of refinery property already developed for refining operations. All elements of the project will be within the portion of the lands designated for Heavy Industry use by the County General Plan and zoned Heavy Industrial ("H-I") under the Contra Costa County Ordinance Code. Pursuant to these designations, oil refining and other manufacturing operations are allowed and are permitted uses, respectively. Based on the foregoing, the Propane Recovery Project will not adversely affect the orderly development of property with the County.

3. That the proposed conditional land use shall not adversely affect the preservation of property values and the protection of the tax base within the county.

Project Finding: The refinery has been in operation at its current location since 1896. The proposed project will be situated on approximately one acre located throughout the 495-acre portion of the refinery property already developed for refining operations. The proposal will not change the refinery's current land use, nor will it be inconsistent with the present industrial uses in the vicinity of the refinery, including those conducted at the PG&E substation, the Shore Terminal (formerly NuStar) facility, and the Rodeo Sanitary District. The refinery also consists of approximately 600 acres of undeveloped land, a portion of which is used by the refinery as a buffer zone to limit potential impact of the refining operations on non-industrial land uses located in the refinery's general vicinity.

The construction and operation of the proposal will result in the hiring of temporary and permanent employees at the refinery. Further, implementation of the Propane Recovery Project would increase the assessed value of the refinery property, which would expand the County's tax base. The proposal will not adversely affect the preservation of property values and the protection of the tax base within the County.

4. That the proposed conditional land use shall not adversely affect the policy and goals as set by the general plan.

Project Finding: The proposed project is consistent with the overall goals and policies of the General Plan. The Land Use Element supports petroleum processing and refining within the Heavy Industrial Districts. The project meets the Growth Management Performance Standards section of the General Plan, and all potentially significant impacts on Air Quality, Cultural Resources, Noise, and Transportation & Traffic will be mitigated to less-than-significant levels. The mitigations as set forth in the 2015 recirculated Final Environmental Impact Report will protect the health, safety, and general welfare of the public.

5. That the proposed conditional land use shall not create a nuisance and/or enforcement problem within the neighborhood or community.

Project Finding: The proposal to be constructed will be located on land designated Heavy Industry by the General Plan and zoned H-I by the County Ordinance Code. Industrial operations have occurred throughout the refinery property for many years.

The residential development of Bayo Vista and the community of Rodeo are located south of the refinery. The refinery maintains an open space buffer zone between the oil processing areas and the closest sensitive receptors. The Shore Terminal is located directly to the north of the refinery, with the community of Tormey and Crockett as the closest neighborhoods in this direction; however, topographically these communities are physically separated from the refinery by rolling hills. The refinery abuts the San Pablo Bay to the west, with land designated by the General Plan as Open space (OS) to the east.

Airborne emissions of certain gasses do have the ability to produce odors, which can result in public nuisances and complaints from residential communities. As discussed within the 2013 Final Environmental Impact Report (FEIR) in Chapter 2—Master Responses on page 2-10, the refinery and the communities continue to work on a fence line monitoring system, as required as part of a previous land use permit. The Propane Recovery Project appears unlikely to result in an increase of odorous emissions, as certain equipment and technology are anticipated to be installed and/or used as part of the fence line monitoring system.

The Noise Element of the General Plan does contain land use compatibility standards for noise which are intended to limit the noise impacts. Noise from operation of the Propane Recovery Project was determined to be 44 decibels from 2,300 feet (the distance to the closest residential receptors), which would be less than the County exterior day-night noise level threshold of 60 decibels. As set forth in the Final EIR, any noise impacts from construction will be mitigated to less-than-significant levels.

Temporary traffic impacts for the construction of the proposed project would be the most likely potential source of project-related nuisances in the vicinity of the refinery. These traffic impacts will be mitigated to less-than-significant levels by the implementation of Mitigation Measures, which include the requirement of traffic control plans and prescribed construction-traffic routes. Therefore, the proposal will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. That the proposed conditional land use shall not encourage marginal development within the neighborhood.

Project Finding: The Propane Recovery Project will be located in areas zoned H-I under the County Ordinance Code and designated Heavy Industry in the County General Plan. Most of the undeveloped land adjacent to the 495-acre developed portion of the refinery is maintained by Phillips 66 as open space to serve as a buffer between refining operations and the adjacent non-industrial land uses. The areas to the north and southwest are already developed for industrial use. The refinery will not alter its use of the buffer zone. The proposal is intended to recover and sell the excess propane, which is a byproduct that is already produced at the refinery during the refining process and but not sold, but is rather burned as processing fuel in the refinery fuel gas. This project will maintain the existing land use in a manner that will ensure its continued ability to meet future demands. The proposal will not encourage marginal development within the neighborhood.

7. That special conditions or unique characteristics of the subject property and its location or surroundings are established.

Project Finding: The Phillips 66 Rodeo refinery has existed in its present location for more than 100 years and is one of the few areas in the County suitable for the proposed project. The project areas are zoned Heavy Industrial District (H-I) by the County Ordinance Code. This designation allows a permitted use of oil refining and other manufacturing operations. The project will not result in any changes in the existing use of the refinery in that propane and butane are both already produced at the facility.

The location and custodian of the documents and materials that comprise the record is Contra Costa County, Department of Conservation and Development, 30 Muir Road, Martinez, CA, 94553, telephone (925) 674-7205.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Lashun Cross 925 674-7786

By: , Deputy

cc:

EXHIBIT #1

RESOLUTION NO. 19-2013

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND RECOMMENDATIONS FOR, COUNTY FILE #LP12-2073, THE PROPOSED PROPANE AND ADDITIONAL BUTANE RECOVERY PROJECT FOR THE PHILLIPS 66 REFINERY IN THE RODEO AREA OF SAID COUNTY.

WHEREAS, PHILLIPS 66 COMPANY (Applicant and Owner) proposes in two phases to construct and improve refinery processing equipment to recover propane and additional amounts of butane for sale from refinery fuel gas and other process streams and to decrease sulfur dioxide emissions from the refinery and also add, remove, and modify processing and ancillary equipment on approximately three acres at the Phillips 66 Refinery located in the community of Rodeo of Contra Costa County, for which an application was received by the Department of Conservation and Development, Community Development Division on June 22, 2012; and

WHEREAS, a Notice of Preparation of an Environmental Impact Report was distributed by the Department of Conservation and Development, Community Development Division on July 24, 2012; and

WHEREAS, on August 20, 2012, the County held a scoping session on the proposed project in Martinez, CA; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, a Draft Environmental Impact Report ("Draft EIR") and Notice of Completion was prepared and circulated for review and comments between June 10, 2013 and August 9, 2013, a 60-day notice; and

WHEREAS, the County Zoning Administrator held a public hearing on July 15, 2013 to provide further opportunity for public comments on the Draft EIR; and

WHEREAS, the Draft EIR identified potentially significant impacts related to Air Quality, Cultural Resources, Noise, and Traffic and Transportation and the Draft EIR recommended mitigation measures which would reduce each impact to a less-than-significant level, no Significant and Unavoidable impacts were identified with the proposed project; and

WHEREAS, following the close of comment period on the Draft EIR, the County prepared written responses to the all comments received and in November 2013 published the Response to Comments (Final EIR), which incorporates the Draft EIR and provides master and reasoned responses to the comments received as well as, changes or additions to the Draft EIR and distributed as required by the California Environmental Quality Act and State and County CEQA Guidelines; and

WHEREAS, at a closed public meeting on Monday, November 18, 2013, and pursuant to Resolution No. 18-2013, the Zoning Administrator recommended the County Planning Commission certify the Final EIR finding it to be adequate and complete, and certify that the Commission considered the contents of the Final EIR prior to making a decision on the project; and,

WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Planning Commission on Tuesday, November 19, 2013 during which the Commission fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter; and

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission ("this Commission") takes the following actions:

1. ACCEPTS the Zoning Administrator's recommendation with respect to the Final EIR; Zoning Administrator Resolution No. 18-2013
2. CERTIFIES the Final EIR dated November 2013, finding it to be adequate and complete, finding that it has been prepared in compliance with CEQA (Public Resource Code 210000-21177), the State CEQA Guidelines (Cal. Code Regs., Title 14, Section 15000-15387) and the County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis, and specifying that the Community Development Division (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitutes the record of proceedings upon which this decision is based.
3. CERTIFIES that this Commission considered the contents of the Final EIR prior to making a decision on the Project.
4. ADOPTS CEQA Findings that address environmental impacts and mitigation measures, and ADOPTS the Mitigation Monitoring and Reporting Program in the Final EIR.
6. APPROVES the land use permit, County File # LP12-2073, based on the CEQA Findings, Growth Management Standards and Land Use Permit Findings, subject to the conditions of approval.
7. DIRECT staff to file a Notice of Determination with the County Clerk.

BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows and as described in the Planning Commission Staff Report:

PROJECT FINDINGS

I. CEQA Findings

1. **Introduction:** The Contra Costa County Planning Commission adopts the following findings for certification of the Environmental Impact Report (EIR) and approval of the Propane Recovery Project pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000, et seq. the Guidelines for Implementation of CEQA, Title 14 of the California Code of Regulations, Sections 15000, et seq. (CEQA Guidelines) and the County's CEQA Guidelines.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve and carry out a project where an EIR has been certified, which identifies one or more significant impacts on the environment that would occur if the project is approved, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- a. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant impact on the environment.
- b. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

For those significant impacts that cannot be mitigated to below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant impacts of the project. The Propane Recovery Project did not present any significant impacts that cannot be mitigated below or to a less-than-significant impact level.

2. **Project and EIR:** The project proposes refinery processing equipment improvements to recover for sale additional amounts of propane and butane from refinery fuel gas (RFG) and other process streams; and to decrease sulfur dioxide (SO₂) emissions from the refinery as a result of removing sulfur compounds from RFG streams. The proposed project would add and modify processing and ancillary equipment within the Phillips 66 Rodeo refinery in Contra Costa County.

The proposed project would add: 1) a hydrotreater, 2) new fractionation columns to recover propane and butane, 3) six propane storage vessels and treatment facilities, 4) two new rail spurs, and 5) the removal of two 265-foot heater stacks. To provide the

steam required by the project, either a new 140 million Btu/hr steam boiler would be added or more steam would be provided by the existing steam power plant if the new boiler were not built. There would also be minor modifications to existing process units and utility systems for the purpose of tie-ins and to address any changes in operating pressure or temperature at the tie-in points. The project also would require hydrotreating a portion of the RFG, a process that would reduce the amount of sulfur in the fuel gas, and because fuel gas is now burned to produce heat for refinery processes, it would ultimately reduce the refinery's SO₂ emissions within the atmosphere.

The project would be built in two phases. The first phase (Phase I) would include all project components except propane storage and the additional rail loading rack and spurs. During the second phase, (Phase II), the facilities to store and ship propane would be added along with the piping and other ancillary equipment necessary to get the propane from the Propane/Butane Recovery Unit to the storage vessels and loading racks.

The Department of Conservation and Development determined that an EIR was required for the project. Accordingly, the County, as lead agency for this Project, distributed a Notice of Preparation on July 24, 2012. The Draft Environmental Impact Report ("Draft EIR"), State Clearinghouse Number 2012072046, was released for public review on June 10, 2013. The initial public comment period was scheduled for 45 days and was extended an additional 15 days, ending on August 9, 2013. A public hearing before the Zoning Administrator to receive comments on the Draft EIR was held on July 15, 2013. The Final Environmental Impact Report ("Final EIR") was published and distributed in November 2013. The Zoning Administrator held a hearing on November 18, 2013 and recommended certification of the EIR.

The EIR, as referenced in these findings, includes the Draft EIR (and its appendices) as supplemented and revised by the Final EIR, and the Final EIR (and its appendices). The Final EIR contains EIR Text Revisions (Chapter 4) that restates and revises some text, figures and tables of the Draft EIR. When these findings refer to sections, tables, figures or text of the EIR, and unless the context clearly indicates otherwise, these findings refer to the revised versions in Chapter 4 of the Final EIR.

The EIR identifies potentially significant environmental impacts that would occur if the project were implemented, and feasible mitigation measures would reduce all of the potentially significant impacts to less-than-significant levels. The EIR provides a comprehensive analysis of the project's impacts, and cumulative impacts to which the project would contribute. The EIR includes responses to all written and oral comments received during the comment period, and provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues. The EIR also addresses a reasonable range of alternatives. Evidence regarding the range of alternatives, and the evidence indicating that offsite and reduced development alternatives were not studied in detail because they would not achieve most of the project objectives is in the EIR and in the record. The Commission adopts the analysis

and conclusions of the EIR and bases its decision upon the evidence referenced in the EIR and its appendices.

The comprehensive analysis in the EIR provides the Commission with the necessary information required by the California Environmental Quality Act (CEQA) to properly analyze and evaluate any and all of the potential environmental impacts of the Project.

Certification of EIR

The Commission finds that the EIR has been completed in compliance with CEQA; that the Commission reviewed and considered the information contained in the EIR prior to approving the project; and the EIR reflects the County's independent judgment and analysis.

Recirculation is not required

CEQA Guidelines Section 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 Draft EIR but before certification of the Final EIR. 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 Guidelines provide examples of significant new information under this standard, which involve evidence of a new or more severe significant impact, all as more specifically set forth in the EIR.

The Commission recognizes that the Final EIR incorporates information obtained since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. Various minor changes and edits have been made to the mitigation measures, text, tables and figures of the Draft EIR, as described in the Final EIR. Information that confirms the conclusions of the Draft EIR has been provided in response to comments, and mitigation measures have been edited for clarity, feasibility, and to strengthen them. With respect to this information, the Commission adopts the conclusions and analysis of the EIR based upon the evidence to which the EIR refers. This information confirms and provides additional support for the conclusions of the Draft EIR, and further confirms that impacts will remain less-than-significant.

Based on the foregoing, and having reviewed the information contained in the EIR and in the documents comprising the administrative record, the Commission finds that no significant new information has been added since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR.

Differences of Opinion Regarding Environmental Analysis

In making its determination to certify the Final EIR and to approve the project, the Commission recognizes that the project involves controversial environmental issues

and that a range of technical and scientific opinion exists with respect to those issues. The Commission has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as other testimony, letters, and reports submitted for the record. The Commission recognizes that some of the comments submitted on the EIR, and at the hearing, disagree with the conclusions, analysis, methodology and factual bases stated in the EIR. The EIR was prepared by experts, and that some of these comments were from experts, thus creating a disagreement among experts. The Commission has reviewed and considered, as a whole, the evidence and analysis presented in the EIR and in the record, and has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, this understanding has enabled the Commission to make its decisions after weighing and considering the various viewpoints on these important issues.

Impact Conclusions and Mitigation Measures

Exhibit I (the summary of impacts, mitigation measures, and resulting levels of significance that appears as Table 2-1 in the EIR) is attached to these findings and incorporated herein by reference. Exhibit I summarizes the environmental determinations of the EIR about the Project's impacts and describes mitigation measures. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, Exhibit I provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR and adopted by the Commission, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR. The Commission ratifies, adopts, and incorporates the analysis and explanation in the EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures. These findings are based upon the evidence contained in and referenced in the EIR, in staff reports, in the submittals from the applicant, and on the record as a whole.

Exhibit C (the Mitigation, Monitoring Reporting Program [MMRP]) is attached to these findings and is hereby adopted by the Commission, and is incorporated into these findings. The mitigation measures will feasibly reduce or avoid the potentially significant and significant impacts of the project to less-than-significant levels, and will reduce some less-than-significant impacts as well. In adopting these mitigation measures, the Commission intends to adopt each of the mitigation measures identified by the EIR. Accordingly, in the event a mitigation measure recommended in the EIR has inadvertently been omitted from Exhibit C, such mitigation measure is hereby adopted and incorporated in these findings by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit C fails to accurately reflect the substance of the mitigation measures in the EIR due to a clerical error, the language of the mitigation measure as set forth in the EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings. Some language has been modified to reflect County practices and

procedures regarding department approval processes, and to reflect technical details of the project that do not substantively affect the mitigation of impacts.

The Commission finds that changes or alterations have been required in, or incorporated into, the project which feasibly avoid or substantially lessen the significant environmental effects on the environment. As shown in the MMRP exhibit, primary responsibility for implementation, monitoring and enforcement of all mitigation measures lies with the County. Other agencies may play a role in approving the project. For example, there may be consultation with the Regional Water Quality Control Board regarding stormwater plans and other water quality aspects of the project, and resource agencies may become involved should any resource issues need their input as a result of the project.

Some of the EIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested mitigation measures for impacts that were less-than-significant, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary. The alternative and additional mitigation measures are not necessary to reduce impacts to a less-than-significant level, and some purported to address an impact that was not potentially significant. With respect to the additional measures suggested by commenters that were not added to the EIR, the Commission adopts the reasons set forth in the responses to comments contained in the EIR as its grounds for not including the adoption of these mitigation measures.

3. The various documents and other materials constitute the record upon which the Commission bases these findings and the approvals contained herein. These findings cite specific pieces of evidence, but none of the Commission's findings are based solely on those pieces of evidence. These findings are adopted based upon the entire record, and the Commission intends to rely upon all supporting evidence in the record for each of its findings.

The location and custodian of the documents and materials that comprise the record is Contra Costa County, Department of Conservation and Development, 30 Muir Road, Martinez, CA, 94553, telephone (925) 674-7205.

B. Growth Management Performance Standards

1. **Traffic:** A traffic impact analysis was prepared for the Propane Recovery Project which suggested mitigation measures that, if implemented, would reduce any potential impacts on traffic during construction of the project to less-than-significant levels. The project was also reviewed by the Public Works Department and Caltrans for impacts on traffic and circulation, and is subject to compliance with their conditions of approval and the mitigation measures required and identified within the Final Environmental Impact Report. Therefore, the proposed project will not have an adverse impact on traffic in the area.

2. **Water:** The refinery currently receives approximately 3,000 gallons per minute of fresh water from the East Bay Municipal Utility District (EBMUD). Implementation of the project would require an increase in fresh water by approximately 20 gallons per minute. The additional fresh water required for the proposed project would be available from EBMUD's existing entitlements. The additional water supply required during project construction would be only a small, temporary increment as compared to existing and proposed water usage.
3. **Sewage Disposal:** Although the refinery lies within the Rodeo Sanitary District's service area, the refinery collects, treats, and discharges all wastewater and stormwater to its own on-site wastewater treatment system. Since the refinery does not discharge to the public wastewater treatment facilities, the capacity of the Rodeo Sanitary District's wastewater treatment facility would be unaffected by the project. The refinery currently discharges approximately 2.8 million gallons per day of wastewater to the on-site treatment plant, but it has the ability to treat up to 10 million gallons per day. The project would increase wastewater flows to the refinery's treatment plant by 0.03 million gallons per day, well below the plant's 10-million-gallon maximum treatment capacity. Thus, the refinery has the capacity to treat the additional wastewater flow.
4. **Fire Protection:** The refinery is licensed by the State Fire Marshal to provide its own fire protection. The refinery is part of a Mutual Aid Organization, which is composed of more than half a dozen refineries that agree to provide one another with emergency response resourced in the event of a major emergency. The Rodeo-Hercules Fire District could also provide emergency services to the refinery; however, the Rodeo-Hercules Fire District would be supported by the Pinole Fire Department, the Crockett-Carquinez Fire District, and the Contra Costa County Fire Protection District in the event that major assistance was needed at the refinery. Implementation of the Propane Recovery Project is not expected to require additional support from public fire protection agencies.
5. **Public Protection:** The Growth Management Element standard is 155 square feet of Sheriff's facility/station area and support facilities for every 1,000 member of the population. The Small population increase associated with this project is not considered significant because the project would create temporary new jobs and only two permanent jobs. Any population growth resulting from the new permanent job positions would be insignificant and positive to the economy and would not impact the County's ability to achieve the performance standard.
6. **Parks and Recreation:** The implementation of the project could possibly induce population growth and ancillary use by employees of nearby facilities due to the increase in employment opportunities. However, any population growth induced will not have a major cumulative effect on the demand for park and recreation facilities and is not subject to payment of park dedication fees.

7. **Flood Control and Drainage:** The proposed project elements would all be constructed within the previously-developed areas, where stormwater and runoff is controlled and treated onsite before discharge. Therefore, drainage patterns would not be altered by the proposed project.

C. **Land Use Permit Findings**

1. *That the proposed conditional land use shall not be detrimental to the health, safety, and general welfare of the county.*

Project Finding: All significant environmental impacts of the Propane Recovery Project as identified in the Final EIR, including Air Quality and emissions associated with construction and operational activities will be reduced to less-than-significant levels after the implementation of mitigation measures 4.3-1 and 4.3-2. Further, the reduction of sulfur dioxide (SO₂) is an environmental benefit. Implementation of the project will also reduce flaring events because of the proposed capture of propane and butane from RFG; which will reduce the volume of RFG combusted at the Refinery. Furthermore, the replacement of a portion of the RFG with natural gas, will result in a reduction of onsite greenhouse gas emissions.

Although the proposed project would result in increased quantities of butane and propane being shipped from the Refinery by rail, this would not result in additional train traffic compared to existing conditions (See Draft EIR Section 3.3.2.12, page 3-17). Additionally, the risk of transporting propane and butane was evaluated in the Draft EIR, and was determined to be less than significant because the probability of accident occurrences was estimated to be one in every 100 to 1,000 years. The existing refinery butane storage facilities have been determined to be adequate to accommodate the additional butane proposed to be recovered. The proposed propane storage tanks will be designed appropriately to engineering building code standards to accommodate the recovered propane.

Therefore, based on the forgoing, the Propane Recovery Project will not be detrimental to health, safety, and general welfare of the County.

2. *That the proposed conditional land use shall not adversely affect the orderly development of property within the county.*

Project Finding: The refinery is approximately 1,100 acres in size and is located in the unincorporated area of Rodeo in Contra Costa County. Interstate Highway 80 (I-80) bisects the refinery in a northeast to southwest direction. All elements of the Propane Recovery Project would be located on about one acre within the existing boundaries of the 495-acre portion of refinery property already developed for refining operations. All elements of the project will be within the portion of the lands designated for Heavy Industry use by the County General Plan and zoned Heavy Industrial ("H-I") under the Contra Costa County Ordinance Code. Pursuant to these designations, oil refining and other manufacturing operations are allowed and are permitted uses, respectively. Based

on the foregoing, the Propane Recovery Project will not adversely affect the orderly development of property with the County.

3. ***That the proposed conditional land use shall not adversely affect the preservation of property values and the protection of the tax base within the county.***

Project Finding: The refinery has been in operation at its current location since 1896. The proposed project will be situated on approximately one acre located throughout the 495-acre portion of the refinery property already developed for refining operations. The proposal will not change the refinery's current land use, nor will it be inconsistent with the present industrial uses in the vicinity of the refinery, including those conducted at the PG&E substation, the Shore Terminal (formerly NuStar) facility, and the Rodeo Sanitary District. The refinery also consists of approximately 600 acres of undeveloped land, a portion of which is used by the refinery as a buffer zone to limit potential impact of the refining operations on non-industrial land uses located in the refinery's general vicinity.

The construction and operation of the proposal will result in the hiring of temporary and permanent employees at the refinery. Further, implementation of the Propane Recovery Project would increase the assessed value of the refinery property, which would expand the County's tax base. The proposal will not adversely affect the preservation of property values and the protection of the tax base within the County.

4. ***That the proposed conditional land use shall not adversely affect the policy and goals as set by the general plan.***

Project Finding: The proposed project is consistent with the overall goals and policies of the General Plan. The Land Use Element supports petroleum processing and refining within the Heavy Industrial Districts. The project meets the Growth Management Performance Standards section of the General Plan, and all potentially significant impacts on Air Quality, Cultural Resources, Noise, and Transportation & Traffic will be mitigated to less-than-significant levels. The mitigations as set forth in the Final Environmental Impact Report will protect the health, safety, and general welfare of the public.

5. ***That the proposed conditional land use shall not create a nuisance and/or enforcement problem within the neighborhood or community.***

Project Finding: The proposal to be constructed will be located on land designated Heavy Industry by the General Plan and zoned H-I by the County Ordinance Code. Industrial operations have occurred throughout the refinery property for many years. The residential development of Bayo Vista and the community of Rodeo are located south of the refinery. The refinery maintains an open space buffer zone between the oil processing areas and the closest sensitive receptors. The Shore Terminal is located directly to the north of the refinery, with the community of Tormey and Crockett as the closest neighborhoods in this direction; however, topographically these communities

are physically separated from the refinery by rolling hills. The refinery abuts the San Pablo Bay to the west, with land designated by the General Plan as Open space (OS) to the east.

Airborne emissions of certain gasses do have the ability to produce odors, which can result in public nuisances and complaints from residential communities. As discussed within the Final Environmental Impact Report (FEIR) in Chapter 2—Master Responses on page 2-10, the refinery and the communities continue to work on a fenceline monitoring system, as required as part of a previous land use permit. The Propane Recovery Project appears unlikely to result in an increase of odorous emissions, as certain equipment and technology are anticipated to be installed and/or used as part of the fenceline monitoring system.

The Noise Element of the General Plan does contain land use compatibility standards for noise which are intended to limit the noise impacts. Noise from operation of the Propane Recovery Project was determined to be 44 decibels from 2,300 feet (the distance to the closest residential receptors), which would be less than the County exterior day-night noise level threshold of 60 decibels. As set forth in the Final EIR, any noise impacts from construction will be mitigated to less-than-significant levels.

Temporary traffic impacts for the construction of the proposed project would be the most likely potential source of project-related nuisances in the vicinity of the refinery. These traffic impacts will be mitigated to less-than-significant levels by the implementation of Mitigation Measures 4.17-2 (a) and (b), which include the requirement of traffic control plans and prescribed construction-traffic routes. Therefore, the proposal will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. *That the proposed conditional land use shall not encourage marginal development within the neighborhood.*

Project Finding: The Propane Recovery Project will be located in areas zoned H-I under the County Ordinance Code and designated Heavy Industry in the County General Plan. Most of the undeveloped land adjacent to the 495-acre developed portion of the refinery is maintained by Phillips 66 as open space to serve as a buffer between refining operations and the adjacent non-industrial land uses. The areas to the north and southwest are already developed for industrial use. The refinery will not alter its use of the buffer zone. The proposal is intended to recover and sell the excess propane, which is a byproduct that is already produced at the refinery during the refining process and but not sold, but is rather burned as processing fuel in the refinery fuel gas. This project will maintain the existing land use in a manner that will ensure its continued ability to meet future demands. The proposal will not encourage marginal development within the neighborhood.

7. *That special conditions or unique characteristics of the subject property and its location or surroundings are established.*

Project Finding: The Phillips 66 Rodeo refinery has existed in its present location for more than 100 years and is one of the few areas in the County suitable for the proposed project. The project areas are zoned Heavy Industrial District (H-I) by the County Ordinance Code. This designation allows a permitted use of oil refining and other manufacturing operations. The project will not result in any changes in the existing use of the refinery in that propane and butane are both already produced at the facility.

WHEREAS, at the November 19, 2013 hearing the County Planning Commission adopted and certified the contents of the Final EIR, adopted the mitigation monitoring program and approved County File #LP12-2073: and

WHEREAS, in a letter and its attachments, dated November 25, 2013, Shute, Mihaly, & Weinberger LLP filed an appeal of the Commission's decision to approve the Land Use Permit, citing numerous objections to the Final EIR's analysis and conclusions; and

WHEREAS, in a letter dated December 2, 2013, Communities for Better Environment, filed an appeal of the Commission's decision to approve the Land Use Permit, citing numerous objections to the Final EIR's analysis and conclusions; and

NOW BE IT RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

This Resolution was approved upon motion of the County Planning Commission on Tuesday, November 19, 2013 by the following vote:

AYES: Commissioners Terrell, Snyder, Steele, Stewart, and Wright

NOES: None

ABSENT: Commissioners Clark and Swenson

ABSTENTIONS: None

Marvin Terrell

Chair of the County Planning Commission
County of Contra Costa, State of California

ATTEST:

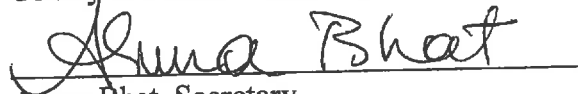

Aruna Bhat, Secretary
County of Contra Costa
State of California

EXHIBIT #2

FINDINGS, GROWTH MANAGEMENT PERFORMANCE STANDARDS, AND CONDITIONS OF APPROVAL FOR THE PHILLIPS 66 PROPANE RECOVERY PROJECT, COUNTY FILE #LP12-2073, AS APPROVED BY THE PLANNING COMMISSION ON NOVEMBER 19, 2013 (WITH PROPOSED ADDED AND MODIFIED CONDITIONS BY STAFF IN UNDERLINED TEXT)

A. CEQA Findings

1. **Introduction:** The Contra Costa County Planning Commission adopts the following findings for certification of the Environmental Impact Report (EIR) and approval of the Propane Recovery Project pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000, et seq. the Guidelines for Implementation of CEQA, Title 14 of the California Code of Regulations, Sections 15000, et seq. (CEQA Guidelines) and the County's CEQA Guidelines.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve and carry out a project where an EIR has been certified, which identifies one or more significant impacts on the environment that would occur if the project is approved, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- a. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant impact on the environment.
- b. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

For those significant impacts that cannot be mitigated to below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant impacts of the project. The Propane Recovery Project did not present any significant impacts that cannot be mitigated below or to a less-than-significant impact level.

2. **Project and EIR:** The project proposes refinery processing equipment improvements to recover for sale additional amounts of propane and butane from refinery fuel gas (RFG) and other process streams; and to decrease sulfur dioxide (SO₂) emissions from the refinery as a result of

removing sulfur compounds from RFG streams. The proposed project would add and modify processing and ancillary equipment within the Phillips 66 Rodeo refinery in Contra Costa County.

The proposed project would add: 1) a hydrotreater, 2) new fractionation columns to recover propane and butane, 3) six propane storage vessels and treatment facilities, 4) two new rail spurs, and 5) the removal of two 265-foot heater stacks. To provide the steam required by the project, either a new 140 million Btu/hr steam boiler would be added or more steam would be provided by the existing steam power plant if the new boiler were not built. There would also be minor modifications to existing process units and utility systems for the purpose of tie-ins and to address any changes in operating pressure or temperature at the tie-in points. The project also would require hydrotreating a portion of the RFG, a process that would reduce the amount of sulfur in the fuel gas, and because fuel gas is now burned to produce heat for refinery processes, it would ultimately reduce the refinery's SO₂ emissions within the atmosphere.

The project would be built in two phases. The first phase (Phase I) would include all project components except propane storage and the additional rail loading rack and spurs. During the second phase, (Phase II), the facilities to store and ship propane would be added along with the piping and other ancillary equipment necessary to get the propane from the Propane/Butane Recovery Unit to the storage vessels and loading racks.

The Department of Conservation and Development determined that an EIR was required for the project. Accordingly, the County, as lead agency for this Project, distributed a Notice of Preparation on July 24, 2012. The Draft EIR, State Clearinghouse Number 2012072046, was released for public review on June 10, 2013. The initial public comment period was scheduled for 45 days and was extended an additional 15 days, ending on August 9, 2013. A public hearing before the Zoning Administrator to receive comments on the Draft EIR was held on July 15, 2013. The Final EIR was published and distributed in November 2013. The Zoning Administrator held a hearing on November 18, 2013 and recommended certification of the EIR.

The EIR, as referenced in these findings, includes the Draft EIR (and its appendices) as supplemented and revised by the Final EIR, and the Final EIR (and its appendices). The Final EIR contains EIR Text Revisions (Chapter 4) that restates and revises some text, figures and tables of the Draft EIR. When these findings refer to sections, tables, figures or text of the EIR, and unless the context clearly indicates otherwise, these findings refer to the revised versions in Chapter 4 of the Final EIR.

The EIR identifies potentially significant environmental impacts that would occur if the project were implemented, and feasible mitigation measures would reduce all of the potentially significant impacts to less than

significant levels. The EIR provides a comprehensive analysis of the project's impacts, and cumulative impacts to which the project would contribute. The EIR includes responses to all written and oral comments received during the comment period, and provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues. The EIR also addresses a reasonable range of alternatives. Evidence regarding the range of alternatives, and the evidence indicating that offsite and reduced development alternatives were not studied in detail because they would not achieve most of the project objectives is in the EIR and in the record. The Commission adopts the analysis and conclusions of the EIR and bases its decision upon the evidence referenced in the EIR and its appendices.

The comprehensive analysis in the EIR provides the Commission with the necessary information required by the California Environmental Quality Act (CEQA) to properly analyze and evaluate any and all of the potential environmental impacts of the Project.

Certification of EIR

The Commission finds that the EIR has been completed in compliance with CEQA; that the Commission reviewed and considered the information contained in the EIR prior to approving the project; and the EIR reflects the County's independent judgment and analysis.

Recirculation is Not Required

CEQA Guidelines Section 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 Draft EIR but before certification of the Final EIR. 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 Guidelines provide examples of significant new information under this standard, which involve evidence of a new or more severe significant impact, all as more specifically set forth in the EIR.

The Commission recognizes that the Final EIR incorporates information obtained since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. Various minor changes and edits have been made to the mitigation measures, text, tables and figures of the Draft EIR, as described in the Final EIR. Information that confirms the conclusions of the Draft EIR has been provided in response to comments, and mitigation measures have been edited for clarity, feasibility, and to strengthen them. With respect to this information, the Commission adopts the conclusions and analysis of the EIR based upon the evidence to which the EIR refers. This information confirms and

provides additional support for the conclusions of the Draft EIR, and further confirms that impacts will remain less than significant.

Based on the foregoing, and having reviewed the information contained in the EIR and in the documents comprising the administrative record, the Commission finds that no significant new information has been added since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR.

Differences of Opinion Regarding Environmental Analysis

In making its determination to certify the Final EIR and to approve the project, the Commission recognizes that the project involves controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Commission has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as other testimony, letters, and reports submitted for the record. The Commission recognizes that some of the comments submitted on the EIR, and at the hearing, disagree with the conclusions, analysis, methodology and factual bases stated in the EIR. The EIR was prepared by experts, and that some of these comments were from experts, thus creating a disagreement among experts. The Commission has reviewed and considered, as a whole, the evidence and analysis presented in the EIR and in the record, and has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, this understanding has enabled the Commission to make its decisions after weighing and considering the various viewpoints on these important issues.

Impact Conclusions and Mitigation Measures

Exhibit I (the summary of impacts, mitigation measures, and resulting levels of significance that appears as Table 2-1 in the EIR) is attached to these findings and incorporated herein by reference. Exhibit I summarizes the environmental determinations of the EIR about the Project's impacts and describes mitigation measures. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, Exhibit I provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR and adopted by the Commission, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR. The Commission ratifies, adopts, and incorporates the analysis and explanation in the EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures. These findings are based upon the evidence contained in and referenced in the

EIR, in staff reports, in the submittals from the applicant, and on the record as a whole.

Exhibit C (the Mitigation, Monitoring Reporting Program [MMRP]) is attached to these findings and is hereby adopted by the Commission, and is incorporated into these findings. The mitigation measures will feasibly reduce or avoid the potentially significant and significant impacts of the project to less-than-significant levels, and will reduce some less-than-significant impacts as well. In adopting these mitigation measures, the Commission intends to adopt each of the mitigation measures identified by the EIR. Accordingly, in the event a mitigation measure recommended in the EIR has inadvertently been omitted from Exhibit C, such mitigation measure is hereby adopted and incorporated in these findings by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit C fails to accurately reflect the substance of the mitigation measures in the EIR due to a clerical error, the language of the mitigation measure as set forth in the EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings. Some language has been modified to reflect County practices and procedures regarding department approval processes, and to reflect technical details of the project that do not substantively affect the mitigation of impacts.

The Commission finds that changes or alterations have been required in, or incorporated into, the project which feasibly avoid or substantially lessen the significant environmental effects on the environment. As shown in the MMRP exhibit, primary responsibility for implementation, monitoring and enforcement of all mitigation measures lies with the County. Other agencies may play a role in approving the project. For example, there may be consultation with the Regional Water Quality Control Board regarding stormwater plans and other water quality aspects of the project, and resource agencies may become involved should any resource issues need their input as a result of the project.

Comments on the Draft EIR, that were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. Some of the EIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary. The alternative and additional mitigation measures are not necessary to reduce impacts to a less-than-significant level, and some purported to address an impact that was not potentially significant. With respect to the additional measures suggested by commenters that were not added to the EIR, the Commission adopts the reasons set forth in the

responses to comments contained in the EIR as its grounds for not including the adoption of these mitigation measures.

3. The various documents and other materials constitute the record upon which the Commission bases these findings and the approvals contained herein. These findings cite specific pieces of evidence, but none of the Commission's findings are based solely on those pieces of evidence. These findings are adopted based upon the entire record, and the Commission intends to rely upon all supporting evidence in the record for each of its findings.

The location and custodian of the documents and materials that comprise the record is Contra Costa County, Department of Conservation and Development, 30 Muir Road, Martinez, CA, 94553, telephone (925) 674-7205.

B. Growth Management Performance Standards

1. **Traffic:** A traffic impact analysis was prepared for the Propane Recovery Project which suggested mitigation measures that, if implemented, would reduce any potential impacts on traffic during construction of the project to less-than-significant levels. The project was also reviewed by the Public Works Department and CalTrans for impacts on traffic and circulation, and is subject to compliance with their conditions of approval and the mitigation measures required and identified within the Final Environmental Impact Report. Therefore, the proposed project will not have an adverse impact on traffic in the area.
2. **Water:** The refinery currently receives approximately 3,000 gallons per minute of fresh water from the East Bay Municipal Utility District (EBMUD). Implementation of the project would require an increase in fresh water by approximately 20 gallons per minute. The additional fresh water required for the proposed project would be available from EBMUD's existing entitlements. The additional water supply required during project construction would be only a small, temporary increment as compared to existing and proposed water usage.
3. **Sewage Disposal:** Although the refinery lies within the Rodeo Sanitary District's service area, the refinery collects, treats, and discharges all wastewater and stormwater to its own on-site wastewater treatment system. Since the refinery does not discharge to the public wastewater treatment facilities, the capacity of the Rodeo Sanitary District's wastewater treatment facility would be unaffected by the project. The refinery currently discharges approximately 2.8 million gallons per day of wastewater to the on-site treatment plant, but it has the ability to treat up to 10 million gallons per day. The project would increase wastewater flows to the refinery's treatment plant by 0.03 million gallons per day, well below

the plant's 10-million-gallon maximum treatment capacity. Thus, the refinery has the capacity to treat the additional wastewater flow.

4. **Fire Protection:** The refinery is licensed by the State Fire Marshal to provide its own fire protection. The refinery is part of a Mutual Aid Organization, which is composed of more than half a dozen refineries that agree to provide one another with emergency response resources in the event of a major emergency. The Rodeo-Hercules Fire District could also provide emergency services to the refinery; however, the Rodeo-Hercules Fire District would be supported by the Pinole Fire Department, the Crockett-Carquinez Fire District, and the Contra Costa County Fire Protection District in the event that major assistance was needed at the refinery. Implementation of the Propane Recovery Project is not expected to require additional support from public fire protection agencies.
5. **Public Protection:** The Growth Management Element standard is 155 square feet of Sheriff's facility/station area and support facilities for every 1,000 member of the population. The Small population increase associated with this project is not considered significant because the project would create temporary new jobs and only two permanent jobs. Any population growth resulting from the new permanent job positions would be insignificant and positive to the economy and would not impact the County's ability to achieve the performance standard.
6. **Parks and Recreation:** The implementation of the project could possibly induce population growth and ancillary use by employees of nearby facilities due to the increase in employment opportunities. However, any population growth induced will not have a major cumulative effect on the demand for park and recreation facilities and is not subject to payment of park dedication fees.
7. **Flood Control and Drainage:** The proposed project elements would all be constructed within the previously-developed areas, where stormwater and runoff is controlled and treated onsite before discharge. Therefore, drainage patterns would not be altered by the proposed project.

C. **Land Use Permit Findings**

1. ***That the proposed conditional land use shall not be detrimental to the health, safety, and general welfare of the county.***

Project Finding: All significant environmental impacts of the Propane Recovery Project as identified in the Final EIR, including Air Quality and emissions associated with construction and operational activities will be reduced to less-than-significant levels after the implementation of mitigation measures 4.3-1 and 4.3-2. Further, the reduction of sulfur dioxide (SO₂) is an environmental benefit. Therefore, based on the foregoing,

the Propane Recovery Project will not be detrimental to health, safety, and general welfare of the County.

2. ***That the proposed conditional land use shall not adversely affect the orderly development of property within the county.***

Project Finding: The refinery is approximately 1,100 acres in size and is located in the unincorporated area of Rodeo in Contra Costa County. Interstate Highway 80 (I-80) bisects the refinery in a northeast to southwest direction. All elements of the Propane Recovery Project would be located on about one acre within the existing boundaries of the 495-acre portion of refinery property already developed for refining operations. All elements of the project will be within the portion of the lands designated for Heavy Industry use by the County General Plan and zoned Heavy Industrial ("H-I") under the Contra Costa County Ordinance Code. Pursuant to these designations, oil refining and other manufacturing operations are allowed and are permitted uses, respectively. Based on the foregoing, the Propane Recovery Project will not adversely affect the orderly development of property with the County.

3. ***That the proposed conditional land use shall not adversely affect the preservation of property values and the protection of the tax base within the county.***

Project Finding: The refinery has been in operation at its current location since 1896. The proposed project will be situated on approximately one acre located throughout the 495-acre portion of the refinery property already developed for refining operations. The proposal will not change the refinery's current land use, nor will it be inconsistent with the present industrial uses in the vicinity of the refinery, including those conducted at the PG&E substation, the Shore Terminal (formerly NuStar) facility, and the Rodeo Sanitary District. The refinery also consists of approximately 600 acres of undeveloped land, a portion of which is used by the refinery as a buffer zone to limit potential impact of the refining operations on non-industrial land uses located in the refinery's general vicinity.

The construction and operation of the proposal will result in the hiring of temporary and permanent employees at the refinery. Further, implementation of the Propane Recovery Project would increase the assessed value of the refinery property, which would expand the County's tax base. The proposal will not adversely affect the preservation of property values and the protection of the tax base within the County.

4. ***That the proposed conditional land use shall not adversely affect the policy and goals as set by the general plan.***

Project Finding: The proposed project is consistent with the overall goals and policies of the General Plan. The Land Use Element supports

petroleum processing and refining within the Heavy Industrial Districts. The project meets the Growth Management Performance Standards section of the General Plan, and all potentially significant impacts on Air Quality, Cultural Resources, Noise, and Transportation & Traffic will be mitigated to less-than-significant levels. The mitigations as set forth in the Final Environmental Impact Report will protect the health, safety, and general welfare of the public.

5. ***That the proposed conditional land use shall not create a nuisance and/or enforcement problem within the neighborhood or community.***

Project Finding: The proposal to be constructed will be located on land designated Heavy Industry by the General Plan and zoned H-I by the County Ordinance Code. Industrial operations have occurred throughout the refinery property for many years. The residential development of Bayo Vista and the community of Rodeo are located south of the refinery. The refinery maintains an open space buffer zone between the oil processing areas and the closest sensitive receptors. The Shore Terminal is located directly to the north of the refinery, with the community of Tormey and Crockett as the closest neighborhoods in this direction; however, topographically these communities are physically separated from the refinery by rolling hills. The refinery abuts the San Pablo Bay to the west, with land designated by the General Plan as Open space (OS) to the east.

Airborne emissions of certain gasses do have the ability to produce odors, which can result in public nuisances and complaints from residential communities. As discussed within the Final Environmental Impact Report (FEIR) in Chapter 2—Master Responses on page 2-10, the refinery and the communities continue to work on a fenceline monitoring system, as required as part of a previous land use permit. The Propane Recovery Project appears unlikely to result in an increase of odorous emissions, as certain equipment and technology are anticipated to be installed and/or used as part of the fenceline monitoring system.

The Noise Element of the General Plan does contain land use compatibility standards for noise which are intended to limit the noise impacts. Noise from operation of the Propane Recovery Project was determined to be 44 decibels from 2,300 feet (the distance to the closest residential receptors), which would be less than the County exterior day-night noise level threshold of 60 decibels. As set forth in the Final EIR, any noise impacts from construction will be mitigated to less-than-significant levels.

Temporary traffic impacts for the construction of the proposed project would be the most likely potential source of project-related nuisances in the vicinity of the refinery. These traffic impacts will be mitigated to less-than-significant levels by the implementation of Mitigation Measures 4.17-2 (a) and (b), which include the requirement of traffic control plans and prescribed construction-traffic routes. Therefore, the proposal will not

create a nuisance and/or enforcement problem within the neighborhood or community.

6. ***That the proposed conditional land use shall not encourage marginal development within the neighborhood.***

Project Finding: The Propane Recovery Project will be located in areas zoned H-I under the County Ordinance Code and designated Heavy Industry in the County General Plan. Most of the undeveloped land adjacent to the 495-acre developed portion of the refinery is maintained by Phillips 66 as open space to serve as a buffer between refining operations and the adjacent non-industrial land uses. The areas to the north and southwest are already developed for industrial use. The refinery will not alter its use of the buffer zone. The proposal is intended to recover and sell the excess propane, which is a byproduct that is already produced at the refinery during the refining process and but not sold, but is rather burned as processing fuel in the refinery fuel gas. This project will maintain the existing land use in a manner that will ensure its continued ability to meet future demands. The proposal will not encourage marginal development within the neighborhood.

7. ***That special conditions or unique characteristics of the subject property and its location or surroundings are established.***

Project Finding: The Phillips 66 Rodeo refinery has existed in its present location for more than 100 years and is one of the few areas in the County suitable for the proposed project. The project areas are zoned Heavy Industrial District (H-I) by the County Ordinance Code. This designation allows a permitted use of oil refining and other manufacturing operations. The project will not result in any changes in the existing use of the refinery in that propane and butane are both already produced at the facility.

CONDITIONS OF APPROVAL FOR PHILLIPS 66 COMPANY (APPLICANT & OWNER) PROPANE RECOVERY PROJECT, COUNTY FILE #LP12-2073 AS APPROVED BY THE PLANNING COMMISSION ON NOVEMBER 19, 2013 (WITH PROPOSED ADDED AND MODIFIED CONDITIONS BY STAFF IN UNDERLINED TEXT)

THIS PROJECT IS SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

Land Use Permit Approval

1. _____ A Land Use Permit to allow the implementation of the Propane Recovery Project at the Phillips 66 Rodeo refinery is APPROVED based on the following documents received by the Department of Conservation and Development, Community Development Division (CDD):
 - a) Application and materials received on June 22, 2012

- b) Draft Environmental Impact Report and appendices, dated June 2013
- c) Final Environmental Impact Report and appendices, dated November 2013
- d) Mitigation Monitoring Reporting Program, dated November 2013

Application Costs

2. _____ This application is subject to an initial application deposit of \$2,700.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

Notice of Determination Filing Fee

3. _____ By November 20, 2013, Phillips 66 shall pay the California Department of Fish and Wildlife environmental review fee of \$2,995.25. Payment of this fee is mandated by Assembly Bill 3158, which became effective on January 1, 1991. Until the fee is paid, the project approval is not considered vested or final and no building permits can be issued. Also, if the fee is not paid on time, then the 30-day statutory time limit to file a legal challenge against the approval will be extended to 180 days.

Mitigation and Monitoring Fees

4. _____ **At least 60 days prior to commencement of construction-related activities, issuance of grading permits or issuance of building permits, whichever occurs first,** Phillips 66 shall provide the County with an initial deposit of \$10,000.00 to cover costs of mitigation monitoring. Phillips 66 shall be responsible for providing adequate funding to cover all eventual costs of mitigation monitoring.

Indemnification

5. _____ Phillips 66 shall deliver an executed indemnification agreement between Phillips 66 and Contra Costa County requiring Phillips 66 to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related to claims or litigating regarding the County's actions in reviewing or approving this land

use permit application (County File No. LP12-2073). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

Condition of Approval Compliance Report

6. _____ **At least 45 days prior to commencement of construction-related activities, issuance of grading permits or issuance of building permits, whichever occurs first,** Phillips 66 shall submit an application for Condition of Approval Compliance Review to the CDD. The fee for this application is an initial deposit of \$5,000 that is subject to time and materials costs. Should staff costs exceed the deposit, additional fees will be required. Submittals for this application shall include a checklist describing how each condition of approval will be satisfied and applicable proof that each condition has been satisfied (i.e. documentation, plans, photographs, etc.). This application will remain active throughout the life of the project and additional submittals will be required to ensure compliance with each phase of development (grading, building), as described below.

Geotechnical Reports and Recommendations

7. _____ **At least 45 days prior to commencement of construction-related activities, issuance of grading permits or issuance of building permits, whichever occurs first,** Phillips 66 shall submit a satisfactory geotechnical report prepared by a qualified individual or firm for the review of the County Planning Geologist and the review and approval of the CDD. At minimum, this report shall discuss liquefaction, slope stability, expansive soils, erosion, differential settlement, lateral spreading, subsidence and corrosive soils at each of the construction sites where earthwork will be performed and/or new storage units will be constructed. The report shall include specific design and construction recommendations appropriate for addressing any adverse soil conditions. Grading and building plans shall be prepared in accordance with the recommendations of the approved geotechnical report. A non-refundable deposit of \$750.00 shall be submitted with the report.
8. _____ **At least 45 days prior to commencement of construction-related activities, issuance of grading permits or issuance of building permits, whichever occurs first,** Phillips 66 shall submit satisfactory evidence for the review of the County Planning Geologist and the review and approval of the CDD, that the design of the project has been reviewed and that it conforms with the recommendations of the Planning Geologist, the project geotechnical engineer or engineering geologist and the project structural engineer and meets the following requirements:

- i. All above-ground and underground utilities shall be designed to accommodate estimated settlement without failure, especially across transitions between fills and cuts. Seismic design consistent with current professional engineering and industry standards shall be employed in construction for resistance to strong ground shaking.
- ii. The California Building Code and California Accidental Release Prevention Program seismic requirements, or more stringent standards, shall be followed during design and construction of all components of the project.
- iii. Additional requirements recommended by the project California Certified Engineering Geologist or Geotechnical Engineer, based on site-specific studied and specific project requirements, shall be followed and shall be incorporated in the Project design specifications.

9. _____ **At least 45 days prior to issuance of grading permits**, Phillips 66 shall submit grading plans for review and approval of the Department of Conservation and Development, Community Development Division (CDD). The grading plans shall be accompanied by an erosion-control plan. At a minimum, the erosion-control plan shall include the following requirements:

- i. Excavation and grading activities shall be conducted pursuant to all required grading permits issued by the Building Inspection Division.
- ii. Temporary erosion control measures shall be provided until vegetation is reestablished or impervious surfaces (asphalt, concrete, etc.) are constructed.
- iii. Best Management Practices selected and implemented for the project shall be in place and operational prior to commencement of major earthwork.

Contact Persons and Information

10. _____ **Prior to commencement of construction-related activities, issuance of grading permits or issuance of building permits, whichever occurs first**, Phillips 66 shall post a publicly visible sign stating the names, titles, and phone numbers of individuals responsible for control of construction noise, dust, litter, and traffic. A 24-hour emergency number shall also be stated. The sign shall be kept up to date and shall be placed in a conspicuous location on refinery property along San Pablo Avenue.

Railcar Storage

11. _____ Phillips 66 must continuously monitor the storage of railcars (primarily propane and butane railcars), and as needed contact the Union Pacific Railroad (UPRR) to request and encourage that UPRR utilize on-site areas for storage of railcars and to make space available on-site to the extent practicable for the storage of any propane and butane railcars.

MITIGATION MONITORING REPORTING PROGRAM (MMRP) CONDITIONS OF THE FINAL ENVIRONMENTAL IMPACT REPORT

MMRP for Project Impacts on Air Quality

12. _____ **Air Quality Mitigation Measure 4.3-1:** Phillips 66 and its construction contractors shall implement the following applicable Bay Area Air Quality Management District (BAAQMD) basic control measures.
- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site.
 - b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
 - c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or more if needed. The use of dry power sweeping is prohibited.
 - d) Limit vehicle speeds on unpaved roads to 15 miles per hour.
 - e) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
 - g) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- h) Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and require Phillips 66 to take corrective action within 48 hours. The telephone numbers of contacts at the BAAQMD shall also be visible.

13. _____ **Air Quality Mitigation Measure 4.3-2:** Phillips 66 shall permanently decommission the B-401 process heater in Unit 240 to offset significant NO_x emissions related to the proposed Propane Recovery Project. Prior to operations of the Project, Phillips 66 shall provide documentation to the Department of Conservation and Development, Community Development Division (CDD) that shows that Phillips 66 has not applied for additional NO_x or GHG emission reduction credits (ERCs) associated with the unit B-401 process heater shutdown.

MMRP for Project Impacts on Cultural Resources

14. _____ **Cultural Resources Mitigation Measures 4.5-1 and 4.5-2:** Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" shall be instituted. In the event that any prehistoric or historic-period subsurface cultural resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate course of action.

Avoidance is always the preferred course of action for archaeological sites. In considering any suggestion proposed by the consulting archaeologist to reduce impacts to historical resources or unique archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, interpretation of finds in a public venue) would be instituted. Work may proceed on other parts of the Project site while mitigation for historical resources or unique archaeological resources is carried out.

All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards. In the event of an

inadvertent discovery of a unique archeological resource, this mitigation measure shall be implemented.

15. _____ **Cultural Resources Mitigation Measure 4.5-3:** In the event of the inadvertent discovery of a unique paleontological resource, or site, or unique geological feature, Phillips 66 shall notify both the County and a qualified paleontologist (as approved by the County) of unanticipated discoveries. The qualified paleontologist, under contract to Phillips 66, shall subsequently document the discovery. In the event of an unanticipated discovery of a fossil or fossilized deposit during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until a qualified paleontologist examines the discovery. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. The paleontologist shall oversee implementation of these procedures once they have been determined.

16. _____ **Cultural Resources Mitigation Measure 4.5-4:** In the event that any prehistoric or historic subsurface human remains are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation is carried out. All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards. CEQA Guidelines Section 15064.5(e)(1), below, shall also be followed:

- (e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

- (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - (B) If the coroner determines the remains to be Native American:
 1. The coroner shall contact the Native American Heritage Commission within 24 hours;
 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
- (2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
 - (A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;
 - (B) The identified descendant fails to make a recommendation; or
 - (C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

MMRP for Project Noise Impacts

17. _____ **Noise Mitigation Measure 4.13-1a and 4.13-4:** The applicant shall implement the following construction noise nuisance control measures for the duration of construction.
- a) Ensure that construction equipment and trucks are well tuned and maintained according to the manufacturer's specifications, and that the equipment's standard noise reduction devices are in good working order;
 - b) Place construction equipment at locations to maximize the distance to the nearest residences; and
 - c) Notify nearby residents along Old County Road of the planned construction schedule at least one month prior to construction. Notification shall include the shift hours and include contact information of a designated construction noise coordinator who will maintain communication with affected residences throughout the construction period.
18. _____ **Noise Mitigation Measure 4.13-1b and 4.13-4:** The applicant shall coordinate with Contra Costa County to establish a daytime construction shift limited to between 7:00 a.m. and 5:30 p.m. as a Project-specific condition of approval.

MMRP for Project Impacts on Transportation/Traffic

19. _____ **Transportation/Traffic Mitigation Measure 4.17-2a:** Thirty (30) days prior to construction-related activities or issuance of permits, Phillips 66 shall document road conditions for all routes that will be used by project-related vehicles. Phillips 66 shall also document road conditions after project construction is completed. The pre- and post-construction conditions of the haul routes shall be reviewed by Public Works Department staff. Phillips 66 shall enter into an agreement prior to construction that will detail the pre-construction conditions and the post-construction requirements of a rehabilitation program. Roads damaged by construction would be repaired to a structural condition equal to that which existed prior to construction activity. A cash bond/deposit to finance damage to County roadways shall be required. An encroachment permit may be required from the County and a transportation/haul permit may be also required for any extra-legal loads used during construction. A pavement monitoring plan that describes measures that will be implemented to revitalize pavement along the proposed haul route deteriorated by project-related construction traffic shall also be included and be submitted for review by the Public Works Department prior to the commencement of any construction on-site.

20. _____ **Transportation/Traffic Mitigation Measure 4.17-2b:** Thirty (30) days prior to construction-related activities or issuance of permits, access and hauling routes shall be specified to minimize traffic impact to the area wide roadways. Construction traffic should not deviate from this route, except in the event that the route is rendered impassable due to accidents or other unanticipated road closures. In such instances, Phillips 66 shall submit a traffic control plan to the Public Works Department staff for review.

CONSTRUCTION MANGAGEMENT CONDCTIONS

Litter Control and Recycling

21. _____ Phillips 66 shall maintain project construction sites and surrounding areas in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be removed as necessary. Following cessation of construction activity, all construction materials and debris shall be removed. To the extent possible, demolition debris and construction waste shall be diverted from the waste stream. At least thirty (30) days prior to commencement of demolition or construction, Phillips 66 shall meet with the Conservation Programs staff to identify opportunities for the diversion of waste. These requirements shall be stated on the face of all construction drawings.

Construction Hours

22. _____ The following work hours are limited to work related to the Propane Recovery Project which takes place off the refinery:

All construction activities, including transport of equipment and materials, shall be limited to the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, and shall be prohibited on Saturday, Sunday and the following state and federal holidays:

New Year's Day (State and Federal)
 Martin Luther King, Jr. Day (State and Federal)
 Washington's Birthday/Presidents' Day (State and Federal)
 Lincoln's Birthday (State)
 Cesar Chavez Day (State)
 Memorial Day (State and Federal)
 Independence Day (State and Federal)
 Labor Day (State and Federal)
 Columbus Day (State and Federal)
 Veterans Day (State and Federal)
 Thanksgiving Day (State and Federal)
 Day after Thanksgiving (State)
 Christmas Day (State and Federal)

These restrictions shall be stated on the face of all construction drawings. The following websites provide details on the actual days that the state and federal holidays occur:

Federal Holidays:

<http://www.opm.gov/fedhol>

California Holidays:

http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm

Traffic Control Personnel

23. _____ Phillips 66 shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. To achieve this, Phillips 66 shall provide traffic control personnel at all construction ingress and egress points along San Pablo Avenue.

Construction Trailers

24. _____ Phillips 66 may locate construction trailers onsite. Such trailers may be located onsite for up to two months prior to the start of project construction and must be removed within two months after construction is complete.

Community Outreach

25. _____ In order to help support the local economy, Phillips 66 shall encourage its employees and subcontractors to patronize local businesses and restaurants during breaks and mealtimes, and that they use personal vehicles during these break times and not construction equipment, such as dump trucks or other large construction vehicles, so as to minimize unnecessary road wear by heavy trucks on local roadways.
26. _____ Phillips 66 shall provide the Rodeo Municipal Advisory Council, Crocket Improvement Association and Crockett Community Foundation with quarterly newsletters informing the community of the project status and other relevant information. The first of these newsletters shall be sent no later than one month after issuance of grading or building permits, whichever is issued first.
27. _____ Phillips 66 shall advise nearby community organizations, such as the Bayo Vista Residence Council and the Crockett Improvement Association of any employment opportunities that may develop during project construction.

PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL

Phillips 66 shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application

submitted to Department of Conservation and Development, Community Development Division, on June 22, 2012.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

General Requierments

28. _____ Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Construction Traffic

29. _____ The applicant shall gain access to the project site from Interstate 80 to Cummings Skyway and San Pablo Avenue for the construction operation. In the event that this route is rendered impassible due to unanticipated road closures, the applicant shall submit an alternative construction operation route to be reviewed and approved by the Public Works Department prior to use of this alternative route. (See Mitigation Measure 4.17-2b).
30. _____ The applicant shall provide a pavement analysis for those roads along the proposed haul route or any alternate route(s) that are proposed to be utilized by the construction operation. This study shall analyze the existing pavement conditions and determine what impact the construction operation will have over the life of the project. The study shall provide recommendations to mitigate identified impacts. The applicant shall be responsible for the cost of constructing the recommended repairs. Prior to issuance of grading, building, or encroachment permits, the applicant shall execute a bonded road improvement agreement to assure the roadway repairs. (See Mitigation Measure 4.17-2a).

Access to Adjoining Property (Encroachment Permit)

31. _____ Applicant shall obtain an encroachment permit from the County's Application and Permit Center for the construction of any improvements within the public road rights-of-way of San Pablo Avenue and Cummings Skyway, and/or any impacted public road rights-of-way.

Drainage Improvements (Collect & Convey)

32. _____ The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

Exception: The applicant shall be permitted an exception from the collect and convey requirements of the Ordinance provided all stormwater generated on-site is directed to a wastewater treatment plant (with adequate treatment capacity) prior to being discharged to San Pablo Bay.

National Pollutant Discharge Elimination System (NPDES)

33. _____ The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II, or Central Valley - Region IV).

Compliance shall include developing long-term Best Management Practices (BMPs) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater:

- Minimize the amount of directly connected impervious surface area.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Develop a perpetual maintenance program for on-site water/drainage facilities.
- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance

34. _____ In compliance with Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Permit and the County's

Stormwater Management and Discharge Control Ordinances (§1014), it has been determined that this project does not require submittal of a Stormwater Control Plan (SWCP); all stormwater generated on-site is directed to a wastewater treatment plant prior to discharging to San Pablo Bay (a controlled point source). The proposed project would not be subject to Provision C.3 of the stormwater permit since the refinery stormwater runoff is discharged to its water treatment plant and regulated under the existing NPDES permit.

Area of Benefit Fees

35. _____ The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Hercules/Rodeo/Crockett and the West Contra Costa Transportation Advisory Committee (WCCTAC) bridges/roads, and WCCTAC transit Areas of Benefit, as adopted by the Board of Supervisors.

SUPPLEMENTAL CONSERVATION AND DEVELOPMENT CONDITION

36. _____ Phillips 66 Company shall ensure that the throughput of propane and butane at the LPG Recovery Unit shall not exceed 14,500 barrels per day.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

- C. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- D. Additional requirements may be imposed by the Health Services Department, Hazardous Materials Programs. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- E. Additional requirements may be imposed by the Bay Area Air Quality Management District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- F. Additional requirements may be imposed by the Regional Water Quality Control Board. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- G. Additional requirements may be imposed by the Rodeo-Hercules Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- H. Additional requirements may be imposed by the California Department of Fish and Wildlife. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- I. Additional requirements may be imposed by the California Department of Transportation. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- J. Additional requirements may be imposed by the East Bay Municipal Utility District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- K. Additional requirements may be imposed by the Pacific Gas and Electric Company. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- L. Additional requirements may be imposed by the San Francisco Bay Conservation and Development Commission. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

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LC

EXHIBIT #3a

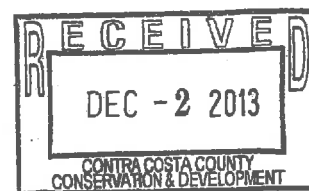
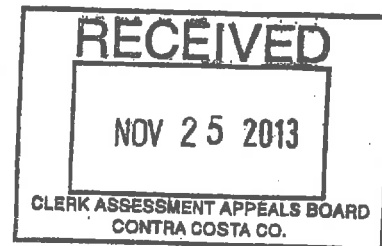
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November 22, 2013

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

EXHIBIT #3b

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& WEINBERGER LLP

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November 18, 2013

Via Email

Planning Commission
Contra Costa County
30 Muir Road
Martinez, CA 94533

Re: Phillips 66 Propane Recovery Project Environmental Impact Report

Dear Commissioners:

On behalf of the Rodeo Citizens Association, we submit these comments on the Final Environmental Impact Report ("FEIR") for the Phillips 66 Propane Recovery Project ("Project"). As set forth below, and in the attached report of Phyllis Fox, Ph.D., PE ("Fox Report"), Exhibit A, we have concluded that the EIR suffers from numerous deficiencies that render it inadequate under the California Environmental Quality Act ("CEQA") (Pub. Res. Code § § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. § § 15000 *et seq.*) ("CEQA Guidelines"). We respectfully request that the Commission defer consideration of the proposed Project until such time as the EIR is revised to comply with CEQA.

An EIR is "the heart of CEQA." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 392 ("*Laurel Heights I*"). "The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." Pub. Res. Code § 21061. The EIR "is an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of

accountability." *Laurel Heights I*, 47 Cal. 3d at 392 (citations omitted). The EIR for the proposed Project fails entirely to live up to this mandate.

We will not repeat the issues raised in our August 9, 2013 letter or the valid claims raised by Communities for a Better Environment ("CBE") in its August 9, 2013 and September 4, 2013 letters. We incorporate the CBE letters by reference into this letter. Our review of the EIR has uncovered additional inadequacies beyond those raised in the earlier letters. Specifically, the EIR fails to (1) provide a stable, accurate and detailed project description, thus undermining every aspect of the impacts analysis; (2) accurately evaluate numerous Project impacts, including air quality, greenhouse gas emissions, public health and safety, and biological and geological resources; (3) provide sufficient analysis of cumulative impacts; and (4) adopt feasible mitigation measures that were suggested by commenters to lessen the Project's air quality and other impacts.

In addition, the FEIR introduces new, significant information requiring recirculation of the EIR and fails to adequately respond to comments. For these and other reasons detailed herein, and in the attached Fox Report, the EIR is inadequate under CEQA.

I. The EIR's Project Description Is Inadequate.

In order for an environmental document to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730, quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193. As a result, courts have found that, even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 730.

Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. While extensive detail is not necessary, the law mandates that EIRs should describe proposed projects with sufficient detail and accuracy to permit informed decision-making. See CEQA Guidelines, §15124 (requirements of an EIR).

A. The EIR's Project Description Is So Flawed that the EIR Fails As An Informational Document.

An EIR's job is to provide good faith disclosure, sufficient information to evaluate consequences, and all relevant data compiled in a single report and to have enough technical detail included or cited to for parties to evaluate the analysis of the EIR. Finally and EIR must be based on substantial evidence to support conclusions or questions of fact. Here the EIR falls far short of these requirements.

SMW 1 ↑ We, and other members of the public, asked for the technical specifications regarding the existing Refinery's operations. We explained, for example, that it is imperative to know the Refinery's crude feedstock composition to understand the nature of the Project and its environmental impacts. Rather than provide this information, the FEIR simply asserts that information relating to crude feedstock data is not relevant to the EIR's environmental analyses. FEIR at B4-23 at 3.2-124.

SMW 1 ↓ The EIR never provides a credible explanation as to why data regarding crude feedstocks is irrelevant to the Project or its environmental review. Instead, the FEIR asserts, absent any evidence, that the Project does not include, does not rely on, and would not facilitate a change or modification to the crude blend currently processed at the Refinery. FEIR at B4-9 at 3.2-119. To conclude that the quality and quantity of crude at the Refinery is irrelevant to the Project's operations and environmental impacts, the EIR must provide substantial evidence. Substantial evidence consists of "fact[s], a reasonable presumption predicated on fact, or expert opinion supported by fact," not "argument, speculation, unsubstantiated opinion or narrative." Pub. Res. Code § 21080(e)(1)-(2). Because the EIR's premise is based on no data or documentation, it falls far short of this threshold.

↓ As the Fox Report explains, the Project will result in the use of heavier and more polluting feedstocks. Specifically, the high values for propane and butane that are proposed to be recovered suggest that feedstock input would have to be modified in conjunction with the Project. Fox Report at 4, 5. The EIR, however, does not acknowledge this connection and therefore improperly fails to evaluate the environmental implications of the Project.

↑ It is not as if the issue of a refinery's crude feedstock is unimportant. As the Fox Report makes clear, the chemical composition of raw materials that are processed by a refinery directly affect the amount and composition of the refinery's emissions.

The amount and composition of sulfur in the crude slate, for example, ultimately determines the amount of [sulfur dioxide] that will be emitted from every fired source in the refinery and the amount of odiferous hydrogen sulfide and mercaptans that will be emitted from tanks, pumps, valves, and fittings. The composition of the crude slate establishes the CEQA baseline against which impacts must be measured. Fox Report at 13.

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Other environmental impacts are also entirely dependent on the quality of crude oil processed at the facility. See Fox Report and Fox comments on the Valero Refinery Initial Study, Exhibit A. Moreover, Phillips 66 has recently provided detail about the quality of its crude oil in the environmental review for its other refinery projects.¹ Given this precedent, the County should require that Phillips 66 disclose this information in a revised EIR so that the decision-makers and the public can be fully apprised of the nature of the proposed Project and its environmental impacts.

Members of the public also requested the EIR disclose all of the changes to the Refinery and its associated facilities that would be required to produce the propane and butane that would be recovered by the Refinery. See Comments B2-4, B4-11, B4-36, B4-39. Yet the FEIR, like the DEIR, never discloses the composition of the Refinery fuel gas and other gas streams from which propane and butane would be recovered. The EIR is essentially a black box that does not allow the public to understand the actual nature of the Project or its environmental implications.

Finally, assuming for the sake of argument that the Project itself does not require a change in feedstocks, it is nonetheless critical to identify the existing quantity and quality of crudes currently processed at the Refinery and those that will be processed upon completion of the proposed Project. As Phillips 66 itself has announced, it intends to shift to 100% advantaged crude within the next two years. See Comment B4-6 at FEIR

¹ ConocoPhillips Santa Maria Refinery Throughput Increase Project DEIR, August 2011 at 2-7, attached to Fox Report..

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3.2-24.² As discussed below and in the Fox Report, the severity and extent of refining-related environmental impacts is directly dependent on the crude feedstock used or transported by the facility. Thus to estimate the environmental impacts from the Project, the EIR must disclose information about existing and projected crude supplies and it must rely on this information to calculate future emissions. Indeed, the FEIR admits that current "crude feedstocks used by the Refinery are part of the existing baseline for the Refinery." FEIR Response to Comments ("RTC"). B4-11 at 3.2-120. As such, the EIR must be revised to disclose the Project's baseline feedstock quality and the feedstocks Phillips 66 expects to be processing once the Project is operational. In the absence of this information, it is simply not possible to evaluate the Project's cumulative environmental impacts.
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B. The EIR Improperly Segments the Proposed Project from Other Related Actions.

CEQA requires that an EIR describe the entirety of a project, including reasonably foreseeable future actions that are part of it. CEQA Guidelines § 15378(a). While an EIR need not include speculation about future environmental consequences of a project, the "EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effect." *Laurel Heights I*, 47 Cal. 3d at 394-396. Under the *Laurel Heights I* standard, "the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action." *Id.* at 396. A project proponent must analyze future expansion and other such action in an EIR if there is "telling evidence" that the agency has either made decisions or formulated reasonably definite proposals as to such future activities. *Id.* at 396-397. Further, there must be discussion "in at least general terms" of the future activity, even if the project is contingent on uncertain occurrences. *Id.* at 398.

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The Project as described in the EIR narrowly involves modifications to the Rodeo Refinery "to recover for sale propane and additional butane from refinery fuel gas and other process streams." DEIR at 3-2, 3-5. However, as discussed above, the EIR fails to disclose changes elsewhere that are required to produce the propane and butane that would be recovered by the facility. As summarized below and discussed extensively in
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² Phillips 66 defines "advantaged crude" as heavy crude from Canada and Latin America, lighter Canadian grades, and West Texas Intermediate ("WTT"). FEIR at 3.2-24.

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the Fox Report, the existing Refinery does not produce enough butane and propane to support the Project without changes in the amount and type of feedstock. Documentation in the record, including the Bay Area Air Quality Management District ("BAAQMD") permit files, and projects proposed by Phillips 66 at its Santa Maria Facility, provide the missing links in the butane/propane supply chain at the Rodeo Refinery. See BAAQMD Permit Files, attached to Fox Report. While it is clear that there is more to the proposed Project than meets the eye, the EIR's description of the Project is so vague and incomplete that it simply is not possible to fully understand the nature of the modifications to the Refinery or the environmental impacts of these modifications. The most egregious omissions are discussed below.

1. Amount of Propane and Butane that Could Be Recovered from Baseline Feedstock.

The EIR does not contain the information necessary to estimate the amount of propane and butane that could be recovered from baseline feedstock such as:

- composition of the Refinery fuel gas and other gas stream from which propane and butane would be recovered, e.g., gas chromatographic analyses;
- distillation curves and composition data for the crude, semi-refined feedstock inputs from elsewhere, and other internal streams that would be routed to the subject Project;
- relative amount of crude and semi-refined feedstock;
- material balance or outputs of refinery models.

The Project's high values for propane/butane recovery suggest that the feedstock input will be modified in conjunction with the Project. The EIR must disclose the calculations that support the foundational assumption that 100% of the propane/butane can be recovered from the baseline refinery fuel gas.

2. Projects at Phillips 66's Santa Maria Facility

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Phillips 66's San Francisco Refinery ("SFR") consists of two facilities linked by a 200-mile pipeline. See SMF Throughput Project EIR excerpts, attached to Fox Report. The Santa Maria Facility ("SMF") is located in Arroyo Grande, in San Luis Obispo County, while the Rodeo Refinery ("Refinery") is located in Rodeo. The SMF mainly processes heavy, high sulfur crude oil and sends semi-refined liquid products to the

Rodeo Refinery. The proposed Project DEIR did not even disclose the existence of this related facility.

The EIR addresses changes at just the Rodeo Refinery to increase butane and propane production, once the proper amount of the right feedstocks arrive. As discussed above, the EIR is silent on the composition and relative amounts of feedstock (heavy crude, semi-refined products from the SMF). As the Fox Report explains, the Project requires additional feedstock containing recoverable propane and butane.

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Phillips 66 is undertaking two projects at the SMF that are intricately related to the propane/butane recovery project at the Rodeo Refinery. First, Phillips 66 recently applied to San Luis Obispo County and the San Luis Obispo Air Pollution Control District for a permit to increase the throughput production of semi-refined products at the Santa Maria Refinery ("SMF Throughput Project"). The purpose of the SMF Throughput Project is to send additional semi-refined products to the Rodeo facility. See SMF Throughput Project EIR, attached to Fox Report. As the Fox Report explains, this 8,675 barrels per day ("BPD") throughput increase would necessarily be included in the streams from which propane and butane would be recovered at the Rodeo Refinery. Fox Report at 5, 6. This increase would be converted into semi-refined products in the SMF's distillation units and coker to yield gas oil and naphtha, which would be sent to the Rodeo Refinery, where propane and butane would be separated, contributing to the propane/butane slated for recovery by the Rodeo Project. *Id.*

Phillips 66 also recently proposed a Project that would extend a rail spur at the Santa Maria Facility to import increased amounts of crude to support the SMF Throughput Project ("SMF Rail Spur Project"). See SMF Rail Spur Project Application, attached to Fox Report. As the Fox Report explains, the SMF Rail Spur Project, would allow the import of cost-advantaged tar sands crudes:

Tar sands crudes are heavier and more viscous than the feedstock currently processed at either Rodeo or Santa Maria. These crudes are thus commonly blended with 25% to 30% diluent to facilitate transporting them by rail or pipeline. The blended crude is known as a "DilBit." The diluent is typically natural gas condensate, pentanes, or naphtha. The diluent can be readily separated and recovered as propane/butane at Rodeo. Fox Report at 7.

These crudes would be processed at the Santa Maria Facility into semi-refined products and sent to Rodeo. As discussed previously, Phillips 66 has publicized its intent to get advantaged crudes to the West Coast. See also 2013 Barclays CEO Energy-Power Conference, attached as Exhibit B and Q1 2013 Phillips 66 Earnings Conference Call – Edited Transcript, attached as Exhibit C.

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In sum, there is plenty of “telling evidence” within and outside of the Rodeo Refinery Project EIR regarding the intimate connection between the proposed Project, the SMF Throughput Project and the Rail Spur Extension Project. These projects are intimately connected in that the Rodeo Project depends on the projects at the Santa Maria Facility and vice versa. Consequently, these are connected actions and therefore must be analyzed concurrently with the direct impacts of the proposed Project itself. CEQA Guidelines, § 15378, subd. (a) (agency must evaluate the environmental impacts of the whole of the action).

Lastly, under CEQA, even assuming, *arguendo*, that the SMF projects are not integral parts of the proposed Project, the EIR must still discuss the SMF projects. *Laurel Heights I*, 47 Cal.3d at 398 (requiring discussion “in at least general terms” of future activity in connection with a project, even if the project is contingent on uncertain occurrences). While the FEIR now adds a brief discussion of the SMF Projects, it claims, absent any evidence, that the type of crude oil processed by the SMF would have *no effect* on the Rodeo Refinery Project. FEIR at 2-4 (emphasis added).

In sum, the EIR’s incomplete, unstable and vague project description undermines the validity of the document’s environmental impact analyses. The document should be revised to correct these many deficiencies.

II. The EIR’s Analysis of and Mitigation for the Impacts of the Proposed Project Are Inadequate.

The discussion of a proposed project’s environmental impacts is at the core of an EIR. See CEQA Guidelines § 15126.2(a) (“[a]n EIR *shall* identify and focus on the significant environmental effects of the proposed project”) (emphasis added). As explained below, the EIR’s environmental impacts analysis is deficient because it fails to provide the necessary facts and analysis to allow the County and the public to make informed decisions about the Project. An EIR must effectuate the fundamental purpose of CEQA: to “inform the public and its responsible officials of the environmental consequences of their decisions before they are made.” *Laurel Heights Improvement*

Ass'n v. Regents of University of California (1993) 6 Cal. 4th 1112, 1123 (1993) ("*Laurel Heights II*"). To do so, an EIR must contain facts *and* analysis, not just an agency's "bare conclusions." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 568. Thus, a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal.

Additionally, an EIR must identify feasible measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4. Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002.

Although the Project clearly has the potential to degrade the environment, neither the public nor decision-makers have any way of knowing the magnitude of this harm. Often, the EIR asks the wrong questions so that the Project's environmental impacts appear benign, non-existent, or even beneficial. In other instances, the document lacks the necessary detail to verify the validity of its analyses. Consequently, the EIR fails to provide decision-makers and the public with detailed, accurate information about the Project's significant environmental impacts and to analyze mitigation measures and alternatives that would reduce or avoid such impacts.

A. The EIR Fails to Adequately Analyze and Mitigate the Project's Air Quality Impacts.

1. Criteria Pollutant Emissions

The EIR's analysis of the Project's criteria pollutant impacts is riddled with errors. It relies on an inadequate study area and therefore underestimates the Project's potential to result in a substantial increase in criteria pollutant emissions. Second, it underestimates or ignores altogether emissions of criteria pollutants. The end result is that the Project will result in significant air quality impacts that the EIR does not identify or mitigate.

(a) Inadequate Study Area

The EIR substantially underestimates the Project's increase in criteria air pollutant emissions because it relies on an artificially constrained study area. The EIR authors underestimated the emissions associated with increased locomotive engine load, for

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example, because they only counted emissions released within the boundary of the BAAQMD. DEIR at 4.3-20.

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4 By restricting the size of the study area to the boundaries of the BAAQMD, the EIR gives the impression that emissions from the locomotive engines would not pollute the air outside the Air District's boundaries. As the EIR acknowledges, trains will travel from the California and Arizona border to the Richmond Yard with empty rail cars following a Union Pacific route (659 miles), then 12 miles to the Refinery unladen, followed by return mileage of these distances under load. DEIR at 4.8-16. Rather than identify the air emissions that would be generated by trains over the entire route, the EIR used a total rail track length within the BAAQMD of only 67 miles one way. DEIR Tables 4.3-6 and 4.3-7.

The locomotives used to transport recovered propane and ethane from the Refinery to market are the major source of nitrous oxide ("NO_x") emissions (>70% of total) and an important contributor to reactive organic gas ("ROG") emissions (8%). DEIR Tables 4.3-6 and 4.3-7 and Fox Report at 12. Phyllis Fox recalculated the locomotive line haul emissions for NO_x and ROG using the total track length within California, but otherwise using all of the EIR's assumptions. The criteria air pollutant emissions locomotive line haul (which is only part of the total locomotive emissions) are significantly higher than disclosed in the DEIR. This increase alone is substantial, and greatly exceeds the BAAQMD daily and annual significance thresholds. Fox Report at 12, 13. This increase in emissions constitute significant impacts for which the DEIR offers no mitigation.

(i) **NO_x Emissions Associated with the Shutdown of Boiler B-401**

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5 The DEIR errs further because it lacks the evidentiary support that the Project's significant increase in NO_x emissions would be mitigated to a less than significant level. The document determines that the Project's NO_x emissions would exceed the BAAQMD daily threshold. DEIR at 4.3-20. The DEIR identifies as mitigation for these NO_x emissions 10.8 tons of NO_x reductions per year resulting from shutdown of process heater B-401. *Id.* at 4.3-20, 21. As discussed in our prior letter and in the Fox Report, the shutdown of this heater occurred in October 2011 as mitigation for marine vessel emissions in connection with the Marine Terminal Offload Limit Revision Project. DEIR at 4.3-20. The BAAQMD confirmed the DEIR's problematic approaching stating that it was unable to find any support for the claimed emission reductions. See Fox

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Report at 11. The BAAQMD further expressed concern that "emission from Unit 240 [the shutdown process heaters] may have shifted to other existing equipment due to increased operating demand." *Id.* Further, the DEIR and the record supporting it do not contain any evidence that the emission reductions are permanent, real, and quantifiable.

(ii) **NO_x Emissions from the Steam Power Plant**

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The DEIR disclosed that steam would be provided by either a new steam boiler or by the existing Steam Power Plant ("SPP"). DEIR at ES-5, 3-7, 3-20. The DEIR included NO_x emissions only for the new boiler. DEIR at Tables 4.3-6 and 4.3-7. However, since the DEIR was released, Phillips 66 elected to use the existing Steam Power Plant to generate the required steam. *See* Fox Report at 14. As the Fox Report explains, the SPP would emit four times more NO_x than disclosed in the DEIR (15.6 tons/year for the SPP compared to 3.7 ton/yr for the steam boiler). Fox Report at 19. The NO_x emissions from supplying just the steam for the hydrotreater exceed the NO_x significance threshold of 10 ton/yr and are thus a significant undisclosed air quality impact of the Project. The EIR offers no mitigation for this significant increase in NO_x emissions.

(iii) **Sulfur Dioxide Emissions**

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The DEIR claims that the Project would reduce sulfur dioxide ("SO₂") emissions by at least 50%, resulting in an SO₂ emission decrease of at least 180 ton/yr. DEIR at ES-2, 3-5, 4.3-19. The emission inventory in Table 4.3-7 takes credit for a reduction in SO₂ emission of 172.4 ton/yr. DEIR at Table 4.3-7. The BAAQMD Permit Application made a similar claim. However, there it claimed a reduction of 174.7 ton/yr, of which 7.61 ton/yr was proposed to offset Project SO₂ increases and the balance to be banked as Emission Reduction Credits ("ERCs"). *See* BAAQMD Permit, attached to Fox Report. Since the release of the DEIR, Phillips withdrew its banking application, casting doubt on its claim of a SO₂ reduction. *See* Exhibit P.

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Thus, there is no support, in either the EIR or the BAAQMD permitting record, for the claimed reduction in SO₂ emissions. Emission reductions used to offset impacts must be permanent, real, and quantifiable. There is no evidence that the claimed SO₂ emission reductions meet any of these criteria. In fact, as the Fox Report explains, any claimed reductions could be a myth if the Refinery feedstock is modified to include a larger proportion of high sulfur tar sands crudes, imported through the Santa Maria Facility projects. Further, any such SO₂ reduction would be accompanied by an increase in other

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SMW criteria pollutant emissions from the Sulfur Recovery Units and from trucks used to transport the recovered sulfur product to market.

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Inasmuch as the EIR provides no support for its claimed reduction in SO₂ emissions, the Project will likely result in a significant increase in SO₂ emissions.³ The EIR offers no mitigation for this impact.

(iv) Carbon Monoxide Emissions

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SMW The Project would significantly increase emissions of carbon monoxide ("CO"). Carbon monoxide is emitted from all combustion sources, including locomotives, trucks and commuter auto trips, steam generation, and combustion of the recovered propane and butane at fired sources. The EIR is silent on CO emissions from the entire Project.

(v) The EIR Fails to Include Emissions from All of the Project's Components.

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SMW The equipment required to recover propane and butane from the refinery fuel gases and to remove sulfur from the recovered products requires various inputs to operate. The EIR omits many of these sources of Project-related emissions including the hydrogen plant and the sulfur recovery unit. As the Fox Report explains, not only does the EIR fail to quantify the increase in emissions from these Project components, the document does not provide any data or other documentation needed to estimate these emissions. See Fox report at 18, 19.

(vi) The EIR Fails to Include the Project's Indirect Source of Emissions.

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SMW The DEIR fails to include criteria pollutant emissions from burning propane/butane. As discussed below in the context of the EIR's greenhouse gas ("GHG") impact analysis, the EIR incorrectly assumes that the Project's increase in emissions would be offset by removing 14,500 BPD of butane and propane from the fuel gas system and replacing it with natural gas and the shutdown of Plant 4 Hydrogen Plant and B-401

³ The EIR is further deficient because it does not include any thresholds of significance for SO₂ emissions.

Heater. Yet, a reduction would only occur if the propane/butane are not used as fuel, which is their usual end use.

SMW 10 Phyllis Fox estimated the NO_x, particulate matter 10 ("PM₁₀"), and ROG emissions from burning recovered propane and butane and determined that they would exceed the BAAQMD's significance thresholds by a large margin. See Fox Report at 16. CO emissions would also greatly exceed the BAAQMD significance thresholds.

V As discussed above, the DEIR ignored the Project's potential to increase CO emissions altogether. As the Fox Report explains, the combustion of propane and butane would generate 241 and 245 tons per year of CO, respectively.

2. The EIR Incorrectly Concludes the Project Would Not Conflict with the Bay Area Air Quality Plan.

SMW 11 The EIR relies on the assumption that the Project would not exceed the BAAQMD significance thresholds to conclude the Project would not conflict with or obstruct implementation of the 2010 Clean Air Plan. DEIR at 4.3-15. For the reasons discussed above, Project-related emissions would exceed the BAAQMD significance thresholds. Consequently, the EIR's conclusion that the Project will not conflict with or obstruct implementation of the Clean Air Plan cannot be sustained.

B. The EIR's Analysis of the Project's Potential to Impact Public Health Is Flawed.

▲ The EIR fails to adequately analyze the Project's potential to expose nearby sensitive receptors to emissions of toxic air contaminants ("TACs"). The most serious omissions are discussed below.

SMW 12 First, the EIR provides no information about existing exposure to TACs in the vicinity of the Refinery, the starting point for any adequate analysis of a project's potential to impact public health. This omission violates CEQA's core requirement that an EIR include an adequate "description of the physical environmental conditions in the vicinity of the project." CEQA Guidelines § 15125(a). As the Guidelines instruct, "[k]nowledge of the regional setting is critical to the assessment of environmental impacts." *Id.* § 15125(c). Unless the EIR adequately describes the public's existing exposure to TACs, decision-makers cannot: (1) understand the scope of the existing TAC problem; (2) measure the Project's new TAC impacts against a baseline of current TAC

emissions; (3) evaluate mitigation of those impacts; or (4) intelligently decide whether the Project's approval is worth the risk.

Although the EIR does not disclose it, the area surrounding the Rodeo Refinery is already considered an "impacted community" by the BAAQMD. See BAAQMD CEQA Guidelines at 5-2; 5-3 and Figure 5-1, attached as Exhibit D. According to the District, "impacted communities" experience relatively high exposure to TACs in comparison to other communities. *Id.* Given the fact that the surrounding community is already disproportionately impacted by the number of industrial and refinery projects in the area, one would expect the EIR to comprehensively describe each of the sensitive receptors that could be potentially impacted by the Project. Unfortunately, this is not the case.

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12 An adequate impact analysis would necessarily begin with a thorough description of existing sensitive receptors (i.e., those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). These receptor locations include residential communities, schools, daycare centers, playgrounds, and medical facilities. Yet, other than a passing reference to the Bayo Vista neighborhood, the EIR does not identify the specific location of any of these sensitive receptors.⁴ Nor does it describe the existing health of nearby sensitive receptors. It is imperative that the EIR disclose this information because a Project's potential to result in significant environmental impacts varies by setting. CEQA Guidelines § 15064(b). Thus, individuals who already suffer from high rates of asthma and other respiratory disease may experience greater-than-average sensitivity to Project-generated TAC emissions.

The EIR preparers could have obtained current TAC data from either of two sources: EPA's AirData reports or the TAC predictions in the National Air Toxic Assessment Model, which are available for every U.S. census tract.
<http://www.epa.gov/nata2002/methods.html>

The EIR's deficient analysis of the Project's health risks extends beyond its failure to describe the existing environmental setting. While the EIR includes a health risk

⁴ A separate section of the EIR acknowledges that the Bayo Vista Child Development Center is located 0.5 miles from the Propane Recovery Unit and 0.2 miles from the rail spur on which propane-filled rail cars would be staged. DEIR at 4.9-1. This is the only specific sensitive receptor identified in the EIR.

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assessment ("HRA") that purports to include Project-related emissions, the Project has changed in at least two fundamental ways since the HRA was prepared. First, the EIR explains that the source that would contribute the most to the modeled cancer risk at the MEIR (maximally exposed individual residence) is the proposed fuel gas-fired steam boiler. DEIR at 4.3-23 and DEIR Public Health Supplement at 25. The EIR concludes that since the cancer risk from this boiler is greater than 1 per million, the implementation of Toxic Best Available Control Technology is required by the BAAQMD Regulation 2-5-301.⁵ *Id.* Yet, as discussed above, Phillips 66 modified the Project subsequent to the release of the DEIR. Phillips 66 no longer intends to use the boiler but will instead use the steam power plant to generate the required steam. As the Fox Report explains, NO_x emissions associated with the use of the steam plant would be four times greater than disclosed in the DEIR. Fox Report at 18,19. The FEIR fails to analyze the increase in TAC emissions from the use of the steam plant. Given the increase in NO_x emissions, there is a strong likelihood that the increase in TAC emissions would also be significant.

Second, as discussed above, there is no support in either the EIR or the BAAQMD permitting record for Phillips 66's claimed 180 ton/yr reduction in SO₂ emissions. SO₂ is known to be deleterious to human health. Exhibit D at C-12 (BAAQMD CEQA Guidelines). It can aggravate respiratory diseases and reduce lung function. *Id.* at C-15, C-16. The HRA must be revised to include accurate SO₂ emissions.

In addition, as the Fox Report explains, the feedstocks that could arrive at the Rodeo Refinery for recovery as propane and butane may include tar sands crudes blended with diluents or "DilBits." Fox Report at 13. These DilBits contain significant amounts of hazardous air pollutants ("HAPs"), such as benzene, a potent carcinogen. These would be emitted at many fugitive components in the Refinery, including compressors, pumps, valves, fittings, and tanks, in greater amounts than from baseline feedstock. The revised HRA must include HAP emissions from the use of increased amounts of tar sands crudes.

⁵ Although the DEIR relies on the implementation of Toxic Best Available Control Technology to apparently conclude that the Project would not result in significant public health impacts, it never explains what this control technology consists of. DEIR at 4.3-24. Nor does the EIR require this control technology as a mitigation for the Project's impacts. Consequently, the EIR lacks the evidentiary support to conclude that the Project's public health impacts would be less than significant.

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Finally, the EIR does not include on-site workers in the analysis of health risks. The DEIR acknowledges that for off-site worker receptors, an exposure time of 8 hours per day, 5 days per week and 49 weeks per year for 40 years was assumed. EIR Public Health Risk Supplement at 23. The EIR should also use these assumptions to assess the Project's impacts on workers at the Rodeo facility.

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The HRA must be revised to include all of these Project-related emissions. If the health risk is determined to be significant, the EIR must identify feasible mitigation to eliminate or reduce these risks.

C. The EIR Fails to Adequately Analyze the Project's Odor Impacts.

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Despite the presence of numerous substances present in the refining processes that are known to cause odors such as hydrogen sulfide ("H₂S"), SO₂, and other reduced sulfur compounds, ammonia, and some organic compounds, including benzene, naphthalene, and toluene (DEIR at 4.3-16), the EIR reaches the conclusion that the Project will not cause a significant odor impact. The document reaches this conclusion based solely on the claimed 50 percent reduction in SO₂ emissions. In fact, the EIR boasts that the Project would have a *beneficial* impact on odor emissions. *Id.* (emphasis in original).

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The occurrence and severity of odor problems depends on numerous factors, including the nature, frequency and intensity of the source, wind speed and direction, and the sensitivity of the receptor(s). Exhibit D at 7-1 – 7-5 (BAAQMD CEQA Guidelines). Other than its brief statement regarding SO₂ emissions, the EIR provides no explanation as to why the Project would not result in any odorous emissions. The public therefore has no way to verify this finding. This lack of information violates CEQA's core purpose of promoting informed decision-making. See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, 447.

The EIR does not identify the type of odor sources that would be produced by the Project; the frequency of odor events generated by odor source(s) (e.g., operating hours, seasonal); or the distance and landscape between the odor source(s) and the sensitive receptor(s) (e.g., topography, land features). Nor does the document provide any information as to whether the refinery is already a source of odor complaints or whether the Refinery even monitors for odorous emissions. In addition, the EIR does not identify standards of significance against which odor impacts would be evaluated.

As mentioned above, the EIR's perfunctory "analysis" of odors addresses only one compound, SO₂. Also as discussed above, the EIR cannot rely on claimed reductions in SO₂ since there is no support in the EIR or BAAQMD permitting application for these reductions. The EIR never even mentions, let alone analyzes, whether any of the new equipment or operations would result in an increase in other odor producing chemicals, such as hydrogen sulfide, other reduced sulfur compounds, ammonia, and organic compounds, including benzene, naphthalene, and toluene.

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The EIR should be revised to include a comprehensive assessment of odors caused by the proposed Project. The BAAQMD provides guidance for conducting this analysis. Exhibit D at 7-1-7-4 (BAAQMD CEQA Guidelines). Should the analysis determine that the Project's odor impacts are significant, the EIR must identify feasible mitigation measures. The BAAQMD identifies feasible odor mitigation measures for petroleum refineries. These include: (1) water injections to hydrocracking process; (2) vapor recovery system; (3) injection of masking odorants into process streams; (4) flare meters and controls; (5) wastewater circulation technology for aerated ponds; (6) exhaust stack and vent location with respect to receptors; (7) thermal oxidizers; (8) carbon absorption; and (9) biofiltration/bio trickling filters. *Id.*

D. The EIR Fails to Adequately Disclose and Analyze Project-related Hazards and Public Safety Risks.

The Project has the potential to pose a substantial risk to the safety of the surrounding community. The Project is located in close proximity to a residential area. The sensitive receptors nearest to the active area of the Refinery include a day care center, the Bayo Vista Child Development Center ("BV CDC"), which is located approximately 0.5 mile southwest of the site of the Propane Recovery Unit. The existing rail spur, which is currently used to transport butane, and on which propane-filled rail cars would be staged, is located approximately 0.2 miles from the BV CDC. DEIR at 4.9-1. The proximity of residents and school children to the Refinery calls for careful and thorough evaluation of the potential risks associated with the proposed Project. Yet the EIR fails to adequately identify or evaluate these potential hazards. Central to an evaluation of a refinery's potential for accidental releases is a description of the operator's existing record of regulatory compliance and history of releases and other incidents. Here, we can find no indication that such an evaluation has been included in the EIR.

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The DEIR defers until after Project approval preparation of a "hazards and operability study" which will allegedly identify process hazards involving acutely hazardous material. DEIR at 4.9-12. Although the DEIR asserts that hazards associated with the refinery could result in substantial property damage and severe off-site injuries, the document concludes, absent any evidentiary support, that since the probability of an accident is unlikely the impact would be insignificant. *Id.* In essence, the DEIR ignores the potentially catastrophic consequences of an accident by focusing on the alleged improbability of one occurring.

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Incidents such as those that occurred at Chevron's Richmond oil refinery in August 2012 confirm that refining oil is an inherently dangerous process. According to the report "Improving Public and Worker Safety at Oil Refineries" prepared by Governor Jerry Brown's Office, every week, the U.S. Department of Energy ("DOE") receives reports on process safety incidents in the U.S. refinery industry. See Improving Public and Worker Safety at Oil Refineries Draft Report of the Interagency Working Group on Refinery Safety Governor Jerry Brown, dated July 2013, attached as Exhibit E. The week that ended March 14, 2013 had 26 reported incidents, including unplanned flaring at the Torrance, California Exxon Mobil Refinery; an unplanned shut-down of the hydrocracking unit at Valero's Benicia, California facility; and the unexplained restart of a major electrical unit at the Chevron Refinery in Richmond, California. *Id.* News reports in the past few months tell of multiple catastrophic events that have resulted in fatalities, serious injuries, and devastating environmental effects. See Associated Press, *Crews Slowed by Heat in Attacking California Rail Fire*, NBC News, Aug 24, 2011; Bret Schulte, *Oil Spill Spotlights Keystone XL Issue: Is Canadian Crude Worse?*, April 4, 2013; Marianne Lavelle, *Oil Train Crash Probe Raises Five Keys Issues on Cause*, National Geographic, July 11, 2013; David Boroff, *At Least Eight Injured, Five Critically, as Explosions Rock Blue Rhino Propane Gas Plant in Florida*, New York Daily News, July 30, 2013; and Matthias Gafni, *Benicia: Three Valero Refinery Rail Cares Filled With Coke Derail*, Contra Costa Times, Nov. 5, 2013, all attached as Exhibit F.

The Phillips 66 Refinery has itself experienced numerous incidents, including the June 15, 2012 process water tank release of hydrogen sulfide and natural gas vapors and the October 22, 2010 release of heavy black smoke and excess gasses from the facility's flare due to an unplanned shutdown of the Air Liquide hydrogen plant. The EIR authors cannot refuse to study the implications of accidents and releases by cavalierly assuming such incidents will not occur.

SMW 14 As the Fox Report explains, the Project would increase the amount of hazardous materials processed at the Refinery and transported by rail in close proximity to area residents, which has the potential to pose a substantial threat to the health and safety of the residents of Rodeo. Yet, the EIR's treatment of potential increased risks to public safety is dismissive and identifies this impact as insignificant. DEIR at 4.9-14, -18, and 19.

In sum, the EIR's analysis of hazards and public safety risks is flawed because it (1) fails to describe the Refinery's regulatory history and history of violations; (2) fails to adequately analyze significant risks to the adjacent communities; and (3) fails to identify mitigation to minimize those impacts. A description of the most glaring flaws is summarized below.

1. The EIR Fails to Describe the Refinery's Regulatory History and History of Violations.

SMW 15 The DEIR discusses the health and safety regulatory framework applicable to refineries generally but fails to take the next necessary step – disclosing Phillip 66's record of legal and regulatory non-compliance. Based on our research, the facility was issued 168 Notices of Violation between December 2003 and April 2011 and has had several incident reports since 2011. See BAAQMD Compliance Memorandum dated May 5, 2011 and BAAQMD Incident Report Information attached as Exhibit G. As discussed below, the EIR omits so much information that it does not come close to meeting CEQA's standards as an informational document.

According to the U.S. Environmental Protection Agency ("EPA") the Refinery ranked as the 8th most toxic polluter of all California facilities with large chemical releases. Phillips 66 was ranked 12th on the Toxic 100 Air Polluters index. See EPA 2011 Toxics Release Inventory and the Political Economy Research Institute Toxic 100 Air Polluters attached as Exhibit H. This index, prepared by the Political Economy Research Institute, identifies the top U.S. air polluters among the world's largest corporations and ranks corporations based on the chronic human health risk from all of their U.S. polluting facilities.⁶

⁶ The index relies on the U.S. EPA's Risk Screening Environmental Indicators ("RSEI"), which assesses the chronic human health risk from industrial toxic releases. The underlying data for RSEI is the EPA's Toxics Release Inventory ("TRI"), in which facilities across the U.S. report their releases of toxic chemicals. In addition to the amount

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These compliance rankings are of extreme concern given the facility's proximity to an established residential community and the Carquinez Strait.⁷ Given that this Project would implement operations to allow a highly volatile hazardous material transfer on ground subject to liquefaction, Phillips 66's regulatory compliance record is highly relevant. A revised EIR must disclose this compliance record as the baseline for determining the Project's potential threat to public safety.

2. **The EIR Fails to Adequately Identify or Analyze Public Safety Impacts.**

(a) **Rail Transport and Storage**

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The Project proposes the movement of an additional eight liquefied petroleum gas ("LPG") rail cars per day from the Refinery to the Richmond rail yard. After assembling a longer train, the loaded LPG train cars will proceed east through heavily population communities of Richmond, Hercules, Rodeo, Crockett, Port Costa, and downtown Martinez, eventually proceeding to the California-Arizona border. This transfer of LPG will be in addition to the number of LPG rail tank cars that are currently transported from other refineries in the area.

The proposed Project will result in a 145 percent increase in the amount of butane and propane transported off-site via rail. DEIR at Table 3-2 Project Component Matrix at 3-21. Despite the substantial increase in the amount of butane and propane transported off-site via rail, the EIR concludes that the Project would not result in *any* increased safety risks to nearby residents and school children. DEIR at 4.9-14. The EIR contends that because the Refinery already transports butane by rail past these sensitive receptors, the baseline risk already exists and the Project would not introduce new risks. *Id.* and FEIR at 2-17 and 2-19. The EIR provides no evidence to support this conclusion. In fact, studies show that train length is an important factor in derailments in that a longer train is more likely to derail. See "Analysis of Major Derailment Causes on Heavy Haul Railways in the United States", X. Liu, et.al. attached as Exhibit I. In addition, in the

of toxic chemicals released, RSEI also includes the degree of toxicity and population exposure.

⁷ The Carquinez Strait is part of the tidal estuary of the Sacramento and the San Joaquin Rivers as they drain into the San Francisco Bay.
http://en.wikipedia.org/wiki/Carquinez_Strait

event of a derailment of rail tanks of propane, the additional flammable/explosive material being transported would result in a greater amount of material released and would impact a larger area compared to existing conditions.

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Moreover, the EIR relies on the assumption that such accidents are so rare that there is virtually no real risk to the adjacent communities. The EIR's methodology for evaluation of public safety risks inappropriately assumes that public safety risks from accidents at the Refinery are only considered significant if the accidents result in both moderate or high severity injuries/damage and occur once a decade or more. DEIR at 4.9-16. For example, the EIR discloses that the Project would cause an increase in the transport of aqueous ammonia, but determined any impacts would be less than significant because the likelihood of a release during transport is "improbable." DEIR at 4.9-19. Yet, releases of aqueous ammonia are not unprecedented. In fact, Chevron's El Segundo facility experienced a release of this compound in 1998. See U.S. Department of Labor Occupational Safety & Health Administration, attached as Exhibit J. While Chevron also never expected such a release, and would likely have considered such an event improbable, accidents at petroleum facilities occur all too frequently. See Improving Public and Worker Safety at Oil Refineries Draft Report of the Interagency Working Group on Refinery Safety Governor Jerry Brown dated July 2013, attached as Exhibit E.

Of course, for adjacent residents and workers, any accidents resulting in impacts beyond the facility's fence-line may have devastating effects. Yet the EIR fails to define what constitutes a "minor injury" and a "serious" injury. Given the close proximity of sensitive receptors to the Refinery and to the tracks used to and for rail transport, what the EIR preparers might consider a "minor injury" could be serious. Emissions from accidental releases may cause adverse effects in healthy individuals and exacerbate conditions in people with chronic illnesses.

Finally, the EIR's evaluation of potential accident scenarios is vague and fails to describe the resulting impacts to nearby residents. For example, the EIR indicates that three of the accident scenarios evaluated would result in moderate to severe injuries, fatalities and property damage. DEIR at 4.9-20 and 21. However, the EIR fails to indicate the extent of area that would be effected by the accidents and fails to describe the resulting impacts to the community. How far would the impacts extend? How many people would be injured? How many fatalities would be expected? What sort of property damage would Rodeo residents experience? An EIR must also provide "information about how adverse the adverse impact will be." *Santiago County Water District v. County of Orange* (1981) 118 Cal. App. 818, 831. Without this information,

SMW 16 it is impossible for County decision makers and the public to evaluate the extent and severity of the Project's impacts relevant to public safety.

(b) Accidents and Releases from the Facility

SMW 17 Pressurized propane storage poses an extremely high-magnitude impact hazard and is exacerbated by site-specific factors (*i.e.*, seismically active area susceptible to liquefaction) that increase the likelihood and potential magnitude of impacts. The EIR acknowledges that although this occurs very rarely, the potential exists for a catastrophic failure of an LPG storage vessel such as a "boiling liquid expanding vapor explosion" or BLEVE. DEIR at 4.9-2, 4.9-18, 4.9-19 through 4.9-22, 6-5. The potential impacts of such an incident could be catastrophic. The EIR again concludes that the likelihood of such incidents is so rare that the impact is less than significant and therefore does not warrant mitigation.

Commenters have identified potential mitigation measures to eliminate the catastrophic risk resulting from the rupture of an LPG storage tank. The FEIR dismisses as "infeasible" cooling the LPG storage tanks instead of pressurizing because of the added costs for electricity and the need to construct a new flare. DEIR at 6-5. While the EIR implies that the cost of implementing cooled LPG storage tanks would exceed the cost of pressurized tanks, it provides no evidence supporting this assertion. Moreover, cost alone is not a legitimate basis for rejecting an alternative from EIR consideration. CEQA Guidelines § 15126.6(f)(1).

(c) The EIR Defers Analysis of Potentially Significant Impacts Involving the Release of Hazardous Materials.

SMW 18 The EIR lacks sufficient information to enable the public and decision-makers to make an informed judgment regarding the Project's potentially significant impacts related to the release of hazardous materials. Here too, the EIR relies on conclusory statements that are specifically prohibited under CEQA. See *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371 (striking down an EIR "for failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 659 ("[D]ecision makers and general public should not be forced to . . . ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.").

Perhaps most egregious, the EIR identifies the need for a detailed hazards and operability study of the Project-related changes. DEIR at 4.9-12. Yet, rather than conduct this detailed study now, as required by CEQA, the EIR promises to complete the study after Project approval. *Id.* ["Upon completion of the Project, the Hazardous Materials Business Plan that provides input to the RMP would be updated and the RMP scenarios reviewed for potential change as a result of the Project."]. In the absence of this study, the public and decision-makers are left in the dark as to the severity and extent of the Project's hazards.

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Similarly, although the EIR acknowledges the presence and likely disturbance of contaminated soil in the Project area (DEIR at 4.9-10), it ignores potentially significant impacts related to disturbance of these soils. The EIR concludes, absent any analysis, that the Project would not result in impacts because contaminated soils would be handled in accordance with regulatory requirements. DEIR at 4.9-15. The EIR assumes that simply because the Project is proposed to conform to existing regulations, it will not have a significant environmental impact. This is not the standard under CEQA. Under well-established case law, compliance with existing policies and regulations does not excuse the agency from describing Project activities or from analyzing resulting impacts. See *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1108-09 (environmental effect may be significant despite compliance with such requirements). Therefore, the EIR provides no evidentiary support for the conclusion that the Project's impacts related to hazardous materials would be less than significant.

In another example, the EIR acknowledges that the Project would "tend to interfere with roads, access, and egress within the refinery especially during construction." DEIR at 4.9-15. The EIR even states that "the Project would have to be integrated into refinery operations and its Emergency Response Plan." *Id.* However, instead of analyzing the impacts on site access, operations, and emergency response, the EIR concludes that the unspecified "integration" of the Project would result in no impacts. *Id.* Here too, the EIR lacks any evidentiary support that there would be no impact relating to emergency response. Obstructing, or in any way interfering with, evacuation routes near an operating oil refinery is an extreme cause for concern. As the EIR acknowledges, the Rodeo-Hercules Fire Protection District has closed Fire Station 75 in Rodeo indefinitely due to budget cuts. DEIR Comments from Richard Ryan, Rodeo-Hercules Fire Protection District to Lashun Cross, Contra Costa County, dated August 8, 2013, FEIR at 3.1-26. Thus, the Project's interference with evacuation procedures combined with reduced emergency services in the community could result in

devastating impacts following an accident at the refinery. A revised EIR must clearly disclose the Refinery's emergency response and evacuation plans. These evacuation plans must take into account nearby residents and workers, not just the Refinery's employees.

SMW 18 Finally, the EIR completely ignores impacts to worker safety. Other than a description of the regulatory setting related to worker safety (DEIR at 4.9-5) the EIR provides no analysis of the Project's risks to on-site workers. The Project will increase the amount of hazardous materials handled at the facility and will require a site safety plan to protect workers and the public from exposure to potential hazards at the site. DEIR at 4.9-6. Analysis of these risks and preparation of the site safety plan must be performed as part of the environmental process and not deferred until after project approval.

Because the EIR relies on plans that are not yet approved, and because it fails to provide enforceable measures and performance standards, there is no assurance the Project's impacts related to hazards would not be significant and that they would be mitigated at all. *See Sacramento Old City Ass'n v. City Council* (1991) 229 Cal. App. 3d 1011. A revised EIR must identify all feasible mitigation measures and analyze alternatives that would substantially lessen the significant impacts of the Project.

E. The EIR Fails to Adequately Analyze the Project's Impacts Related to Geologic Hazards.

SMW 19 The EIR's impact analysis lacks the detail that CEQA requires. As discussed below, the EIR includes only cursory conclusions that the potential for impacts exist, but lacks the necessary analysis of those impacts. Specifically, the Project would locate an LPG loading rack, rail cars containing propane, and two new rail spurs on soils that are highly susceptible to liquefaction in the event of an earthquake. DEIR at 4.7-8. Despite this site limitation, the EIR defers preparation of a site-specific geotechnical report and relies on an incomplete investigation of the geotechnical conditions at the Project site. The EIR then concludes, absent any evidentiary support, that related impacts would be less than significant. This approach is impermissible under CEQA.

First, the EIR relies in part on a preliminary geotechnical investigation performed in 2002 for previous improvements at the Refinery site. DEIR at 4.7-3. However, the EIR admits that potential liquefaction hazards were not specifically analyzed during this

preliminary geotechnical investigation. *Id.* at 4.7-7. Thus, the 2002 geotechnical study fails to address the conditions at the Project site and cannot be relied upon to support the current impact analysis.

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Second, the EIR relies on a Geologic Peer Review for the Project performed by Darwin Myers Associates. See letter from D. Myers to Lashun Cross, dated July 13, 2012 (Appendix G to November 19, 2013 County Planning Commission Staff Report) and attached as Exhibit K. This letter makes clear that extensive geotechnical documentation still needs to be prepared in order to evaluate geologic hazards on the site. *Id.* Myers states that he was not even provided with a geotechnical report, grading or foundation plans, geotechnical data on foundation conditions, the approach to site grading, drainage, or foundation design. *Id.* at 5. He goes on to state that based on his previous experience with projects on the Phillips 66 Refinery site, there is a potentially significant risk of hazards from expansive soils, undocumented fill that is inadequate for the support of planned improvements, compressible soils, and liquefaction. *Id.* The Myers letter recommends, among other things, that a site-specific preliminary geotechnical report be prepared *prior to deeming the application complete*. *Id.* Myers specifies that the geotechnical report should provide criteria to guide planning for the proposed Project improvements. *Id.* Myers confirms that this geotechnical analysis is needed for purposes of CEQA. *Id.* at 6.

Instead of performing the recommended analysis, the EIR ignores the Myers letter and defers the necessary analysis of impacts until after project approval. DEIR at 4.7-15 and FEIR at 2-11 and 2-12. Notwithstanding this incomplete investigation, the EIR concludes that Project-related risks associated with liquefaction and seismic hazards would be less than significant. DEIR at 4.7-15 through 4.7-17 and FEIR at 2-14. However, without a full investigation, the EIR has no basis to conclude that Project components proposed on the western shore of the site will not be constructed on unstable soils and will not result in significant impacts. Having failed to analyze the impacts, the EIR fails to identify feasible mitigation measures to minimize impacts resulting from the Project site's location.

An analysis of the Project's potential to locate development on unstable soils must necessarily begin with a detailed investigation of the existing conditions on the Project site. The EIR must be revised to include a comprehensive analysis of these site constraints and to identify appropriate mitigation measures. Without a full investigation, the EIR has no basis to conclude that the proposed construction of Project components in

SMW 19 an area susceptible to liquefaction would not result in impacts. Site constraints, such as underlying soil properties, must be identified prior to Project approval.

F. The EIR Fails to Adequately Analyze and Mitigate Significant Impacts to Public Services and Facilities.

20 The EIR dismisses the Project's potential to increase demand for fire protection services based on the assertion that the Refinery provides internal fire protection and emergency services on the Project site. Despite the fact that an accident at the Project site, such as an explosion of one of the propane or butane storage tanks, would impact nearby residents, the EIR completely ignores the need for emergency response services to protect the adjacent community.

SMW 20 Although the EIR discloses that recent budget cuts have necessitated cuts in emergency services (at 3.1-27) and the Rodeo-Hercules Fire Protection District Fire Station 75 in Rodeo is closed indefinitely, the EIR never evaluates the implications of the lack of adequate emergency services. The Rodeo-Hercules Fire District confirmed, in its letter to the County, that existing services are not adequate to provide the additional services required to respond to emergency situations potentially resulting from the proposed Project. FEIR at 3.1-26. Similarly, the city of Martinez has experienced closure of one of its fire stations due to County budget cuts. See fire station closure report attached as Exhibit L.

Firefighters at the closed fire stations in Rodeo and Martinez would have become first responders to a volatile hazardous materials rail accident should those stations have remained open. Ensuring the safety of the community is not just some bureaucratic hurdle to be jumped over. The County has a duty to ensure that it has the ability to provide sufficient emergency response in the event of an accident or release. As it stands, the EIR does not come close to ensuring that such provisions are in place.

The EIR also fails to analyze the Project's potential to impact public facilities and personnel in the event of a chemical release, fire, or explosion. As noted by the Rodeo Sanitary District Manager, the proposed Project facilities are located in close proximity – within 3,000 feet – of the District's treatment plant and operations building. See DEIR Comments from Steven Beall, Rodeo Sanitary District to Lashun Cross, Contra Costa County, dated August 15, 2013, FEIR at 3.1-44. The District's facilities, along with personnel at those facilities, would be at risk in the event of an accident. Yet, the EIR never analyzes the potential implications of an accident affecting the treatment plant. The

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loss of sewage treatment capabilities would be devastating to the community as well as the environment.⁸ Rather than performing the required analysis, the FEIR dismisses the comment and refers the reader to the analysis in the DEIR, which fails altogether to address the impacts in question. *Id.*

These elevated risks, and feasible mitigation, must be evaluated in a revised EIR.

G. The EIR Fails to Adequately Disclose or Analyze the Project's Greenhouse Gas Emissions.

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The EIR concludes that the Project would result in a net decrease in GHG emissions and would therefore have a *beneficial impact* with regard to climate change. DEIR at 4.8-17 and Table 4.8-3 (emphasis added). This conclusion is belied by common sense and evidence in the record. The most egregious deficiencies in the EIR's estimation of the Project's contribution to GHG emissions are identified below.

First, the EIR's calculations are severely flawed because they assume emission increases from the new boiler, additional natural gas combustion, and other miscellaneous sources would be offset by removing 14,500 BPD of butane and propane from the fuel gas system and replacing them with natural gas and the shutdown of Plant 4 Hydrogen Plant and B-401 Heater. As the Fox Report explains, however, a reduction would only occur if the propane/butane are not used as fuel, which is their usual end use. The EIR fails to disclose the use of the removed butane and propane. Butane and propane, for example, are fuels, often called liquefied petroleum gas or LPG. They are also feedstocks to various chemical processes. Either use would result in GHG emissions.

Some, perhaps all, of the recovered butane and propane will likely be sold for use as fuel. The resulting emissions are indirect emissions from the Project and must be included in the Project GHG emission inventory. Had the EIR included the use of propane/butane in its calculation of GHG emissions, it would have identified an increase of 433,266 metric tons per year ("MT/yr") of GHG from the Project. Fox Report at 11. Regardless of where the propane and butane are actually used, the environmental consequences of their use are the same and must be considered.

⁸ The District's treatment plant serves approximately 8,000 residents, and businesses in Western Contra Costa County.

Second, the DEIR estimated GHG emissions assuming 4,200 BPD of propane and 3,800 BPD of butane. Butane generates about 6% more GHG than propane per gallon burned. In correspondence with the BAAQMD, Phillips 66 has requested a lump-sum limit of 14,500 BPD (6/28/13 RTC Letter, p. 5, Response to Comment #6), which would allow them to produce 100% butane, increasing GHG emissions compared to those estimated in the DEIR.

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Third, the GHG emission calculation additionally assumes a net reduction of 234,000 MT/yr from the shutdown of the Plant 4 Hydrogen Plant and B-401 Heater. DEIR at Table 4.8-3. However, as discussed above, neither the EIR or any of the supporting documentation provides any support for the claimed reductions from these shutdown units. This is consistent with comments filed by BAAQMD on the DEIR. They were unable to find any support for the DEIR's claimed GHG reductions from decommissioning a process heater and hydrogen plant. The BAAQMD further expressed concern that "emission from Unit 240 [the shutdown process heaters] may have shifted to other existing equipment due to increased operating demand." Increased heat demand, for example, would result from recovering butane and propane for the Project and to upgrading additional semi-refined materials from the Santa Maria Facility.

Regardless, the emission reductions already occurred since the units were shutdown in 2011 as part of the Marine Wharf Project. The EIR may not take credit for reductions that are not part of the Project. Since these emission reductions have already occurred, they are part of the existing baseline and cannot be relied upon to claim a reduction in emissions from the Project.

Fourth, the Project requires the installation of a hydrotreater. The DEIR claims that the amount of hydrogen present in the existing gas streams is adequate to supply the increased hydrogen demand for this unit. DEIR at 3-25. The BAAQMD questioned this assumption and asked Phillips to accept a permit condition stating no hydrogen would be used at the new hydrotreater. Phillips declined and admitted that "... there are short periods when hydrogen from a hydrogen plant will need to be supplied." See Fox Report referencing a 4/30/13 Phillips Response Letter, p. 3, Response to Comment #4. Hydrogen plants include a furnace and vents that are significant sources of criteria pollutant and GHG emissions. Fox Report at 23. Despite this fact, the DEIR does not disclose the amount of additional hydrogen that will be required nor the resulting emissions.

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According to the Fox Report, if the GHG reductions from both the Plant 4 Hydrogen Plant and B-401 Heater Shutdown are removed from the GHG inventory in DEIR Table 4.8-3 and the increase in emissions from burning the propane and butane are added, the net increase in GHG emissions based on DEIR Table 4.8-3 would be 1.3 million MT/yr (+325,978+234,000 + 759,244 = 1,319,222 MT/yr). These emissions exceed the CEQA significance threshold by a vast amount and are highly significant. The EIR offers no mitigation for these impacts.

H. The EIR's Analysis of Impacts and Mitigation of Significant Impacts to Biological Resources Is Flawed.

As detailed below the EIR underestimates Project-related impacts to biological resources as a result of a series of errors, including the failure to: (1) describe accurately the environmental setting; (2) analyze and mitigate for impacts to sensitive species and habitats; and (3) adequately evaluate cumulative impacts. The EIR's treatment of biological impacts does not meet CEQA's well-established legal standard for impacts analysis. Given that analysis and mitigation of such impacts are at the heart of CEQA, the EIR will not comply with the Act until these serious deficiencies are remedied.

1. The EIR Contains an Inadequate Description of the Project Area's Existing Biological Resources.

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The EIR fails to accurately portray the site's underlying environmental conditions and therefore undercuts the legitimacy of the environmental impact analysis. The Project site and vicinity contain several types of wetlands, including northern coastal salt marsh, coastal brackish marsh, and coastal and valley freshwater marsh, all of which are considered sensitive habitat by the California Department of Fish and Wildlife. DEIR at 4.4-4. A number of sensitive and listed species depend on these habitats, including the salt marsh harvest mouse (federally endangered), California clapper rail (federally endangered), and black rail (State threatened). *Id.* at 4.4-27 and Table 4.4-1. The Project site drains into San Pablo Bay. The estuarine habitat of San Francisco Bay, of which San Pablo Bay is a continuous part, supports diverse marine biota. *Id.* at 4.4-6. San Pablo Bay supports over 40 species of fish, including several federally threatened species. *Id.* at 4.4-18.

Notwithstanding the rich array of biological resources on and adjacent to the Project site, the EIR relies on insufficient biological surveys. With few exceptions, surveys for sensitive plant and animal species are outdated (conducted in 1994) or entirely

absent. DEIR at 4.4-2 and 4.4-3. Rather than conduct up-to-date surveys, the EIR states that consultant biologists "examined" the proposed Project area in 2003 and 2006 by reviewing high resolution photos of the site. *Id.* at Appendix B. The EIR also attaches a species list for the Project area provided by the U.S. Fish and Wildlife Service ("USFWS"). *Id.* While aerial photos can indicate types of habitat available on and adjacent to a site, they are incapable of determining the presence or absence of species. Nor can a USFWS list of species serve as a substitute for a project-specific analysis. Indeed, the agency's list of species clearly indicates that surveys should be performed for the species and habitats associated with the project area. DEIR at Appendix B, page B-11 ["We recommend that your surveys include any proposed and candidate species on your list." (emphasis added).]

Relying on surveys that are decades old is unacceptable in that site and adjacent area conditions could be substantially altered. Instead of updating the site surveys, the EIR asserts, without any evidence, that the site conditions have not substantially changed since 1994. DEIR at 4.4-2. Yet, the DEIR itself provides evidence of changed conditions when it states that the importance and sensitivity of wetlands has increased as a result of widespread filling and destruction to enable urban development, and that since 1994, the status of several species with the potential to occur in the project vicinity has changed. DEIR at 4.4-18 and 4.4-8. Additionally, agency-required protocols for surveys are likely to have changed since 1994.

The EIR's perfunctory description of the sensitive species and habitats present in the Project area results in an incomplete description of the sensitive environmental setting of the Project. According to settled case precedent, this failure to describe the Project setting violates CEQA. *See San Joaquin Raptor*, 27 Cal. App. 4th at 724-25 (environmental document violates CEQA where it fails to completely describe wetlands on site and nearby wildlife preserve). The revised EIR must include an update of biological conditions on the site and in adjacent areas that provide habitat, including aquatic habitat in the coastal waters adjacent to the site. This information must be provided for each species that can potentially occur in the vicinity of the Project. Without it, the document cannot evaluate the Project's impacts on wildlife.

2. The EIR Fails to Adequately Analyze the Project's Impacts on Biological Resources.

Despite the EIR's acknowledgement that several Project components located near the shorelines are proximal to sensitive habitats (e.g., wetlands and estuarine open water

habitats), the EIR fails to analyze impacts to sensitive species that it acknowledges may be present in these habitat areas. DEIR at 4.4-4 and 4.4-25. First, although the salt marsh harvest mouse, California clapper rail, and black rail occur in the Project area (EIR at 4.4-27 and Table 4.4-1), the EIR dismisses impacts to these species, suggesting that sensitive habitats are already subject to disturbances from existing Refinery operations. *Id.* at 4.4-25. This approach violates CEQA. The fact that sensitive biological resources already suffer from disturbance and pollution does not mean that impacts would not be significant. To the contrary, if sensitive species are using habitats in a stressed ecosystem, even incremental additional stressors could cause further harm. Therefore, it is critical that the EIR describe existing conditions in sensitive habitats areas and evaluate the extent and severity of any direct and indirect impacts resulting from the Project.

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23 Second, the Project does not analyze impacts to sensitive fish species from the Project's operations. The Project site falls within the San Francisco Bay Hydrologic Basin. DEIR 4.10-1. The Basin is designated as critical habitat for Steelhead and Chinook salmon. 50 CFR 226.211 Critical Habitat for Seven Evolutionarily Significant Units of Salmon in California, § 226.211 (a) and (b). Project components located near the shorelines are proximal to the estuarine open water habitat that border the Refinery. DEIR at 4.4-25. The EIR acknowledges that this habitat is home to several threatened fish species, including several salmonids (identified in Table 4.4-1) that may be present along the Refinery shoreline on a seasonal or year-round basis. *Id.* at 4.4-27 and 4.4-28.

The Project's once-through discharge would increase by 8,500 gallons per minute. DEIR at 4.4-27. The DEIR acknowledges that if Refinery discharge water is too hot, salmonids could be adversely impacted. *Id.* and Table 4.4-1. The EIR then concludes that, because Refinery discharges will not exceed maximum temperatures allowed under the Refineries National Pollutant Discharge Elimination System ("NPDES") permit, impacts to surrounding resources would be less than significant. DEIR at 4.4-28. However, the EIR never actually analyzes the impact of this increased discharge; instead it relies on compliance with existing regulations to ensure that Project operations won't harm fish. Under CEQA, a lead agency cannot rely on compliance with existing statutory and regulatory obligations to conclude that a project will not result in impacts. *Protect the Historic Amador Waterways*, 116 Cal. App. 4th at 1108-09 (environmental effect may be significant despite compliance with such requirements). The EIR cannot simply assume that other agencies' standards suffice to ensure a Project's impacts would be less than significant. The EIR must actually conduct an analysis of the impacts.

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Moreover, the EIR itself provides evidence that discharged waters from the Refinery may impact threatened fisheries. The document explains that discharges from the Refinery average 80 degrees Fahrenheit, with allowed maximum temperatures of 105 degrees Fahrenheit. DEIR at 4.4-27. However, the EIR fails to analyze whether discharges at these temperatures would harm salmonids that occupy adjacent habitat. Salmonids are cold water fish and the growth rate of their young are largely influenced by water temperature. See Chinook Salmon Life History, University of California, Agriculture and Natural Resources California Fish Website, available at <http://calfish.ucdavis.edu/species/?uid=20&ds=241>; and generally Moyle, P.B. 2002, *Inland Fishes of California* Revised Ed. at 251- 271 attached as Exhibit M. Apart from optimal temperatures for rearing young, few fish can survive temperatures above 24 degrees Celsius/75 degrees Fahrenheit for even short periods of time. Moyle, P.B at 255.

CEQA mandates a finding of significance for any impact that "restrict[s] the range of an endangered, rare or threatened species." Guidelines § 15065(a)(1). In *Vineyard Area Citizens for Responsible Growth, Inc., v. City of Rancho Cordova*, the Supreme Court applied this requirement, making clear that any impacts to federally designated critical habitat are *per se* significant. 40 Cal. 4th 412, 425, 449 (2007) (EIR invalidated for failure to consider significant any reduction in water flow in designated critical habitat area for the Central Valley steelhead trout). The reasoning is manifest: the federal agency charged with the protection of a listed species has the requisite expertise to determine the habitat areas that, if impacted, would "restrict the range" of the listed species, and that determination must be respected by state and local agencies under CEQA. Guidelines § 15065(a)(1); see also 16 U.S.C. § 1532(5)(A)(i) (defining critical habitat as the areas "on which are found those physical or biological features essential to the conservation of the species").

3. The EIR Fails to Analyze Cumulative Impacts to Biological Resources.

The San Francisco Bay Hydrologic Basin's deep-water channels, tidelands, and marshlands provide a wide variety of habitats that have become increasingly vital to the survival of several plant and animal species. The basin sustains rich communities of crabs, clams, fish, birds, and other aquatic life and serves as important wintering sites for migrating waterfowl. DEIR at 4.10-2. The San Francisco Bay ecological system survives in the face of myriad threats and stresses from previous development in the area,

and additional, incremental adverse impacts from habitat loss and other environmental impacts may very well push it to collapse.

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The EIR acknowledges that certain resources in the area are diminished due to environmental stressors. For example, with regard to northern coastal salt marsh, the EIR acknowledges that "the listed status of these species is reflective of the greatly diminished extent of this habitat type in the San Francisco Bay area and elsewhere." DEIR at 4.4-5. Despite this fact, the EIR fails to disclose the extent and quality of biological resources that historically occurred in the Project area, or the amount of resources already lost in the region. Yet, the EIR fails to evaluate the cumulative impacts of this Project and other projects on this habitat and the listed species that use it. It does not provide any quantification or discussion of the combined impact of this Project and nearby projects on biological resources. Instead, it wrongly assumes compliance with existing legal requirements suffices to mitigate cumulative impacts. DEIR at 4.4-27 and 4.4-28.

The dismissive approach of the EIR towards the cumulative contribution of the Project stands to condemn the remaining biological resources in this area to the proverbial "death by a thousand cuts." An EIR must include objective measurements of a cumulative impact when such data are available (or can be produced by further study) and are necessary to ensure disclosure of the impact. *See Kings County Farm Bureau*, 221 Cal. App. 3d at 729.

Finally, other refining-related projects (discussed below) will result in additional shipping traffic through the San Francisco and San Pablo Bays that will impact water quality and aquatic habitat. Yet, the EIR fails to identify, let alone analyze the cumulative increase in copper loading and other increased pollutants that will degrade water quality and aquatic and riparian habitats in the region. The revised EIR must analyze these cumulative impacts, along with the impacts to water quality resulting from discharge of coolant waters for the proposed project, and identify mitigation measures and/or Project alternatives for any impacts that are determined to be significant.

III. The EIR Fails to Adequately Analyze the Project's Cumulative Environmental Impacts From Other Refining-Related Projects.

An EIR must discuss a Project's significant cumulative impacts. CEQA Guidelines § 15130(a). A legally adequate cumulative impacts analysis views a

particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b).

A project has a significant cumulative effect if it has an impact that is individually limited but "cumulatively considerable." *Id.* §§ 15065(a)(3), 15130(a). "Cumulatively considerable" is defined as meaning that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." *Id.* § 15065(a)(3). Cumulative impacts analysis is necessary because "environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 114. Here, the EIR's analysis of cumulative impacts is incomplete, cursory and superficial.

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Initially, the analysis does not comply with CEQA's requirement that agencies first determine whether cumulative impacts to a resource are significant, and then to determine whether a project's impacts are cumulatively considerable (*i.e.*, significant when considered in conjunction with other past, present and reasonably foreseeable projects). CEQA Guidelines § 15064(h)(1). The EIR skipped the first step and focused only on the second. This error caused the document to underestimate the significance of the Project's cumulative impacts because it focused on the significance of the Project's impacts on their own as opposed to considering them in the context of the cumulative problem. It is wholly inappropriate to end a cumulative analysis on account of a determination that a project's individual contribution would be less than significant. Rather, this should constitute the beginning of the analysis.

Second, the EIR's scope is limited largely to direct, immediate impacts within the immediate Project vicinity. For example, the analysis of cumulative air quality impacts is limited to the jurisdictional area of the BAAQMD despite the fact that Project-related rail traffic would generate emissions, at a minimum, throughout California.

Third, the list of reasonably foreseeable future projects considered in the EIR is under inclusive, especially in light of the potential geographic scope of certain potentially significant impacts. One of the EIR's most egregious deficiencies is the document's

failure to disclose that several California refiners are considering developing "Crude By Rail" projects that could bring in tar sands-based dilbit crudes to each of the Bay Area refineries. See Valero's Crude by Rail Project in Benicia Could Open the Floodgates to Tar Sands in California, NRDC, attached as Exhibit N. Each of the Bay Area's refineries have either recently permitted projects or have pending permits that will facilitate transporting and refining tar sands crude. These refinery projects, including at least three projects proposed by Phillips 66 (Santa Maria Facility Throughput Extension Project, Santa Maria Facility Rail Spur Extension Project, and the Ferndale Washington Crude Unloading Facility Project), as well as several others including the Valero Crude by Rail Project, the Tesoro Project, and the WesPac Pittsburg Energy Infrastructure Project will result in the delivery of tar sands diluted with other chemicals to the Bay Area. See map of other refinery projects in the area, attached as Exhibit O.

24 Although the Rodeo Refinery EIR mentions certain of these other projects, and purports to analyze the cumulative environmental impacts from the projects it identifies, it does not come close to disclosing the staggering environmental impacts on the Bay Area. In fact, the Rodeo EIR, like the other projects' environmental documents go to great lengths to not disclose the actual nature of the projects in an attempt to mask what will be severe environmental impacts. As the Natural Resources Defense Council makes clear in reference to the Valero project,

They have gone to great lengths to make this project look benign, claiming that the refinery doesn't need any modifications, saying the new crude will be a lot like the old crude, and that the rail project as designed wouldn't be suitable to carry tar sands anyway.

Well, that may be partially true technically, but it's completely misleading. Valero applied for a permit to make major adjustments to the refinery in 2002 - for the past 11 years, they have made modifications, including increasing coking capacity and building a new hydrogen plant that will allow it to process much dirtier crude oil. As for their claim that they cannot move tar sands by rail without specially heated railcars and offloading equipment-- that's true, but by adding chemicals to dilute tar sands bitumen, they create dilbit, which flows like regular oil and can be transported in regular rail tanker cars. *Id.*

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I
Not only does the Rodeo EIR not analyze the cumulative environmental effects of each of the petroleum-related projects (again, the document incorrectly asserts that because the Project's environmental impacts would be less than significant, the cumulative effects would also be less than significant), it omits several projects from the cumulative analysis altogether.

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As discussed above, the Phillips 66 Santa Maria Facility ("SMF") and the Rodeo Refinery, are linked by a 200-mile pipeline. These facilities constitute the San Francisco Refinery ("SMR"). The SMR mainly processes heavy, high-sulfur crude oil. Semi-refined liquid products from the SMF are sent by pipeline to the Rodeo Refinery for upgrading into finished petroleum products. In August 2011, the San Luis Obispo County Air Pollution and Control District ("SLOAPCD") and San Luis Obispo County Department of Planning and Building circulated an EIR for a project to increase throughput at the SMF. Within the last year, Phillips 66 applied to the SLOAPCD to modify the existing rail spur currently on the southwest side of the SMR. The purpose of this Project is to allow SMR "to access a full range of competitively priced crude oil." Fox Report at 10.

As the Fox Report makes clear, the SMF Projects will increase the volume of products leaving the SMF for the Rodeo Refinery via pipeline including semi-refined crude oil or a combination of semi-refined crude oil and previously refined gas/oil petroleum. Despite the clear relationship between the SMF Projects and the Rodeo Refinery Project, the Rodeo Refinery EIR does not evaluate the Project's cumulative impacts. These include a cumulatively considerable increase in criteria and toxic air contaminant air emissions and greenhouse gas emissions.

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In addition, because the SMF throughput project, coupled with SMF Rail Project will enable tar sand crudes to be sent to and processed by the Rodeo refinery, the refining of increased volumes of tar sands crude will result in cumulative environmental impacts that have not been analyzed in the Rodeo Refinery EIR. As the Fox Report explains, the chemical composition of the crude raw materials that are processed by a refinery directly affect the amount and composition of emissions from a refinery. The amount and composition of sulfur in the crude slate, for example, ultimately determines the amount of SO₂ that will be emitted from every fired source in the refinery and the amount of odiferous hydrogen sulfide and mercaptans that will be emitted from tanks, pumps, valves, and fittings. Fox Report at 12.

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Fox goes on to explain that DilBits contain significant amounts of hazardous air pollutants, such as benzene, a potent carcinogen. These pollutants too would be emitted at many fugitive components in the Refinery, including compressors, pumps, valves, fittings, and tanks, in greater amounts than from baseline feedstock. *Id.* At 13. These increased emissions would result in significant public health and air quality impacts not addressed in the DEIR nor the FBIR. These include significant increases in volatile organic compounds ("VOCs") emissions not otherwise included in the emission estimates; hazardous air pollutants, including benzene, which could cause significant health impacts; and highly odiferous sulfur compounds that would individually and cumulatively cause malodors, degrade ambient air quality, increase the incidence of accidental releases, and adversely affect the health of workers and residents around the Refinery. Further, the high acid levels in these crudes and their semi-refined products would accelerate corrosion of refinery components, contributing to equipment failure and increased accidental releases. *Id.* The U.S. Geological Survey ("USGS"), confirms the Fox Report's findings. It explains that "natural bitumen," the source of all Canadian tar sands-derived oils, contains 102 times more copper, 21 times more vanadium, 11 times more sulfur, six times more nitrogen, 11 times more nickel, and 5 times more lead than conventional heavy crude oil, such as those currently refined from Ecuador, Columbia, and Brazil.⁹

Canadian tar sands crude is also considered to be the dirtiest, most carbon-intensive fuels on the plant. NASA climatologist Jim Hansen explains in the Scientific American, attached as Exhibit O. Canadian tar sands represent a significant tonnage of carbon:

With today's technology there are roughly 170 billion barrels of oil to be recovered in the tar sands, and an additional 1.63 trillion barrels of worth underground if every last bit of bitumen could be separated from sand. "The amount of CO₂ locked up in Alberta tar sands is enormous," notes mechanical engineer John Abraham of the University of Saint Thomas in Minnesota, another signer of the Keystone protest letter from scientists. "If we burn all the tar sand oil, the temperature rise, just from burning that tar sand, will be half of what we've

⁹ R.F. Meyer, B.D. Attanasi, and P.A. Freeman, Heavy Oil and Natural Bitumen Resources in Geological Basins of the World, U.S. Geological Survey Open-File Report 2007-1084, 2007, p. 14, Table 1, Available at <http://pubs.usgs.gov/of/2007/1084/OF2007-1084v1.pdf>.

already seen"—an estimated additional nearly 0.4 degree Celsius from Alberta alone.

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Notwithstanding the clear evidence documenting the effect that petroleum-refining has on GHG emissions, and enormous increase that would result from the transport, processing and refining of tar sands crudes, the Rodeo Refinery EIR concludes that there would be no cumulative increase in GHG emissions. DEIR at 5-11. The EIR lacks the evidentiary support for this conclusion.

Furthermore, it is important to acknowledge that climate change is the classic example of a cumulative effects problem; emissions from numerous sources combine to create the most pressing environmental and societal problem of our time. *Kings County Farm* ("Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause serious a serious environmental health problem."). As one appellate court recently held, "the greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant." *Communities for Better Env't v. Cal. Res. Agency* (2002) 103 Cal. App. 4th 98, 120.

Finally, the Refinery EIR omits two other projects from consideration in its analysis of cumulative environmental impacts:

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A. Phillips 66 Ferndale, Washington Crude Unloading Facility Project

Phillips 66 was recently issued a permit to construct a new crude rail unloading facility at its Ferndale Refinery in Washington. See documentation, attached to Fox Report. According to the Fox Report, this Project will directly facilitate barging tar sands crude to the Rodeo Marine Terminal.

B. WesPac Pittsburg Energy Infrastructure Project

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WesPac Energy-Pittsburg LLC (WesPac) proposes to modernize and reactivate the existing oil storage and transfer facilities located at the NRG Energy, Inc. (NRG, formerly GenOn Delta, LLC) Pittsburg Generating Station. The proposed WesPac Energy-Pittsburg Terminal (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, including Phillip 66's Rodeo Refinery. WesPac RDEIR at 2.0-1

The Terminal Project consists of the modernization and reactivation of the following components at the NRG facility: (1) marine terminal; (2) onshore storage terminal, including both East and South Tank Farms; and (3) the existing San Pablo Bay Pipeline. In addition, the project consists of the construction and operation of new facilities, including: (1) Rail Transload Facility; (2) Rail Pipeline; (3) KLM Pipeline connection; and (4) new ancillary facilities, including an office and control building, warehouse, electrical substation, and others as described below. *Id.* at 2.0-4.

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For the delivery of crude oil and partially refined crude oil by train, a new Rail Transload Operations Facility would be constructed on a 9.8-acre vacant rail yard, to be leased from BNSF Railway Company. All products handled at the facility would be transported by rail, ship, barge, or pipeline; no products would be transported by truck as part of the proposed project. *Id.* at 2.0-1. The Terminal would operate with an average throughput of 242,000 barrels (BBLs) of crude oil or partially refined crude oil per day, and would have a maximum capacity throughput of 375,000 BBLs per day. *Id.* at 2.0-2. The total annual throughput for the entire Terminal would be approximately 88,300,000 BBLs of crude oil and/or partially refined crude oil per year. *Id.*

As mentioned above, Conoco Phillips is one of the refineries that may receive crude oil and/or deliver crude oil to the Terminal. *Id.* Therefore, this project should have been included in the cumulative impact analysis both because the physical construction and operation of this facility will contribute to cumulative environmental impacts and because it will facilitate greater amounts of crude delivery to and from the Rodeo Refinery.

The EIR must be revised to take into account each of the cumulative projects that has the potential to result in cumulatively considerable environmental impacts. Furthermore, the EIR must identify feasible mitigation measures capable of reducing these environmental impacts.

IV. The EIR Should be Recirculated

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. Pub. Res. Code § 21092.1; CEQA Guidelines § 15088.5. "Significant new information" includes: (1) information showing a new, substantial environmental impact resulting either from the

project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or (4) instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless. *Laurel Heights II*, 6 Cal.4th 1112, 1130.

The EIR must be recirculated for public comment. As explained throughout this letter, evidence exists in the record presenting significant, new information showing new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Below is a non-inclusive list summarizing certain of the EIR issues that trigger recirculation:

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- The EIR underestimates the increase in NO_x and ROG emissions from the Project's locomotive line haul emissions. Had the EIR correctly calculated these emissions, it would have concluded that the increase greatly exceeds the BAAQMD daily and annual significance thresholds. Fox Report at 12, 13. This increase in emissions constitute significant impacts for which the DEIR offers no mitigation.
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- The increase in NO_x emissions resulting from the use of the existing Steam Power Plant. would emit four times more NO_x than disclosed in the DEIR (15.6 tons/year for the SPP compared to 3.7 ton/yr for the steam boiler. The NO_x emissions from supplying just the steam for the hydrotreater exceed the NO_x significance threshold of 10 tons per year and are thus a significant undisclosed air quality impact of the Project. The EIR offers no mitigation for this significant increase in NO_x emissions.

In other instances, the DEIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless :

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- The EIR authors refuse to provide any supporting documentation regarding quantity or quality of crude oil that will be processed at the Refinery despite the public statements by Phillips 66 that it intends to import heavy crudes to its west coast refineries.

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- The EIR's claim that the two projects proposed at the Phillips 66 Santa Maria Facility (SMF) – and the type of crude processed by the SMF would have *no effect* on the Rodeo Refinery Project. FEIR at 2-4 (emphasis added).
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- The EIR claims that the Project would reduce SO₂ emissions by at least 50 percent resulting in an SO₂ emission decrease of at least 180 tons per year. There is no support, in either the EIR or the BAAQMD permitting record, for the claimed reduction in SO₂ emissions.
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- The EIR omits several important petroleum-refining projects from consideration in its analysis of cumulative environmental impacts, and concludes absent evidentiary support that the project would not result in a cumulatively considerable increase in air quality, greenhouse gas emissions and public health and safety impacts.

V. Conclusion

The EIR remains woefully inadequate under CEQA. The County must substantially revise and recirculate the document in order to correct its numerous defects. In addition, because the FEIR discloses significant new information regarding the Project's impacts to air quality, public health and safety, and climate change, the document must be recirculated so that the public can comment on the new information.

We appreciate the opportunity to submit our initial comments on the DEIR and will submit our comprehensive comments as soon as practicable.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



LAUREL L. IMPETT, AICP, Urban Planner
CARMEN BORG, AICP, Urban Planner
ELLISON FOLK

cc: (all without exhibits)
Senator Barbara Boxer
Jared Blumenfeld, Regional Administrator, EPA Region IX
Lashun Cross, Principal Planner, Contra Costa County
Roger Lin, Communities For a Better Environment
Diane Bailey, Natural Resources Defense Council
Janet Pygeorge, Rodeo Citizens Association
Jane Callaghan, Rodeo Citizens Association

List of Exhibits

- Exhibit: A Phyllis Fox, Ph, D., PE, Comments on Environmental Impact Report for the Phillips 66 Propane Recovery Project, Nov. 15, 2013.
- Exhibit: B Greg Garland, Chairman and CEO, Phillips 2013 Barclays Energy-Power Conference, Sept. 12, 2013
- Exhibit: C Edited Transcript Thomson Reuters Streetevents, Quarter 1 2013 Phillips 66 Earnings Conference Call 3:00 P.M. GMT, May 01, 2013
- Exhibit: D Bay Area Air Quality Management District, California Environmental Quality Act Guidelines
- Exhibit: E Governor Jerry Brown, Improving Public Worker Safety at Oil Refineries, Draft Report of the Interagency Working Group on Refinery Safety, Jul. 2013.
- Exhibit: F Associated Press, *Crews slowed by Heat in attacking Calif. rail fire*, NBC News, Aug 24, 2011, http://www.nbcnews.com/id/44259169/ns/us_news-life/t/crews-slowed-heat-attacking-calif-rail-fire/; and Bret Schulte, *Oil Spill Spotlights Keystone XL Issue: Is Canadian Crude Worse?*, Apr. 4, 2013, <http://news.nationalgeographic.com/news/energy/2013/04/130405-arkansas-oil-spill-is-canadian-crude-worse/>; and Marianne Lavelle, *Oil Train Crash Probe Raises Five Keys Issues on Cause*, National Geographic, Jul. 11, 2013, <http://news.nationalgeographic.com/news/energy/2013/07/130711-oil-train-crash-five-key-issues/>; and David Boroff, *At least eight injured, five*

critically, as explosions rock Blue Rhino propane gas plant in Florida, New York Daily News, Jul. 30, 2013, and <http://www.nydailynews.com/news/national/15-missing-florida-explosions-article-1.1412355>; and Matthias Gafni, *Benicia: Three Valero refinery rail cars filled with coke derail*, Contra Costa Times, Nov. 5, 2013, http://www.contracostatimes.com/news/ci_24458813/valero-refinery-rail-car-derails-benicia.

- Exhibit: G Bay Area Air Quality Management District, Compliance Memorandum, May 5, 2011 and Bay Area Air Management District Incident Report Information, Oct. 22, 2010 and Jun. 15, 2013.
- Exhibit: H Environmental Protection Agency, Toxics Release Inventory California Report, 2011; and Political Economy Research Institute, Toxic 100 Air Polluters Index, Aug. 2013.
- Exhibit: I Analysis of Major Derailment Causes on Heavy Haul Railways in the United States, X. Liu, et.al.
- Exhibit: J United States Department of Occupational Safety & Health Administration, Accident Inspection, Aug. 8, 1998 – Jan. 28, 1999.
- Exhibit: K Letter from D. Myers to Lashun Cross, Principle Planner, Contra Costa County, dated July 13, 2012 (Appendix G to November 19, 2013 County Planning Commission Staff Report)
- Exhibit: L Contra Costa County Fire Protection District, Fire Station Closures, News and Events <http://www.cccfpd.org/newsandevents.php>
- Exhibit: M Chinook Salmon Life History, University of California, Agriculture and Natural Resources California Fish Website, available at <http://calfish.ucdavis.edu/species/?uid=20&ds=241>; and generally Moyle, P.B. 2002, *Inland Fishes of California* Revised Ed. at 251- 271
- Exhibit: N Diane Bailey, *Valero's Crude by Rail Project in Benicia Could Open the Floodgates to Tar Sands in California*, National Resource Defense Council Staff Blog, Jul, 02, 2013 http://switchboard.nrdc.org/blogs/dbailey/valeros_crude_by_rail_project.html
- Exhibit: O Cumulative Projects Map, retrieved on Nov, 15 2013 from <https://maps.google.com/>.

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Exhibit: P David Biello, *How Much will Tar Sands Oil Add to Global Warming?*,
Scientific American, Jan. 23, 2013,

Exhibit: Q Phillips 66, Banking Application Cancellation, Aug, 06, 2013.

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Comments
on
Environmental Impact Report
for the
Phillips 66 Propane Recovery Project
Rodeo, California

Prepared
for
Shute, Mihaly & Weinberger LLP on behalf of
Rodeo Citizens Association

November 15, 2013

Prepared by
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I. INTRODUCTION

The Phillips 66 San Francisco Refinery, located at Rodeo (Refinery), is proposing to recover an additional 4,200 barrels per day (BPD) of propane and 3,800 BPD of butane from the refinery fuel gas (RFG) (collectively known as "liquefied natural gas" or LNG) to export for sale (Project). I was asked by Shute, Mihaly & Weinberger to review the Draft Environmental Impact Report (DEIR)¹ for this Project, related files of the Bay Area Air Quality Management District (BAAQMD), and select responses to comments in the Final Environmental Impact Report (FEIR).² Based on this review, I was asked to evaluate the accuracy of the DEIR/FEIR Project Description and their analysis of the Project's air quality impacts.

My evaluation, presented below, indicates the Project would result in significant unmitigated air quality and public health impacts. The DEIR and FEIR significantly underestimate the amount of criteria pollutants and greenhouse gas emissions that would be emitted by the Project. Emissions of nitrogen oxides (NOx) and reactive organic gases (ROG) will exceed both daily and annual CEQA significance thresholds. These emissions plus certain hazardous air pollutants (HAPs) emissions that were not disclosed in the DEIR will cause significant unmitigated air quality and public health impacts.

F1 The DEIR's Project description is incomplete. First, it fails to disclose the baseline crude slate, which determines the CEQA baseline emissions from all processing units within the Refinery. Second, it fails to disclose other directly related projects at the Phillips 66 Santa Maria Facility, which is linked by pipeline to the Rodeo Refinery. These directly related projects result in significant cumulative impacts that were not evaluated. Third, it fails to disclose related changes at the Rodeo Refinery itself, including a significant drop in refinery fuel gas heat content, which requires physical modifications to 19 process heaters. Finally, the Project description omits all of the key chemical composition data required to assess impacts and vet the DEIR's no significant impact conclusions.

My resume is included in Attachment 1 to these comments. I have over 40 years of experience in the field of environmental engineering, including air emissions and air pollution control; greenhouse gas emission inventory and control; air quality management; water quality and water supply investigations; hazardous waste investigations; environmental permitting; nuisance investigations (odor, noise); environmental impact reports, including CEQA/NEPA documentation; risk assessments; and litigation support.

I have M.S. and Ph.D. degrees in environmental engineering from the University of California at Berkeley with minors in Hydrology and Mathematics. I am a licensed professional engineer (chemical, environmental) in five states, including California; a

¹ Contra Costa County Department of Conservation and Development, Phillips 66 Propane Recovery Project, Draft Environmental Impact Report, June 2013 (DEIR).

² Contra Costa County Department of Conservation and Development, Phillips 66 Propane Recovery Project, Final Environmental Impact Report, November 2013 (FEIR).

Board Certified Environmental Engineer, certified in Air Pollution Control by the American Academy of Environmental Engineers; and a Qualified Environmental Professional, certified by the Institute of Professional Environmental Practice.

I have prepared comments, responses to comments and sections of EIRs for both proponents and opponents of projects on air quality, water supply, water quality, hazardous waste, public health, risk assessment, worker health and safety, odor, risk of upset, noise, land use and other areas for well over 100 CEQA documents. This work includes EIRs, Negative Declarations (NDs), and Mitigated Negative Declarations (MNDs) for all California refineries as well as various other permitting actions for tar sands refinery upgrades in Indiana, Louisiana, Michigan, Ohio, South Dakota, Utah, and Texas and LNG facilities in Texas, Louisiana, and New York. I was a consultant to a former owner of the subject Refinery on CEQA and other environmental issues for over a decade and am thus very familiar with both the Rodeo Refinery and the Santa Maria Facility.

My work has been cited in two published CEQA opinions: (1) *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344 and *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310.

II. THE PROJECT IS PIECEMEALED

The DEIR only evaluated a portion of the Project. The Project as described in the DEIR narrowly involves modifications to the Rodeo Refinery "to recover for sale propane and additional butane from refinery fuel gas and other process streams." DEIR, pp. 3-2, 3-5. However, the DEIR fails to disclose changes elsewhere that are required to produce all of the propane and butane that would be recovered.

F2 The components of the Project evaluated in the DEIR include an LPG Recovery Unit, Fuel Gas Hydrotreating, Propane Storage, Railcar Loading Modification, and certain ancillary facilities. DEIR, Table 3-1 & Sec. 3.4. I reviewed the BAAQMD file for this Project and other currently pending and related projects. Based on this review, in my opinion, sufficient propane and butane could not be recovered from the current crude slate to support the Project's propane/butane production goals. Changes in the amount and type of feedstock would be required to achieve the propane and butane recovery goals.

The Refinery currently recovers up to 9,000 BPD of butane in the summer for sale.³ DEIR, p. 3-17. The Project would increase butane recovery by 3,800 BPD and also recover 4,200 BPD of propane. The total butane and propane recovery after the Project has been implemented would be limited by permit conditions to a maximum daily of 14,500 BPD and 5,292,550 barrels per 12 consecutive months. 6/28/13 Response

³ Butane sold as LPG has the disadvantage of a fairly high boiling point and thus is not desirable as a fuel during the winter when stored outdoors in areas that have temperatures below freezing.

Letter,⁴ p. 5, Response to Comment #5. It is unclear whether this is 14,500 BPD in addition to the existing 9,000 BPD or a total of 14,500 BPD, including current baseline butane recovery.⁵ The DEIR, for example, clearly states that the Project would recover 3,800 BPD of "additional butane." DEIR, p. 3-23. This should have been clarified in the FEIR, but was not. Regardless, this is a large amount butane and propane for a refinery that processes very heavy crudes configured as shown in DEIR Figure 3-4. Thus, other modifications, not disclosed in the DEIR, are required to fully implement this Project.

The average feedstock to the Refinery over the period 2007 to 2011 was 116,800 BPD and ranged from 110,000 BPD to 128,000 BPD, or nearly up to its reported capacity of 130,000 BPD. DEIR Project Description,⁶ Table 1. Thus, the proposed butane plus propane recovery Project would convert about 12% of the baseline feedstock to butane and propane, assuming a total of 14,500 BPD. If one assumes the Project would recover 14,500 BPD additional, plus the existing 9,000 BPD, 20% of the feedstock would be converted. Further, about 16% of the product output of the Refinery, estimated as 89,400 BPD over the period 2007 to 2011 (DEIR Project Description, Table 4), would be propane and butane.

F2 These high percentages are not consistent with my experience, particularly for the mainly heavy crudes and semi-refined products from heavy crudes processed at this Refinery, which have much lower amounts of these low-boiling products.⁷ The DEIR and other documents I consulted contain no information that would allow me to directly estimate the amount of propane and butane that could be recovered from baseline feedstock such as:

- composition of the Refinery fuel gas and other gas stream from which propane and butane would be recovered, e.g., gas chromatographic analyses;
- distillation curves and composition data for the crude, semi-refined feedstock inputs from elsewhere, and other internal streams that would routed to the subject Project;
- relative amount of crude and semi-refined feedstock;
- material balance or outputs of refinery models.

These high values for propane/butane recovery suggest that the feedstock input will be modified in conjunction with the Project. Yet the DEIR lacks the data or

⁴ Letter from Don Bristol, Phillips, to Brian Lusher, BAAQMD, Re: Response to Incomplete Letter 5/21/13 Application #25199, June 28, 2013 (6/28/13 Response Letter). (References are identified in footnotes and provided on the attached DVD.)

⁵ The 4/30/13 Response Letter, p. 4, Response to Comment #6 states "The throughput [14,500 BPD] includes butane that is currently being recovered as well as the butane and propane that will be recovered as part of this project."

⁶ Phillips 66, Rodeo Propane Recovery Project Description, August 2012.

⁷ Oil Transportation Information at <http://www.oil-transport.info/crudedata/crudeoildata/crudeoildata.html>

calculations that support the foundational assumption that 100% of the propane/butane can be recovered from the baseline refinery fuel gas.

F2 The FEIR asserts that "the actual amount of propane and butane currently available for recovery (determined using measured flow data and lab analysis of propane and butane content) is approximately 4,200 bpd of propane and 9,300 bpd of butane." FEIR, p. 3.2-130. However, none of this data is in the record. We do not know, for example, if the amount "currently available" is the amount being processed in the CEQA baseline, or the amount that will be available for processing in the future, after the Project is implemented, based on other changes at other related Phillips 66 facilities, such as at Phillips 66's Santa Maria Facility or Ferndale Refinery.

A crude throughput expansion project, for example, was recently approved at the Phillips 66 Santa Maria Facility, which is linked by pipeline to the Rodeo Refinery. This project is further discussed below. In summary, the DEIR for the Santa Maria Facility (referred to as SMF DEIR/FEIR in these Comments) clearly states that partially refined products from this increase in crude will be sent to the Rodeo Refinery for further processing. As explained below, these partially refined products are feedstocks to the Propane/Butane Recovery Project. The Santa Maria crude throughput increase project is not operational yet. Thus, there is solid evidence that there will be increases in the input to the Propane/Butane Project from related projects elsewhere in the Phillips 66 system that are not part of the instant CEQA baseline. Thus, the amount "currently available" likely includes future increases in production that have not been disclosed in the Propane/Butane Project DEIR or FEIR. Thus, cumulative impacts of these two projects should have been evaluated and the increase in emissions from processing the increase in semi-refined products from Santa Maria at Rodeo should have been included in the emission calculations.

As the cited flow data and lab analysis are asserted to establish the Project baseline and is part of the Project description (i.e., it determined the design basis of the Project), it must be provided for public review. This is particularly critical here as the claimed recovery of propane and butane from the baseline feedstock is very high for the type and amount of crude that the FEIR asserts is currently refined and the existing Refinery configuration. As noted above, other projects currently proposed by Phillips 66 could increase the recoverable propane and butane, making up the deficit.

F3 The San Francisco Refinery (SFR) consists of two facilities linked by a 200-mile pipeline. The Santa Maria Facility (SMF) is located in Arroyo Grande, in San Luis Obispo County, while the Rodeo Refinery (referred to as "the Refinery" in these Comments) is located in Rodeo in the San Francisco Bay Area. The SMF mainly processes heavy, high sulfur crude oil and sends semi-refined liquid products, e.g., gas oil, to the Rodeo Refinery. SMF DEIR,⁸ pp. ES-2, 1-1 and Table 2-3. The Refinery DEIR does not disclose the existence of this related facility but it is acknowledged in the FEIR. FEIR, Master Response 2.2.

⁸ Marine Research Specialists, Phillips 66 Santa Maria Refinery Throughput Increase Project, Final Environmental Impact Report, October 2012 (SMF FEIR), Available at: <http://slocleanair.org/phillips66feir>.

F3 1
The subject DEIR addresses changes at just the Rodeo Refinery to increase butane and propane production, once the proper amount of the right feedstocks arrive. As discussed above, the DEIR is silent on the composition and relative amounts of feedstock (heavy crude, semi-refined products received from SMF) and the FEIR adds no additional information. Additional feedstock containing recoverable propane and butane is required.

Additional feedstock could be produced by proposed modifications at the Santa Maria Facility to increase its production of semi-refined feedstock (gas oil and naphtha), to send to the Rodeo Refinery. Phillips 66 proposed to increase the production of semi-refined products at the Santa Maria Refinery specifically to send to the Rodeo Refinery. SMF DEIR, p. ES-4. This throughput increase would necessarily be included in the streams from which propane and butane would be recovered, as explained below. Another related Phillips 66 project (rail spur extension required to import increased amounts of crude to support the throughput expansion) at the Santa Maria Facility is currently undergoing CEQA review. The SMF Rail Spur DEIR is expected to be released soon. My commentary here is based on the Rail Spur Land Use Application. SMF Rail Spur Land Use Ap.⁹ These two projects provide the missing links in the butane/propane supply chain at the Rodeo Refinery.

F3
The Santa Maria throughput increase project would increase "...the volume of products leaving the SMF for the Rodeo Refinery via pipeline." SMF DEIR, pp. ES-4, 2-25. The products are not specifically identified in this statement, but are noted elsewhere as gas oil and naphtha. SMF FEIR, pp. 2-11, 2-17. These semi-refined products would contain a significant amount of butane and propane¹⁰ and would be further processed at the Rodeo Refinery to generate additional butane and propane, as explained further below. DEIR, Figs. 3-4 and 3-6.

The SMF DEIR for the throughput increase project included a clarifying statement as to the products that would be sent to Rodeo, which was deleted in the FEIR: "an increased volume of products leaving the SMF for the Rodeo Refinery via pipeline (including semi-refined crude oil or a combination of semi-refined crude oil and previously refined gas/oil petroleum)." SMF DEIR,¹¹ p. 2-25. This omission is material as it indicates that more than semi-refined products from the SMR would be sent to the Rodeo Refinery. This omission suggests crudes could also be sent to the Rodeo Refinery. This clue, coupled with the rail spur extension project suggests that tar sands crudes, some of which are semi-refined, could additionally be sent to the Rodeo Refinery via rail import at Santa Maria. This issue is discussed below.

The SMF FEIR indicates the throughput of the Santa Maria Facility would increase from the permit level of 44,500 BPD (SMF FEIR, p. ES-4) by 10% to a

⁹ Phillips 66 Company, Land Use Application, Santa Maria Refinery Rail Project, June 2013.

¹⁰ See, e.g., MSDS for naphtha, available at: <http://www.collectioncare.org/MSDS/naphthamsds.pdf>.

¹¹ Marine Research Specialists, ConocoPhillips Santa Maria Refinery Throughput Increase Project, Public Draft Environmental Impact Report, August 2011.

F3

The diagram illustrates the complex process flow of the U.S. Gulf Refinery. It shows how various feedstocks are processed through different units to produce a range of petroleum products. The main components and flows are as follows:

- Feedstocks:**
 - PG&E Natural Gas
 - Lean Airbase
 - Flare Recovery / OA Compressor
 - U-200/U-215 G-RFG
 - MP-305-JWB
 - U-215 Dunes
 - U-215 / 220 Naphta
 - U-200/U-210 S-RFG
 - U-200 S-RFG
 - MP-20 S-RFG
 - U-240 U-201 S-RFG
 - Lean Airbase
- Processing Units:**
 - U-233 Fuel Gas Treating
 - U-200/U-210 Fuel Gas Hydrotreating
 - RFG Reforming Recovery Unit + H2S Treating
 - U-240 Fuel Gas Treating
- Products and Streams:**
 - RFG to Refinery Fuel Gas System
 - LG - RFG-S to H2 PR Pool
 - RFG to SPP Gas Turbines
 - LG - RFG System
 - Spent Airbase
 - Residue Storage / Loading
 - Butane Storage / Loading
 - Naphta to Blending
 - RFG-A to H2 PH Pool

Proposed Refinery Fuel Gas System Block Flow Diagram

This establishes a direct link between this Project and modifications at the Santa Maria Facility. This is the "nexus" to the larger project with the potential to change crude oil feedstocks.

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recovery Project are not disclosed so this link and its impact on emissions would never be discovered and thus not mitigated.

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Thus, there is both a direct pipeline link between the two facilities, an explicit statement that the SMF throughput project was developed to send more semi-refined product to the Rodeo Refinery, and a direct process link between those products and the input to the propane/butane recovery Project disclosed on the process flow diagrams for the Project. These three factors establish a nexus between the propane/butane Project and modifications at the Santa Maria Facility. Thus, these two projects are integrally related and should have been evaluated as a single project.

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Additional propane/butane-rich feedstock could be obtained by importing certain classes of cost-advantaged tar sands crudes. These tar sands and other cost-advantaged crudes are cost advantaged because they are stranded, with no pipeline access and thus must be delivered by rail.¹² However, refineries are not equipped to take delivery of large amounts of crude by rail, which requires large unit trains that require significant infrastructure improvements.

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Tar sands crudes are heavier and more viscous than the feedstock currently processed at either Rodeo or Santa Maria. These crudes are thus commonly blended with 25% to 30% diluent to facilitate transporting them by rail or pipeline. The blended crude is known as a "DilBit." The diluent is typically natural gas condensate, pentanes, or naphtha.¹³ The diluent can be readily separated and recovered as propane/butane at Rodeo.

Cost-advantaged crude sells at a discount relative to crude oils tied to the global benchmark, North Sea Brent crude. Many of these cost-advantaged crudes are rich in fractions that would increase the yield of butane and propane¹⁴ at the Rodeo Refinery. Based on analyses by one of Phillips' competitors, Western Canadian Select (WCS) was identified as one of the most cost-advantaged crude for direct rail import to California.¹⁵

¹² Small amounts of Canadian tar sands crudes are currently arriving on the west coast by ship. However, the pipeline capacity to transport the tar sands crude to the west coast and the rail capacity to transport it to the west coast for subsequent water delivery is currently very limited. However, projects are underway to alleviate these bottlenecks, including a Phillips 66 project at its Ferndale facility in Washington. The Ferndale project would allow direct import of tar sands crude at the Rodeo Marine Terminal.

¹³ Gary R. Brierley, Visnja A. Gembicki, and Tim M. Cowan, Changing Refinery Configurations for Heavy and Synthetic Crude Processing, Available at: <https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId=%7BA07DE342-E9B1-402A-83F7-36B18DC3DD05%7D&documentTitle=5639138>.

¹⁴ See, for example, Pat Swafford, Evaluating Canadian Crudes in US Gulf Coast Refineries, Crude Oil Quality Association Meeting, February 11, 2010, Available at: http://www.coga-inc.org/20100211_Swafford_Crude_Evaluations.pdf.

¹⁵ Valero, UBS Global Oil and Gas Conference, May 21-22, 2013, p. 10, Available at: <http://www.valero.com/InvestorRelations/Pages/EventsPresentations.aspx>, provided as Appendix D to TGG Comments.

Western Canadian Select is a tar sands DilBit that contains 2% butane and 4.3% pentane.¹⁶

Cost-advantaged crudes could reach Rodeo by rail starting at the Phillips 66 Ferndale Marine Terminal and then barged down the Pacific coast to the Phillips 66 Rodeo Marine Terminal; by rail to Santa Maria and then by pipeline to Rodeo; or by rail or barge to the nearby Pittsburg terminal.¹⁷ However, the Phillips 66 refineries are not equipped to accept large volumes of crude by rail. Thus, Phillips 66 is currently permitting projects to achieve both of these goals.¹⁸

F4
An expansion of the Phillips 66 Marine Terminal at Rodeo was recently permitted to allow an increase of crude oil imported by ship by 20,500 BBP, from 30,682 BPD at present to 51,182 BPD.¹⁹ Phillips 66 was recently issued a permit to construct a new crude rail unloading facility at its Ferndale Refinery in Washington to increase rail shipments of cheap Canadian tar sands crudes. This rail terminal would allow it to import tar sands crude by rail and barge them down the Pacific coast to Rodeo.^{20 21}

The Phillips 66 rail spur extension project at the Santa Maria Facility would allow the import of a "full range of competitively priced crude oil." Rail Spur Land Use Ap., Appx. A, pdf 18. Phillips has admitted that these "competitively priced crude oils" include Canadian tar sands crudes. These crudes would be processed at the Santa Maria Facility, which sends its semi-refined products to Rodeo. The SMF is permitted to process up to 49,950 BPD of crude. SMF FEIR, p. 1-1. The rail spur project would allow the import of 37,000 BPD of "competitively priced crude oils", or 74% of its

¹⁶ Crude Monitor, Western Canadian Select, Available at: <http://www.crudemonitor.ca/crude.php?acr=WCS>.

¹⁷ Phillips 66 Delivers on Advantaged Crude Strategy, Available at: <http://www.phillips66.com/EN/newsroom/feature-stories/Pages/AdvantagedCrude.aspx>.

¹⁸ Phillips 66 Delivers on Advantaged Crude Strategy, Available at: <http://www.phillips66.com/EN/newsroom/feature-stories/Pages/AdvantagedCrude.aspx>.

¹⁹ Bay Area Air Quality Management District, CEQA Initial Study, Marine Terminal Offload Limit Revision Project, Phillips 66 Refinery, Rodeo, California, BAAQMD Permit Applications 22904, December 2012.

²⁰ Northwest Clean Air Agency, Order of Approval to Construct (OAC) 1152, Crude Unloading Facility, Phillips 66 Ferndale Refinery, June 7, 2013. See also: Thomson Reuters: "Phillips 66 Seeks Permit for Facility to Receive Crude by Rail", April 3, 2013, Available at: <http://www.4-traders.com/PHILLIPS-66-10447684/news/Phillips-66-seeks-permit-for-facility-to-receive-crude-by-rail-16604359/>.

²¹ In addition, crude oil will either be received by or delivered to a new facility located in Pittsburg, California. The proposed WesPac Energy-Pittsburg Terminal (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, including Rodeo. WesPac RDEIR, p. 2.0-1. All products handled at the facility would be transported by rail, ship, barge, or pipeline. *Id.* The Terminal would operate with an average throughput of 242,000 barrels (BBLs) of crude oil or partially refined crude oil per day, and would have a maximum capacity throughput of 375,000 BBLs per day. *Id.*, p. 2.0-2. The total annual throughput for the entire Terminal would be approximately 88,300,000 BBLs of crude oil and/or partially refined crude oil per year. *Id.*

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throughput. Rail Project IS,²² pp. 15, 22. This means that one of the feedstocks for the propane/butane recovery Project would be significantly modified by the Santa Maria rail spur project to include tar sands crude, which would include propane/butane rich DilBits.

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While the DEIR did not acknowledge the relationship between the subject Project and the rail spur extension project, the FEIR does mention the existence of the rail spur extension project at Santa Maria, but claims, with no support, that the crudes imported would be only from "domestic sources available in the marketplace." FEIR, p. 2-4. This contradicts the rail spur project description, which describes the project as allowing the import of a "full range of competitively priced crude oil," not just "domestic" sources. I am not aware of anything in the record for the Santa Maria rail spur extension project that would limit imported crude to just "domestic" sources. This contradicts not only the record in that case, but also public statements to the contrary by Phillips 66. Further, the FEIR does not evaluate the rail spur's environmental impacts at Rodeo, which are potentially significant, as discussed below and in Attachment 2 (my comments on Valero).

In a September 2013 presentation, Greg Garland, Chairman and CEO of Phillips 66, stated Phillips 66 plans to import "cost advantaged" crude from Canada to its refineries in California as illustrated in Figure 3. Garland stated: "Our real challenge that we have or opportunity that we have is to get advantaged crudes to the East Coast and West Coast. So we're working that in terms of moving Canadian crudes down into California or building rail facilities. We're looking at rail to barge to ship, down to the West Coast refineries...."²³

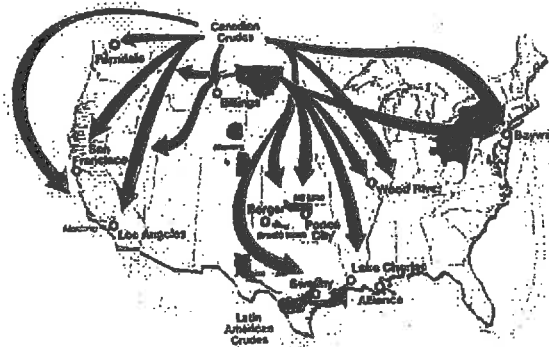
In a May 2013 presentation, Phillips EVP Tim Taylor stated in response to a question on bringing heavy Canadian crude oil into California that "Today, we are doing some barge movements down the coast into California on heavy Canadian. You can look in the Northwest to do that. So that's an option that we're going to continue to use and we're looking at expanding that opportunity with some of the logistics things we're putting in place. We're also continuing to move crude by rail in smaller amounts into California and looking at projects really to increase that as well."²⁴

²² Arcadis, Applicant's Reference CEQA IS, Santa Maria Refinery Rail Project, June 2013 (Rail Project IS").

²³ September 12, 2013 Transcript, pdf 7: Available at: http://www.phillips66.com/EN/investor/presentations_ccalls/Documents/Barclays_091213_Final.pdf

²⁴ May 1, 2013 Transcript, pdf 13, Available at: http://www.phillips66.com/EN/investor/presentations_ccalls/Documents/PSX-Transcript-2013-05-01.pdf

REFINING ADVANTAGED CRUDE



See especially for electrodes:

The information included in the DEIR is not adequate to identify and assess all of the impacts of the Project. There are two major classes of omissions.

The failure to disclose this link, via Santa Maria gas oil which is converted into propane and butane at Rodeo by the Project, is a serious omission. The changes proposed and underway at the Santa Maria Facility will increase both the amount and composition of the feedstocks recovered as propane and butane at the Rodeo Refinery. These changes in feedstock amount and composition would result in significant air quality and public health impacts at Rodeo.

²⁵ Greg Garlands, Phillips 66, Barclays Conference, pdf 24, Available at: http://www.phillips66.com/EN/investor/presentations_ccalls/Documents/barclays2013_finalv2.pdf.

composition of emissions from that refinery. The amount and composition of sulfur in the crude slate, for example, ultimately determines the amount of SO₂ that will be emitted from every fired source in the refinery and the amount of odiferous hydrogen sulfide and mercaptans that will be emitted from tanks, pumps, valves, and fittings. The composition of the crude slate establishes the CEQA baseline against which impacts must be measured.

F7 In particular, the feedstocks that could arrive at the Rodeo Refinery for recovery as propane and butane may include tar sands crudes blended with diluents or "DilBits." These DilBits contain significant amounts of hazardous air pollutants, such as benzene, a potent carcinogen. These would be emitted at many fugitive components in the Refinery, including compressors, pumps, valves, fittings, and tanks, in greater amounts than from baseline feedstock.

These increased emissions would result in significant public health and air quality impacts not addressed in the DEIR nor the FEIR. These include significant increases in volatile organic compounds (VOCs) emissions not otherwise included in the emission estimates; hazardous air pollutants, including benzene, which could cause significant health impacts; and highly odiferous sulfur compounds that would individually and cumulatively cause malodors, degrade ambient air quality, increase the incidence of accidental releases, and adversely affect the health of workers and residents around the Refinery. Further, the high acid levels in these crudes and their semi-refined products would accelerate corrosion of refinery components, contributing to equipment failure and increased accidental releases.

Second, the DEIR failed to disclose that the Project would reduce the heat content of the refinery fuel gas from 1340 Btu/scf (British thermal unit per Standard Cubic Feet) (BAAQMD Permit Ap., p. 10) to 1050 MMBtu (one million Btu) (5/13/13 BAAQMD Notes). This is a 30% drop in the heat content of the fuel for all refinery fuel gas-fired sources within the Rodeo Refinery. Notes in the BAAQMD's files indicates that this will require replacing the burners in at least 19 process heaters. 5/13/13 BAAQMD Notes.

F8 The DEIR did not disclose this dramatic decline in fuel gas heat content or the related changes in equipment that would be required to burn the altered refinery fuel gas. The FEIR concedes a decline in heat content in response to comments but fails to disclose the magnitude of the decline. However, the FEIR asserts with no analysis that "removal of propane and butane from the system and replacing it with natural gas would not affect the performance of combustion devices at the Refinery." FEIR, p. 3.2-130. The affected combustion units and burner configurations were not identified and baseline emissions were not disclosed. Thus, there is no basis for this claim.

The FEIR argues that the types of changes that would be made to heaters are considered by the BAAQMD to be an "alteration" rather than a "modification" as there would be no emission increase. FEIR, p. 3.2-130. However, the BAAQMD definition of "alteration" is irrelevant for purposes of CEQA. The EIR must identify the change in emissions from the affected combustion units and burner configurations.

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A large drop in fuel heat content can affect the combustion efficiency of all combustion sources, including heaters, boilers, and turbines. A related concern is a concomitant drop in flame temperature. The Project basically involves replacing propane and butane that are currently part of the Refinery Fuel Gas (RFG) with natural gas. Propane and butane burn with a hotter flame than natural gas.²⁶ These two effects, a large drop in heat content and a lower flame temperature, would result in an increase in the emission of products of incomplete combustion, including hazardous air pollutants, carbon monoxide, and reactive organic gases from all fuel gas fired combustion sources. None of these pollutants are routinely monitored, e.g., with continuous emission monitoring systems, and some are not monitored at all (HAPs). Thus, the increases would not even be detected until after the fact. The DEIR and FEIR did not disclose the flame temperature issue. Further, only 19 process heaters would receive upgraded burners. The FEIR is silent on the impacts that would result from the lower heat content fuel and lower resulting flame temperature at other combustion sources that will not be upgraded.

The DEIR should be revised to include a complete description of the Project and an analysis of all of the environmental effects of these changes.

IV. PROJECT EMISSIONS ARE UNDERESTIMATED AND SIGNIFICANT

The DEIR underestimated the increase in greenhouse gas (GHG) emissions and criteria pollutant emissions (NO_x, ROG, PM_{2.5}/PM₁₀) that would result from the Project. If the EIR had accurately estimated the Project's emissions, it would have determined that the Project will result in significant unmitigated air quality impacts from emissions of GHGs, NO_x, and ROG. The DEIR also failed to estimate the increase in carbon monoxide emissions that would result from the Project.

IV.A. Greenhouse Gas Emissions (GHG) Are Underestimated

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The DEIR estimated that the Project would decrease GHG emissions by 325,978 metric tons per year (MT/yr). DEIR, Table 4.8-3. The increases in GHG emissions from a new boiler (67,133 MT/yr), additional natural gas combustion (592,761 MT/yr), and other miscellaneous sources (7,372 MT/yr) are assumed to be offset by removing 14,500 BPD of butane and propane from the fuel gas system and replacing it with natural gas, which emits less GHG (-759,244 MT/yr) and the shutdown of Plant 4 Hydrogen Plant and B-401 Process Heater (-234,000 MT/yr). These reductions are not supported and are incorrect. When the errors discussed below are corrected, GHG emissions exceed the significance threshold of 10,000 MT/yr for stationary sources and 1,100 MT/yr for other types of projects (DEIR, p. 4.8-13). Thus, they are a significant unmitigated impact of the Project.

²⁶ Flame Temperatures of Some Common Gases, Available at: http://www.engineeringtoolbox.com/flame-temperatures-gases-d_422.html.

1. Reduction: Removing Butane and Propane from Fuel Gas

The Project would remove 14,500 BPD of butane and propane from the refinery fuel gas system and replace it with natural gas. As propane and butane generate more GHG emissions when burned than natural gas, this results in a net decrease in GHG emissions at the Refinery of 166,483 MT/yr ($592,761 - 759,244 = -166,483$ MT/yr). DEIR, Table 4.8-3.

However, a reduction would only occur if the propane/butane are not used as fuel, which is their usual end use. The DEIR fails to disclose the use of the removed butane and propane. This undisclosed use could result in indirect impacts that were not considered in the DEIR. Butane and propane, for example, are fuels, often called liquefied petroleum gas or LPG. They are also feedstocks to various chemical processes. Either use would result in GHG emissions.

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First, some, perhaps all, of the recovered butane and propane could be sold within California for use as fuel, where CEQA clearly applies to 100% of the resulting GHG emissions. If sold as fuel to customers in California, the resulting emissions are indirect emissions from the Project and must be included in the Project GHG emission inventory. Correspondence in the BAAQMD file indicates that "... some past (and current) butane deliveries have included local industrial customers within Contra Costa and Alameda counties." 4/30/13 Phillips Response Letter,²⁷ p. 10, Response to Comment #15. Thus, absent a condition of certification prohibiting the sale of propane and butane for any use in California that would generate GHG, 100% of the GHG emissions from burning propane and butane, the most likely end use, must be included in the EIR's GHG impact analysis. This one modification results in an increase in GHG emissions of 433,266 MT/yr from the Project.²⁸ This is a significant unmitigated impact of the Project.

Second, even assuming 100% of the propane and butane were burned or otherwise used outside of California in a manner that generated GHG, these emissions would still result in significant adverse impacts on California as GHG is a global pollutant, widely acknowledged to affect climate change worldwide, regardless of release point. The GHG emissions released in neighboring states, for example, would contribute to sea level rise along the California coast; loss in California's snow pack, leading to floods and droughts; and more high ozone days in California. DEIR, pp. 4.8-1/2.

Under this view, the Project is exporting its significant GHG impact to neighboring states, where it continues to impact global climate and thus California. Therefore, regardless of where the propane and butane are actually used, the environmental consequences of its use are the same and must be considered.

²⁷ Letter from Don Bristol, Phillips 66, to Brian Lusher, BAAQMD, Re: Response to Incomplete Letter 3/1/13, April 30, 2013 (4/30/13 Phillips Response Letter).

²⁸ Revised GHG emissions based on DEIR Table 4.8-3: $-325,978 + 759,244 = 433,266$ MT/yr.

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Thus, the DEIR implicitly assumes that the propane and butane removed from the refinery fuel gas will not be used in a manner that generates GHG and ignores the impacts of this use.

2. Relative Proportions of Propane and Butane

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The GHG emissions were estimated assuming the production of 4,200 BPD of propane and 3,800 BPD of butane. Butane generates about 6% more GHG than propane per gallon burned. FEIR GHG Supplement, Nov. 2012, p. 4. In correspondence with the BAAQMD, Phillips has requested a lump-sum limit of 14,500 BPD (6/28/13 Phillips Response Letter, p. 5, Response to Comment #6), which would allow them to produce 100% butane, increasing GHG emissions compared to those estimated in the DEIR.

3. Reduction: Hydrogen Plant and Heater Shutdown

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The GHG emission calculation additionally assumes a net reduction of 234,000 MT/yr from the shutdown of the Plant 4 Hydrogen Plant and the Unit 240 Process Heater B-401. DEIR, p. 4.3-13 and Table 4.8-3. The DEIR asserts that the GHG reduction corresponds to the 3-year average baseline GHG emissions from these units and cited ERM 2013. DEIR, p. 4.8-12. However, the DEIR references indicate that ERM 2013 is the BAAQMD Authority to Construct Application. DEIR, p. 9-8. I reviewed this document. It does not contain any support for the claimed reductions from shutting down these units. I was unable to find any support for these reductions in any of the documents that I reviewed and thus was unable to confirm whether they were correctly calculated. Regardless, the subject units were reportedly shutdown in 2011, which is part of the CEQA baseline. Thus, these reductions cannot be claimed as mitigation for Project increases.

My inability to find any support for these GHG emissions is consistent with comments filed by BAAQMD staff on the DEIR. They were also unable to find any support for the claimed GHG reductions from decommissioning a process heater and hydrogen plant. The BAAQMD further expressed concern that "emission from Unit 240 [the shutdown process heaters] may have shifted to other existing equipment due to increased operating demand." Increased heat demand, for example, would result from recovering butane and propane for the Project and upgrading additional semi-refined materials from the Santa Maria Facility. Further, the DEIR and the record supporting it do not contain any evidence that the emission reductions are permanent, real, and quantifiable.²⁹

The FEIR responded to the BAAQMD's comments, asserting that the "GHG-related offsets that would be associated with the B-401 process heater are presented in the DEIR for informational purposes only and are not required to reduce the GHG emissions impact to a less-than-significant level." FEIR, p. 3.1-24. However, this is true only when considered in isolation, without acknowledging the increase in GHG emissions from burning the propane and butane removed from the refinery fuel gas. Further, this FEIR

²⁹ Letter from Jean Roggenkamp, BAAQMD, to Lashun Cross, CCC Dept. of Conservation and Development, Re: Phillips 66 Company Propane Recovery Project DEIR, August 6, 2013.

response also fails to provide any support for the GHG reductions from these shutdown unit.

If the GHG reductions from both the Plant 4 Hydrogen Plant and B-401 Process Heater Shutdown are removed from the GHG inventory in DEIR Table 4.8-3 and the increase in emissions from burning the propane and butane are added, the net increase in GHG emissions based on DEIR Table 4.8-3 would be 1.3 million MT/yr (-325,978+234,000 + 759,244 = 1,319,222 MT/yr). These emissions exceed the CEQA significance threshold by a vast amount and are highly significant.

IV.B. Criteria Pollutant Emissions Are Underestimated

The DEIR estimated daily and annual Project operational emissions for nitrogen oxides (NOx), sulfur dioxide (SO2), particulate matter (PM10 and PM2.5), and reactive organic gases (ROG). DEIR, Tables 4.3-6 and 4.3-7. The resulting emissions were compared to the BAAQMD's daily and annual CEQA significance thresholds for NOx, PM10, PM2.5, and ROG. No significance threshold was proposed for SO2 and carbon monoxide (CO) was omitted from DEIR's analyses completely.

The emissions that were estimated in the DEIR and remain unchanged in the FEIR are underestimated for two reasons, discussed below. When the errors in the emission calculations are corrected, the resulting increases in daily and annual NOx and ROG emissions exceed both the daily and annual CEQA significance thresholds. These are significant air quality impacts that were not identified or mitigated in the DEIR or FEIR.

1. Relies on Invalid NOx Emission Reductions

The DEIR's daily and annual NOx emission analysis relies on NOx emission reductions from shutting down Process Heater B-401. DEIR, Tables 4.3-6 and 4.3-7. These reductions occurred in 2011, during the CEQA baseline. Therefore, they are part of the baseline and not available to offset Project NOx increases. The increase in the DEIR's estimate of both daily (99.2 lb/day > 54 lb/day) and annual NOx emissions (13.9 ton/yr > 10 ton/yr) exceed CEQA significance thresholds without these Process Heater B-401 reductions and are thus significant unmitigated impacts of the Project.

2. Excludes Locomotive Emissions Outside of the BAAQMD

Notwithstanding the use of invalid NOx offsets, the increase in NOx emissions are even higher than disclosed in the DEIR. The locomotives used to transport recovered propane and butane from the Refinery to market are the major source of NOx emissions (>70% of total Project emissions) and an important contributor to ROG emissions (8%). DEIR, Tables 4.3-6 and 4.3-7. These emissions were underestimated by only counting emissions released within the boundary of the BAAQMD, rather than the entire distance the locomotives will travel within California. DEIR, p. 4.3-20. CEQA covers at least all emissions released within the State and in some cases, emissions released outside of the State that impact in-State values.

The total rail track length within the BAAQMD used to calculate locomotive emissions in DEIR Tables 4.3-6 and 4.3-7 was 67 miles one way (AQS Attach. 1,³⁰ pdf 15) based on 50% of the trains using the Union Pacific route and 50% using the BNSF route. The total track length to the California-Arizona border used to calculate GHG emissions is 659 miles one way, based on the same 50/50 assumption. DEIR, p. 4.8-16 and AQS Attach. 1, pdf 15.

I revised the locomotive linehaul emissions for NOx and ROG using the total track length within California, but otherwise using all of the DEIR's assumptions. The results of my calculations are shown in Table 1. The criteria pollutant emissions from locomotive linehaul (which is only part of the total locomotive emissions) are significantly higher than disclosed in the DEIR, as shown in Table 1. This increase alone is sufficient to tip NOx emissions over the BAAQMD daily and annual significance thresholds, even assuming the invalid boiler NOx emission offsets.

Table 1
Revised Locomotive Linehaul Emissions

	DEIR ³¹ (lb/day)	Rev. ³² (lb/day)	Sig. Criteria (lb/day)	DEIR ³¹ (ton/yr)	Rev. ³² (ton/yr)	Sig. Criteria (ton/yr)
NOx	76.03	580	54	9.84	72	10
ROG	3.63	27	54	0.47	3.5	10

Note: **bold** indicates a revised locomotive linehaul emission rate that exceed the significance threshold all by itself, without considering increases from any other sources.

These revised emissions combined with all other claimed emission increases and decreases as reported in the DEIR, Tables 4.3-6 and 4.3-7, exceed the BAAQMD significance thresholds for both daily and annual NOx and ROG emissions, as explained below.

The net increase in daily NOx emissions, including the revised locomotive linehaul emissions of 580 lb/day and the invalid NOx offsets, is 541 lb/day.³³ These emissions exceed the NOx daily significance threshold of 54 lb/day by a factor of ten. DEIR, Table 4.3-6.

Similarly, the net increase in annual NOx emissions, including the revised locomotive linehaul emissions of 72 ton/yr and the invalid NOx offsets, is 66 ton/yr.³⁴

³⁰ Phillips 66, Rodeo Propane Recovery Project, Air Quality Supplement, Attachment 1, Criteria Pollutant and GHG Emissions, November 2012 (AQS Attach. 1).

³¹ AQS Attach. 1, pdf 1.

³² From AQS Attach. 1, pdf 19 (lb/day) and pdf 20 (ton/yr): Linehaul emissions within California = small line haul from Richmond terminal to refinery + large linehaul from California border to Richmond terminal. For NOx in lbs/day: $18.97 + 57.06(659/67) = 580.2$ lb/day or 72.7 ton/yr. For ROG: $0.97 + 2.65(659/67) = 27.1$ lb/day or 3.47 ton/yr.

³³ Total revised daily NOx emissions : $20.4 + (79.0 - 76.03) + 580 - 62.3 = 541.1$ lb/day.

³⁴ Total revised annual NOx emissions : $3.7 + (10.2 - 9.84) + 72.7 - 10.8 = 65.96$ ton/yr.

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This exceeds the NOx annual significance threshold by a factor of six. DEIR, Table 4.3-6.

The DEIR indicates the shutdown of Process Heater B-401 reduced daily NOx emissions by 244 lb/day (DEIR, Table 4.3-4). The DEIR also indicates the shutdown of Process Heater B-401 reduced annual NOx emissions by 44 ton/yr. DEIR, Table 4.3-4. However, even assuming 100% of these shutdown emissions were available for the Project, they would not be adequate to offset the daily increases in linehaul NOx emissions as calculated in Table 1. Regardless, 100% of Process Heater B-401 NOx reductions are not available as some of them (33.16 ton/yr) were used to offset NOx emission increases of the Marine Terminal Offload Limit Project. Marine Terminal IS, Table 3.3-2.

The DEIR suggests by omission that more NOx offsets are available than were relied on in Tables 4.3-6 and 4.3-7 by presenting the full boiler shutdown amount without disclosing that most had already been used. The FEIR clarifies that the balance of the NOx reductions from the Process Heater B-401 shutdown, not relied on in Tables 4.3-6 and 4.3-7, were used to offset increases associated with the Marine Terminal Project. FEIR, pp. 3.1-24/25. They are not available to offset the additional increase in NOx emissions resulting from the increase in locomotive linehaul emissions as calculated in Table 1, assuming the full transit distance within California. Thus, the revised increase in daily and annual NOx emissions are a significant unmitigated air quality impact when the correct travel distance of locomotives is used to estimate emissions.

The increase in daily ROG emissions from all Project sources, including the revised locomotive linehaul emissions, is 70.4 lb/day,³⁵ which exceeds the ROG daily significance threshold of 54 lb/day by 30%. Similarly, the increase in annual ROG emissions from all Project sources, including the revised locomotive linehaul emissions is 11.4 ton/yr,³⁶ which exceeds the ROG annual significance threshold of 10 ton/yr. Thus, daily and annual ROG emissions from the Project are significant unmitigated air quality impacts that were not disclosed in the DEIR when the correct travel distance of locomotives is used to estimate emissions.

Finally, even if emissions were based only on the track length within the BAAQMD, rather than the entire State, the Project would still exceed the NOx daily significance threshold if the actual UP track length going south out of the District (90 miles) was used in the calculations, rather than the average of the UP and BNSF track lengths (67 miles). The distance to the eastern boundary of the District is 44 miles and to the southern boundary, 90 miles. The 67 miles used in the DEIR's linehaul emission calculations is the average of these two ($90+44/2 = 67$). 6/28/13 Phillips Response Letter, p. 12, Response to Comment #15. However, nothing in the EIR would prevent 100% of the trains from using the UP track going south out of the District. The daily

³⁵ Total revised daily ROG emissions : $18.1 + 25.1 + (3.8-3.63) + 27 = 70.4$ lb/day.

³⁶ Total revised annual ROG emissions : $3.3 + 4.6 + (0.5-0.47) + 3.5 = 11.4$ ton/yr.

F14 NOx emission increase, assuming the UP track length of 90 miles within the District would be 57 lb/day, which exceeds the CEQA significance threshold of 54 lb/day.³⁷

3. Underestimates Steam Boiler Emissions

F15 The DEIR emission estimates assumed a new 140 MMBtu/hr boiler would be required to supply steam for the Project. The net emission calculations in Comment IV.B.2 that correct the linehaul underestimate assume this new boiler. However, during BAAQMD permitting, Phillips 66 removed the new 140 MMBtu/hr boiler and revised the emissions to assume steam demand would be met by using surplus low pressure steam, improving efficiency of existing steam consumers, and by increasing high pressure steam production at the Steam Power Plant. This resulted in a reduction in emissions from supplying steam, compared to emissions claimed in the DEIR. 4/30/13 Phillips Response Letter, p. 4, Response to Comment #7.

However, these changes disclosed in the BAAQMD permitting file are small, compared to increases from other Project components in the DEIR, and thus do not materially affect any of the conclusions in Comment IV.B.2. Further, as discussed below in Comment IV.C.3, the NOx emissions from supplying steam at the Steam Power Plant are actually significantly higher than claimed in the Phillips permitting application (15.6 ton/yr compared to only 3.7 ton/yr assumed in the DEIR). See Comment IV.C.3. These revised emissions alone are sufficient by themselves to exceed the BAAQMD NOx annual significance threshold.

IV.C. Other Emissions from The Project Are Omitted

The DEIR estimated emissions from new equipment that would be added by the Project plus certain associated mobile source emissions, including a new boiler, tanks and piping, locomotives, and truck and commuter trips. The locomotive emissions are discussed in Comment IV.B.2. DEIR, Tables 4.3-6 & 4.3-7, p. 4.3-21.

F16 The equipment required to recover propane and butane from the refinery fuel gases and to remove sulfur from the recovered products requires various inputs to operate. This results in increases in emissions above the CEQA baseline that were not included in the DEIR's analysis. These include: (1) use of the recovered propane and butane elsewhere in California; (2) electricity; (3) hydrogen; (4) emissions from increased sulfur removal; and (4) certain increases in emissions from generating steam at the existing Steam Plant to support the Project. Each omitted emission source is discussed below.

The BAAQMD files indicate that Phillips conceded there would be an increase in the throughput of the Air Liquide Hydrogen Plant and an increase in the Sulfur Recovery

³⁷ From AQS Attach. 1, pdf 19 (lb/day): Linehaul emissions within California = small line haul from Richmond terminal to refinery + large linehaul from boundary of BAAQMD to Richmond terminal. Linehaul emissions for NOx in lbs/day: $18.97 + 57.06(90/67) = 95.6$ lb/day. The net increase = $20.4 + (79.0-76.03) + 95.6 - 62.3 =$ or 56.7 lb/day > 54 lb/day.

F16

Units, but in both cases, less than the permitted levels.³⁸ However, for purposes of CEQA compliance, the permitted levels are not material, but rather the increase relative to a historic baseline. These emissions were not included in the Project totals.

1. Propane/Butane Combustion In California

The DEIR failed to include criteria pollutant emissions from burning or otherwise using the recovered propane/butane anywhere. The recovered propane/butane is being produced to meet commercial-grade standards with less than 5 ppm hydrogen sulfide (H₂S). 6/28/13 Phillips Response Letter, p. 2. Commercial-grade propane is used as a fuel.³⁹ Thus, it is reasonably foreseeable that the produced propane/butane would be used as fuel, increasing criteria pollutant and GHG emissions.

F17

The BAAQMD permitting file further discloses that Phillips currently sells butane from the Rodeo Refinery in California. 4/30/13 Phillips Response Letter. Thus, emissions from the use of propane/butane as a fuel within California are a reasonably foreseeable impact caused by the Project and must be evaluated. 14 Cal Code Regs. §§15064(d)(3) and 15358(a)(2).

There is nothing in the DEIR or FEIR that would prohibit Phillips from selling 100% of the recovered propane/butane for new uses as a fuel anywhere, including within California. Thus, unless the County imposes a condition requiring that 100% of the propane/butane is sold outside of the jurisdiction of CEQA or for non-combustion, non-emitting uses, the FEIR must include criteria pollutant emissions from its use and mitigate the resulting impacts, which are significant as demonstrated below.

I estimated the criteria pollutant emissions from combusting 100% of the Project's propane/butane in boilers within California. The results of my calculations are summarized in Table 2.

³⁸ Phillips 66 Propane Recovery Project Issues, BAAQMD Notes; Letter from Don Bristol, Phillips 66, to Brian Lusher, BAAQMD, Re: Response to Incomplete Letter 3/1/13, April 30, 2013, pp. 3 (Response to Comment #4) and 6 (Response to Comment #8).

³⁹ See, e.g., Tesoro Safety Data Sheet, Propane - Commercial Grade, Available at: http://www.tsocorp.com/stellent/groups/corpcomm/documents/tsocorp_documents/msdspropane.pdf.

Table 2
Emissions from Combusting Propane/Butane
Within California

	Emission Factor	Emissions	
	(lb/10 ³ gal)	(lb/day)	(ton/yr)
PROPANE			
Total PM	0.7	123	22.5
NOx	13	2,293	418.5
CO	7.5	1,323	241.4
ROG	0.8	141	25.8
BUTANE			
Total PM	0.8	128	23.3
NOx	15	2,394	436.9
CO	8.4	1,341	244.7
ROG	0.9	144	26.2
Emission factors from AP-42, Table 1.5-1. Propane: 4,200 BPD; Butane: 3,800 BPD ROG = TOC - CH ₄ .			

F17

These emissions are compared with significance thresholds established in the DEIR for evaluating the operational air quality impacts of the Project (DEIR, p. 4.3-14) in Table 3. This comparison shows that the emissions from burning recovered propane and butane exceed significance thresholds for NOx, PM10, and ROG by a large margin and thus must either be mitigated or the EIR must prohibit the sale of recovered propane/butane within California for fuel. The emissions of CO are also large and significant, but the DEIR failed to establish a significance threshold for this pollutant.

Table 3
Comparison of Emissions from Combusting Propane/Butane
Within California With Significance Criteria

	TOTAL EMISSIONS		SIGNIFICANCE CRITERIA	
	(lb/day)	(ton/yr)	(lb/day)	(ton/yr)
Total PM	251	45.8	82	15
NO2	4,687	855.4	54	10
CO	2,664	486.1		
ROG	285	52.0	54	10
Assumes 100% of PM from combustion is PM10 DEIR, p. 4.314				

2. Increase In Hydrogen

T The hydrotreater that will be installed as part of the Project requires hydrogen to react with sulfur and convert it into forms that can be removed. The DEIR claims that the amount of hydrogen present in the existing gas streams is adequate to supply the increased hydrogen. DEIR, p. 3-25.

F18 The BAAQMD questioned this assumption and asked Phillips to accept a permit condition stating no hydrogen would be used at the new hydrotreater. Phillips declined and admitted that "... there are short periods when hydrogen from a hydrogen plant will need to be supplied. These periods would typically be during startup of the hydrotreater catalyst system." 4/30/13 Phillips Response Letter, p. 3, Response to Comment #4. Phillips has not quantified the amount of additional hydrogen that will be required nor the resulting emissions. Hydrogen plants include a furnace and vents that are significant sources of criteria pollutant and GHG emissions, including specifically, the hydrogen plant that would supply this Project.⁴⁰ The EIR must quantify all of the emissions that would be generated as a result of the Project.

3. Increase in Steam

T The DEIR disclosed that steam would be provided by either a new 140 MMBtu/hr steam boiler or by the existing Steam Power Plant (SPP). DEIR, pp. ES-5, 3-7, 3-20. The DEIR included emissions only for the new 140 MMBtu/hr boiler. DEIR, Tables 4.3-6 and 4.3-7. Since the DEIR was released, Phillips has elected to use the existing SPP to generate the required steam. The NOx emissions from the existing SPP are higher than those disclosed in the DEIR, as explained below.

F19 Correspondence in the BAAQMD file indicates steam demand will be met by using surplus low pressure steam currently vented, improving steam generation efficiency, and by increasing high pressure steam production at the SPP. The increase in high pressure steam would be provided by increasing the firing rate of natural gas in the duct burners by 45 MMBtu/hr. It is unclear whether additional fuel would also have to be fired in the associated gas turbines.

The emissions included in the BAAQMD permit files (which vary from the emissions identified in the DEIR) are based only on increasing the firing rate of natural gas in the duct burners by 45 MMBtu/hr, and assume very low (and unsupported) emission factors. The emission factor used for NOx, for example, is 0.017 lb/MMBtu (4.5 ppm @ 15% O₂). 4/30/13 Phillips Response Letter, pp. 5-6, Response to Comment #7.

Based on my experience permitting many similar projects with duct burners, they typically emit much more NOx than assumed in the 4/30/13 Phillips calculations (4/30/13 Phillips Response Letter, pp. 5-6). Duct burner emissions are low only if they are located in a heat recovery steam generator equipped with modern selective catalytic

⁴⁰ Air Liquide, Hydrogen Plant Project, Application for Authority to Construct and Major Facility Review Permit, Rodeo, California, October 2005.

reduction to control NOx. No such arrangement is described in the DEIR (Sec. 3.3.2.9) or the original 1985 BAAQMD engineering evaluation.⁴¹ The subject gas turbines/duct burners are permitted to emit 83 lb/hr when firing 1048 MMBtu/hr for all turbine/duct burners combined.⁴² This corresponds to a NOx emission factor of 0.079 lb/MMBtu ($83/1048 = 0.079$). This NOx emission factor is nearly five times higher than the one used in Phillips' duct burner NOx emission calculations.

F19 Using this revised emission factor to estimate NOx emissions from increased steam demand yields 15.6 ton/yr NOx ($0.079 \times 45 \times 8760/2000 = 15.6$) or four times more than disclosed in the DEIR (3.7 ton/yr) for the new 140 MMBtu/hr boiler. The originally proposed new boiler evaluated in the DEIR should be more efficient and emit less NOx, etc. than the old SPP due to use of modern technology and current Best Available Control Technology (BACT) controls such as selective catalytic reduction (SCR). The NOx emissions from supplying just the steam for the hydrotreater exceed the NOx significance threshold of 10 ton/yr and are thus a significant undisclosed air quality impact of the Project.

4. Increase In Sulfur Removal

F20 The Project will increase the throughput of the existing Sulfur Recovery Units (SRU) by about 135 ton/yr of sulfur. DEIR, Fig. 3-6; 5/13/13 BAAQMD Notes, p. 2; 6/28/13 Phillips Response Letter, pp. 6-8, Response to Comment #8. The Refinery uses the Claus process to convert acid gas to liquid sulfur, which is sold. This involves combusting acid gas, which would increase NOx, CO, VOC and other emissions. The resulting elemental sulfur is sold, which involves truck emissions. Thus, the increase in throughput of the SRU would be accompanied by increases in combustion emissions from the Claus unit and the trucks used to transport the recovered sulfur product to market. The resulting increase in emissions was not disclosed in the DEIR or FEIR. The information in the files I reviewed is not adequate to estimate these emissions. It did not include, for example, the increase in acid gases that would be processed by the Claus unit, the criteria pollutant emission factors for the Claus furnace, or the number of additional truck trips that would be required to transport the sulfur to market.

5. Increase In Electricity Generation

F21 The Project will require 1.28 MW electricity or 10,900 MW-hour of electricity DEIR, pp. 3-23, 3-28. The generation of this electricity at off-site facilities will increase criteria pollutant and GHG emissions that were not included in the DEIR. The information in the files I reviewed did not include any emission factors in pounds of pollutant per megawatt hour, which are required to estimate these emissions.

6. Emissions from Changes in Feedstock Quality

⁴¹ BAAQMD, Engineering Evaluation, Union Oil Company, Gas Turbine Cogeneration Facility, November 8, 1985.

⁴² Phillips 66 LPG Recovery Project, Permit Limit Summary, BAAQMD, Condition ID 18629.

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The currently proposed rail spur project at the Santa Maria Facility would allow the import of DilBits. These are rich in the propane/butane fractions required to supply the subject Project at the Rodeo Refinery. If said DilBits were routed directly to the Rodeo Refinery or if they were processed at Santa Maria to generate semi-refined products for Rodeo, which are feed for the propane/butane Project, this would result in public health impacts that were not disclosed in the DEIR.

DilBits contain large amounts of light material that distill below 149 C and are thus very volatile. This material can be emitted to the atmosphere from storage tanks and equipment leaks of fugitive components (pumps, compressors, valves, fittings) in much larger amounts than other heavy crudes and their byproducts that are currently processed at the Rodeo Refinery.

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The diluent is a low molecular weight organic material with a high vapor pressure that contains not only propane and butane that would be recovered by the Project, but also high levels of other VOCs, sulfur compounds, and hazardous air pollutants (HAPs). These would be emitted during unloading and would be present in emissions from tanks and fugitive components. The DEIR did not disclose the potential presence of diluent and made no attempt to estimate these diluent-derived emissions.

The composition of some typical diluents/condensates used in DilBits is reported on the website, www.crudemonitor.ca.⁴³ The DEIR does not identify the specific diluents that would be used by the Project or even that diluents would be present. The CrudeMonitor information indicates that diluent contains very high concentrations (based on 5-year averages, v/v basis of the hazardous air pollutants benzene (7,200 ppm to 9,800 ppm); toluene (10,300 ppm to 25,300 ppm); ethyl benzene (900 ppm to 2,900 ppm); and xylenes (4,600 ppm to 23,900 ppm).

The sum of these four compounds is known as "BTEX" or benzene-toluene-ethylbenzene-xylene. The BTEX in diluent ranges from 27,000 ppm to 60,900 ppm. The BTEX in DilBits, blended from these materials, ranges from 8,000 ppm to 12,300 ppm.⁴⁴ Similarly, the BTEX in synthetic crude oils (SCOs), which also could be imported via the

⁴³ Condensate Blend (CRW) - <http://www.crudemonitor.ca/condensate.php?acr=CRW>; Fort Saskatchewan Condensate (CFT) - <http://www.crudemonitor.ca/condensate.php?acr=CFT>; Peace Condensate (CPR) - <http://www.crudemonitor.ca/condensate.php?acr=CPR>; Pembina Condensate (CPM) - <http://www.crudemonitor.ca/condensate.php?acr=CPM>; Rangeland Condensate (CRL) - <http://www.crudemonitor.ca/condensate.php?acr=CRL>; Southern Lights Diluent (SLD) - <http://www.crudemonitor.ca/condensate.php?acr=SLD>.

⁴⁴ DilBits: Access Western Blend (AWB) - <http://www.crudemonitor.ca/crude.php?acr=AWB>; Borealis Heavy Blend (BHB) - <http://www.crudemonitor.ca/crude.php?acr=BHB>; Christina Dilbit Blend (CDB) - <http://www.crudemonitor.ca/crude.php?acr=CDB>; Cold Lake (CL) - <http://www.crudemonitor.ca/crude.php?acr=CL>; Peace River Heavy (PH) - <http://www.crudemonitor.ca/crude.php?acr=PH>; Seal Heavy (SH) - <http://www.crudemonitor.ca/crude.php?acr=SH>; Statoil Cheecham Blend (SCB) - <http://www.crudemonitor.ca/crude.php?acr=SCB>; Wabasca Heavy (WH) - <http://www.crudemonitor.ca/crude.php?acr=WH>; Western Canadian Select (WCS) - <http://www.crudemonitor.ca/crude.php?acr=WCS>; Albion Heavy Synthetic (AHS) (DilSynBit) - <http://www.crudemonitor.ca/crude.php?acr=AHS>.

Santa Maria rail spur project or the Ferndale Rail Terminal and barged to Rodeo, ranges from 6,100 ppm to 14,100 ppm.⁴⁵ These are very high concentrations that were not considered in the DEIR or FEIR. These levels are high enough to result in significant worker and public health impacts.

F22 The CrudeMonitor information also indicates that these diluents contain elevated concentrations of volatile mercaptans (9.9 to 103.5 ppm), which are highly odiferous and toxic compounds that could result in significant odor and nuisance impacts. Mercaptans can be detected at concentrations substantially lower than will be present in emissions from the tanks and fugitive emission, including pumps, valves, flanges, and connectors.⁴⁶ In fact, mercaptans are added to natural gas in very tiny amounts so that the gas can be smelled to facilitate detecting leaks.

Thus, recovering propane and butane from semi-refined products generated from these tar sands crudes or from directly refining these crudes would emit VOCs, HAPs, and malodorous sulfur compounds, not found in comparable levels in conventional crudes currently handled at the Refinery. There are no restrictions on the feedstock composition nor any requirements to monitor emissions for these HAPs from tanks and leaking equipment where DilBit-blended and other light crude fraction would be handled.

7. CO Emissions Were Not Estimated

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L The Project would significantly increase emissions of carbon monoxide (CO), a criteria pollutant. Carbon monoxide is emitted from all combustion sources, including locomotives, trucks and commuter auto trips, steam generation, and combustion of the recovered propane and butane at fired sources. The DEIR is silent on CO emissions from the entire Project.

IV.D. Decrease in SO₂ Emissions Is Not Supported

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I The DEIR claims that the Project would reduce SO₂ emissions by at least 50%, resulting in an SO₂ emission decrease of at least 180 ton/yr. DEIR, pp. ES-2, 3-5, 4.3-19. The emission inventory in Table 4.3-7 takes credit for a reduction in SO₂ emission of 172.4 ton/yr. DEIR, Table 4.3-7. The BAAQMD Permit Application made a similar claim. However, there it claimed a reduction of 174.7 ton/yr, of which 7.61 ton/yr was proposed to offset Project SO₂ increases and the balance would be banked as Emission

⁴⁵ SCOs: CNRL Light Sweet Synthetic (CNS) - <http://www.crudemonitor.ca/crude.php?acr=CNS>; Husky Synthetic Blend (HSB) - <http://www.crudemonitor.ca/crude.php?acr=HSB>; Long Lake Light Synthetic (PSC) - <http://www.crudemonitor.ca/crude.php?acr=PSC>; Premium Albion Synthetic (PAS) - <http://www.crudemonitor.ca/crude.php?acr=PAS>; Shell Synthetic Light (SSX) - <http://www.crudemonitor.ca/crude.php?acr=SSX>; Suncor Synthetic A (OSA) - <http://www.crudemonitor.ca/crude.php?acr=OSA>; Syncrude Synthetic (SYN) - <http://www.crudemonitor.ca/crude.php?acr=SYN>.

⁴⁶ American Industrial Hygiene Association, Odor Thresholds for Chemicals with Established Occupational Health Standards, 1989; American Petroleum Institute, Manual on Disposal of Refinery Wastes, Volume on Atmospheric Emissions, Chapter 16 - Odors, May 1976, Table 16-1.

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Reduction Credits. BAAQMD Permit Ap., p. 17. However, Phillips subsequently withdrew its banking application, casting doubt on its claim of a SO2 reduction.

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Thus, there is no support, in either the DEIR record or the BAAQMD permitting record, for the claimed reduction in SO2 emissions. Emission reductions used to offset emission increases must be permanent, real, and quantifiable. There is no evidence that the claimed SO2 emission reductions meet any of these criteria. In fact, claimed reductions could be a myth if the Refinery feedstock is modified to include a larger proportion of higher sulfur tar sands crudes than currently refined. Such crudes could reach the Refinery via the related Santa Maria rail spur project or the Ferndale rail terminal by barge down the Pacific coast.

V. CUMULATIVE AIR QUALITY IMPACT ANALYSIS IS INADEQUATE

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The DEIR included only the Marine Terminal project, the temporary boiler, and an SO2 transfer proposal in the list of cumulative projects. DEIR, Sec. 5.4.3.3. However, the DEIR and FEIR fail to disclose the cumulative impacts that would result from other currently proposed projects that would affect the amount and composition of feedstock refined at Rodeo, compared to CEQA baseline feedstock. Changes in baseline feedstock as explained in these comment, i.e., tar sands crudes such as DilBits, and increased amounts of semi-refined materials from the Santa Maria Facility, would increase emissions of all criteria pollutants and hazardous air pollutants at most all emission sources in the Refinery.

F25
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First, as discussed in Comment II, two projects are proposed at the Santa Maria Facility that would directly impact Rodeo. These would send increased amounts of gas oil and naphtha to Rodeo for processing, increasing emissions from many refining units compared to the CEQA baseline. A rail spur is also proposed for Santa Maria that would allow the import of tar sands crudes. These tar sands crudes would change the chemical composition of Rodeo feedstocks, as described in Comment IV.C.6 and Attachment 2. These feedstocks, for example, would increase emissions of hazardous air pollutants from tanks, compressors, pumps, valves and flanges throughout the Refinery. They would also increase NOx and SO2 emissions from fired sources throughout the Refinery, relative to the CEQA baseline.

Second, as also discussed in Comment II, Phillip 66's Ferndale Refinery is permitted to construct a rail terminal, which will facilitate barging tar sands crude to the Rodeo Marine Terminal. The Rodeo Marine Terminal was recently permitted to import increased amounts of crude. This would also change the chemical composition of Rodeo feedstocks, as described in Comment IV.C.6 and Attachment 2, compared to the CEQA baseline feedstock.

These directly related projects will cumulatively increase air emissions above the CEQA baseline. They must all be evaluated together in a revised DEIR to determine cumulative air quality impacts.

EXHIBIT #4a

CONTRA COSTA
2013 DEC -2 PM 2:55
APPLICATION & PERMIT CENTER

COMMUNITIES FOR A
BETTER
ENVIRONMENT



December 2, 2013

RE: Appeal of Planning Commission Certification of the Final Environmental Impact Report for the Phillips 66 Propane Fuel Recovery Project

To the Contra Costa County Board of Supervisors:

Communities for a Better Environment ("CBE") appeals the Contra Costa County Planning Commission's certification of a deficient Final Environmental Impact Report ("FEIR") for the Phillips 66 "Propane Fuel Recovery Project" ("Project"). This appeal is based on the arguments set forth herein, in addition to those set forth in CBE's comments to the Draft Environmental Impact Report for the Project ("DEIR"), the comments submitted by the Rodeo Citizens Association and other commenters to the same DEIR, as well as any arguments and information presented before the County Planning Commission at its November 19, 2013 hearing on the matter.

The FEIR has failed to cure critical errors identified by CBE and others in their comments to the DEIR. In particular, CBE's comments identified the project proponent's lack of good faith in disclosing information regarding integral project components, and the DEIR's subsequent failure to include an adequate project description that details the reality of a larger project; one that would enable the Project proponent to process lower quality oil feedstock. CBE's findings, detailed in the Expert Report of Greg Karras, were corroborated by the comments of the Rodeo Citizens Association, submitted on November 18, 2013, including the Comments of technical expert, Phyllis Fox, which also reveal additional, fundamental flaws in the DEIR, similarly left uncured in the FEIR.

The FEIR neither discloses the Project's true specifications nor its overall objective and, therefore, cannot provide any meaningful discussion of significant environmental impacts, mitigation of those impacts, and feasible alternatives. For this, and the additional reasons explained below, the County Planning Commission should neither have certified such an insufficient document, nor approved any subsequent land use permit based on its inadequate analysis and conclusions unsupported by substantial evidence as required by the California Environmental Quality Act ("CEQA"). In addition, the County did not meet CEQA's notice requirements, in part, as a result of the inadequacy of the project description contained in the environmental documents, as well as the County's failure to otherwise provide adequate written notice to the public of this Project. The Board should, therefore, reject the Planning Commission's certification of this insufficient document and initiate procedures to have the document immediately revised and recirculated.

CBE1

The Project Description Fails to Disclose that this Project is Part of a Larger Project to Enable the Refinery to Process Lower Quality Oil Feedstock

A, "finite project description is indispensable to an informative, legally adequate EIR."¹ Moreover, when comments submitted by the public raise significant environmental issues and hold a position contrary to that of the lead agency, the lead agency must address those comments *in detail* and give reasons why specific comments and suggestions were not accepted.² "There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."³

CBE 2

Although the FEIR provides several cross references to various responses to comments addressing the issue of crude quality raised by CBE and other commenters, overall, its responses fail to address the substance of such comments. Indeed, the FEIR's response to comments sections, including Master response 2.2, B4-5, B4-36 through B-73, B4-9, B4-11, do nothing more than cross reference each other, and the DEIR, in order to conclusively deny CBE's position without any meaningful analysis, or statements of evidentiary support.

FEIR Master Response 2.2 is Insufficient

Master Response 2.2 constitutes the majority of the FEIR's response to the question of whether the Project will result in a switch to a lower quality oil feedstock. The County asserts that the Project does not propose to add, change or modify the operation of other process units, and offers little more than such a conclusory statement.

In response to any suggestion of the use of a different crude slate, the County merely cites repeatedly to Section 3.2.1 on page 3-5 of the DEIR; the section containing the Project's stated description. The County also states that there is, "nothing in the record," (the record being that which was prepared for the DEIR) to suggest that this Project is part of a larger project to change the crude slate processed at the refinery. This overall conclusive reliance on a document, whose very substance and omissions are called into question, is essentially non-responsive and cannot constitute substantial evidence.

CBE 3

The sparse additional evidence in Master Response 2.2 is also insufficient. For instance, in regard to Phillips 66 management's statements to its investors promoting the company's strategic switch to, "advantaged crude," the County's response in the FEIR suggests that there is no definition of "advantaged crude." In fact, the very same Phillips 66 document offers the definition, which includes, "heavy crude oil from Canada."⁴ Furthermore, Chief Executive Officer, Greg Garland adds: "the single biggest lever we have to improve value in our refining business is through lowering our feedstock costs."⁵ Also stated in CBE's Comments, Phillips 66 management signals its intent to bring this "advantaged crude" directly to its San Francisco

¹ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.

² 14 Cal. Code Reg. § 15088(c).

³ 14 Cal. Code Reg. § 15088(c).

⁴ Phillips 66 Delivers on Advantaged Crude Strategy, available at <http://www.phillips66.com/EN/newsroom/feature-stories/Pages/AdvantagedCrude.aspx>, last accessed Aug 7, 2013

⁵ *Id.*

CBE3
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refineries, both the Rodeo and Santa Maria facilities by rail or barge.⁶ Nevertheless, despite the inclusion of this information and other investor-targeted statements identified by CBE and others, the FEIR ignores these specific strategies, obscuring the project proponent's true intent.

The Project is Improperly Piecemealed

"A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole."⁷

CBE4
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Master Response 2.2 also discusses Phillips 66's Santa Maria Facility ("SMF"). The response identifies SMF's new proposed project, currently in the application stage with San Luis Obispo County, to increase crude oil shipments via rail car in addition to pipeline. The County asserts that "there is no request for or discussion of this project requiring any change to the SMF to accept different crude feedstocks." In stark contrast, the SMF new proposed project description reads: "the purpose of the project is to allow SMF to access a full range of competitively priced crude oil."⁸ The FEIR omits publicly available information that shows the true link between these two facilities and the Project.

Both the Comments of Greg Karras and Phyllis Fox highlight the direct link between this Project and the proposed modifications at the SMF. Their extensive analyses identify projects at the Rodeo and Santa Maria refineries, that although separate in time, are connected in purpose, including: other projects at the Rodeo facility, the direct pipeline link between the Rodeo and Santa Maria facilities and the production of propane and butane at the same, the overall reliance of the Rodeo facility on the SMF for the stated objective of this Project, and the new rail spur at the SMF that would enable tar sands crudes to be imported to and processed at the SMF, and/or shipped directly to Rodeo. The DEIR failed to identify, much less analyze the potential impacts of these projects in relation to one another, and despite comments regarding the need for such an analysis, the FEIR also fails to provide any substantial evidence to contradict these independent and corroborating analyses. The FEIR similarly omits any mention of any other related projects, including but not limited to Phillips 66's proposed project to increase storage and desalination capacity at its Carson facility in Los Angeles, currently under review with the South Coast Air Quality Management District – an additional integral project component to enable Phillips 66's refineries to switch their crude slate, statewide.

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⁶ FEIR 3.2-26.

⁷ *Orinda Ass'n v. Board of Supervisors* (1986) 182 CA 3d 1145, 1171.

⁸ Project Purposes and Objectives, available at:

<http://www.slocounty.ca.gov/Assets/PL/Santa+Maria+Refinery+Rail+Project/description.pdf>

The Project Will Enable a Switch in Crude Quality

CBE 5 ↑
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The FEIR similarly offers little more than conclusory statements to satisfy CBE's concerns regarding the switch in crude quality itself.⁹ Moreover, the County seems to confuse CBE's identification of this larger project, or the switch in crude slate, with, "purchasing raw materials," that does not constitute a CEQA, "project," and therefore does not require an EIR analysis.¹⁰ This position directly conflicts with the spirit of the statements made by the Phillips 66 representative at the Planning Commission hearing, who confirmed this future switch in crude slate, and assured the Commissioners that the company would obtain an EIR for that switch when it happens.

Notably, Phillips 66's attempts to obscure their underlying intent to switch the crude quality at the San Francisco Refinery will result in impermissible, deferred mitigation of the resulting potential impacts. California Courts have consistently held that foreseeable changes, which would have an effect on a proposed project, must be discussed at the time of the project's approval process.¹¹ As noted above, the Phillips 66 representative present at the hearing before the County Planning Commission did not negate the company's overall plan to switch its crude slate. Instead, he said only that the company would obtain CEQA review at the time in which such a switch was underway. Contrary to what appears to be Phillips 66's position on this matter, however, Phillips 66 must get that County approval *now*. If the LPG is derived from the oil feedstock, and the feedstock is likely to change, that change will evidently have an effect on LPG production that the FEIR should have documented, and addressed through mitigation measures where necessary. Thus, Phillips 66 should not be permitted to defer an analysis that is, in this case, required *now*.

CBE 6 ↑
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The FEIR's response is also inadequate. The FEIR should have included an analysis of increased emissions and worker safety risks as a result of a change in feedstock. As stated in the Fox comments, "the amount and composition of sulfur in the crude slate...ultimately determines the amount of SO₂ that will be emitted from every fired source in the refinery," and this Project would commit the refinery to continued coking of the highest density part of the crude resource.¹² Such coking is necessary to meet the Project's export objectives, otherwise the refinery would not be able to produce enough propane and butane.¹³ "Denser coker feeds produce more gases and more LPG..." and in order to produce the Project's 8000 barrels per day of LPG, the refinery will have to process a certain density of coker feed.¹⁴ The very project components themselves, therefore, reveal that the project *relies* on a switch in crude feedstock.

CBE 7 ↑
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In regards to worker safety, CBE proposed that the County discuss the findings of the Chemical Safety Board ("CSB"), in particular, the nexus between a lower quality oil feedstock, increased risks of hazards to workers, and the need to reduce those risks to the As Low As

⁹ See e.g., FEIR comment response B4-5.

¹⁰ See FEIR at 3.2-118.

¹¹ *Laurel Heights Improvement Assn. v. Regents of University of California*, (1988) 47 Cal. 3d 376, 396.

¹² Karras Report at 6.

¹³ *Id.*

¹⁴ *Id.* at 7.

Reasonably Practicable ("ALARP") level. The County's response merely states that, "there is no apparent nexus...to require compliance with this advice."¹⁵

CBE 7
CBE's requests for further information or verification on crude quality were also met with the same general and conclusory responses. For instance, CBE seeks further information on how the Project will meet its export objective without changing its feedstock. Comment response B4-12 merely refers CBE back to the, already identified as deficient, DEIR section detailing the capacity and storage of tanks. This comment response is but one example of the FEIR's inability to confirm how the Project will meet its export goals and the County's failure to cure that error. Similarly, in response to Karras' identified Project reliance on severe processing of denser oils in the crude stream in order to create enough byproduct gases to meet the Project's objectives, the FEIR still offers wholly conclusory, irrelevant or insufficient responses, for the most part, simply "reiterating" the inadequate project description.¹⁶

The FEIR Fails to Discuss Foreseeable Significant Environmental Impacts of the Project

An adequate EIR must analyze "the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."¹⁷

CBE 8
FEIR comment response B4-2 introduces a whole discussion of the, "lifecycle," of emitting sources and how the CEQA guidelines no longer use this term due to its lack of definition. Nevertheless, CBE also does not use the term, lifecycle. CBE has merely identified that this Project will produce goods that will fulfill their emitting destiny at some point in time in the future — they are indirect emissions. That is foreseeable, and an impact that the FEIR should have included. A discussion of "lifecycle" terminology does nothing other than to confuse the issue. Ultimately, this Project's objective, "good," will be sold and used somewhere, creating some emissions that the FEIR should have identified, analyzed and, if necessary, mitigated.

The County suggests that there is, "uncertainty concerning the locations, quantities and types of fuel that might be replaced by the propane/butane...whether such production could have the potential to affect the overall consumption of propane/butane or the use or non-use of another fuel." The County determines that these issues are too "speculative for inclusion in the EIR analysis." Nevertheless, the County is in possession of data from the refinery that will easily allow for an estimate of the emissions from combustion of its product, also possible at liberal and conservative ranges, to account for possible future fluctuations in demand. Furthermore, Phillips 66 currently sells butane from its Rodeo Refinery in California. Emissions from the use of this fuel are a clearly and reasonably foreseeable impact caused by this Project that the FEIR failed to discuss.

¹⁵ FEIR at B4-28.

¹⁶ See FEIR at 3.2-131.

¹⁷ *Supra*, footnote 11.

The FEIR Fails to Adequately Analyze Significant Environmental Impacts

CBE identifies the following significant environmental impacts that the FEIR fails to properly address. CEQA requires project proponents to address all of a proposed project's anticipated environmental impacts.¹⁸ This requires an analysis of both short-term and long-term significant environmental impacts.¹⁹

- COE9
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1. *Risk of explosion/accident/fire/catastrophic failure.* A lower quality oil feedstock is directly correlated to the increased frequency of catastrophic failures, such as the August 6, 2012 fire at the Chevron Richmond Refinery. In addition, site specific factors of this Project exacerbate dangers of the storage of propane in high pressure tanks. As noted below, the accounting for such risk under the Industrial Safety Ordinance ("ISO") has not yet occurred, but is in fact illegally deferred until a later date.

Moreover, as the FEIR consistently denies the Project's reliance on a switch in crude slate, it evidently also does not see the need to address this significant impact.²⁰

- CBE10
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2. *Significant Air Pollution Impacts from the Refining of a Lower Quality Oil Feedstock.* The refining of this lower quality crude slate is likely to result in increased, "emergency," flaring. Each of these flaring episodes comes with associated and extremely high levels of additional pollution. In addition, the daily operation and refining of a lower quality crude slate will result in increased daily emissions of pollutants, including fugitive emissions and heightened concentrations of toxic compounds.

The FEIR again avoids any discussion of any impact associated with a switch in crude quality.²¹ Noteworthy however, comment response B4-20 attempts to bolster its position by a corroborating reference to Phillips 66's corresponding Air District application for Emissions Reduction Credits; an application that Phillips 66 recently withdrew.

- CBE11
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3. *Significant Biological Resource Impacts due to OTC system.* CBE highlights the potential impact the continued use of the OTC system will have on species in and around the San Francisco Bay, and may even result in the "taking" of endangered species.

The Regional Water Quality Board has in fact determined that this impact could prove so potentially harmful, that they have ordered the Project proponent to study replacing the OTC system - prior to any expansion. This study is already

¹⁸ Public Resources Code section 21100(b)(1); *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 199.

¹⁹ CEQA Guidelines section 15126.2(a).

²⁰ See FEIR at B4-19.

²¹ See FEIR at B4-20.

CBE 11



CBE 12



CBE 13

signed and submitted to the Water Board. It is referenced and attached to CBE's comments to the DEIR, and documents the feasibility of replacing the cooling system. However, by contrast, the FEIR supports expanding the old system, which forecloses any replacement. Even more surprising, the FEIR denies the existence of this study.²²

4. *Significant Cumulative Impacts.* The FEIR's failure to properly address cumulative impacts stems from its flawed project description. Certainly, the lack of a good faith and accurate project description will render any proper analysis of cumulative impacts necessarily meaningless. Comment response B4-22 merely recites the CEQA guidelines for the analysis of cumulative impacts, wholly failing to address the DEIR's insufficient discussion and response to CBE's concerns, especially taking into account the potential geographic reach of this Project.

5. *Significant Greenhouse Gas Emissions.* The FEIR fails to adequately consider both on and off-site GHG emissions. On-site, the FEIR does not acknowledge a crude switch and therefore does not address the higher GHG emissions in refining a lower quality oil feedstock. Off-site, the FEIR fails to provide any meaningful discussion of GHG emissions from the Project's objective product, propane, wherever it is used. Inevitably, this Project's propane will be used somewhere. The County should have at least provided some estimate of how much, including resultant GHG emissions.

The FEIR's response comments do little to address these concerns. B4-23 states that as crude quality data was not used to estimate GHG emissions, then there is no need to address how a switch in crude quality could affect emissions. If there is a switch to lower crude quality, however, the GHG emissions will also increase. Whatever variables the County used to estimate GHG emissions will be affected by a switch in crude quality.

In regard to off-site emissions, FEIR B4-23 again mistakes the propane use as a, "lifecycle," emission, ignoring a proper analysis that such emissions are ultimately foreseeable, and therefore, indirect emissions that the FEIR should have addressed.

Moreover, the bare measurement of GHG emissions included in the FEIR raises significant concern. The FEIR includes comment responses defending reliance on BAAQMD significance thresholds that are currently the subject of litigation.²³ Nevertheless, BAAQMD itself calls this Project into question:

'the DEIR provides no supportive technical detail to determine if emission estimates are accurate. In addition, the supplemental documents requested by District staff had missing information. Without this information, staff

²² See FEIR at B4-47.

²³ See FEIR at B4-24.

CBE 13

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CBE 14

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is unable to determine if calculations and emissions estimates are correct, and thus, cannot support the conclusions related to the significance of air quality or GHG impacts.²⁴

6. *Significant Environmental Impacts from the Use of the OTC System.* Lead agency guarantees of permit limit adherence cannot substitute for any meaningful analysis under CEQA. The FEIR fails to properly analyze a significant impact, instead stating that if the significant impact occurs, another agency has the authority to remedy that impact. That is deferred mitigation. As such, the FEIR still does not address the significant direct and cumulative impacts of the Project's continued use of the OTC system.²⁵

The FEIR Fails to Adequately Discuss Mitigation Measures

The FEIR subsequently cannot adequately analyze mitigation measures for significant environmental impacts that the County will not investigate in the FEIR, despite abundant evidence to the contrary. In addition, as noted above, the County improperly defers its analysis of hazard management under the Industrial Safety Ordinance, including risks due to catastrophic failure of Project components. Surprisingly, however, the County maintains its reliance on the same inherently safer systems analysis but applied to, and eventually used to exclude, Refrigerated Liquified Gas Storage as a feasible alternative.²⁶ Overall, the County's analysis of mitigation measures is inadequate and not based on substantial evidence, but rather the flawed assurances left uncorrected from the DEIR.

Local and State Regulations

The FEIR still improperly defers an analysis under the Industrial Safety Ordinance. Similarly, the FEIR fails to address the Project's conflicts with the County General Plan and the Regional Water Quality Control Board.

County Industrial Safety Ordinance

A mitigation measure requiring the completion of studies *after* project approval, constitutes deferred mitigation and is contrary to CEQA.²⁷

CBE and other commenters alert the County of the need for an inherently safer systems analysis under the ISO *now*. Instead, the County merely states that, "the Refinery operates under

²⁴ See FEIR, Comment Letter A6. The County's response to the Air District is also inadequate, merely referring District staff and the public to the Appendix of the DEIR or other mysterious documents at the County office, which wholly negates CEQA's single EIR document requirement.

²⁵ (See FEIR at B4-25, informing the public that the RWQCB has the authority to require modifications to a facility's operations to ensure water quality standards.)

²⁶ FEIR at B4-28.

²⁷ *Sundstrom v. County of Mendocino*, (1988) 202 Cal. App. 3d 296, 207.

rules that provide the necessary hazards analysis."²⁸ Such studies, "will be carried out prior to (Project) startup...upon completion of the Project...the Risk Management Plan would be updated," and modified as a result of the Project.²⁹ Especially in lieu of all of the risks of catastrophic failure, the recent explosion at the Chevron Richmond Refinery, and the surrounding dangers in the natural environment, such as liquefaction, this deferred mitigation is unacceptable and left uncured by the FEIR.

Contra Costa County General Plan

As noted in CBE's comments on the DEIR, the County's General Plan includes the goal of increased deployment of renewable energy systems, such as wind, solar and biomass methane production. Every refinery has the option of partially repowering itself with these renewable resources. A key component of this Project is the repowering of the refinery, now by natural gas purchased from PG&E, a discussion that should have involved renewables, especially bearing in mind the General Plan. The FEIR fails to correct this deficiency as well as other conflicts with the General Plan such as liquefaction potential and seismicity at the Project site.³⁰

Regional Water Quality Board/OTC system

As noted in CBE's comments on the DEIR and above, the Project conflicts with the Regional Water Quality Control Board's Orders to retire OTC systems, and also, the specific feasibility study regarding the retiring of this particular OTC system.

The FEIR Provides An Inadequate Discussion of Project Alternatives

An EIR must identify a range of reasonable alternatives "which would feasibly attain most of the basic objectives of the project *but would avoid or substantially lessen any of the significant effects of the project.*"³¹

The FEIR only includes the analysis of three alternatives that all would have greater environmental impacts than the Project. The County did not analyze one alternative that would reduce the environmental impacts of the proposed project; in the County's analysis, even the No Project alternative would have greater impacts than the Project. The failure to consider even a single alternative with lesser environmental impacts than the proposed project is contrary to the purpose of the CEQA alternatives requirement.

The FEIR also fails to consider alternatives that embrace alternative forms of cleaner energy, pursuant to the General Plan as discussed above. CBE noted that while environmentally beneficial alternatives may be more costly in the short run, "[t]he fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially

²⁸ FEIR at B4-19.

²⁹ *Id.*

³⁰ See FEIR at B4-16

³¹ 14 Cal. Code Reg. § 15126.6(a) (emphasis added).

infeasible.³² CBE asked the County to request more information from the refinery in order to assess the various alternatives to the proposed project which were not included in the DEIR.³³ Nevertheless, the FEIR's discussion is identical to the DEIR's discussion of alternatives.

CBE 16

The information requested by CBE is important. It is impossible to determine or verify the impacts of the alternatives posited in the FEIR, even the No Project alternative, when the County has failed to identify what those alternatives would even look like. It is similarly impossible to compare the impacts of the reduced-project alternative to those of the proposed project when the County fails to identify significant environmental impacts.³⁴ The FEIR's analysis of alternatives is not sufficient, but instead an identification of alternatives, if even that.³⁵

Further, the County dismissed the alternatives suggested by CBE by noting that if they were to be considered in the EIR, they would likely be rejected as either not meeting the project's objectives or being infeasible.³⁶ The County provides no evidence beyond its own conclusory statement that the additional alternatives would be infeasible, or would otherwise be beyond the reasonable range of alternatives required by CEQA.³⁷ Consequently, this is an insufficient response under the CEQA Guidelines.³⁸

Finally, the County notes in its response that "although all impacts of the proposed Project are either less than significant or mitigated to less than significant, a reduced sized project is marginally superior to the proposed Project."³⁹ However, even if the County believes that significant environmental impacts will be mitigated, this does not excuse the County from preparing a meaningful analysis of feasible project alternatives.⁴⁰

³² *Citizens of Goleta Valley v. Bd. of Supervisors of Santa Barbara Cnty.*, (1988) 197 Cal.App.3d 1167, 1181.

³³ CBE Comments at 25.

³⁴ DEIR at p. 6-7.

³⁵ See *Laurel Heights I*, 47 Cal. 3d at 406 ("It defies common sense for the Regents to characterize this as a discussion of any kind; it is barely an identification of alternatives, if even that.").

³⁶ FEIR at p. 3.2-128.

³⁷ See 14 Cal. Code Reg. § 15126.6(f) ("The range of alternatives required in an EIR is governed by a 'rule of reason' . . .").

³⁸ 14 Cal. Code Reg. § 15088(e) (in response to comments, "[c]onclusory statements unsupported by factual information will not suffice").

³⁹ FEIR at p. 3.2-128.

⁴⁰ *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 401 (*Laurel Heights I*) (holding that an EIR must include a meaningful analysis of feasible project alternatives, even when the lead agency assumes that significant impacts will be substantially avoided by mitigation measures alone).

The County Failed to Adequately Notify the Community of this Project

"If a final EIR does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decision-making cannot occur under CEQA and the final EIR is inadequate as a matter of law."⁴¹

CBE17
Certifying the FEIR in its current deficient state would be a complete disservice to the public. Although CBE appreciates the County's efforts to provide the statutorily mandated CEQA comment periods and deadlines, the County has nevertheless utilized the minimum amount of time authorized under CEQA for review of the FEIR. The County allowed ten short days for review of the highly dense and technical FEIR. The spirit of CEQA does not require the County to offer the least amount of time authorized by statute for review of a project, let alone a highly technical one, but should allow for the best time frame to encourage this, "intelligent weighing," of environmental consequences.

Furthermore, the overall notice that this Project afforded the community is inadequate. Several community members, a staff member at the local school, and even the Sanitary District stated that they had, "no idea," about this Project. (See e.g., FEIR at 3.1-8, 3.1-40, 3.3-175, 3.3-177, 3.3-181, 3.3-223). In addition to CEQA's notice requirements, in order to satisfy the Constitutional requirement of due process, the County should have provided actual notice to all parties that may be subject to any, "taking," such as a decrease in property values, as a result of this Project.

Conclusion

For the above reasons, the County Planning Commission prejudicially abused its discretion by failing to proceed in the matter required by law and certifying an insufficient document not supported by substantial evidence.⁴² The Board should reject the Planning Commission's certification of the FEIR for this Project. The FEIR should be revised and recirculated.

In health,

/s/

Roger Lin
Yana Garcia
Heather Lewis
Attorneys for Communities for a Better Environment

⁴¹ *CBE v. City of Richmond and Chevron Products Company* (2010) 184 Cal. App. 4th 70, 82-83.

⁴² Pub. Res. Code §§ 21168, 21168.5

EXHIBIT #4b

COMMUNITIES FOR A
BETTER
ENVIRONMENT



November 19, 2013

Via Email

Planning Commission
Contra Costa County
30 Muir Road
Martinez, CA 94533

Re: Phillips 66 Propane Recovery Project, November 2013 Proposed Final
Environmental Impact Report, SCH #2012072046; County File #LP12-2073

Dear Chair Terrell, Vice-Chair Snyder and Commissioners:

CBE 18

Our organization ("CBE") has seen this before. In 2005, Chevron submitted an application to the City of Richmond for the Hydrogen Renewal Project at its Richmond Refinery. Chevron proposed modifications that would allow its refinery to, "modernize," and become, "more efficient." Through that environmental review process, several parties, including CBE, discovered that Chevron was obscuring the fact that these changes would in reality increase Chevron's ability to process lower quality, heavier crude oil feedstock. Nevertheless, the final Environmental Impact Report ("EIR") for the Chevron project merely offered conclusory statements that such a change in oil feedstock was not likely to occur. CBE and other parties ultimately challenged the certification of that deficient EIR.

In 2010, the California Court of Appeal agreed with CBE: the Chevron EIR's conclusory terms regarding the oil feedstock quality were neither supported by facts nor any meaningful analysis. The Court of Appeal also noted that, "conflicting information developed during the EIR process," cast serious doubt on the EIR's assertions. This conflicting information included Chevron's statements to its investors regarding the company's true intention to refine lower quality oil feedstock.

Today, this Commission is faced with a strikingly similar set of facts, and a strikingly similarly deficient Final Environmental Impact Report for the Phillips 66 Propane Recovery Project ("FEIR" for the "Project"). Two refinery experts, Greg Karras and Phyllis Fox, have submitted separate comments to your agency, agreeing on and detailing the same concern that the Project is part of a larger project, masking a true intention to process a lower quality oil feedstock at the Phillips 66 Rodeo Refinery. Just as in the Chevron case, refinery experts identify the need for more information and a more detailed and adequate project description in order to fully analyze and set forth necessary mitigation measures as required by the California

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Environmental Quality Act ("CEQA"). Despite the information contained in these two expert comment letters, however, the FEIR, fails to state any information to either debunk or verify these experts' concerns. For instance, Karras' Comment 15 illustrates that, in order to meet the Project's stated goals and objectives, the refinery would have to commit to, 'continued coking of the highest-density part of the crude resource,' or otherwise risk smaller profit margins. To this, the FEIR merely offers the conclusory response that no change in crude slate is proposed or needed. The FEIR offers no additional relevant support or evidence. Rather, the FEIR states in response, 'feedstock selection is determined by maximizing profit around gasoline and diesel production.' Meanwhile, recall public statements made to investors by Phillips 66 Chief Executive Officer, Greg Garland, which include: "the single biggest lever we have to improve value in our refining business is through lowering our feedstock costs." As highlighted in CBE's Comments, Phillips 66 management signals its intent to bring this "advantaged crude" directly to its Rodeo refinery. It is remarkable that the FEIR does not address Karras' identified, "commitment," to heavier crude, but instead makes this broad, yet telling, statement regarding crude slate.

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The FEIR completely fails to acknowledge, much less analyze the meaning behind investor targeted statements, such as the one quoted above. Master Response 2.2 suggests that there is no definition for "advantaged crude." However, Phillips 66 itself offers that definition, which includes, "heavy crude oil from Canada."¹ In fact, the company elaborates to its investors: "(the) opportunity that we have...is to get...Canadian crudes down into California... We're looking at rail to barge to ship, down to the West Coast refineries..."² This lower quality oil feedstock implicates greater pollution and worker safety hazards, both of which are not adequately discussed in the FEIR.

Evidently, the same conflicting information and investor targeted comments that made the Chevron EIR inadequate also plague this current FEIR. Furthermore, the County's actions during this review period draw the Project's true intentions into question. In the same Chevron case, the City of Richmond failed to include the baseline and post-project crude oil quality data in the project EIR. In response, the California Attorney General strongly advocated for a, "crude cap," imposing a limitation on the conditional use permit precluding Chevron from altering its crude slate mix. Even the Court of Appeal found the lack of such a "crude cap" especially persuasive, which would have resolved the crude quality issue for many, if not all of the parties. The County's failure to include a similar condition of approval for Phillips 66 and this Project, a condition that could have resolved this issue, and would certainly not have been met with the company's objection if it did not obviate any true intention, highlights the fact that the County cannot guarantee against the refining of lower quality oil feedstock as a result of the Project.

The FEIR is fundamentally flawed. The County cannot issue a valid land use permit until it cures these flaws. As a result of the FEIR's fundamental shortcomings, certification of the FEIR as written will completely trample principles of public participation embedded in the

¹ Phillips 66's definition for "advantaged crude" is included in the same document that CBE cites to, regarding Garland's investor comments, in CBE's Comments on the Draft EIR.

² September 12, 2013 Transcript, pdf 7; Available at:
http://www.phillips66.com/EN/investor/presentations_ccalls/Documents/Barclays_091213_Final.pdf.

CBE 18
language and spirit of CEQA. 'If a final EIR does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decision-making cannot occur under CEQA and the final EIR is inadequate as a matter of law.'³ Therefore, certifying the FEIR in its current deficient state would be a complete disservice to the public. Although CBE appreciates the County's efforts to provide the statutorily mandated CEQA comment periods and deadlines, the County has nevertheless utilized the minimum amount of time authorized under CEQA for review of this FEIR. The County allowed ten short days for review of the highly dense and technical FEIR. The spirit of CEQA does not require the County to offer the least amount of time authorized by statute for review of a project, let alone a highly technical one, but should allow for the best time frame to encourage this, "intelligent weighing," of environmental consequences.

Ten days to review such an extensive and technical document is hardly likely to yield any sufficient information to satisfy the concerns of CBE's members. This letter represents but a fraction of our organization's concerns regarding the FEIR's responses that barely address our comments to the Project's draft EIR. Moreover, the County is now in receipt of updated comments regarding the FEIR by Greg Karras, and the comments of Phyllis Fox prepared for Shute, Mihaly and Weinberger LLP on behalf of the Rodeo Citizens Association. At an absolute minimum, *the Commission should require staff to immediately revise and recirculate the FEIR.* The sooner that all parties can reach an agreement on how to revise this deficient EIR, the sooner we can come to a common understanding on how this Project should proceed.

In health,

/s/

Roger Lin
Yana Garcia
Attorneys for Communities for a Better Environment

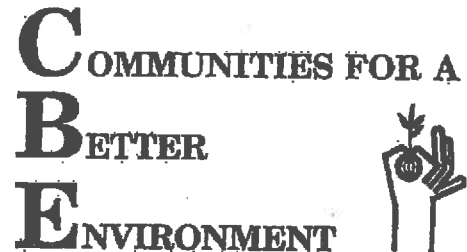
cc: Lashun Cross, Principal Planner, Contra Costa County
Janet Pygeorge, Rodeo Citizens Association
Laurel Impett, Shute, Mihaly & Weinberger LLP
Diane Bailey, Natural Resources Defense Council

³ CBE v. City of Richmond and Chevron Products Company, 184 Cal. App. 4th 70, 82-83 (2010).

EXHIBIT #4c

19 November 2013

Marvin Terrell, Chair
Planning Commissioners
County Planning Commission
Contra Costa County
30 Muir Road
Martinez, CA 94533



Re: **Phillips 66 Company Propane Recovery Project, November 2013 Proposed Final Environmental Impact Report, SCH #2012072046; County File #LP12-2073**

Dear Chair Terrell and Commissioners,

Communities for a Better Environment (CBE) respectfully renews our request that this Environmental Impact Report (EIR) be revised and recirculated for full public review. This letter addresses the treatment in the November 2013 Final EIR (FEIR) of problems CBE identified in our review of the proposed project cited above and the June 2013 Draft EIR (DEIR).

CBE 19 We believe that CBE and other independent experts presented substantial evidence that the project as proposed has a reasonable potential to result in significant unmitigated adverse impacts on air quality, climate, community and worker health and safety, and the San Francisco Bay.¹ The FEIR fails to disclose, analyze, or mitigate these significant potential impacts in large part because its project description is inadequate, as discussed in the summary below.

The project would result in burning at least 40% more fuel for energy onsite and offsite than the Rodeo facility uses now. This is directly related to its "recovery" for sale of much more LPG than data show the Rodeo facility can produce now. That is directly related to its components to bring in and process lower quality oil feeds, parts of the project the FEIR rejects disclosing.² The project needs more LPG; this refinery can get more either by increased coking of denser oils, or by importing it, or both; and the concurrent wharf, rail, and process throughput expansions at its interconnected Santa Maria and Rodeo facilities—enabling it to bring in more tar sands dilbit and coke the bitumen in it while importing LPG in its carrier diluent—would do both.

In this respect the project is what Phillips' top management say they are building: a delivery mechanisms for refining more tar sands oil here. And it would be done largely with repurposed, existing, and in critically important cases outdated, dangerous, and harmful technology.

¹ See expert reports submitted by Greg Karras and Phyllis Fox on behalf of CBE and the Rodeo Citizens Association for details and documentation of the evidence summarized here.

² The FEIR's insistence that the project will have no effect on oil feedstock one way or the other appears to be little more than a smokescreen. It provides no data for its claim that the facility already produces so much LPG, ignores the fundamental engineering fact that feedstock and products are key process variables that are interrelated, and defines its view of the "project" so narrowly as to exclude the refinery's key activities that provide the LPG.

Apparently to cut corners on cost, the project proposes to store the LPG under pressure in vulnerable locations where it could explode catastrophically instead of using cooled storage. County HMP staff want to see this analyzed to find and require the *inherently safer* system. But under their current Industrial Safety Ordinance authority, they must wait until after it is built—which could be too late for safer alternatives that are feasible now. The EIR can and should include this “Documented Inherently Safer Systems Evaluation,” and the feasible safer system as mitigation, before the project is built, when it is not too late, but the FEIR actually argues against doing so.

CBE 19
Also apparently to cut cost (on the downtime of the Rodeo coking unit for tie-ins), the project proposes to expand a cooling system so outdated and harmful to the Bay that no other refinery in the region has used it for decades. So potentially harmful, in fact, that state water quality officials ordered Phillips to study replacing it *before* this project proposed expanding it. Phillips’ study that was so ordered is signed and submitted—and it shows replacing the cooling system is feasible—but the FEIR supports expanding the old system, which would foreclose replacing it. As to Phillips’ study admitting it is feasible to replace this antiquated system instead of expanding its harm, CBE submitted it with our comments, but the FEIR appears to deny that it exists.

Instead of revealing the substantial evidence for the many significant, and apparently avoidable but as-yet unmitigated, potential impacts that independent experts have documented, the proposed FEIR omits it. Worse, the FEIR reacts to comments documenting these material facts by arguing against disclosing them, and continuing its errors of omission. This hides the scope of the project and its environmental implications from public review. Some fifty examples of these serial omissions, from the FEIR “responses” to the project description section of CBE’s expert report alone, are attached hereto and incorporated into this letter by reference.

CBE respectfully submits that the proposed FEIR is deficient and must, properly, be revised and recirculated for full public review.

In Health,



Greg Karras, Senior Scientist
Communities for a Better Environment (CBE)

Attachment: Table A. Summary of FEIR responses to 50 omissions identified by CBE in DEIR

Copy: Refinery Action Collaborative
Shute Mihaly & Weinberger LLP
Interested organizations and individuals

CBE 20

CBE 20

Table A. Summary of FEIR responses to 50 omissions identified by CBE in DEIR^a

	Omitted Information Identified (CBE Expert Report page #)	Provided In FEIR?	Summary of FEIR Comment on Information Request (FEIR page #)
1	Estimated project operating life, showing other EIRs provide this (4)	No	FEIR suggests a quantitative estimate would be too speculative (3.2-119)
2	Disclosure that wharf expansion would begin to implement a switch to new crude feeds at Rodeo (4)	No	FEIR claims no change in crude supply is proposed or needed (3.2-129, referencing 3.2-118, 119)
3	Data on crude feed <u>quantity</u> , explaining this must be known to evaluate the scale of impacts (5)	No	FEIR claims crude feed data are omitted because no change in crude is proposed or needed (3.2-129)
4	Data on oil <u>use</u> , explaining oil will be cracked to make much of the LPG that now will be exports (5, 6)	No	FEIR claims crude feed data are omitted because no change in crude is proposed or needed ^b (3.2-130)
5	Change in oil <u>quality</u> , explaining that more and/or denser oils must be coked to make enough LPG (6, 7)	No	FEIR claims crude feed data are omitted because no change in crude is proposed or needed (3.2-132, 133)
6	Disclosure of the project's reliance on dense coker feeds (7, fn 18)	No	FEIR ignores that coker products and feeds are linked. ^b Its argument that conflates LPG, fuel gas, and oil feed economics obscures this process fact. (3.2-132, 133, 130; see also 2-3)
7	Disclosure of project link to coker operation, as feed & products are key coking variables (7, fn 20)	No	
8	Disclosure that project locks the refinery into a lower quality crude slate than otherwise needed (8)	No	FEIR denies any project link to any changes in crude or coking operation (e.g. 3.2-132, 133)
9	Data on baseline and potential crude feed quality, explaining that another Phillips EIR provides some of this data (8, fn 22)	No	FEIR ignores this explanation, denies any project link to any changes in crude or in coker operation (3.2-132 through 3.2-135)
10	Disclosure of upstream process changes linked to project (8, fn 22)	No	FEIR refers to these projects without disclosing this link (2-4)
11	Disclosure of Phillips' stated intent to refine more tar sands at SFR (12)	No	FEIR refers to the statements without disclosing their content (2-3)
12	Data on changes in the composition of fuels burned (12, 13)	No	FEIR says there is no basis to analyze this data (3.2-135, citing 3.2-121)

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	<u>Table A (page two).</u>		
	Omitted Information Identified (CBE Expert Report page #)	Provided In FEIR?	Summary of FEIR Comment on Information Request (FEIR page #)
13	Data on combustion equipment that could be affected by changes in the heat content of refinery fuels (13)	No	FEIR claims no basis to analyze this (3.2-135, citing 3.2-121); elsewhere, it admits this change in heat content.
14	Disclosure of activities that could increase SO ₂ emissions using emission reduction credits (ERCs) that were proposed as part of this project in February 2013 (13, 14)	No	FEIR claims no basis for this analysis (3.2-135, citing 3.2-121). Note that page 3.2-119 refers to responses that do not address proposed or future ERCs resulting from <u>this</u> project.
15	Amount of heat the project would dump in the Bay (14 paragraph 27)	No	FEIR does not respond to this request (see 3.2-57, 3.2-135 through 138)
16	Disclosure of NPDES findings showing EIR inflated once-through cooling (OTC) system baseline (14)	No	FEIR omits these multi-year findings, asserting only a one-year value, with no data to verify this value ^b (3.2-135)
17	Temperature of OTC water exiting processing prior to onsite heat loss before discharge (15, fn 47)	No	FEIR does not respond to this request (see 3.2-58, 3.2-135 through 138)
18	Disclosure of a discrepancy between maximum heat the DEIR says project will create and the heat the OTC expansion could carry (15)	No	Instead of disclosing this discrepancy the FEIR obfuscates it by arguing (wrongly) that it is based on average heating (3.2-136)
19	Cooling system design data to confirm whether the discrepancy between project heat and cooling capacities will be used for increased process heat or decreased use of existing cooling towers (15, 16)	No	FEIR conflates the need for these data to confirm how the extra cooling capacity could be used with its argument that no change in crude feed is proposed or needed (3.2-136)
20	Disclosure that OTC is antiquated, no longer used by other Bay Area refineries, and being phased out by power plants (16)	No	FEIR rejects need for this disclosure claiming comparison to technology used by other refiners is outside the scope of the project (3.2-136)
21	Disclosure of a state order to evaluate replacing the OTC system the project would expand (16)	No	FEIR rejects need for this disclosure, saying that it would be "speculative" to report the state's rationale for its order (3.2-137, 3.2-122)

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<u>Table A (page three).</u>		
Omitted Information Identified (CBE Expert Report page #)	Provided In FEIR?	Summary of FEIR Comment on Information Request (FEIR page #)
Disclose and discuss the report by Phillips, required by the state order, indicating that OTC can be replaced at Rodeo (16; CBE attached report)	No	Although a signed copy was provided by CBE, the FEIR rejects discussing this report, claiming (wrongly) that its findings do not yet exist (3.2-137)
Evaluate project impacts from continuing to operate OTC that could otherwise be replaced (17)	No	FEIR argues that it need not evaluate these impacts because the project proponent proposes to expand OTC (3.2-121, 122, 123, 127, 136, 137)
Describe the potential biological effects of OTC expansion (18)	No	FEIR ignores the need for this analysis, and instead argues that: (1) NPDES requirements will ensure against impacts; and (2) the DEIR did not overestimate (inflate) the project baseline. ^b In addition, the FEIR adds a reference to a second old (2006-2007) biological monitoring study ^b (3.2-137, citing 3.2-121/122/123)
Identify the limitations of OTC biological monitoring studies (18)	No	
Discuss the extent to which a 2006 study referenced in the EIR addresses these limitations (18)	No	
State whether that study collected any biological samples (19)	No	
Clarify that this 2006 study could not have measured effects of future, expanded OTC flow (19)	No	
Explain that a large enough volume of 80-110 °F thermal waste would harm fish adapted to cooler (≈55 °F) water near the OTC (19)	No	FEIR argues instead that NPDES limits should be assumed to protect against project impacts, including impacts at the shoreline outfall where OTC thermal waste discharges (3.2-137, 3.2-138)
Disclose that the thermal waste receives little or no dilution, greatly exacerbating its localized impact, and NPDES limits allow that (19)	No	
Correct the false statement in the DEIR that "the NPDES permit establishes maximum once-through volumes" (20)	Yes	FEIR acknowledges the error and proposes corrected text; it does not, however, change its incorrect reliance on NPDES requirements (3/2-138)

CBE 20

	Table A (page four).		
	Omitted Information Identified (CBE Expert Report page #)	Provided In FEIR?	Summary of FEIR Comment on Information Request (FEIR page #)
32	Disclose 2000–2011 effluent trends from NPDES findings showing that OTC flow is not, in fact, limited by NPDES requirements (20)	No	Despite admitting its flow limit error, the EIR fails to disclose data showing NPDES requirements do not ensure against new OTC impacts (3.2-138)
33	Identify the species of threatened or endangered fish “potentially at risk of being entrained” in the OTC (21)	No	FEIR ignores the need for this information, arguing that “the baseline condition for the proposed Project includes the permitted use of” OTC, and asserting (wrongly) that these potential impact statements, quoted from the DEIR, are only CBE’s opinions (3.2-138)
34	Identify the species of threatened or endangered fish that “could be subjected to increased risk of injury, death, or habitat reduction at effluent discharge locations” (21)	No	
35	Include & describe the documented Process Hazard Analysis that is required by the Industrial Safety Ordinance (ISO) for the project (21)	No	FEIR labels this request as an “introductory statement of the commenter’s opinion” to which it need not respond, then refers to other “basic information” in the DEIR and to its responses to comments about crude oil, but does not respond to the need for this information and analysis (3.2-138, citing 3.2-117, 3.2-120)
36	Include & describe the documented Inherently Safer Systems evaluation that is required by the ISO for the project (21; see also 23)	No	
37	Disclose some project LPG would be stored at a shoreline plot at high risk for soil liquefaction (22)	No	FEIR wrongly labels this request as a claim of a “larger project,” reasserts its argument about that separate issue, refers to “regulatory background” in the DEIR, and argues other requirements will ensure the needed analysis “prior to startup” of the project built. The FEIR does not address the need for the information requested—and it ignores that its argument <u>supports</u> evaluating the potential for a safer design to be precluded if that design is not addressed in the EIR. (3.2-138/139, citing 3.2-121)
38	Evaluate probability of catastrophic LPG storage failure based on site-specific (not only based on average worldwide) conditions (22)	No	
39	Evaluate catastrophic incident consequences for workers (23)	No	
40	Disclose and evaluate the potential that a feasible safer design might be precluded after the project is permitted and built (23; see also 26)	No	

CBE20

<u>Table A (page five).</u>		
Omitted Information Identified (CBE Expert Report page #)	Provided In FEIR?	Summary of FEIR Comment on Information Request (FEIR page #)
Disclose that there is no exemption from Inherently Safer Systems requirements based on cost alone; correct the error in the DEIR that implies such an exemption (23)	No	FEIR refers to the same argument directly above, referencing regulatory background that does not provide the disclosure or correction that is needed (3.2-139, citing 3.2-121)
The EIR failed to include & discuss the Human Factors Evaluation the ISO requires for this project (24)	No	FEIR argues (wrongly) that there is no specific problem identified by this comment (3.2-139, citing 3.1-7)
The EIR does not discuss the Safety Culture issue involved in recent disastrous refinery incidents (24)	No	
Describe and discuss the frequency, magnitude, and consequences of safety incidents reported at U.S., California, and Bay Area refineries since 1999 (24)	No	FEIR argues that, while interesting, this information "does not address any concern or issue specifically related to the DEIR" (3.2-139)
Identify & describe the impacts of selling project LPG for purposes that include burning it offsite (24)	No	FEIR sets up a smokescreen that attempts to conflate these reasonably foreseeable indirect impacts with "lifecycle" emissions, then it argues (illogically) that the LPG produced by the project could be used offsite even if the project is not built, and finally asserts (absurdly) that such emissions "would not be caused by the proposed Project" (3.2-139, citing 3.2-124)
Correct the error in the DEIR that assigns offsite emissions from burning project LPG a value of zero in the DEIR's impact analysis (25)	No	
Describe and evaluate potential offsite emissions from burning project LPG in relation to the EIR's stated significance thresholds (25)	No	
Evaluate the amount of petroleum coke, which is created as a byproduct along with project LPG and is an extremely dirty-burning fuel, that could be burned as fuel both in the refinery and offsite (25)	No	FEIR argues this request is "a broad summary" that "fails to identify alternatives to the Project," and argues that the project described in the EIR does not propose to modify coking operations (3.2-139, citing 3.2-118, 2-2 through 2-4)

CBE 20

Table A (page six).		
Omitted Information Identified (CBE Expert Report page #)	Provided In FEIR?	Summary of FEIR Comment on Information Request (FEIR page #)
The DEIR does not explain that the company's Rodeo Facility (RF) and Santa Maria Facility (SMF) are two parts of one integrated refinery, the San Francisco Refinery (SFR) (25)	No	The FEIR fails to disclose integration of the SMF and RF into one SFR, and argues (wrongly) that SMF throughput increase and crude by rail projects are independent from the RF project.
The DEIR also fails to explain the extent to which this project at the RF, and the concurrent SMF expansion to increase production and pipeline shipments to Rodeo, are two parts of a single, larger, project that remains undisclosed (25)	No	It fails to disclose key parts of the SMF and RF projects that reveal their interdependence, while repeating its unsupported argument that the project will not change refinery oil feedstock or coking operation. (3.2-139, citing 3.2-118/119, 2-2 through 2-4)

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^a Omissions summarized in this table are identified and discussed in CBE's Expert Report submitted on 4 September 2013. The CBE Expert Report's analysis is intensive, but is limited to the scope as set forth in the Report, and these examples are further limited to the project description section of the Report. Therefore the omissions summarized in this table represent only a sample of the serious deficiencies in the November 2013 EIR.

^b With respect to the FEIR comments summarized in the table regarding "new" data not included in the DEIR, County staff responded to requests filed by CBE, as required under the California Public Records Act, stating that none of this information exists for review.

Expert Report of Greg Karras
Communities for a Better Environment (CBE)
4 September 2013

Regarding the

Phillips 66 Company Propane Recovery Project
Draft Environmental Impact Report released in June 2013 by the
Contra Costa County Department of Conservation and Development
State Clearinghouse #2012072046
County File #LP12-2073

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I, Greg Karras, declare and say:

1. I reside in unincorporated Marin County and am employed as a Senior Scientist for Communities for a Better Environment (CBE). My duties for CBE include technical research, analysis, and review of information regarding industrial health and safety investigation, pollution prevention engineering, pollutant releases into the environment, and potential effects of environmental pollutant accumulation and exposure.

Qualifications

2. My qualifications for this opinion include extensive experience, knowledge, and expertise gained from nearly 30 years of industrial and environmental health and safety investigation in the energy manufacturing sector, including petroleum refining, and in particular, refineries in the San Francisco Bay Area.

3. Among other assignments, I served as an expert for CBE and other non-profit groups in efforts to prevent pollution from refineries, to assess environmental health and safety impacts at refineries, to investigate alternatives to fossil fuel energy, and to improve environmental monitoring of dioxins and mercury. I served as an expert for CBE in collaboration with the City and County of San Francisco and local groups in efforts to replace electric power plant technology with reliable, least-impact alternatives.

I served as an expert for CBE and other groups participating in environmental impact reviews of related refinery projects, including, among others, the Chevron Richmond refinery "Hydrogen Renewal Project" now subject to reanalysis pursuant to a California Court of Appeals Order,¹ and the "Contra Costa Pipeline Project" now pending before the County.² I serve as an expert for CBE in collaboration with labor, academic, and other community based and environmental groups in a project involving comprehensive investigation of environmental health and safety impacts of, and alternatives to, refining denser, more contaminated types of crude oils.

4. I authored a technical paper on the first publicly verified pollution prevention audit of a California petroleum refinery in 1989 and the first comprehensive analysis of refinery selenium discharge trends in 1994. I authored an alternative energy blueprint, published in 2001, that served as a basis for the Electricity Resource Plan adopted by the City and County of San Francisco in 2002. From 1992-1994 I authored a series of technical analyses and reports that supported the successful achievement of cost-effective pollution prevention measures at 110 industrial facilities in Santa Clara County. I authored the first comprehensive, peer-reviewed dioxin pollution prevention inventory for the San Francisco Bay, which was published by the American Chemical Society and Oxford University Press in 2001. In 2005 and 2007 I co-authored two technical reports that documented air quality impacts from flaring by San Francisco Bay Area refineries, and identified feasible measures to prevent these impacts.

5. My recent publications include the first peer reviewed estimate of combustion emissions from refining denser, more contaminated "lower quality" crude oils based on data from U.S. refineries in actual operation, which was published by the American Chemical Society in the journal *Environmental Science & Technology* in 2010, and a follow up study that extended this work with a focus on California and Bay Area refineries, which was peer reviewed and published by the Union of Concerned Scientists in 2011. Most recently, I presented invited testimony on *inherently safer systems* requirements for existing refineries that change crude feedstock at the U.S. Chemical Safety Board's public hearing on the Chevron Richmond refinery fire that was held on 19 April 2012. My curriculum vitae and list of publications are attached hereto.

¹ See *CBE v. City of Richmond* 184 Cal. App.4th.

² See Contra Costa Pipeline Project file, County File #LP072009, SCH #2007062007.

Scope of Review

6. In my role at CBE I have reviewed the proposed project called the Phillips 66 Company Propane Recovery Project (project) and the June 2013 Draft Environmental Impact Report (DEIR) released by Contra Costa County for public review of the proposed project. My review of the project and DEIR reported herein is focused on catastrophic incident, flaring, air emission, cooling system, and climate impacts that could result from the project. My opinions on these matters and the basis for these opinions are stated in this report.

Project Description

7. According to the DEIR, the project would install, at the Phillips 66 San Francisco Refinery (SFR) Rodeo facility, process equipment that would enable the refinery to treat, recover, store, and ship for sale 8,000 barrels³ of additional liquefied petroleum gases (LPG) daily, including 4,200 b/d of propane and 3,800 b/d of additional⁴ butane. This equipment would include:

- a three-reactor hydrotreater installed to the coker and related fuel gas treatment;
- three 120–140 foot tall fractionator towers and two 70 foot tall absorber towers;
- 140 MMBtu⁵ per hour of expanded steam boiler capacity to heat this processing;
- six pressurized propane storage tanks totaling 15,000 barrels capacity; and
- two additional rail spurs and a two-sided loading rack to load eight rail cars/day.⁶

8. Ancillary equipment such as additional process vessels, heat exchangers, pumps, and piping would be installed, and modifications to an existing once-through system would increase Bay water use to 40,000 gallons/minute to cool the new processing.⁶

9. Information that is needed to understand and evaluate the environmental implications of this project has, in many cases, been omitted from the DEIR, even though the same information that the DEIR omits is publicly available from other sources. Some forty of these critically important deficiencies in the DEIR's description of the project are discussed in paragraphs 10 through 47.

³ 1 barrel (b): 42 gallons; 0.159 cubic meter (m³). Conversely, 1 m³: 6.29 barrels; 264 gallons.

⁴ The refinery already produces 5,500 b/d of butane for sale, based on the DEIR at 3-21.

⁵ MMBtu: 1 million Btu (British thermal units); 1.00551 gigajoule (GJ).

⁶ See DEIR at 3-21, Table 3-2, 3-27.

10. The DEIR does not disclose how long the project could be expected to operate. The omission is important because the time frame of the project must be identified to understand and evaluate potential impacts of project operation over that time.

11. There is no good reason why the time over which the project may reasonably be expected to operate should be kept secret in the DEIR. An operating life estimate must have been made to support critical equipment design specifications, such as vessel wall thickness and materials of construction to resist corrosion, and schedules for major maintenance “turnarounds.” Phillips 66 also would have used this estimate in financial analysis before committing to the project. Publicly reported data show similar refinery processes have operated for 30–50 years or more.⁷ Another EIR for a proposed project at the Richmond refinery suggested it is “reasonable to use past history as a guideline” and to expect similar “equipment to be operated for several decades.”⁸ Moreover, an EIR for a related project at this refinery disclosed and analyzed a 40 year project duration.⁹

12. Impacts of the project that would emerge later and are obscured by this omission include those from its effects on a concurrent feedstock switch. California refiners’ long-stable and dominant sources of crude oil are dwindling, driving an historic refinery crude switch. See Chart 1. Foreign crude was only 6% of total California refinery crude feed in 1990; in 2012 it was 51%.¹⁰ By 2020, roughly three-quarters of the crude refined statewide likely will *not* be from currently producing sources in California or Alaska.¹¹ Because it relies on dwindling California oil supplies via pipeline for most of its crude feed,¹² the SFR almost certainly will be among those California refineries that switch crudes dramatically during the project’s operating life. Indeed, the refinery’s 1995 wharf project forecast this outcome,⁹ and its recent related project to allow 67% more crude delivered via its wharf¹³ would begin to implement the switch. Among other problems, omitting the operating life of the project obscures the project’s implications for the choice of new crudes, and the impacts of that feedstock choice.

⁷ See BAAQMD, 2009; and BAAQMD, 2011.

⁸ See City of Richmond, 2008. SCH #2005072117, FEIR Response to Comments, page 3.16a-1.

⁹ FEIR SCH #91053082 (State Lands, 1995). See section 4 at pages S-1 (stating a 40-year project duration) and S-4 (“it is assumed that sources of San Joaquin” and “Alaskan crude, will decline” and “[m]ore reliance will be placed on crude imports from foreign sources”).

¹⁰ Cal. Energy Commission (http://energyalmanac.ca.gov/petroleum/statistics/crude_oil_receipts).

¹¹ See Baker & O’Brien, 2007; and Croft, 2009.

¹² Based on *Oil & Gas Journal* capacity and 11.2–18.7 MMb/y wharf limit.

¹³ Based on 11.2 vs 18.7 MMb/yr (DEIR at 5-4); see also ERM & BAAQMD, 2012.

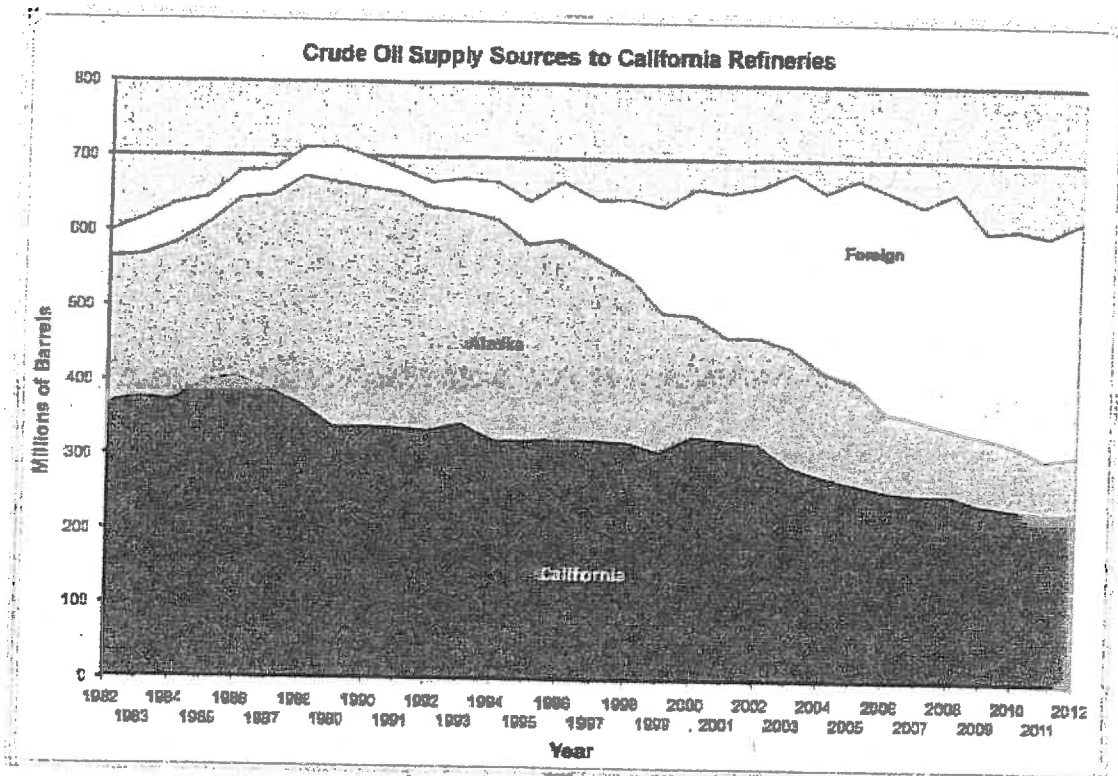


Chart 1. Crude oil supply sources to California refineries, 1982–2012
California Energy Commission (http://energyalmanac.ca.gov/petroleum/statistics/crude_oil_receipts).

13. The DEIR does not report the crude oil quantity processed by the refinery. Its crude throughput ($\approx 120,000 \text{ b/d}^{14}$) must be known to understand and evaluate the scale of environmental impacts resulting from project effects on crude processing.

14. The DEIR does not disclose the changes in crude oil use that could result from the project. Data summarized in Table 1 suggests that meeting project objectives would increase the refinery's total LPG production for export sales to 11.2% of its total crude feed volume, 230–570% of the butane yield from initial distillation of its total crude feed, and 450–1,200% of the propane yield from distilling that crude.¹⁵ This change in

¹⁴ San Francisco Refinery (SFR) crude capacity in b/cd; volume that can be processed during 24 hours after making allowances for types and grades of inputs and products, environmental constraints and scheduled downtime (*Oil & Gas Journal*, 2012). This value is close to those the company reported to air and water officials (see Phillips, 2012b; SFR NPDES permit orders).

¹⁵ See data in Table 1. LPG production from DEIR at 3-21. Total post-project butane export is included because project equipment would replace existing processing for production of butane that is now exported and would not change existing crude distillation equipment to change LPG yield from crude distillation. See also EIA Refinery Yield: Monthly average U.S. refinery LPG yield ranged from 1.8–5.7% on crude volume during January 1993–May 2013.

processing would affect refinery production and create environmental impacts in several ways the DEIR does not describe:

- The location of emissions from LPG combustion would change. LPG now used as refinery fuel that is self-produced from crude would be removed from refinery fuel gas and sold for uses involving combustion at a different location.
- Fuel gas heat content would decline, as more LPG is removed from fuel gas and replaced with natural gas, which has a lower heat content. This could affect combustion sources, fuel gas balance, and flare gas recovery refinery wide. Effects from this fuel gas quality problem are different from, and could occur regardless of, the fuel gas quality improvement from sulfur removal that the DEIR describes.
- The refinery would become more reliant on severe processing of the denser oils in the crude stream in order to create enough byproduct gases from “cracking” these oils to fill the LPG gap between its crude distillation yield and LPG production objectives. This would be necessary to meet project export objectives because the refinery could not otherwise create enough propane and butane, and further would be driven by the enlarged revenue and profit streams from meeting those objectives.

Table 1. Post-project LPG production greatly exceeds refinery crude distillation yield

	<u>Initial crude distillation yield^a</u>		<u>Post-project LPG production^b</u>	
	% vol. on crude	barrels/day ^c	barrels/day	% of crude feed ^c
Propane	0.30–0.78	360–936	4,200	3.50
Butanes	1.35–3.31	1,620–3,970	9,300	7.75

(a) Median and 95th Percentile yields from 205 publicly reported crude oil assays (see Crude Assays).

(b) Total post-project production for export sales based on capacity reported (DEIR at 3-21).

(c) Calculated based on reported crude capacity of 120,000 b/cd from *Oil & Gas Journal* (2012).

15. The DEIR does not disclose the change in crude feed quality that could result from the project. The configuration of this project and refinery requires coking for the additional LPG-rich byproduct gases to meet the project’s production and profit goals. Installing a catalytic cracker¹⁶ or repurposing a hydrocracker would entail capital or lost motor vehicle fuels production costs that make those options conflict with maximizing LPG export profits. The U200 delayed coker is the primary source of LPG-rich gases that cannot be treated adequately by DGA (amine) processing; the project would “[i]ninstall to U200” hydrotreating to provide this treatment; and the new hydrotreater’s proposed purpose in this project is to allow LPG to be recovered from coker gases.¹⁷

¹⁶ The Phillips 66 SFR does not include a catalytic cracking process. See BAAQMD, 2013.

¹⁷ Phillips, 2012b at 4; DEIR at 3-5, 3-12, 3-16, 3-21, 3-23/24/25, 6-4/5; Phillips, 2012a at 5.

Delayed coking is severe thermal cracking (415–515 °C at 15–90 psi for ≈24 hours) that is used to crack the densest oil streams processed, such as the residue from vacuum distillation of atmospheric distillation bottoms and bitumen.¹⁸ Thus, the project would commit the refinery to continued coking of the highest-density part of the crude resource.

16. Importantly, denser coker feeds produce more gases and more LPG. Coking converts dense components of crude into oil streams that can be processed further to make light liquid fuels.¹⁸ Named for its petroleum coke byproduct, it also creates byproduct gases with 1–4 carbon atoms (C4–), including butanes (C4) and propane (C3), which are burned as refinery fuel or, especially in the case of C3 and C4, sold as LPG.¹⁹ Along with temperature, pressure, and reaction time, key process variables include feedstock properties and product targets.²⁰ Data summarized in Table 2 suggest that even at full coker capacity,²¹ producing 8,000 b/d of LPG from refinery coker gases could require running the densest vacuum residues. Though it shows estimates only for a few possible feeds, Table 2 illustrates how, by adding an LPG export objective to its coker output, the project will drive the refinery to coking higher density feeds.

Table 2. Denser feeds increase C4– (including LPG) yield from delayed coking

Vacuum resid feed			
cut point (°C)	+482	+538	+538
density (kg/m ³)	952–981	1,013	1,044
sulfur content (% wt.)	0.50–0.60	3.40	5.30
C4– (including LPG) yield			
C4– yield (% vol.)	10–11	15	17
C4– yield at 47 kbpd			
coker capacity (b/d)	4,700–5,310	6,880	7,930

C4–: hydrocarbons with 4 carbons or less; LPG (butanes and propane) and lighter gases. Data from tables 7.1-2 and 7.1-6 in Meyers, 1986. C4– overestimates LPG yield. Yield converted from mass to volume assuming all C4– is LPG with 539 kg/m³ density, and 967 kg/m³ density coke.

¹⁸ See Meyers, 1986; Speight, 1991. Heavy or aliphatics-rich synthetic crude oils (SCOs) derived from partially pre-processing tar sands bitumen or crude residua may be included in these coker feeds, and refiners have sometimes labeled such SCOs as “gas oils,” but calling them gas oil in this context is misleading. The DEIR does not disclose the project’s reliance on low-quality oils.
¹⁹ Delayed coking byproducts also include mercaptans and olefins (Meyers, 1986), which the new hydrotreater would remove from coker gases (Phillips, 2012a). Mercaptans are highly odorous: the coker thus may be linked to the refinery’s notorious odor problems. These coking byproduct contaminants appear to be the reason for the new hydrotreater but are not named in the DEIR.
²⁰ See Meyers (1986) at 7-69. The DEIR does not disclose this project link to coker operation.
²¹ 47,000 b/d (*Oil & Gas Journal*, 2012).

17. Thus, the project's new commitment to coking denser oils in order to meet its LPG export sales objective would lock the refinery into a crude slate at least as dense as, and likely denser than, its current slate. It likely would be denser because making more LPG would drive the refinery toward coking higher-density vacuum resid and bitumen and also toward increasing coker feed rates.²² This would make denser vacuum resids, bitumen, or both a larger share of the crude slate, driving the density of the crude slate up.²³ Worse, it would do so during a period when the refinery almost certainly must switch—and in fact is beginning to switch—to new sources for its crude supply, as discussed in paragraphs 11 and 12. The project would thereby lock the refinery into a new crude slate of lower quality than it need otherwise choose. The DEIR does not disclose this effect of the project.

18. Contamination of refinery feedstock would increase as a result of the project. Sulfur and other toxic trace elements concentrate in the densest components²⁴ of crude that the imperative to produce more coker LPG would make a larger portion of the refinery's crude slate. Imports likely to dominate the new slate in order to fill SFR coking capacity—39% of its total feed volume²⁵—with vacuum resid feeds as dense as the high-LPG feed shown in Table 2 could boost sulfur content substantially. See Table 3. Regional trends also support this expectation. See Chart 2. Indeed, sulfur in the new slate could reach $\approx 3\text{--}4.5\%$ wt. The DEIR omits crude quality data,²² but the crude feed is not nearly that high in sulfur now.²⁶ Available information suggests that the current average Rodeo feedstock is $\approx 915\text{--}918\text{ kg/m}^3$ in density and $\approx 1\text{--}1.5\%$ wt. % sulfur.²⁷ The crude slate resulting from the project likely would be denser and far more contaminated.

²² A separate environmental review of increased throughput rates reports some of the crude feed data that the DEIR should and could have reported, and reveals the company's plans to increase throughput rates for at least some of its upstream processing (see SMF EIR 2012 Excerpts). The DEIR does not mention or disclose this other proposed project or environmental review.

²³ The density of a crude oil is proportional to the volume of higher molecular weight, higher boiling point, larger hydrocarbons in that crude oil. See Karras, 2010; Speight, 1991.

²⁴ Sulfur, as well as nickel and vanadium, among other toxic elements, concentrates in the vacuum residua component of crude and bitumen. See Speight, 1991; Karras, 2010.

²⁵ SFR's 47,000 b/d of coking is 39% of its 120,000 b/d crude capacity (*Oil & Gas J.* data).

²⁶ Compare UCS (2011), ERM & BAAQMD (2012), *Oil & Gas Journal*, SMF EIR (2012) and EIA Imports Analysis: the Alaskan, imported, and San Joaquin (weighted average pipeline component) streams that comprise about three-quarters of Rodeo's slate have a combined average sulfur content of $\approx 1\%$ wt. %; an average of 3% sulfur in this *current* slate is not plausible.

²⁷ UCS, 2011; ERM & BAAQMD, 2012; SMF EIR 2012.

Table 3. Selected data for crude oils with dense ($\geq 1,040 \text{ kg/m}^3$) vacuum residue yield comprising $\approx 30\text{--}39\%$ of the whole crude oil's total volume.

	DOE avg. ^a for these crude oils	Eocene ^b Crude (Mid-East)	Crude oils containing bitumen from tar sands ^c			
			Access Western	Christina Dilbit Bld.	Surmont Heavy Bld	WCS*
Whole crude						
density (kg/m^3)	918	945	922	923	936	929
sulfur (wt. %)	2.98	4.57	3.94	3.80	2.99	3.51
TAN (mg KOH/g)	—	0.20	1.70	1.55	1.39	0.94
nickel (ppm wt.)	—	21	72	68	51	58
vanadium (ppm)	—	59	194	179	140	141
Vacuum residue						
volume (% crude)	34	34	36	36	29	37
density (kg/m^3)	1,060	1,070	1,062	1,059	1,061	1,054
sulfur (wt. %)	6.04	7.35	6.49	6.21	6.07	5.56
Vacuum Gas Oil & Residue combined						
volume (% crude)	53	68	61	60	56	63

*WCS: Western Canadian Select. (a) Data from the U.S. Dept. of Energy, Crude Oil Analysis Database: shown is the average of all data for crude oils with residue yields that are 30–39% of crude volume, and also denser than $1,040 \text{ kg/m}^3$ ($n = 15$). (b) Data from publicly reported assays of traded oils (Chevron, 2013). (c) Data from Canadian Crude Quality Monitoring Program. See Crude Assays; DOE COA 2013, attached).

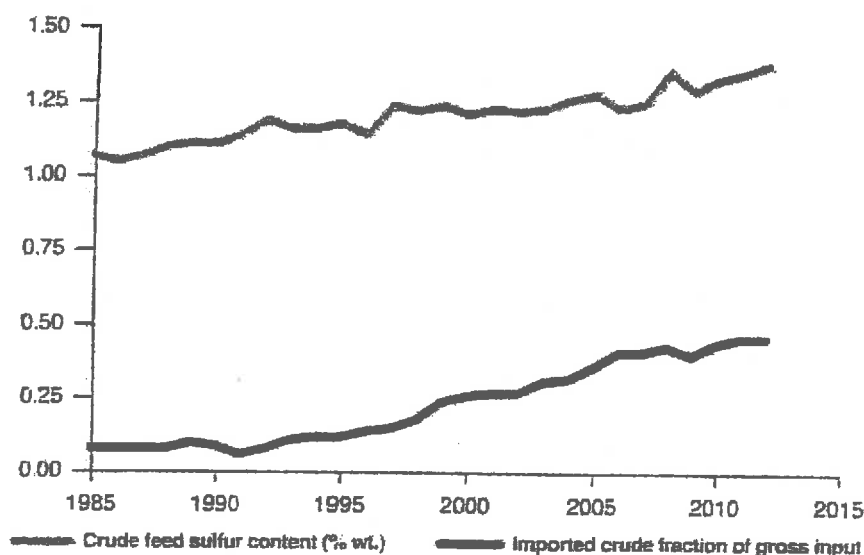


Chart 2. Sulfur and imports content of West Coast refinery crude feeds, 1985–2012
PADD 5 data from the U.S. Energy Information Administration (www.eia.gov/petroleum/data.cfm).

19. This new, dense crude slate likely will include more oil derived from “tar sands” bitumen. The project would commit the refinery to coker feed-rich crude over a period when the worldwide portion of high-density crude supplied by “heavy oil” and bitumen is likely to grow dramatically.²⁸ Bitumen has already come to dominate crude production in Canada,²⁹ the largest source of U.S. crude imports.³⁰ Moreover, crude can account for up to 90% of a refinery’s operating costs,³¹ and tar sands bitumen is price-discounted (due in part to delivery constraints),³² so Phillips 66 is incented to run it, especially since the company’s affiliates produce two of the bitumen blends shown in Table 3.³³ Indeed, recent major projects expanded the Rodeo facility’s capacity to run more of these oils.³⁴ It now has vacuum distillation capacity to process a crude slate with atmospheric residua yield as high as 73% of the barrel, and coking capacity to process a slate with vacuum residua yield as high as 39% of the barrel,³⁵ which is more than enough to run the bitumen blends shown in Table 3.

20. Exactly what new crude blends to run is typically analyzed intensively based on many dozens of factors, but it is clear that the refinery will seek to run near capacity³⁶ and will continue to match blends of oils³⁷ to its processing capacities. Processing analysis for a blend of Western Canadian Select (WCS) and Alaskan North Slope (ANS) crude oils that the refinery could run is summarized as a hypothetical example in Table 4. In this simplified example, the refinery sells 12,000 b/d of the naphtha it distills from 120,000 b/d of WCS to other refiners, purchases 11,200 b/d of ANS gas oil, and runs its

²⁸ See Meyer et al., 2007. *Heavy oil and natural bitumen resources in geologic basins of the world*. U.S. Geological Survey Open-File Report 2007-1084; see also Kerr, 2009.

²⁹ ERCB st 98-2009. *Alberta’s Energy Reserves 2008 and Supply/Demand Outlook 2009-2018*. Energy Resources Conservation Board, Calgary. See pp. 2-6; see also *Oil & Gas Journal*, 2007.

³⁰ EIA, 2013. (http://www.eia.gov/dnav/pet/pet_move_impcus_a2_nus_epc0_im0_mbb1_a.htm).

³¹ *Interim Investigation Report, Chevron Richmond Refinery Fire*. U.S. Chemical Safety and Hazard Investigation Board. Adopted 19 April 2013. (CSB, 2013.) See page 33.

³² See Fox, 2013; and Goodman, 2013. (NRDC expert reports on Valero Crude by Rail Project.)

³³ See Canadian Crude Monitoring Program (www.crudemonitor.ca): Christina Dilbit Blend (“produced at the jointly owned Cenovus Energy Inc. and ConocoPhillips Christina Lake SAGD facility”); and Surmont Heavy Blend (50% owned, and operated by, Conoco Phillips Canada).

³⁴ See Strategic Modernization SCH #2002122017; Clean Fuels Expansion SCH #200509028; Marine Terminal Offload Project (ERM & BAAQMD, 2012); and DEIR at 3-19/20, 5-4/5-7.

³⁵ Based on process vs. crude capacities reported as of 1/1/13 by *Oil & Gas Journal* (2012).

³⁶ U.S. refineries ran at 90% of capacity on average since 1990 (www.eia.gov/petroleum/data).

³⁷ In addition to California and Alaska, the SFR processed oils from Canada and 20 other countries during 2004-2012 (EIA Imports Analysis).

Table 4. Example SFR refinery crude slate blending tar sands and conventional oils.

Crude slate	Volume (b/d)	Density (kg/m ³)	Sulfur (wt. %)	Oil source
Total input processed*	119,184	952	3.40	
Naphtha (naph)	11,088	691	0.05	Western Canadian Select (WCS)
Distillate (dist)	21,096	880	1.22	WCS
Vacuum gas oil (gas oil)	31,188	954	2.97	WCS
Imported vacuum gas oil	11,184	929	1.20	Alaskan North Slope (ANS)
Vacuum residua (resid)	44,628	1,054	5.56	WCS

* Excludes straight run (SR; from atm. distillation) naphtha exported (12,000 b/d).

	Capacity (b/d)	Throughputs(b/d)			
		WCS oils	108,000		
Atmospheric distillation	120,000	SR resid	44,628	SR gas oil*	42,372
Vacuum distillation (VDU)	87,000	VDU resid	44,628	VDU gas oil	2,372
Delayed coking (DCU)	47,000	VDU gas oil	40,000	DCU gas oil	14,423
Hydrocracking (HCU)	58,000	HCU dist	26,481	SR dist	3,577
distillate Hydrotreating	44,000	DCU naph	11,470	SR naph	11,088
naphtha Hydrotreating	29,000	DCU naph	4,470	SR naph	11,088
Reforming	31,000	DCU naph	7,000	HCU naph	15,442
Isomerization	9,000			HCU naph	2,000

* Includes ANS oil that bypasses atm. distillation (11,184 b/d).

Sulfur balance: 613 tonnes/day enter refinery in crude
-145 t/d leaving refinery in coke
468 t/d recovered (82% of SRU capacity)

Crude quality data from Canadian Crude Quality Monitoring Program (www.crudemonitor.ca) and publicly reported assays for ANS crude (*Oil & Gas Journal*; ExxonMobil and BP web sites). Refinery process capacities as of 1 January 2013 from *Oil & Gas Journal* (2012). Delayed coking yield based on typical yield reported for dense (1,044 kg/m³) vacuum residua feed (see Tables 7.1-2 and 7.1-6 in Myers, 1986) and typical North American petroleum coke density (see Table S5 in Karras, 2010). Internal refinery hydrocarbon flow volumes may vary with varying volume expansion/loss effects in conversion processing. Capacities shown include the company's Santa Maria operations, which are integrated with the Rodeo operations via transfers of intermediate products, facilitating import/export logistics for refinery input blending.

vacuum distillation, coking, hydroprocessing, reforming and isomerization units at full capacity on the resultant WCS/ANS blend. This hypothetical example assumes WCS delivery, and represents but one of perhaps thousands of blends that the company might analyze closely for feedstock performance and cost containment. Nevertheless, this example shows that a new tar sands-derived crude slate could be very dense ($\approx 952 \text{ kg/m}^3$) and high in sulfur ($\approx 3.4 \text{ wt. \%}$).

21. Crucially, logistical costs of bringing tar sands oil into the refinery—while rail loading, pipeline, and pipeline-to-boat capacities remain bottlenecked³⁸—emerge as a

³⁸ See Fox, 2013; and Goodman, 2013. (NRDC expert reports on Valero Crude by Rail Project.)

barrier to processing much more tar sands oil at the San Francisco Refinery. By linking a major new profit stream from LPG sales to price-discounted coker feeds such as bitumen, while expanding total rail and wharf loading capacity, the project could breach this transport cost barrier, and increase tar sands crude inputs to the refinery.

22. A Phillips 66 web page presents a map depicting crude transport routes from the tar sands region of Canada to its SFR by rail, pipeline, and ship, and quotes Chairman and CEO Greg Garland among the following excerpted statements:

“Advantaged crude sells at a discount relative to crude oils tied to the global benchmark ... [and] include[s] heavy crude from Canada ...

‘We are looking at pipe, rail, truck, barge and ship—just about any way we can get advantaged crude to the front end of the refineries,’ said Garland. ...

The next challenge for the company is identifying strategies to get more advantaged crude oil to its California refineries [which can run a wide range of crudes].”³⁹

Separately, Garland disclosed that the company’s “opportunity to improve performance in California is really around getting advantage crudes to the front end of the California refineries, its rail, its ship, it’s *working on optimization of the cost structure and the export capabilities of those refineries.*”⁴⁰ (Emphasis added.) These disclosures support the evidence discussed in paragraphs 12–21 and shed some light on how expanding rail capacity, production capacity, and LPG sales revenue in a way that is locked into low-quality crude feeds could “optimize the cost structure” for getting cheap tar sands oil to the refinery. The DEIR omits these disclosures.

23. Among other problems, denser and more contaminated crude feeds can greatly increase refinery energy intensity, air emissions, toxic pollutant releases, flaring, and catastrophic incident risk. The DEIR does not disclose or describe these impacts.

24. Changes in the fuel burned to heat, pressurize, and power refinery process equipment that would result from the project are not described adequately in the DEIR. It acknowledges a substantial shift in fuels to be burned but does not report the chemical composition of the current mixture of gasses burned or the changed mixture to be

³⁹ See: <http://www.phillips66.com/EN/newsroom/feature-stories/Pages/AdvantagedCrude.aspx>.

⁴⁰ Thomson Reuters DECEMBER 13, 2012 / 01:30PM GMT, PSX – Phillips 66 First Annual Analyst Meeting. (www.streetevents.com).

burned. Some of this fuel gas composition data is available,⁴¹ but it is not included in, or analyzed by, the DEIR. The mixture of chemicals burned must be identified and analyzed to support complete and reliable estimates of project air emissions.

25. Similarly, as the project causes the refinery to burn more fuel for energy it lowers the fuel's heat content, changing combustion conditions when it is burned. The DEIR provides no information about changes in the equipment that would burn this changed fuel refinery wide. For example, it is troubling that the company first asserted the lower heat content of refinery fuel gas "will require alterations to the burners of 19 heaters to operate efficiently," but now asserts that "no changes to any burners are required at this time," without providing design capacity data for its burners requested by air officials.⁴² The DEIR does not mention this issue or correspondence, but this type of data on combustion equipment that could be affected by project fuel changes must be reported and analyzed to support a complete and reliable analysis of project impacts on flaring.

26. The DEIR does not disclose a part of the project that would enable emission increases that could cancel out its claimed SO₂ emissions reduction. Phillips 66 seeks "emission reduction credits" that could be banked and then used later, allowing the refinery to increase emissions by the credited amounts. In its application for air permits submitted for this project eight months ago, the company references the SO₂ emission reduction associated with the project that also is asserted in the DEIR, and then states:

"Phillips 66 requests 174.7 tons per year of SO₂ emission reduction credits (ERCs) for this reduction. Of this amount, 7.61 tpy will be used to offset project SO₂ increases so that there will be no net increase in SO₂ emissions from the project (see Table 3-1). The remaining 167.1 tpy of SO₂ (174 tpy minus 7.61 tpy) will be banked as ERCs."⁴³

This part of the project, to increase emissions later, and this "no net increase" claim, contradict the DEIR's unqualified assertion that the project will result in reducing refinery wide SO₂ emissions "by at least 50%."⁴⁴ The DEIR does not propose any condition of approval requiring that the promised refinery wide emission reduction be

⁴¹ See project Air Permit Application attachments A-4 and A-7 (Air Permit App Atts A 4 & 7).

⁴² See Phillips' letters of 30 April 2013 (page 1) and 28 June 2013 (page 14) responding to BAAQMD letters of 1 March and 21 May, 2013 advising that its air permit application for the project is incomplete, and presenting numerous data requests (Air Permit Correspondence).

⁴³ Air Permit Application at 17, Section 3.4 (Air Permit App Sections 1-3).

⁴⁴ DEIR at ES-2, 3-5, and 4.3-19.

permanent. It does not identify the now-apparent link, between undisclosed future activities, and this project that could allow those future activities to pollute. It does not evaluate what those activities entail, whether they are part of the project or related to it in other ways as well, why the future rebound in emissions seems necessary, how soon it might occur, or how long it might last. Omitting plans to enable emissions that the DEIR is at the same time asserting will be cut appears misleading. In any case, this part of the project conflicts with the project objective to reduce emissions that is stated in the DEIR.

27. Waste heat from burning fuel to operate the project would be transferred to San Francisco Bay by expanding “once-through cooling” (OTC) that sucks Bay water into the refinery and discharges it back to the Bay as thermal waste. The DEIR does not report how much more heat the project would dump into the Bay. Moreover, its analysis of Bay water use, which *should* indicate the extent of thermal and other impacts of the OTC expansion, underestimates the potential increase in OTC water and heat flows.

28. According to the DEIR, the OTC expansion to 57.6 million gallons/day (MGD) represents an increase of 12.2 MGD from a project baseline OTC flow of 45.4 MGD.⁴⁵ The DEIR asserts this 45.4 MGD baseline without any supporting documentation, but NPDES findings omitted from it show that average OTC flow never approached 45.4 MGD since at least 1985. See Chart 3. Further, the refinery was required to estimate impacts of related prior modifications on its OTC flow and estimated they would increase it to only ≈ 35.4 MGD.⁴⁶ Permit review analysis of post-modification continuous monitoring data to check on that estimate found OTC flow of ≈ 35.5 MGD in 2010, and by mid-2011 this monitoring showed a long-term average OTC flow of ≈ 38.3 MGD.⁴⁶ This evidence shows that the 45.4 MGD DEIR estimate inflates the project’s OTC baseline. Based on the proposed OTC expansion to 40,000 gpm (57.6 MGD) and the most recent NPDES long-term average OTC flow (38.3 MGD), the project could use ≈ 19.3 MGD of Bay water. This more accurate OTC flow increment (19.3 MGD) exceeds the increment the DEIR calculated from its inflated baseline (12.2 MGD) substantially.

⁴⁵ DEIR at 3-27; see also Phillips, 2012b at 23–24: The same 40,000 gpm post-project total and 8,500 gpm increase on a purported 31,500 gpm baseline is asserted without documentary support in both, but 40,000 gpm is the proposed OTC rate that would be implied by project approval.

⁴⁶ NPDES Permit R2-2011-0027 at F-53 and Finding II. B. 3; see also Table E-5.

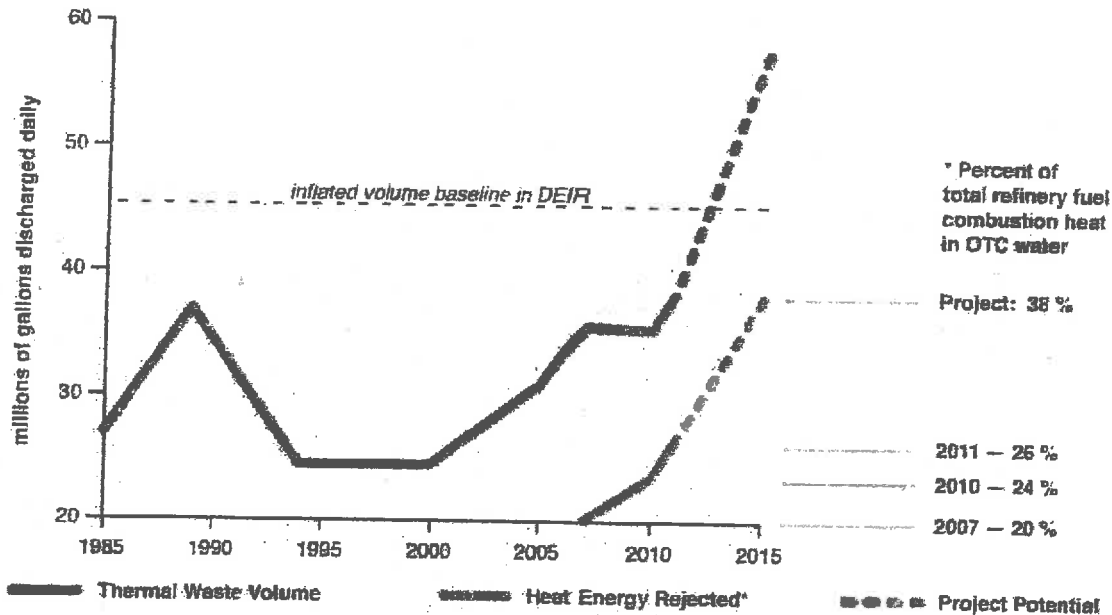


Chart 3. Rodeo facility combustion heat transfer to S.F. Bay. Thermal waste 1985–2011 volume data from NPDES orders R2-1985-029, 1989-002, 1994-129, 2000-015, 2005-0030 and R2-2011-0027; project potential volume from DEIR. Heat energy rejected is shown as a percentage of total refinery fuel energy (DEIR tables 4.6–1, 4.6–2) and is estimated based on volume entering OTC at 55 °F (Reg. Monitoring Program, Davis Pt. Oct–June avg.) and exiting processing at 110 °F before heat loss to the atmosphere and mixing in the retention system upstream of the outfall, and the specific heat of water (4.1868 J). Project potential heat percentage based on 2011 fuel use plus 140 MMBtu/hr for project steam.

29. Total heat rejected by OTC would grow, from ≈ 6.3 – 6.8 million gigajoules/year during 2007–2011 to ≈ 10.2 MM GJ/yr as a result of the project.⁴⁷ Waste heat rejected by the project flow increment (≈ 3.4 – 3.9 MM GJ/yr) would greatly exceed the total energy of additional fuel the DEIR states the refinery could burn for the project (1.23 MM GJ/yr).⁴⁸ Consequently, refinery wide reliance on OTC to reject waste heat would grow, from ≈ 20 – 26% of all fuel energy burned in the facility during 2007–2011, to $\approx 38\%$ of post-project refinery energy use.⁴⁹ See Chart 3. The DEIR does not identify or explain the discrepancy between the fuel it says the project would burn and the heat its expanded OTC could carry, and it does not disclose this increased refinery wide reliance on OTC.

⁴⁷ 1 gigajoule (GJ): 1 billion joules; 0.994 MMBtu. Waste heat rejected estimated as summarized in the caption of Chart 3. Note that the DEIR does not report the temperature of water exiting processing before entering the retention basin and mixing with other flows around the splitter; it states only that heat loss in those upstream steps will keep the OTC discharge at $E-002 \leq 110$ °F.

⁴⁸ Based on 140 MMBtu/hr expanded steam boiler capacity (see DEIR at 3-20; 3-21) at 100% utilization. Note that even the DEIR's underestimated OTC flow (≈ 2.16 MM GJ/yr) would reject more heat than this expanded boiler firing would add: the DEIR does not identify the discrepancy.

⁴⁹ Based on annual fuel use in DEIR at 4.6-2, and project adding 140 MMBtu/hr to 2011 fuel use.

30. This increased reliance on OTC to carry heat from as-yet unidentified sources is consistent with an undisclosed increase in firing rates to process denser, higher sulfur crude feeds—which are known to increase refinery energy intensity.⁵⁰ It is consistent, also, with a shift from existing cooling towers to OTC—which might yield savings on cooling tower makeup water and chemicals.⁵¹ Confirming or quantifying either or both possibilities may require cooling system design information that the DEIR does not provide. Regardless of its specific uses in cooling the refinery, however, the project's expansion of OTC would conflict with ongoing efforts to phase out and replace OTC.

31. In 2010 California adopted the Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.⁵² Among other things, this policy required power plant cooling systems to reflect the best technology available, encouraged them to use recycled water instead of estuarine water, and required most plants to cease OTC for units “not directly engaged in power-generating activities or critical system maintenance” by October 2011.⁵² Importantly, oil refining is not addressed specifically by this policy at least in part because most California refineries replaced OTC with “closed loop” cooling towers long ago. In fact, the Rodeo facility is the only one of the five refineries lining the Bay that still uses this antiquated cooling technology⁵³—and it has been since the Richmond refinery phased out and replaced OTC in the 1980s. The DEIR does not discuss this crucial context.

32. Work that could lead to phasing out and replacing OTC at the refinery has been ordered by the California Regional Water Quality Control Board. The Board ordered the refinery to prepare an engineering evaluation of replacing OTC, including a “conceptual design for a closed loop cooling tower system, including estimated costs (capital and operation) and construction timetable.”⁵⁴ Phillips' 2012 response reported locations where two cooling towers could be built to replace OTC, conceptual designs for them, and estimated capital (\$50 MM) and operating (\$5.5 MM/yr) costs.⁵¹ For context, this estimate suggests that the annualized cost over ten years represents only 0.2–0.3 % of the refinery's annual cost for \$75/b–\$115/b crude. The DEIR does not include or discuss this state order to evaluate replacing OTC or this refinery report indicating it can be done.

⁵⁰ See Karras, 2010; Bredeson et al., 2010; Brandt, 2012; Abella and Bergerson, 2012.

⁵¹ See *Cooling Tower Replacement Feasibility Evaluation* (Phillips Cooling Tower).

⁵² As adopted by the State Water Resources Control Board on 1 October 2010 (SWRCB, 2010).

⁵³ Chevron R2-2011-0049; Shell R2-2012-0052; Tesoro R2-2010-0084; Valero R2-2009-0079.

⁵⁴ NPDES Permit R2-2011-0027 at Provision VI.C.2.f.

33. Evidence discussed in paragraphs 27–32 indicates that, by building onto and expanding the existing OTC system at the refinery, the project would foreclose an opportunity to replace OTC in the near term, and would instead continue and expand the use of this antiquated cooling technology. It would thereby result in the continuation of adverse impacts on aquatic life in San Francisco Bay that could otherwise be eliminated, in addition to the impacts from project increases in OTC flows. However, the DEIR seeks to evaluate only impacts from its (under)estimate of the increased OTC flow rate, further underestimating the project's potential impacts on the Bay.

34. Once-through cooling harms aquatic ecosystems by injuring or killing biota and degrading their habitats via entrainment,⁵⁵ impingement,⁵⁶ and thermal pollution.⁵⁷ In operation at design temperature, the severity of system- and site-specific impacts is generally proportional to OTC flow. Clearly adverse impacts have been documented from entrainment and at shoreline thermal discharge sites in San Francisco Bay,⁵⁸ but monitoring studies have yet to measure the full ecological impact of site-specific OTC applications. This is in part because of practical limitations in scientific tools. For example, reviews of a series of Bay OTC impact studies⁵⁹ found:

- Sampling techniques can be too aggressive for some species that become mutilated and unidentifiable or too passive to capture and account accurately for other species.
- Perceptions about the cost of comprehensive sampling lead to excluding many species or life stages—such as phytoplankton, invertebrates, eggs, and species present in very low abundance—and to attempts to measure “surrogate” species instead.
- Similarly, multi-year sampling is seldom done, but interannual variability changes the occurrence and abundance of many species affected by OTC in estuaries like the Bay.
- Sampling and data management designs must anticipate seasonal and spatial variation in the abundance of various species and life stages, but the site-specific timing of such changes is difficult to predict in many cases and may be impossible to predict for some poorly studied species.

⁵⁵ The organism enters into the cooling system with water drawn through the intake screens.

⁵⁶ The organism is held against the intake screen by the force of the water flowing into the plant.

⁵⁷ Habitat is degraded or lost to various species when the ambient water temperature rises locally.

⁵⁸ For example, Mirant Corp. expected aquatic plant and invertebrate species to rebound if its Potrero power plant's thermal discharge was removed from a shoreline outfall (*Construction and Thermal Impacts First Quarter Larval Fish Assessment, 2001-2002*), and entrainment in the 226 MGD Potrero OTC flow was shown to kill an estimated 241–321 million larval fish annually (CBE, 2006). Impacts from the project's 57.6 MGD flow may be different from those of that different OTC system in another part of the Bay, and lesser or greater proportionate to its flow.

⁵⁹ See CBE, 2006.

- Taxonomic identification, especially in samples with small numbers of nonabundant or mutilated organisms among large numbers of another species, requires judgment.
- Rates of survival to reproductive age for larvae or juveniles affected by entrainment are generally not measured directly, and are instead inferred from generalized life history data that may be inaccurate or incomplete for certain species or populations.
- Indirect impacts, such as those from loss of forage (food supply) for another species, may be significant, but are difficult to measure and generally are not measured.
- Undersampled species may disproportionately affect the ecological system studied.
- Measurement limitations—such as those mentioned here as well as sampling losses and other anomalies—must be tracked and interpreted in analysis of the data.

Thus, OTC impact studies involve many judgments that are ultimately subjective and yet may determine whether impacts are detected. Compounding the problem in another way, these studies are typically sponsored by plant operators who prefer to avoid replacing OTC. For these reasons, the best practice standard for environmental review of OTC impact monitoring studies includes some form of independent peer review during study design, study implementation, and interpretation of study results. The DEIR does not identify any of these limitations in biological monitoring studies of OTC.

35. No description of the biological effects of OTC *expansion* is provided in the DEIR. Its full discussion of biological effects from the OTC system itself—except for admitting that endangered species are at increased risk of adverse impact—is one long sentence about an old study of intake impacts:

“The Refinery documented the effectiveness of the wedgewire screens in 2006, estimating that their configuration virtually eliminated impingement of adult and juvenile fishes and significantly reduced entrainment of larval fishes; the location of the intake structure provides effective sweeping flow velocities that, combined with low through-screen velocities at maximum pumping rates, minimize the entrainment of larval fishes.”⁶⁰

The DEIR thus does not discuss the extent to which this study: measured all potentially impacted species; used sampling techniques that were effective for all species targeted; identified all targeted species in each sample accurately; monitored or accounted for the great interannual variability of the estuarine impact zone; captured seasonal and spatial variability in OTC impacts; measured long-term survival of entrained or impinged biota and indirect impacts such as forage reduction on other species; measured effects on non-abundant species present, or made proper judgments about these issues in data analysis.

⁶⁰ DEIR at 4.4-27. A thermal impact study is not yet done: see Phillips thermal ext 1, 2.

The DEIR does not actually say whether this study collected *any* biological samples. Moreover, this study of 2006 OTC flow conditions does not represent the project's potential for much greater long-term future OTC flow conditions. See Chart 3. The DEIR obscures this important fact by its false assumption that only its underestimated flow increment (12.2 MGD), rather than the full post-project OTC flow (57.6 MGD), should be assessed for potential impacts. The project would increase OTC flow more than the DEIR's inflated baseline discloses *and* would cause the full expanded OTC flow to continue when it otherwise could be eliminated, as discussed in paragraphs 27–33. Accordingly, this 2006 study, and the DEIR itself, does not describe the biological implications of the expanded OTC flow that would result from the project.

36. Instead of describing these environmental implications of the project, the DEIR asserts that any impacts from the OTC expansion will be less than significant because of NPDES permit limits.⁶¹ This assertion is contradicted by facts that the DEIR does not disclose, but in a vain attempt to support it, the DEIR makes a series of erroneous statements that describe the project and its setting inaccurately. In a paragraph referring to an allowable “maximum discharge temperature of 110 °F” the DEIR asserts:

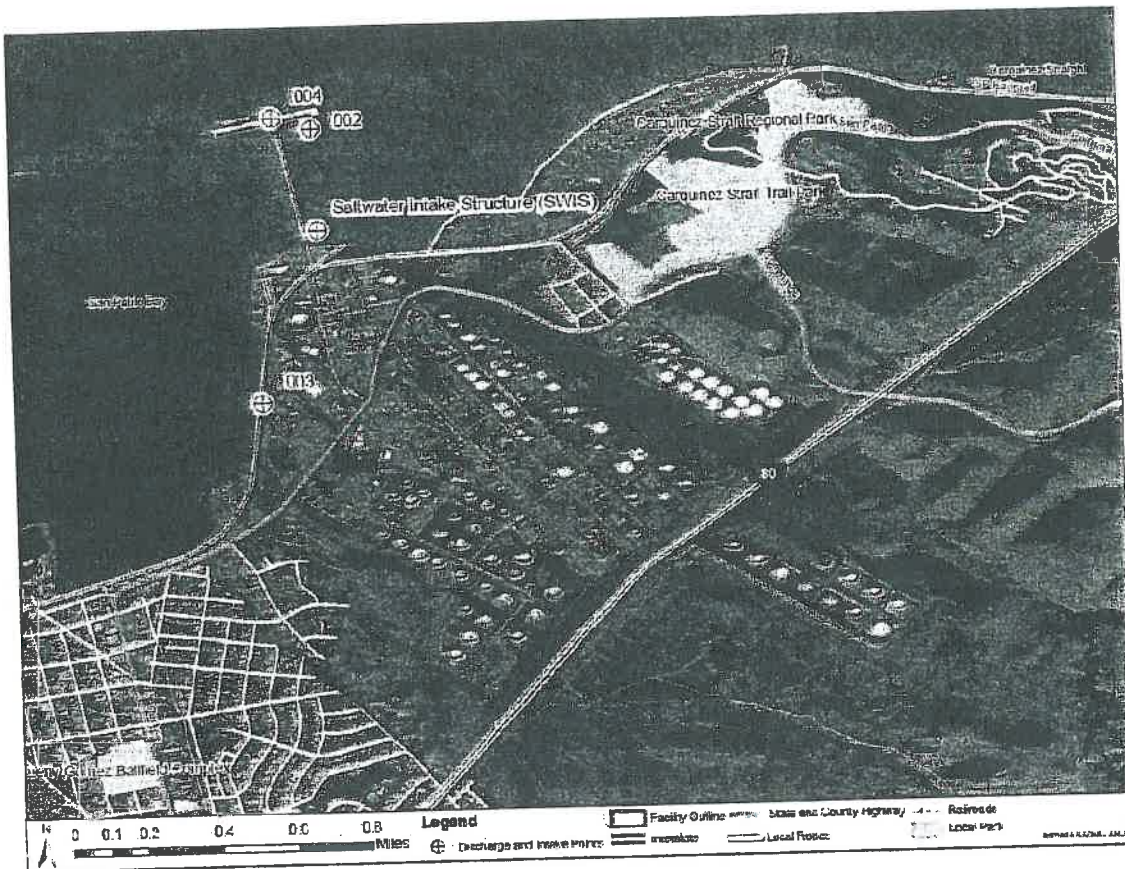
“By using sufficient cooling water to ensure that maximum temperatures remain in compliance with the NPDES permit, no significant impacts on special-status fishes would occur.”⁶²

This statement is clearly erroneous because a large enough volume of 80–110 °F thermal waste would injure or kill fish that are adapted to 55 °F water,⁶³ but it also is misleading. This statement only makes sense if the heat in the 57.6 MGD discharge diffuses rapidly. The statement thus invites the inference that the Rodeo OTC discharges via a deepwater diffuser—a technology so universally required that a proper environmental review would surely note the anomaly if that was not the case—but that is not the case. The antiquated OTC discharges from a shoreline outfall. See Map 1 discharge point 003. Consequently, the thermal waste receives little or no initial dilution, greatly exacerbating its localized impact, and NPDES permit limits allow that, but the DEIR does not disclose these facts.

⁶¹ DEIR at 4.4-27 and 4.4-28; see also DEIR at 4.10-24. It is acknowledged that deferring to future actions by others to address impacts has serious policy and legal implications that require analysis beyond the scope of this report.

⁶² DEIR at 4.4-28.

⁶³ This water temperature (≈55 °F) is typical in the ambient water of San Pablo Bay near the OTC outfall. See Regional Monitoring Program, Oct–Jun average for Davis Point (Site BD40).



Map 1. Rodeo facility outline, discharge points, and intake points. Attachment B to NPDES Permit, Order R2-2011-0027. The left-most circle containing a cross denotes discharge point E-003.

37. Compounding its error, the DEIR further explains its reliance on NPDES limits by asserting that “the NPDES permit establishes maximum once-through volumes.”⁶⁴ This statement is untrue. The permit limits several pollutants in the OTC thermal waste discharge at outfall E-003 but flow volume is *not* limited by this permit.⁶⁵ The 56% increase in OTC flow during 2000–2011, a period when two permit orders document concerns over OTC impacts that remain unresolved,⁶⁵ demonstrates the fallacy of the DEIR’s flow limit assertion poignantly. See Chart 3. The DEIR’s misplaced focus on permit limits also obscures the permit’s ongoing effort to develop closed loop cooling to replace OTC and eliminate its impacts—a crucial effort that the project would foreclose.

⁶⁴ DEIR at 4.4–23; see also 4.4–27.

⁶⁵ All NPDES permit limits on the OTC (E-003), for °F, TOC, Cl, Cu, Ni, Zn, and dioxins, are given in tables 8–11 of NPDES Permit Order R2-2011-0027, and flow volume is *not* among them. Provisions VI.C.2 d–f of this Order, and provisions D.9 and D.10 of Order R2-2005-0030 document ongoing, unresolved concerns regarding impacts of the OTC during this period.

38. Remarkably, the DEIR admits that the project's expansion of once-through cooling has the potential to adversely impact threatened or endangered fish species without specifying which ones. It states: "[S]pecial-status fish species identified in Table 4.4-1 that may be present along the Refinery shoreline on a seasonal or year-round basis ... are potentially at risk of being entrained in intake pipes, and this risk could increase due to the increased volume of once-through water that would be required under the Project. ... These fishes [also] could be subjected to an increased risk of injury, death, or habitat reduction at effluent discharge locations"⁶⁶ The DEIR defines "special-status fish species" to include, among others, the Southern DPS-Green Sturgeon, the Central California Coast and Central Valley DPS-Steelhead, the Central Valley Spring-run Chinook Salmon, and the Winter-run Chinook Salmon—all federally listed threatened or endangered species.⁶⁷ The severity or importance of this potential impact may depend in part upon which of the endangered or threatened species face this project risk, but the DEIR does not provide that information, or at least does not do so in an easily understandable form.

39. LPG taken from cracking byproduct gases and treated in the refinery would be stored in new propane and existing butane tanks before loading to railcars via two new rail spurs and a new two-sided loading rack, according to the DEIR project description.⁶⁸ The DEIR acknowledges that although this occurs very rarely, the potential exists for a catastrophic failure of an LPG storage vessel such as a "boiling liquid expanding vapor explosion."⁶⁹ However, the DEIR describes it as occurring too rarely to warrant analysis of mitigation, and describes cooling the LPG storage tanks instead of pressurizing them (which would eliminate this catastrophic risk) as "infeasible" because of the added costs for electricity and a new flare.⁶⁹ Impacts of such an incident could be catastrophic and irreversible. The DEIR does not include or describe the documented Process Hazard Analysis or Inherently Safer Systems Evaluation required by the County Industrial Safety Ordinance (ISO) for the project, and thus does not disclose that those requirements contradict its analysis.

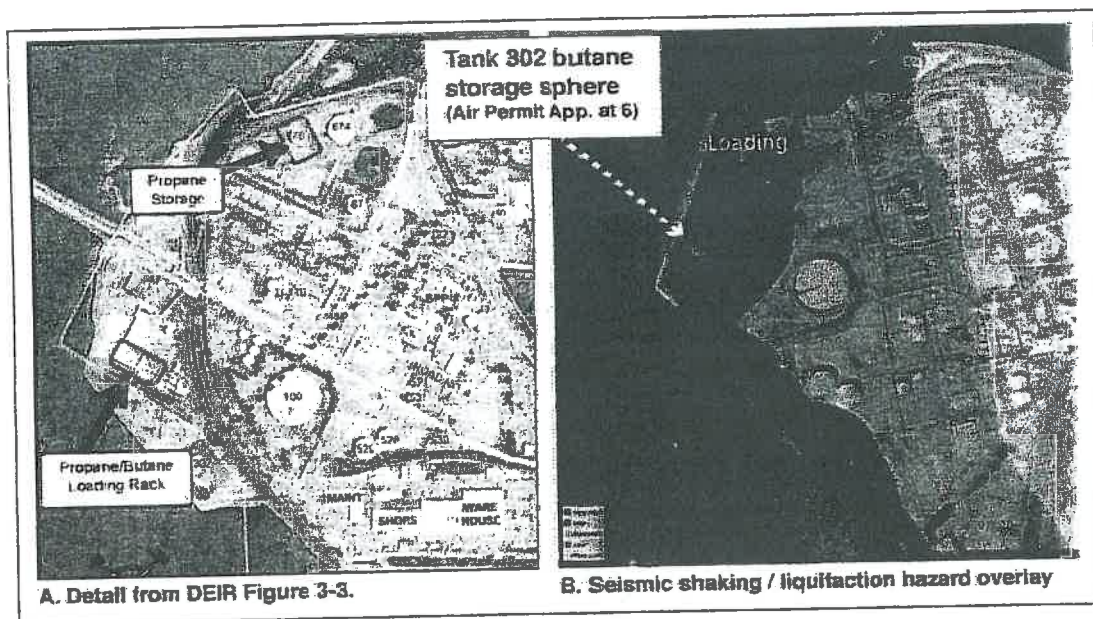
⁶⁶ DEIR at 4.4-27. The quote continues, with a qualifier regarding the thermal impact reading "*if those temperatures exceed permitted discharge limits.*" However, the DEIR wrongly assumes the increased volume of hot shoreline discharge that receives little or no dilution is controlled by permit volume limits and will not impact the fish, as discussed in paragraphs 36 and 37.

⁶⁷ DEIR at 4.4-9 and 4.4-10 (Table 4.4-1).

⁶⁸ DEIR at 3-6, 3-17, 3-21 and 3-25.

⁶⁹ DEIR at 4.9-2, 4.9-18, 4.9-19 through 4.9-22, 6-5.

40. Process hazard analysis (PHA) requires, among other things, rigorous determination of the site-specific likelihood of particular hazardous consequences.⁷⁰ “Conducting a comprehensive hazard review to determine risks and identify ways to eliminate or reduce risks is an important step in implementing an inherently safer process.”⁷⁰ For example, a comprehensive PHA for the project’s new propane and additional butane storage would identify and analyze the increased probability of catastrophic failure caused by soil liquefaction in an earthquake—a serious site-specific risk in the seismically active East Bay. At least one of the tanks that would store project LPG is sited on a shoreline plot⁷¹ at high risk for soil liquefaction. See Map 2. This would increase the probability of catastrophic failure involving LPG storage over time. The DEIR, however, estimates this probability based on generalized industry-wide estimates of its frequency.⁷² Because it does not describe or evaluate the site-specific conditions, the DEIR underestimates the probability of a catastrophic event.



Map 2. Project-related LPG storage near loading, and earthquake liquefaction hazard
Note the two plate's different orientation to North. Plate B from Ed Tannenbaum and Danielle Fugere. Burgundy shading in the area near the shoreline (Plate B) indicates very high liquefaction hazard.

⁷⁰ CSB, 2013 at 40; see also CSB at 32.

⁷¹ Project butane would increase this and other tanks' throughput. DEIR at 3-21/26, 4.5-7, 4.9-1.

⁷² DEIR at 4.9-18; see also AICE, 1989 at 205.

41. County Hazardous Materials Program staff have informed Phillips 66 that they expect “revised siting studies with placing new equipment and associated impacts to existing processes including locations that house personnel (e.g., control rooms, admin buildings)” for the project.⁷³ These studies would detail what comparing maps 1 and 2 shows: Project-related LPG storage is located relatively close to a concentration of other vessels containing flammable hydrocarbons, the administration building, parking lots, and thus numerous plant personnel. However, the DEIR describes only “moderate” consequences of a catastrophic LPG storage incident, and explains that this is “primarily due to the large distances to the *off-site receptors* (730 to 1340 m.).”⁷⁴ (*Emphasis added.*) Its incomplete description of the project’s setting causes the DEIR to ignore workers and underestimate the magnitude of this catastrophic risk.

42. Cooled instead of pressurized liquefied gas storage could eliminate the risk of catastrophic LPG storage vessel explosion. Because it is practicable and safer than the proposed pressurized storage for this identified catastrophic hazard, cooled storage could be defined as an inherently safer system with respect to this hazard. In contrast to the DEIR’s failure to analyze this mitigation, the ISO *requires* documented inherently safer systems analysis for new processes and facilities.⁷⁵ The U.S. Chemical Safety Board recommends that inherently safer technology should be implemented to drive risk as low as reasonably practicable (ALARP), and notes that: “It is simpler, less expensive, and more effective to introduce inherently safer features during the design process ... rather than after the process is already operating.”⁷⁵ Furthermore, in contrast to the DEIR’s description of cooled storage as “infeasible” due to the costs of additional electric power and a new flare, the ISO seeks to implement inherently safer solutions “to the greatest extent feasible.”⁷⁵ There is no cost exemption for affordable cooled storage. The DEIR’s description of catastrophic hazards is in error, and its failure to describe inherently safer systems requirements for the project obscures this error.

43. CHMP staff also expect documented human factors evaluations of processes and procedures for the project.⁷³ These could include, among other things, evaluation of “safety culture” problems that may incite company management to defer safety measures

⁷³ 11 July 2013 letter from Michael Dossey to Jim Ferris, Phillips 66 (CCHMP-Phillips). The DEIR does not include these process-specific studies or evaluations or discuss their results.

⁷⁴ DEIR at 4.9-21.

⁷⁵ ISO § 450-8.016(d)(3); see also CSB, 2013 at 40, 45-47, and 55. The DEIR does not include or discuss the Chemical Safety Board’s findings, or even its recommendations to the County.

as a shortsighted way to cut costs.⁷⁶ But the DEIR does not include or report on this human factors evaluation, and although it is relevant, the DEIR does not discuss this safety culture issue. Chevron management deferred at least six worker requests to inspect or replace a piping circuit over ten years, before that severely corroded pipe ruptured catastrophically in the 6 August 2012 Richmond refinery fire.⁷⁷ In another example of poor safety culture, the BP Texas City refinery explosion in March 2005 killed 15 people and injured 180 after BP management—in part to boost profits by avoiding short term costs—deferred replacement of a blowdown stack with a flare.⁷⁸ Similarly, the DEIR assumes a bias in favor of avoiding the cost of a flare in its inappropriate failure to analyze identified mitigation for a catastrophic hazard presented by the project.

44. Chemical spills, fires, and explosions at U.S. oil refineries killed at least 30 and injured at least 15,211 workers and nearby residents since 1999.⁷⁹ At least 49 upset “emergency” incidents occurred at Bay Area refineries since March 2010.⁸⁰ At least 30 such incidents occurred at California refineries in a recent five-month span.⁸¹ The DEIR does not describe or discuss this important context for review of project hazards.

45. Exporting 8,000 b/d of additional LPG from the refinery for sale instead of burning that propane and butane in its fuel gas would change the location of emissions from LPG created by refinery processes. Although selling this LPG for purposes that obviously include burning it is the primary objective the DEIR states for the project, the DEIR does not identify or describe the resultant off-site impacts or provide information about specific end uses of this LPG.⁸² Those potential emissions are substantial: the

⁷⁶ Chevron Safety Audit Oversight Committee, 2013. Audit Scope of Work.

⁷⁷ CSB, 2013: see esp. 36–42.

⁷⁸ Chemical Safety Board incident investigation (CSB, 2005). See esp. page 253: In one instance BP managers decided on in-kind replacement of the hazardous design in part to “maintain profits” by avoiding new source standards that likely would have required connecting to a flare.

⁷⁹ U.S. Chemical Safety Board incident investigation reports (www.csb.gov). Injuries include hospital visits associated with the 2012 Chevron Richmond refinery fire.

⁸⁰ Flare causal analyses submitted to Bay Area AQMD pursuant to Rule 12-12, §406.

⁸¹ Labor Occupational Health Program, U.C. Berkeley, 2013 (LOHP).

⁸² BAAQMD asked for the end uses of this LPG but like the DEIR, the company did not report them (see Air permit correspondence). Because of this nonreporting only a “potential to pollute” estimate is possible, but it is reasonably foreseeable that virtually all project LPG exports could be burned. Combustion activities (residential, C4 gasoline addition, industrial and recreational) are the primary end use of LPG sold nationally, and markets are highly regional; LPG use for petrochemical feedstock is highly concentrated in the Gulf Coast. Shipping costs to sell Rodeo LPG in the Gulf Coast would make it less competitive than Gulf Coast LPG supplies.

DEIR estimates that the LPG the project would remove from refinery fuel gas would emit greenhouse gases (GHG) at a rate of 759,244 tonnes/yr.⁸³ But instead of identifying, describing, or accounting for the resultant off-site impacts, the DEIR subtracts this amount from its project GHG emission estimate. The DEIR thereby assigns offsite LPG emissions a value of zero—even though it accounts for project emissions from outside the refinery gate for transport, and electricity generation—erroneously calculating a net decrease in GHG emissions (–325,978 tonnes/yr) when the correct net emissions, by its own estimate, total 433,266 tonnes/yr (–325,978 + 759,244).⁸³ Thus, project emissions could exceed the 10,000 tonnes/yr threshold of significance for GHG emissions used by the DEIR substantially. The DEIR does not identify a potential impact that would be significant, in part because it does not describe LPG environmental implications of achieving the project's main stated goal outside the refinery gate.

46. Byproduct coke production would increase along with cracked LPG gases for the project, but the DEIR does not say how much, or whether this additional petroleum coke will be exported, burned in the refinery, or both. Increased coking of denser feeds might increase coke production by thousands of barrels/day, and coke burns much dirtier than the gases the DEIR assumes the refinery will burn.⁸⁴ Burning the extra coke created by the project in place of other refinery fuel could increase refinery emissions substantially.

47. The DEIR does not explain that the company's Rodeo Facility (RF) and Santa Maria Facility (SMF) are two parts of one integrated refinery. The SMF and RF are linked by a pipeline sending crude and intermediate oils between them,⁸⁵ their processes are integrated to a capacity that neither can achieve alone,⁸⁶ and Phillips 66 reports them as a single processing entity to industry and government monitors⁸⁶ that is called the "San Francisco Refinery."⁸⁵ Omitting all of this, the DEIR also fails to explain the extent to which this project, and the concurrent SMF expansion to increase production and pipeline shipments to Rodeo,⁸⁵ are two parts of a single, larger, project that remains undisclosed.

⁸³ See DEIR at 4.8-18, Table 4.8-3

⁸⁴ Denser feeds might increase coke yield on coker feed volume by ≈10% (see tables 7.1-2, 7.1-6 in Meyers, 1986), not counting the effect of increasing coker feed volume. As compared with CO₂ emissions of ≈67.7 kg/GJ fuel gas and ≈56.0 kg/GJ natural gas, burning petroleum coke emits CO₂ at a rate of ≈108 kg/GJ. See Karras, 2010 at Table S1.

⁸⁵ SMF EIR 2012 Excerpts (attached). See esp. pages 2-1 (describing SMF–Rodeo integration), 2-11 (processes, and intermediates sent to Rodeo), 2-25 (project would increase deliveries of oils to Rodeo via pipeline), and 2-26 (project potential for 408,255 tons/yr increase in coke produced).

⁸⁶ See *Oil & Gas Journal*, 2012; and EIA Ref. Cap. 2013. See also orders R2-2011-0027 and R3-2007-0002. Comparing the references shows "Rodeo" capacities reported to EIA include SMF.

Project Impacts on the Environment

48. Project emissions would exceed a climate significance threshold, as the DEIR's emission estimates show, when its failure to account for emissions from burning project LPG is corrected. See paragraph 45. A check on its estimates, accounting for the 8,000 b/d of LPG (464,243 m³/yr) sold and replaced by natural gas for refinery fuel, confirms that project GHG emissions would exceed the significance threshold established in the DEIR by more than 40 times. See Table 5. These observations make sense because oil refining emits more GHG than any other industry in California,⁸⁷ and the project would increase fossil fuel combustion associated with the refinery's activities substantially.⁸⁸ Among other potential measures to lessen or avoid this impact, the County could consider requiring that refinery use of electricity from the grid be purchased from renewable, rather than fossil-fueled, generation sources.

Table 5. GHG emissions from project LPG and natural gas to replace it in fuel gas

	DEIR estimate (CO ₂ e) ^a		CBE estimate (CO ₂) ^b	
	LPG	natural gas	LPG	natural gas
volume (m ³ /yr)	464,243	310,000,000	464,243	313,000,000
energy (GJ/yr)	11,230,541	11,230,541	11,900,000	11,900,000
emissions (tonnes/yr)	759,244	592,761	782,000	666,000
change in off-site LPG emissions		759,244		782,000
change from replacing LPG in fuel gas		-166,483		-116,000
net of other project emissions identified ^a		-159,495		-159,495
Total project emissions identified in DEIR		433,266		506,505
Threshold of significance from DEIR		10,000		10,000

LPG volume shown as liquid, from DEIR Table 3-2. (a) DEIR data from Table 4.8-3, except energy estimate from page 4.8-16 and natural gas volume estimate from Table 3-2. Other project emissions: boiler, mobile source and indirect emissions minus shutdown credit. (b) Based on natural gas energy equivalent to project LPG volume and heat contents (25.62, 0.038 GJ/m³) and CO₂ emission factors (65.76, 55.98 kg/GJ) for LPG and natural gas, respectively, from Table S1 in Karras, 2010.

49. Stored under pressure, project gases could explode. Because predicting when this catastrophic and irreversible consequence might occur is ultimately speculative, and a safer design that might eliminate this hazard could be precluded after the project is built, the project as proposed would create an *inherent hazard*.⁸⁹ The project's failure to

⁸⁷ See CARB, 2013.

⁸⁸ Project LPG sales burned elsewhere and replaced with natural gas onsite would represent ≈44% of all fuel energy burned in the refinery in 2011, based on DEIR data (see pages 4.6-2, 4.8-16).

⁸⁹ See: CSB, 2013 at 40-48, 55.

demonstrate the use of inherently safer systems (ISS)—including cooled instead of pressurized storage, which would eliminate this catastrophic explosion hazard—through a process hazard analysis (PHA)⁹⁰ would conflict with the Industrial Safety Ordinance. Therefore, project gas storage under pressure would result in a hazard impact. The DEIR failed to identify the significance of this impact because its analysis ignored hazardous siting conditions and PHA and ISS requirements, and rejected analysis of an inherently safer measure that could avoid a catastrophic hazard based on cost, contrary to safety best practice and the Industrial Safety Ordinance. See paragraphs 39–44.

50. Pressurized gas storage explosion hazard resulting from the project can be mitigated but the DEIR did not complete its analysis of this mitigation opportunity. The County could consider developing an appropriate permit condition requiring cooled storage of propane and butane stored as a result of the project. Developing an appropriate permit condition would require reporting and evaluation of the PHA and documented ISS analyses that were not reported or addressed in the DEIR.

51. Expansion of the existing once-through cooling system would conflict with state plans and policies to phase out and replace this antiquated technology and foreclose an opportunity to replace the system in the near term via ongoing work to implement those plans and policies. Increased impingement, entrainment and thermal waste impacts that would result from the project would adversely impact aquatic biota and have the potential to injure or kill members of the remaining populations of threatened or endangered fish species that depend upon aquatic habitats in the vicinity of the refinery. Therefore, the project would adversely impact the biological resources of the San Francisco Bay-Delta ecosystem in conflict with state plans and policies.

52. The DEIR failed to identify the state plans, policies, and ongoing work the project would conflict with and foreclose by expanding the once-through cooling system. Due to these errors and its assumption of an erroneous project baseline it targeted only a fraction of the intake and discharge flow that would result from the project for its impact analysis. The DEIR reported no biological analysis of actual system effects that includes data representative of the expanded system. Its conclusions ultimately relied on a description of flow, heat, and discharge limitations that is demonstrably incorrect. As a result, it did

⁹⁰ No documented PHA or ISS is included in the DEIR, and County safety staff still sought these analyses, *including for cooled storage*, as of 11 July 2013. CHMP-Phillips071113; DEIR at 6-5.

not identify the significance of this impact. See paragraphs 27–38. The County could consider, among other measures to lessen or avoid this impact, requiring replacement of the antiquated once-through cooling system with closed loop cooling towers.

53. Sulfur dioxide (SO₂) emissions could increase, instead of decreasing as the DEIR claims, and this impact could be significant, but the DEIR did not analyze, or include information needed to analyze, this potential impact. The project outlined *in concept* might cut emissions substantially, but the DEIR's claim that refinery wide SO₂ emissions will be cut by 50% is wrong for several reasons. The project application for "emission reduction credits" to *increase* SO₂ emissions by 174.7 tons/yr that Phillips asserts will be used to achieve "no net increase" in project emissions would foreclose an emissions cut. See paragraph 26. Further, if the actual emissions cut from treating and replacing fuel gas is less than 174.7 tons/yr, emissions could increase. The extent of this potential increase cannot be quantified because data to support the emission credits—such as fuel gas hydrotreating specifications, and pre- and post-project fuel gas balances showing the composition and flows of gases among process units—is not included in the DEIR.

54. Importantly, this undisclosed change in the project that would foreclose the promised SO₂ emissions reduction conflicts with the DEIR's stated project objective to reduce emissions. The County could consider developing a land use permit condition that ensures the 50% reduction in refinery wide SO₂ emissions identified in the DEIR will be real, measurable and permanent. Developing an effective condition could be expected to require, among other things, analysis of the fuel gas composition and petroleum coke disposition data that is not disclosed in the DEIR (see paragraphs 24 and 46).

55. Flaring could be caused by fuel gas quality upsets resulting from the project because it lowers the heat content of gases burned throughout the refinery without upgrading equipment designed to burn gases with higher heat content. Fuel gas quality upsets, including those involving low heat-content gases, have caused significant flare episodes at the refinery repeatedly.⁹¹ The company's shifting statements about whether existing burners should be or will be upgraded underscore the potential for increased frequency and magnitude of this type of flaring.⁹² Flaring from fuel gas *quality* upsets can occur independently from that caused by fuel gas *quantity* upsets, and the DEIR did

⁹¹ Flare Causal Analysis excerpts; see also CBE, 2007. *Flaring Prevention Measures*.

⁹² See paragraph 25; Air Permit Correspondence; see also paragraph 14.

not analyze or mitigate this fuel gas quality issue. Moreover, flaring episodes impact air quality and health via acute exposures around each episode,⁹³ so that fuel gas quality flaring from the project could cause significant impacts even if the project reduces flaring from fuel gas quantity problems. To support a complete and reliable analysis of impacts on flaring, specifications for the changed fuel gas quality and for all of the combustion equipment that could be affected by this change must be reported and analyzed.

56. Flaring likely would be caused by the crude switch resulting from the project. Three independent reviews following the refining of higher sulfur crude at Gulf Coast and Bay Area refineries found evidence for increased flaring and flare emission intensity from hydrocracker and hydrotreater upsets.⁹⁴ This potential impact would not be mitigated by project treatment of fuel gas because the emergency shutdowns of these high-pressure processes that initiate the flaring typically requires dumping their contents to flares, bypassing fuel gas treatment. Indeed, flaring is allowed in emergencies, despite known local air impacts,⁹⁵ as a last-resort emergency response safeguard *after* potentially catastrophic conditions begin to manifest. This flaring indicates a process hazard.

57. The DEIR did not describe or evaluate upset flaring or any other impact of the denser, more contaminated crude slate that likely would result from the project. The denser hydrocarbons disproportionately present in denser crude oils have many more carbon atoms, and much lower hydrogen:carbon ratios, than the gasoline, diesel, or jet fuel made from these oils. These dense hydrocarbons also have greater concentrations of contaminants—such as sulfur, nitrogen, nickel, vanadium, selenium, and naphthenic acids, among others—that are toxic, corrosive, poison process catalysts, or decompose in refining processes to form toxic and corrosive compounds such as hydrogen sulfide (H₂S). Density and contaminant content broadly correlate among well mixed blends of whole crude oils from many different locations and geologies.⁹⁶ But complicating assessment and further increasing the hazard, this correlation breaks down in the case of

⁹³ See CBE, 2005. *Flaring Hot Spots*; BAAQMD, 2006 at 6–8.

⁹⁴ Subra, 2008; Karras, 2008; Dolbear, 2008 (Dolbear AG Summary). The concise notes from Dolbear's review inform the need to check for unanticipated hazards from crude switching: "This work forced me to think through this system again, and I conclude that, at least in the refineries in question, increasing contaminant levels do result in stressing the system to lead to upsets".

⁹⁵ Compare BAAQMD, 2006 at 6–8 (documenting flaring impact on nearby community) with BAAQMD Flare Control Rule 12-12 §101 (nothing in rule should be construed to compromise safety) and §301 (standard allows flaring in emergency to avoid potentially worse consequences).

⁹⁶ See Speight, 1991; Karras, 2010.

some individual crude oils that the project could lock the refinery into processing. In particular, partially pre-processed oils⁹⁷ and bitumen⁹⁸ derived from tar sands can be highly contaminated relative to their density.

58. Lower quality crude is an inherently more hazardous feedstock. Making engine fuels from its denser, hydrogen-poor hydrocarbons requires processing proportionately more of each barrel using severe carbon rejection (e.g., coking) and hydrogen addition (e.g., hydrocracking) and making that hydrogen, increasing refinery energy use and fuel burning for that energy.⁹⁹ Its greater contaminant content results in greater amounts of various toxic chemicals passing through the refinery into the environment, potentially increasing fugitive emissions of benzene and other toxics,⁹⁸ and in some cases boosting per-barrel releases of toxic trace elements by up to an order of magnitude.¹⁰⁰ The larger volume of toxic, flammable, and corrosive materials undergoing severe processing at high temperature and pressure further increases the frequency of process malfunctions and upsets over time, and the magnitude of these incidents when they occur.

59. Switching to higher sulfur crude was a causal factor in the disastrous Richmond refinery fire on 6 August 2012. See Chart 4. Sulfur corrosion of the pipe section that ruptured catastrophically in the incident (gray shading), sulfur in the gas oil running through this pipe (black line), and sulfur in the refinery crude feed supplying that gas oil (red line) are shown in this chart. The percent change from baselines is shown.¹⁰¹ As sulfur increased in the crude, it increased in the gas oil distilled from that crude and running through the pipe, and sulfidic corrosion began to thin the wall of this pipe more than four times faster than before that dramatic sulfur increase. See Chart 4. This example of an ultimately disastrous feedstock substitution hazard applies to the SFR and the even more inherently hazardous crude feed that likely would result from the project.

60. Sulfur attacks metal equipment in contact with oil streams at temperatures above $\approx 230^{\circ}\text{C}$, causing thinning that leads to catastrophic ruptures, so that “sulfidic” corrosion “continues to be a significant cause of ... incidents associated with large property losses

⁹⁷ See Karras, 2010.

⁹⁸ See Fox, 2013.

⁹⁹ See Karras, 2010; UCS, 2011; Bredeson et al., 2010; Brandt, 2012; Abella and Bergerson 2012.

¹⁰⁰ See CBE, 1994; and Wilhelm et al., 2007.

¹⁰¹ For example, sulfur increased by more than 50% in crude based on crude sulfur content > 1.5 wt. % (Aug 2011–Jul 2012 avg.) versus a baseline < 1 wt. % (1996 avg.). See Karras, 2013.

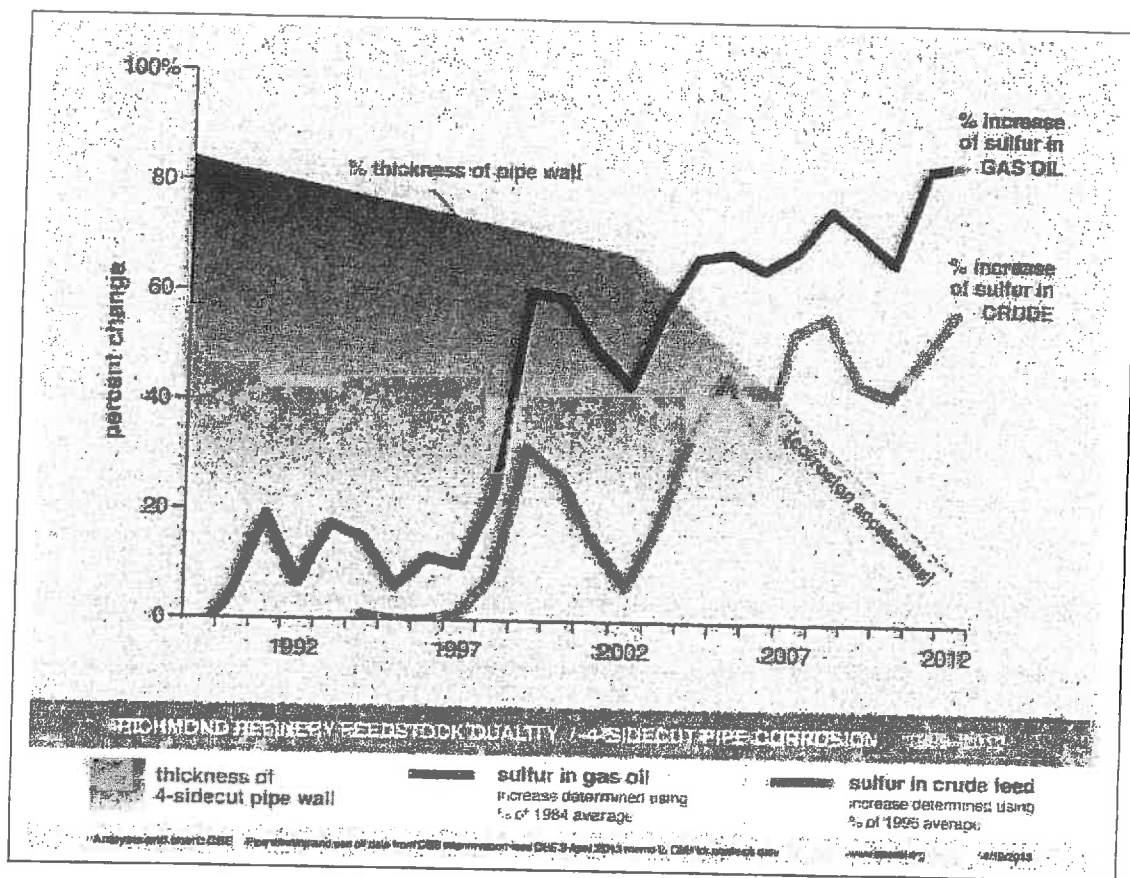


Chart 5. Richmond refinery feedstock quality / 4-Sidecut pipe corrosion, 1989–2012.
From testimony presented in the 19 April 2-13 U.S. Chemical Safety Board public hearing at Richmond, CA.

and injuries.”¹⁰² Sulfidic corrosion can occur anywhere in refineries where sulfur-bearing oils are processed this hot.¹⁰² “Process variables that affect [sulfidic] corrosion rates include the total sulfur content of the oil, the sulfur species present, flow conditions, and the temperature of the system.”¹⁰³ Higher sulfur crude feeds can accelerate sulfidic corrosion dramatically.¹⁰⁴ See Chart 4. All steels are attacked, but carbon steel, and carbon steel that has low silicon content, are particularly vulnerable.¹⁰⁴ U.S. refineries built before 1985 are especially vulnerable because they likely include low-silicon carbon steel equipment components.¹⁰⁴ Newer equipment can be similarly vulnerable because, perhaps in the rush to build and restart production, it may be made from inappropriately

¹⁰² API, 2009 at vii. See also pages 3–8, and 16; and CSB, 2013 at 29–30.

¹⁰³ CSB, 2013 at 16.

¹⁰⁴ See CSB, 2013 at 16–45; see esp. 33–36. see also API, 2009.

corrosion-vulnerable alloys mistakenly installed, and then operated because of this error.¹⁰⁵ Sulfidic corrosion is difficult to monitor: it may accelerate in a few small, vulnerable, yet critical components of refinery piping systems many miles long, requiring monitoring of 100% of the components, but that is costly and may not be performed.¹⁰⁶ Actions taken to cut energy costs have in some cases inadvertently exacerbated sulfidic corrosion.¹⁰⁷ Further, in addition to introducing another hazard, corrosion resulting from naphthenic acids (TAN) in the crude can exacerbate sulfidic corrosion.¹⁰⁸ Ignoring or failing to recognize the nature of this hazard is part of the problem—impacts of a new and different feedstock are at best difficult to predict, and past operating history is *not* a guide to the future hazard when a refinery switches to a new and high-sulfur crude.¹⁰⁹ The proposed project at SFR presents these aspects of this hazard.

61. Sulfur is likely to reach $\approx 3\text{--}4$ wt. % in the new crude slate that would result from the project. See paragraphs 12–22. This could cause more aggressive sulfidic corrosion than the increase to ≈ 1.55 % sulfur that caused the catastrophic pipe failure in 2012 at Richmond. The new crude slate is also likely to include more high TAN tar sands oils that could further exacerbate sulfidic corrosion and create a new corrosion hazard.¹¹⁰ The Rodeo facility was built before 1985: carbon steel equipment that is especially vulnerable to sulfidic corrosion is likely present in the plant. The project as proposed documents no positive materials identification program that is addressing this vulnerability. Nor does it document any management of change, process hazard, or inherently safer systems analysis of this hazard, in conflict with the ISO and industry standards.¹¹¹ The project, as proposed, would create a catastrophic hazard resulting from switching to a new crude and rely, in essence, on past operating history to address this hazard. That is unsafe.

¹⁰⁵ Incorrect alloys for corrosion resistance may have been installed mistakenly in up to 3% of piping components and 10% of items such as drain plugs at some refineries (API, 2009 at 16).

¹⁰⁶ See CSB, 2013 at 16–45; see esp. 33–36. see also API, 2009.

¹⁰⁷ See API, 2009 at 8; CSB, 2013 at 33.

¹⁰⁸ Total acid number (TAN), measured in mg KOH/g oil, reflects organic acids in crude oils that refiners call “naphthenic” acids. “[I]t is important to note that naphthenic acids can dissolve the iron sulfide scale [that might otherwise slow sulfidic corrosion] or at the very least render it less protective. ... [and it] is often difficult to isolate the individual effects of naphthenic acids and sulfur compounds [but] naphthenic acid never lowers sulfidation corrosion.” API, 2009 at 4.

¹⁰⁹ CSB, 2013 at 35; API, 2009 at 5, 7, 8 and 16.

¹¹⁰ TAN ranges from $\approx 0.9\text{--}1.7$ mg KOH/g in tar sands oils that are likely to be refined as a result of the project (see Table 3): 0.5 mg KOH/g is considered high for this acid (see Sheridan, 2006).

¹¹¹ County safety staff noted these PHA and ISS requirements (CHMP–Phillips071113); failure to analyze corrosion impacts of crude changes also violates industry standards (CSB, 2013 at 36).

62. Chart 5 shows data describing the scale of emissions from burning more fuel for the extra energy to refine denser, more contaminated crude slates. GHG emissions are plotted against crude slate density. Each white circle represents an annual average observed in one of the four largest U.S. Petroleum Administration Defense districts (PADDs) from 1999–2008; each orange diamond an observed California-wide annual average from 2004–2009; and the black square represents the Shell Martinez refinery annual average observed in 2008. The diagonal rise among the 47 observations from left to right in the chart indicates denser crude slates increase refinery emissions. Observed average emissions nearly double, from $\approx 260\text{--}500\text{ kg/m}^3$ crude refined, as crude density increases from $860\text{--}932\text{ kg/m}^3$. The SFR crude slate density increment that could result from the project ($+37\text{ kg/m}^3$; paragraphs 12–22) is shown by the width of the yellow band in the chart; the right-hand edge of this band shows the density of the WCS/ANS blend that the refinery could run as a result of the project (952 kg/m^3 ; see Table 4). This crude slate approaches the density of “heavy oil” as defined by the USGS (957 kg/m^3),¹¹² and is considerably denser than the Martinez refinery observation (932 kg/m^3), which appears near the middle of the yellow band shown in the chart.

63. Analysis that separated crude quality effects on emissions from those of other factors demonstrated that crude density (shown in Chart 5) and sulfur content (not shown) can explain 85–96% of observed variability in emissions among refining regions and years, allowing the prediction of average emissions from crude slates.¹¹³ Predictions based on the U.S. observations suggest that an industry-wide switch to refining “heavy oil” (shown) and bitumen (not shown) could double or triple current U.S. refining emissions.¹¹⁴ More recent work using different methods estimates emission increments that are generally consistent with these predictions.¹¹⁵ Also, the U.S. data and methods used in these predictions were found to predict the observed emissions from the Martinez refinery within $\approx 7\%$ and the long-term 2004–2009 average California industry emissions within $\approx 1\%$.¹¹⁶ Based on these same data and methods, the project increase in SFR crude

¹¹² Heavy oil average density (957 kg/m^3) and sulfur content (2.9 wt. %) from Meyers et al., 2007.

¹¹³ Karras, 2010; UCS, 2011.

¹¹⁴ Karras, 2010.

¹¹⁵ See Abella and Bergerson, 2012 (bitumen and dilbit vs. light conventional oils in Figure 1).

¹¹⁶ UCS, 2011. See pages 9, 12 and 13, and Table 1-1. Four other refinery-specific predictions were tested as well (not shown in chart). When uncertainties caused by the lack of facility products reporting were considered, observed emissions from 4 of the 5 plants were predicted successfully, and emissions were underpredicted in 1 test. These predictions were tested by withholding the California energy and emission observations from the predictive model.

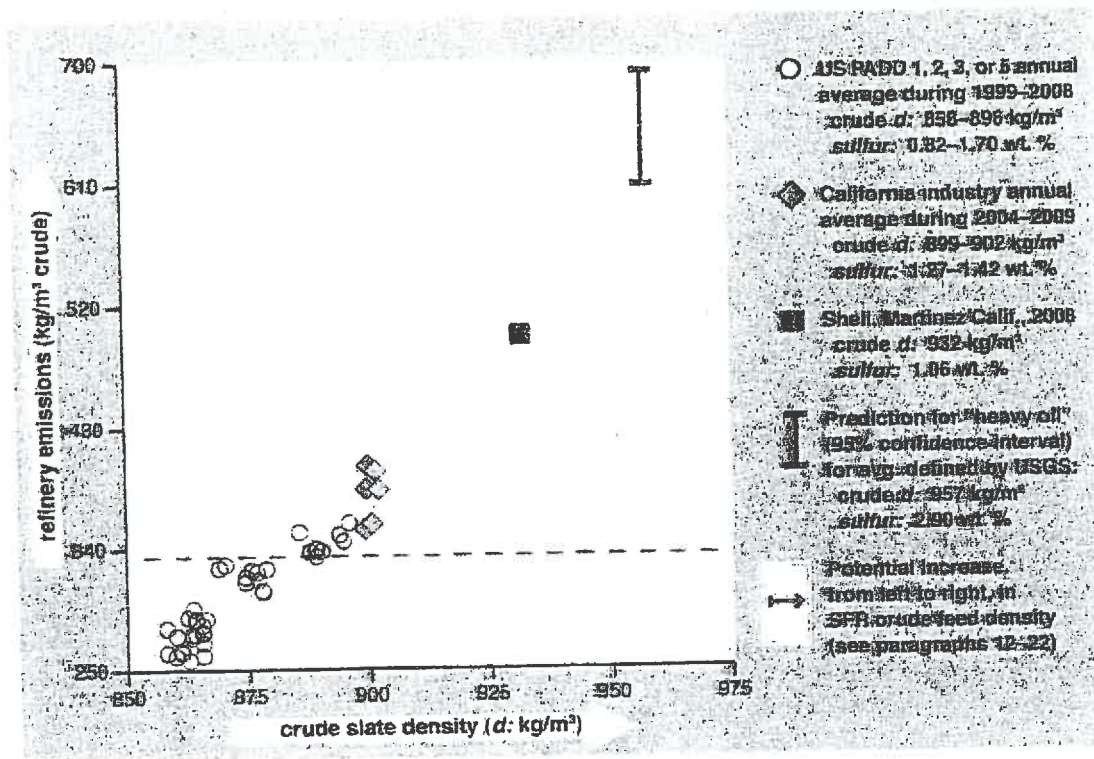


Chart 5. Refinery GHG emission intensity vs. crude feed density. CO₂ emissions increase from ≈260–500 kg per m³ crude feed as crude density increases from 860–932 kg/m³. Density (shown) and sulfur (not shown) explain 85–96% of these changes in emissions among refining regions and years. Emissions of ≈610–690 kg/m³ are predicted from refining the average "heavy oil" (d, 957 kg/m³; S, 2.9%). Plant-specific emissions also vary with other properties of oil feeds, products, process configurations and fuels burned, however, the WCS/ANS crude feed shown in Table 4 (d, 952 kg/m³; S, 3.4%) is nearly as dense as this heavy oil and denser than a dozen feeds with observed emissions greater than current SFR emissions reported (334 kg/m³ 2009–2011; shown on the vertical scale by the dashed red line). The potential increase in SFR crude feed density (≈915–952 kg/m³) is shown on the horizontal scale by the width of the yellow band. Each 90 kg/m³ increment shown on the vertical scale represents emitting 627,000 tonnes/yr at SFR's 120,000 b/d capacity. Data from Karras (2010) and UCS (2011) except SFR emissions (CARB, 2013 for Rodeo and Santa Maria refining and Rodeo Air Liquide H₂ at *Oil & Gas Journal*, 2012 crude capacity).

slate density from 915–952 kg/m³ and sulfur from 1.5–3.4% could increase the average refinery's energy intensity by ≈2.75 GJ/m³ crude refined.¹¹⁷ Assuming the refinery fuels reported in the DEIR,¹¹⁸ and this average energy increment, SFR emissions of CO₂ would increase by ≈135 kg/m³, or ≈940,000 tonnes/year. (Each 90 kg/m³ increment on the vertical scale in Chart 5 represents emission of 627,000 tonnes/yr at SFR's 120,000 b/d capacity.) This ≈940,000 tonnes/yr value indicates the scale of potential impact rather than its precise quantification, as discussed directly below.

¹¹⁷ Based on baseline and potential central predictions; confidence of increase > 95%.

¹¹⁸ Based on fuel mix emission intensity ≈64.23 kg/GJ before and ≈59.45 kg/GJ after project fuel switch, from data in DEIR chapters 4.6 and 4.5; emission factors in UCS (2011) Table 2-1.

64. Plant-specific GHG emissions can vary from industry-average increments with differences in fuels burned, product slates, process configuration, and other properties of oils refined.¹¹⁹ The DEIR's fuel mix assumption is an example of this variability. The relatively less-dirty current refinery fuel mix it reports¹²⁰ appears consistent with SFR's current emission estimate that appears somewhat low in Chart 5 (see dashed red line).¹²¹ However, the DEIR's assumption that *only* natural gas will replace the LPG taken from refinery fuel ignores the potential for burning more petroleum coke in the refinery. See paragraph 46. The 940,000 tonnes/yr figure above could underestimate refinery emissions if any of this LPG is replaced by burning the project's extra coke.

65. Anomalous product slates must be considered, in general, because a refinery that makes much less (or much more) of its crude feed into light liquid fuels,¹²² requires less (or more) energy for the severe carbon rejection and hydrogen addition processing needed to make these fuels from crude. This refinery, however, reports light liquid fuels production totaling more than 80% of its feedstock volume,¹²³ and project LPG would boost its light liquids product ratio still higher. The SFR products slate should be quantified and analyzed based on more data than the DEIR reported, but it is unlikely to decrease refinery GHG emissions relative to the industry average products slate.

66. SFR's process configuration could run the denser and more contaminated crude slate that likely would result from the project (see Table 4), but whether it would use more, or less, energy than the average refinery to do so is a more nuanced question. SFR has no catalytic cracker. Although it has very substantial carbon rejection (coking) capacity, this nevertheless makes it more reliant on severe hydrogen addition (hydro-

¹¹⁹ Karras, 2010; Bredeson et al., 2010; UCS, 2011; Abella and Bergerson, 2012.

¹²⁰ See DEIR at 4.6-1, 4.6-2.

¹²¹ This current SFR fuel mix emission estimate (≈ 64.23 kg/GJ; see note 118) is significantly less than the U.S. industry average (≈ 73.77 kg/GJ; see Karras, 2010 Table S1), but the SFR emissions reported by the company might be underestimated as well. SFR's emission reports received at least one "adverse" verification finding (CARB, 2013) and its Rodeo facility estimate appears slightly lower than that suggested by DEIR fuels data and UCS (2011) emission factors. These reported emissions (2009–2011 avg. including the Air Liquide Rodeo H₂ plant and Santa Maria facility based on CARB, 2013; kg/m³ crude based on capacity from *Oil & Gas Journal*, 2012) are shown in Chart 5 because this is the emissions report available. Remarkably, the DEIR did not report *any* GHG emission estimate for the SFR refinery or even the Rodeo facility as a whole—a stark example of its failure to analyze this impact.

¹²² Light liquid fuels: gasoline; diesel, jet fuel and similar distillates; LPG.

¹²³ See Phillips, 2012b at Table 1; EIR SCH #2005092028 at Table 3-4; EIR SCH #2002122017 at Table 4.5-2.

cracking, and associated H₂ production), and less reliant on carbon rejection processing, than a refinery with equivalent coking capacity *and* catalytic cracking. Several studies report that refinery configuration can affect energy intensity, emission intensity, or both—but they do not report specific evidence that substituting hydrocracking for catalytic cracking in a coking-based refinery reduces GHG emissions.¹²⁴ Instead, they cite hydrogen addition as a key factor increasing refinery energy intensity.¹²⁴ Further, the SFR process intensity exceeds reported averages in major U.S. PADDs by 22–78%.¹²⁵ Analysis across the U.S. PADDs did find a shift to a slightly less-dirty refinery fuel mix as refiners shifted from catalytic cracking to hydrocracking,¹²⁶ but this effect is accounted for already by plant-specific fuels data (see paragraphs 63–64). More detailed data on the SFR process configuration should be gathered and analyzed to better quantify potential emissions.¹²⁷ However, beyond the fuel mix (already addressed), there is little evidence that the SFR configuration will uniquely limit emission impacts from a denser and dirtier crude slate, and no evidence that denser crude can be converted to lighter products without energy—and resultant fuel combustion emission—costs.

67. Other properties of crude oils that affect processing may not be predicted reliably by density and sulfur in a poorly mixed crude slate. Many such properties are analyzed and reported (see Crude Assays). This data could have been included in the DEIR. For example, Abella and Bergerson's public domain estimation method calls for distillation, hydrogen content, and carbon residue data along with crude density and sulfur.¹²⁷ The project's coking dependence indirectly provides the key part of this distillation data (see paragraphs 14–20). However, hydrogen is a critical energy and emission driver.¹²⁴ Tar sands-derived oils tend to be H₂-poor, and refining them has, in some cases, increased energy use and emissions beyond those predicted by density and sulfur.¹²⁸ The project's likely use of these oils may emit more than the industry-average prediction suggests.

¹²⁴ See Bredeson et al., 2010; Abella and Bergerson, 2012; Karras, 2010; UCS, 2011.

¹²⁵ Process intensity (*PI*): the ratio by volume of vacuum distillation capacity, conversion capacity (catalytic, thermal, and hydrocracking), and crude stream (gas oil and residua) hydrotreating capacity to atmospheric crude distillation capacity. SFR *PI* (1.60) based on data from *Oil & Gas Journal* (2012); U.S. *PI* (0.9–1.31) for PADDs 1, 2, 3, and 5 in 1999–2008 from Karras, 2010.

¹²⁶ Karras, 2010.

¹²⁷ The County could quantify potential emissions from the crude switch using non-confidential information and readily available analysis tools. Karras (2010) and Abella and Bergerson (2012) each present methods that are designed to be used with publicly verifiable data. Each method appears to have strengths and weaknesses relative to the other, and ideally, both should be used.

¹²⁸ See Abella and Bergerson, 2012; Fox, 2013; Karras, 2010.

68. Evidence discussed in paragraphs 62–67 shows that the crude switch likely to result from the project would increase GHG emissions substantially, and could increase them on the order of $\approx 1,000,000$ tonnes/yr, but the actual increment might be half, or twice, that amount, and the DEIR failed to report data that could narrow this uncertainty. If even half ($\approx 500,000$ tonnes/yr) or only one-quarter ($\approx 250,000$ tonnes/yr) of this emission potential is realized, the emission increment would exceed the 10,000 tonnes/yr threshold of significance for GHG emissions asserted by the DEIR substantially.

69. Emissions of toxic and smog-forming combustion products could increase along with CO_2 as the project crude switch increases refinery energy intensity, requiring the SFR to burn more fuel per barrel of oil processed.¹²⁹ Emission of particulate matter air pollution (PM) is of specific concern. Fine particulate matter ($\text{PM}_{2.5}$) is associated with $\approx 14,000$ – $24,000$ premature deaths each year statewide, and $\text{PM}_{2.5}$ exceeds air quality standards in the project area, as the DEIR acknowledges.¹³⁰ Refinery emissions dominate PM exposures locally, and a statewide analysis of PM as a “GHG co-pollutant” found elevated, localized, and disparate health risks associated with refinery PM emissions.¹³¹ The DEIR does not analyze PM emissions from the project crude switch or propose any additional abatement to address them. However, based on the emission factor Phillips reported for 100% natural gas boiler firing,¹³² and the energy increment discussed above ($\approx 2.75 \text{ GJ/m}^3$), the project crude switch could increase SFR emissions of $\text{PM}_{2.5}$ by an amount much greater than the significance threshold given in the DEIR.¹³³

70. Cumulative impacts of the project with other projects that create long-term commitments to future emissions have the potential to result in failure to achieve the cut in emissions that will be necessary before 2050 to avert extreme climate disruption.¹³⁴ Indeed, substantial evidence indicates that stabilizing climate at a societally sustainable greenhouse impact level will require leaving approximately half of current fossil energy reserves underground.¹³⁴ Among other important implications of this evidence, it argues

¹²⁹ See Karras, 2010; Pastor et al., 2010.

¹³⁰ DEIR at 4.3-4, 4.3-5, 4.3-6.

¹³¹ Pastor et al., 2010.

¹³² See Air Permit Application at 10, 11 (0.0075 lb $\text{PM}_{2.5}$ per MMBtu, which is 3.42 grams/GJ).

¹³³ Potential emission increment is $\approx 9.4 \text{ g/m}^3$ crude refined ($2.75 \text{ GJ/m}^3 \cdot 3.42 \text{ g/GJ}$ as $\text{PM}_{2.5}$) or ≈ 65.4 tonnes/yr at SFR’s 120,000 b/d (6.96 million m^3/yr) capacity. Even one fourth of this increment (≈ 16 tonnes/yr) exceeds the DEIR’s $\text{PM}_{2.5}$ significance threshold (10 tons/yr). Other refinery fuel mix scenarios also result in $\text{PM}_{2.5}$ estimates exceeding this threshold.

¹³⁴ See Davis et al., 2010; Hoffert, 2010; Meinshausen et al., 2009; Allen et al., 2009.

for limiting impacts by choosing to use the least hazardous and least polluting portion of the remaining petroleum resource in the interim.

71. The County could consider a measure that results in using SFR hydrocracking to meet the project's LPG objective without relying on coking a low-quality crude slate. Hydrocracking can be operated to "swing" between product slates, allowing diesel or gasoline or LPG to be its main output, and unlike coking, hydrocracking treats (cleans) its products.¹³⁵ Making project LPG from SFR's existing hydrocracking while retaining the project's coker fuel gas hydrotreating is technically feasible and could meet all project objectives stated in the DEIR while avoiding impacts of its potential crude switch. However, increasing LPG output from SFR hydrocracking will limit its gasoline or diesel output,¹³⁵ while coker-based LPG production will not—and the proposed project would thereby further boost profits from total light liquids production. In fact, this is one of the reasons the project as proposed would lock the refinery into a denser, more contaminated crude slate. To support this feasible measure, the County could find that boosting profits in a way that makes the project unable to achieve its stated objectives to reduce emissions or to reduce the likelihood of flaring events is not a stated objective of the project.

72. The County also could consider other measures that may lessen impacts from the project's crude switch. However, many different measures may need to be developed to address the myriad potential impacts from refining denser, more contaminated crude. In addition, the relative efficacy of such measures to lessen these impacts cannot, in many cases, be known until the data and analysis that the DEIR could and should have provided to better estimate the scale or severity of these impacts is available for review.

73. On 13 June 2013 the Refinery Action Collaborative, a labor-community collaborative focused on addressing safety and health concerns shared by refinery workers and residents in the Bay Area, submitted to BAAQMD a "recommendation to ensure prevention of feedstock-related emissions increase" that reads in relevant part:

To prevent new harm from feedstock-related emission increases, each refinery would be required to monitor and report its oil feedstock, and any proposed equipment change related to enabling a change in feedstock quantity or quality. Any proposed change in equipment related to enabling the refining of more oil, lower quality oil, or both, or any actual worsening of oil quality or increase in total oil throughput or both, would trigger a requirement to demonstrate that:

¹³⁵ See Robinson and Dolbear, 2007.

- the change in oil quantity, quality, or both (of the blend, of “slate” of oils refined) will not increase incident emission risk;^{††}
- the change in oil quantity, quality, or both will not increase routine emissions of any pollutant; *and*
- the change in oil quantity, quality, or both will not use up any emission reduction measure that is needed to reduce the refinery’s ongoing emission of any pollutant that currently causes or contributes to air quality or environmental health harm.

Refiners would bear the burden of making each of these demonstrations. The Air District would bear the burden of ensuring transparent reporting and third-party verification through an independent community/worker oversight board that selects and oversees experts. Refiners would bear the burden of funding this independent verification (the independent oversight board and the experts it selects).

Non reporting consequences: Non reporting must not be allowed to defeat prevention. Equipment changes enabling the refining of more oil, lower quality oil, or both that are not reported before installation (1) cannot be considered in a feasibility analysis as a reason for failure to return to baseline emissions, (2) trigger all required demonstrations retroactively, and (3) require refiner-financed Air District monitoring in place of self-monitoring.

^{††} *We anticipate that this would be demonstrated through a Process Hazard Analysis or similar documented, verifiable analysis.*¹³⁶

74. The foregoing recommendation¹³⁶ is the first specific blueprint for action to evaluate and prevent environmental health and safety impacts from refining lower quality oil that was developed jointly by refinery worker- and community-based organizations. This jointly-developed proposal could thus be considered a critically important step toward solving this problem as presented by the subject project, as well as many other refinery projects regionally and nationwide. Although the BAAQMD is considering this recommendation in the context of a proposed regional air quality rule that could address emissions from refining lower quality oil specifically, at present no such requirement is in place. Importantly, the recommendation describes in significant detail a comprehensive approach to data reporting, evaluation, catastrophic hazard prevention, and emission impact prevention problems presented by this project’s potential crude switch. See paragraphs 12–23, 56–72. The County could consider this recommended approach as it completes its analysis, public review process, and decisions regarding the project.

¹³⁶ Refinery Action Collaborative, June 2013. Members include the Asian Pacific Environmental Network; BlueGreen Alliance; Communities for a Better Environment; Labor Occupational Health Program at U.C. Berkeley; the Natural Resources Defense Council; United Steelworkers International Union; United Steelworkers Local 5, and United Steelworkers Local 326.

Conclusions

75. Catastrophic failure hazard associated with pressurized storage of propane and butane that would be produced and stored without adequate safeguards as a result of the project should be considered a significant potential impact. The DEIR presented an incomplete analysis of this impact, did not identify it as significant, and rejected the consideration required by safety policy of a feasible measure to avoid this impact.

76. Catastrophic failure hazard associated with greater amounts of corrosive, toxic, and flammable materials under high heat and pressure that would be caused by the processing of lower quality oil without adequate safeguards as a result of the project should be considered a significant potential impact. The DEIR did not analyze or identify this impact, and did not consider any measure to lessen or avoid it, although a measure to avoid this impact appears feasible.

77. Acute exposures to air pollutants emitted by flaring to control upsets caused by the processing of lower quality oil resulting from the project should be considered a significant potential impact. The DEIR did not analyze or identify this impact, and did not consider any measure to lessen or avoid it, although a measure that could avoid this impact appears feasible.

78. Acute exposures to air pollutants emitted by flaring associated with feeding fuel gases that have lower heat content to equipment designed to burn fuel gases that have higher heat content as a result of the project *may* be considered a significant potential impact—when data the DEIR did not include are reported and reviewed. The DEIR did not analyze or identify this impact, and did not consider any measure to lessen or avoid it, although such measures are feasible.

79. Exposures to localized air pollution from continuous emissions of fine particulate matter caused by increased fuel combustion associated with the processing of lower quality oil as a result of the project should be considered a significant potential impact. The DEIR did not analyze or identify this impact, and did not consider any measure to lessen or avoid it, although a measure that could avoid this impact appears feasible.

80. Sulfur dioxide (SO₂) emissions could increase, instead of decreasing as the DEIR claims, if “emission reduction credits” resulting from the project are overestimated, and this *may* be considered a significant potential impact—when data the DEIR did not

include are reported and reviewed. The DEIR did not disclose these credits for a future emissions increase that could overwhelm the claimed emissions reduction from another part of the project. It did not analyze that emissions reduction claim against these credits to check on whether the credits are overestimated and could thus result in a net emissions increase. It did not consider any measure to lessen or avoid this potential impact, although a measure that could avoid this impact appears feasible.

81. Destruction of aquatic life and San Francisco Bay-Delta habitat caused by the expansion and continued operation of an outdated once-through cooling system as a result of the project should be considered a significant potential impact. The DEIR did not disclose state efforts that could replace the cooling system—thereby avoiding this impact—or that the project would conflict with and foreclose those efforts. The DEIR presented an incomplete, erroneous, and misleading discussion of this impact, did not identify it as significant, and did not consider any measure to lessen or avoid this impact.

82. Greenhouse gas emissions caused by burning propane and butane that would be produced and sent out of the refinery for this purpose as a result of the project should be considered a significant potential impact. The DEIR presented an erroneous analysis of these emissions, did not identify this impact, and did not consider any measure to lessen or avoid it, although such measures appear feasible.

83. Greenhouse gas emissions caused by increased refinery fuel combustion associated with the processing of lower quality oil resulting from the project should be considered a significant potential impact. The DEIR did not analyze or identify this impact, and did not consider any measure to lessen or avoid it, although a measure that could avoid this impact appears feasible.

84. The June 2013 DEIR did not include the information necessary to understand and evaluate the environmental implications of the project. It did not describe the duration, setting, geographic or processing scope, feedstock, operation, or potential environmental effects of the project accurately or, in many cases, did not describe them at all. These informational deficiencies are so profound, and the revisions needed to cure them so extensive, that full independent review of a comprehensively revised draft would be necessary before public decisions could be based with confidence on this project's environmental review.

85. I have given my opinions on these matters based on my knowledge, experience and expertise and the data, information and analysis discussed in this report.

I declare under penalty of perjury that the foregoing is true of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

Executed this _____ day of September 2013 at Oakland, California

Greg Karras

Attachments List

<i>Descriptor</i>	<i>Attachment</i>
Abella and Bergerson, 2012	Abella and Bergerson, 2012. Model to investigate energy and greenhouse gas emission implications of refining petroleum: impacts of crude quality and refinery configuration. <i>Env. Sci. Technol.</i> DOI: 10.1021/es30186821.
AICE, 1989 (excerpts)	American Institute of Chemical Engineers, Center for Chemical Process Safety, 1989. Guidelines for process equipment reliability data, with data tables. (Excerpts: pp. 183, 205).
Air Permit App.	ERM, 2013. Rodeo Propane Recovery Project BAAQMD Authority to Construct and Significant Revision to Major Facility Review Permit Application, Rodeo Refinery. February 2013.
Air Permit App. Atts 4 and 7	ERM, 2013 (Permit Application). Attachment A-4. Fugitive component TAC emissions; and Attachment A-7. Daily U233 fuel gas data.
Air Permit Correspondence	Correspondence regarding incomplete permit application for the project including: 30 April 2013 letter to Brian Lusher, Bay Area Air Quality Management District, from Don Bristol, Phillips 66 San Francisco Refinery (4/30/13 Phillips letter); 6/28/13 Phillips letter; 3/1/13 Phillips letter; 1 March 2013 letter to Brent Eastep, Phillips 66 Rodeo Refinery, from Brian Lusher, Bay Area Air Quality Management District (3/1/13 BAAQMD letter); 3/21/13 BAAQMD letter; 7/18/13 BAAQMD letter.
Allen et al., 2009	Allen et al., 2009. Warming caused by cumulative carbon emissions towards the trillionth tonne. <i>Nature</i> 458: 1163–1166.
API, 2009	American Petroleum Institute, 2009. Guidelines for avoiding sulfidation (sulfidic) corrosion failures in oil refineries. API Recommended Practice 939–C, First Edition.
BAAQMD, 2006	Staff Report, Proposed Amendments to Regulation 12, Miscellaneous Standards of Performance, Rule 12, Flares at Petroleum Refineries. Bay Area Air Quality Management District. 3 March 2006.
BAAQMD, 2009	Bay Area Air Quality Management District 18 September 2009 response to request for facility information by CBE (listing of Chevron Richmond Refinery dates of first operation by equipment source number; includes summary table by CBE).
BAAQMD, 2011	Major Facility Review Permit, Chevron Products Company, Facility #A0010. Bay Area Air Quality Management District. 11

August 2011.

- BAAQMD, 2013 Major Facility Review Permit, Phillips 66–San Francisco Refinery, Facility #A0016. Bay Area Air Quality Management District. 4 March 2013.
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- CCHMP–Phillips 071113 Letter to Jim Ferris, Phillips 66 San Francisco Refinery, from Michael Dossey, Contra Costa Health Services Hazardous Materials Program. 11 July 2013.
- Chevron R2-2011-0049 NPDES Permit No. CA0005134. Chevron Richmond Refinery. Issued in 2011.
- City of Richmond, 2008 Chevron Energy and Hydrogen Renewal Project Final Environmental Impact Report SCH #2005072117 Volume 3–Responses to Comments. January 2008.
- Crude Assays Compilation of publicly reported crude oil assay reports.
- CSB, 2005 CSB, 2005. Investigation Report: Refinery Explosion and Fire (15 Killed, 180 Injured); BP Texas City, Texas, March 23, 2005. Report No. 2005–04-I-TX. U.S. Chemical Safety and Hazard Investigation Board. March 2007.
- CSB, 2013 CSB, 2005. Interim Investigation Report: Chevron Richmond Refinery Fire; Chevron Richmond Refinery, Richmond, California, August 6, 2012. U.S. Chemical Safety and Hazard Investigation Board. April 2013.
- CV and Publications Curriculum vitae and publications list
- Davis et al., 2010 Davis et al., 2009. Future CO₂ emissions and climate change from existing energy infrastructure. *Science* 329: 1330–1333.

DOE COA 2013	DOE, 2013. Crude Oil Analysis Database. U.S. Department of Energy. Data table in Excel. (www.netl.doe.gov/technologies/oil-gas/Software/database.html). Downloaded 8 August 2013.
DOE, 2002.	DOE, 2002. Strategic Petroleum Reserve Crude Oil Assay Manual, 2 nd Edition, Revision 2. U.S. Department of Energy. Revised November 2002.
Dolbear AG Summary	Email from Rose Fua, California Deputy Attorney General summarizing and quoting from a review by Dr. Geoff Dolbear regarding the Chevron Richmond refinery (other Bay Area data were reviewed as well). Forwarded to CBE 16 July 2008.
EIA Imports Analysis	Tables of data for foreign oils processed by the San Francisco Refinery reported by the U.S. Energy Information Administration (www.eia.gov/petroleum/imports/comanylevel/archive)
EIA Ref. Cap. 2013	U.S. Energy Information Administration, 2013. Refinery Capacity Data by Individual Refinery as of January 1, 2013 (www.eia.gov/petroleum/data). Downloaded 26 August 2013.
EIA Refinery Yield	U.S. Energy Information Administration, 2013. U.S. Refinery Yield. (www.eia.gov/dnav/pet/pet_pnp_pct_dc_nus_pct_m.htm)
ERCB st98-2009	ERCB, 2009. Alberta's Energy Reserves 2008 and Supply/Demand Outlook 2009-2018. Report ST98-2009. Energy Resources Conservation Board, Alberta, Canada. June 2009.
ERM & BAAQMD, 2012	CEQA Initial Study: Marine Terminal Offload Limit Revision Project, Phillips 66 Refinery, Rodeo, California, BAAQMD Permit Application 22904. Bay Area Air Quality Management District (prepared by ERM). December 2012.
Flare Causal Analysis excerpts	Phillips 66, various dates. Determination and Reporting of Cause reports pursuant to BAAQMD Rule 12-12 §406 for flaring initiating on 3/16/12, 4/25/12, 5/23/12, 5/31/12, 8/27/12.
Flaring Hot Spots	Karras and Hernandez, 2005. Flaring hot spots: Assessment of episodic air pollution associated with oil refinery flaring using sulfur as a tracer. A CBE Report. July 2005.
Flaring Prevention Measures	Karras et al., 2007. Flaring Prevention Measures. A CBE Report. April 2007.
Fox, 2013	Fox, 2013. Comments on Initial Study/Mitigated Negative Declaration for the Valero Crude by Rail Project, Benicia, California, Use Permit Application 12PLN-00063. July 2013.
Goodman, 2013	Goodman and Rowan, 2013. Comments of the Goodman Group, Ltd., on Initial Study/Mitigated Negative Declaration, Valero

	Crude by Rail Project, Benicia, California, Use Permit Application 12PLN-00063.
Hoffert, 2010	Hoffert, 2009. Farewell to fossil fuels? <i>Science</i> 329: 1292-1294.
Karras, 2008	Karras, 2008. Chevron Renewal Project, SCH #2005072117, City #1101974 Agenda Report, Consolidated EIR and Staff-recommended EIR and Conditional Use conditions and findings related to oil quality cap; expert report.
Karras, 2010	Karras, 2010. Combustion emissions from refining lower quality oil: What is the global warming potential? <i>Env. Sci. Technol.</i> 44(24): 9584-9589.
Karras, 2013	Testimony of Greg Karras, Senior Scientist, CBE, before the U.S. Chemical Safety and Hazard Investigation Board (CSB), 19 April 2013, Memorial Auditorium, Richmond, CA.
LOHP, 2013	Wilson, 2013. Refinery Safety in California: Labor, community and fire agency views. Summary report prepared for the Office of Governor Jerry Brown, Interagency Task Force on Refinery Safety, by the Labor Occupational Health Program at U.C. Berkeley. Revised 4 June 2013.
Meinshausen et al., 2009	Greenhouse-gas emission targets for limiting global warming to 2 °C. <i>Nature</i> 458: 1158-1162.
Meyer et al., 2007	Meyer, 2007. Heavy oil and natural bitumen resources in geological basins of the world: U.S. Geological Survey Open-File Report 2007-1084.
Meyers, 1986	Handbook of petroleum refining processes. Meyers, Robert A., ed. ISBN 0-07-041763-6. McGraw-Hill. 1986.
NPDES Permit R2-1985-029	NPDES Permit No. CA0005053. Union Oil Co. San Francisco Refinery, Rodeo. Issued in 1985.
NPDES Permit R2-1989-002	NPDES Permit No. CA0005053. Union Oil Co. San Francisco Refinery, Rodeo. Issued in 1989.
NPDES Permit R2-2000-015	NPDES Permit No. CA0005053. Tosco Corp. San Francisco Refinery at Rodeo. Issued in 2000.
NPDES Permit R2-2005-0030	NPDES Permit No. CA0005053. ConocoPhillips Corp. San Francisco Refinery at Rodeo. Issued 2005.
NPDES Permit R2-2011-0027	NPDES Permit No. CA0005053. ConocoPhillips Corp. San Francisco Refinery at Rodeo. Issued in 2011.
NPDES Permit R3-2007-0002	NPDES Permit No. CA0000051. ConocoPhillips Corp. Santa Maria Refinery. Issued in 2007.

Oil & Gas Journal, 2012	Koottungal, 2012. 2012 Worldwide Refining Survey. <i>Oil & Gas Journal</i> . 3 December 2012 (All figures are as of January 1, 2013).
Pastor et al., 2010	Pastor et al., 2020. <i>Minding the climate gap: What's at stake if California's climate law isn't done right and right away</i> . USC Program for Environmental and Regional Equity: Los Angeles, CA. http://college.usc.edu/per/publications .
Phillips Cooling Tower	<i>Cooling Tower Replacement Feasibility Evaluation, Order R2-2011-0027; Provision VI.C.2.f., Phillips 66 San Francisco Refinery at Rodeo</i> . Submitted by Don Bristol, Superintendent, Environmental Services, Phillips 66 San Francisco Refinery, no 30 September 2013. (13-page report)
Phillips Intake Rpt.	<i>Waste Water Annual Report for 2012, Phillips 66, San Francisco Refinery</i> .
Phillips Thermal ext. 1	8 August 2012 letter from Don Bristol, Phillips 66 San Francisco Refinery, to Regional Water Quality Control Board, San Francisco Bay Region, regarding: <i>Phase 2 Thermal Plume Study Final Report, NPDES Order #R2-2011-0027, Provision VIC2d; Task 3 Request for Due Date Extension</i> .
Phillips Thermal ext. 2	4 September 2012 letter from Bruce Wolfe, Regional Water Quality Control Board, San Francisco Bay Region, to Don Bristol, Phillips 66 San Francisco Refinery, regarding: <i>Phase 2 Thermal Plume Study Final Report Compliance Date Extension</i> .
Phillips, 2012a	Phillips 66, 2012. <i>Propane Recovery Project Overview, August 13 2012, Phillips 66 San Francisco Refinery</i> . Submitted to BAAQMD. Provided by BAAQMD to CBE (slides presentation).
Phillips, 2012b	Phillips 66, 2012. <i>Rodeo Propane Recovery Project, Project Description</i> . August 2012. Submitted to BAAQMD. Provided by BAAQMD to CBE (32-page document).
Refinery Action Collaborative, June 2013	Letter to Jack Broadbent, Bay Area Air Quality Management District, from the Refinery Action Collaborative regarding: <i>Bay Area Air Quality Management District Proposed Regulation 12, Rule 15; March 2013 Preliminary Draft Petroleum Refining Emissions Tracking Rule</i> . 13 June 2013.
Regional Monitoring Program	Regional Monitoring Program (RMP) Results. San Francisco Estuary Institute. Data tables report generated by the RMP Web Query (www.sfei.org/mp/mp_data_access.html). Report generated 17 August 2013.
Robinson and Dolbear, 2007	Robinson and Dolbear, 2007. Commercial hydrotreating and hydrocracking. In <i>Hydroprocessing of heavy oils and residua</i> ;

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- Sheridan, 2006. *California Crude Oil Production and Imports*. Staff Paper. CEC-600-2006-006. Margaret Sheridan, Fossil Fuels Office, California Energy Commission. April 2006.
- SMF EIR 2012 Excerpts. *Phillip 66 Santa Maria Refinery Throughput Increase Project Final Environmental Impact Report*. SCH #20081010111. Prepared for San Luis Obispo County Department of Building and Planning by Marine Research Specialists (MRS). October 2012. Excerpt includes cover page, table of contents, and project description (chapter 2.0).
- Speight, 1991. Speight, 1991. *The chemistry and technology of petroleum*, 2nd ed.; Heinemann, H., Ed.; Marcel Dekker: New York, Chemical Industries, Vol. 44.
- State Lands, 1995. *Final Environmental Impact Report for Consideration of a New Lease for the Operation of a Crude Oil and Petroleum Product Marine Terminal on State Tide and Submerged Lands at Unocal's San Francisco Refinery, Oleum, Contra Costa County*. SCH # 91053082. Prepared for State Lands Commission by Chambers Group, Inc. February 1995.
- Subra, 2008. *Chevron Energy and Hydrogen Renewal Project*. Expert report prepared for the Asian Pacific Environmental Network by Wilma Subra, Subra Company, New Iberia, LA. May 2008.
- SWRCB, 2010. *Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*. California State Water Resources Control Board. October 2010.
- Tesoro R2-2010-0084 NPDES Permit No. CA0004961. Tesoro Golden Eagle Refinery. Issued in 2010.
- UCS, 2011. UCS, 2011. *Oil Refinery CO₂ Performance Measurement*. Union of Concerned Scientists: Berkeley, CA. Technical analysis prepared for UCS by G. Karras, Communities for a Better Environment. September 2011.
- Valero R2-2009-0079 NPDES Permit No. CA0005550. Valero Benicia Refinery. Issued in 2009.
- Wilhelm et al., 2007. Wilhelm et al., 2007. Mercury in crude oil processed in the United States (2004). *Env. Sci. Technol.* 41(13): 4509-4514.

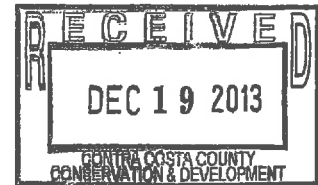
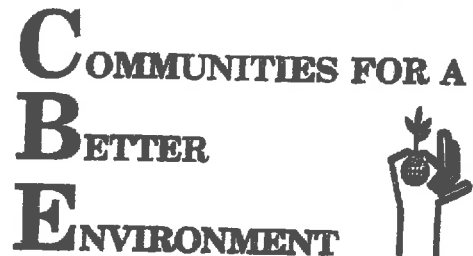
EXHIBIT #4d

BY ELECTRONIC MAIL
(Please confirm receipt to roger@cbecal.org)

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.¹ It is thus a potential new source of San Francisco Refinery (SFR) oil feedstock.² 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.³

¹ WesPac RDEIR SCH #2011072053. See Executive Summary and Section 2.0.

² 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.

³ 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.⁴ 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

⁴ 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

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
Page 2

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 ⁴	Each in BA ⁵
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 ⁷]
Oils reported:	By country	By name	By field	By country, stream or name	
Averaging:	Monthly	Annual	Annual	Annual	Annual
Data source:	EIA ¹	Chevron ²	Phillips 66 ³	UCS, CBE ⁴	CBE ⁵

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

¹ 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>).

² 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.

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

⁴ 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 CO₂ 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); 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.

⁵ 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).]

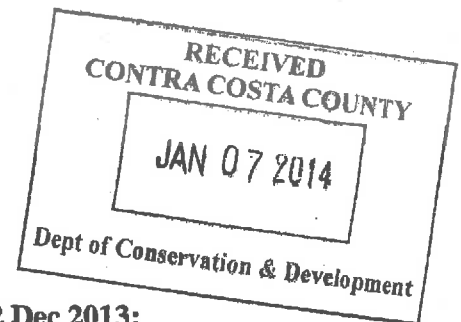
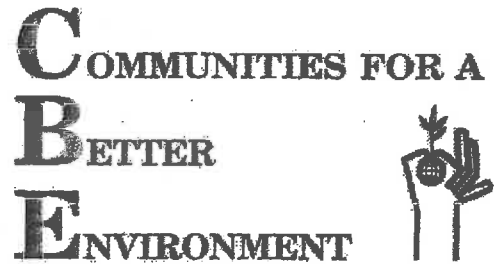
EXHIBIT #4e

BY ELECTRONIC MAIL
(Please confirm receipt to roger@cbeval.org)

7 January 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-B

Dear Clerk of the Board,

In support of our appeal, CBE respectfully submits flow and heat data reported by Phillips 66 for once-through cooling (OTC) at Rodeo. This new evidence is appended hereto as Attachment 3.

OTC is an antiquated industrial cooling technology that is no longer used by any other Bay Area oil refinery.¹ The state has ordered Phillips 66 to investigate replacing OTC with modern cooling technology, and Phillips has submitted a report indicating that this is feasible.¹ The proposed project would instead expand the Rodeo OTC system, increasing its San Francisco Bay water flow to 57.6 million gallons per day (MGD).² OTC harms aquatic organisms by sucking them into the industrial plants cooled by the water they live in (entrainment), pinning them against the water intake screens (impingement), and degrading their habitat via the discharge of the heated water as thermal waste.¹ The severity of these impacts is related to the amount of water drawn for cooling and discharged as thermal waste. Thus, an accurate evaluation of potential impacts from continuing and expanding this use of Bay water requires an accurate estimate of current "baseline" OTC flow. However, the EIR fails to include data Phillips reported from monitoring OTC flow.¹ Therefore, the evidence given in Attachment 3 is relevant to review of this project.

¹ CBE documented these facts previously. See esp. Karras Report at 14-21 and NPDES permit, Phillips Cooling Tower, and Regional Monitoring Program attachments thereto. The EIR's omission of these facts, and its deferral of analysis and mitigation to future state (RWQCB) actions, are improper.

² See DEIR at 3-27 (project proposes \approx 40,000 gallons per minute, or 57.6 MGD).

7 January 2013

CBE Appeal Supplemental Evidence—B
(SCH#2012072046; LP12-2073)

Page Two

In particular, the EIR asserts that a single recent year represents an accurate baseline for OTC average flow;³ that this flow baseline is ≈ 45.4 MGD;⁴ that the project will increase OTC flow from this baseline by $\approx 25\%$;⁵ and that this flow increase ($+25\%$) is not underestimated because, it asserts, this baseline (45.4 MGD) is not overestimated.³ None of these assertions is supported by any data that is included in the EIR, which excludes OTC monitoring data Phillips reported as well as Regional Water Quality Control Board (RWQCB) permit findings based on those data. Further, each of these conclusory assertions is contradicted by those data, as discussed below.

The Rodeo OTC Data

Phillips 66 is required to study and monitor Rodeo facility activities that may affect water quality and report results to the RWQCB.⁶ Among other things, Phillips is required to report results of direct measurements, taken daily by specified methods, of flow and temperature at outfall E-003, the discharge carrying OTC flow and heat to the Bay.⁶ Pursuant to the California Public Records Act, CBE reviewed those daily monitoring results submitted by Phillips to the RWQCB for the period from 1 January 2010 through 30 November 2013, the most recent 47 months reported.⁷ These data, along with summary values based on Phillips' past reports that the RWQCB included in permit findings,⁸ are given in Attachment 3 and summarized in Chart S-1.

EIR OTC Baseline Errors

Rodeo OTC flow (0–63.4 MGD daily avg.) and discharge temperature (52.4–109 °F daily max.) range widely and vary daily, seasonally, and year-to-year.⁹ See Chart S-1, Plate A. Thus, an accurate estimate of baseline conditions must account for multiple years. Therefore, the EIR's assertion that a single year represents an accurate baseline for OTC average flow is in error.

Multi-year average OTC flows calculated from Phillips' monitoring data since 2009 range from ≈ 35 MGD (2005–2009) to ≈ 39 –41 MGD (three-year running avg. as of Jan–Nov 2013).⁹ See Chart S-1, plates B and C. Thus, the 45.4 MGD OTC average flow baseline claimed by the EIR overestimates all recently observed multi-year average flows. Therefore, the EIR's unsupported assertion that it does not overestimate baseline OTC flow—and does not thereby underestimate the OTC flow increase—is contradicted by available data that the EIR has failed to disclose.

³ FEIR at 3.2-135, 3.2-137.

⁴ DEIR at 3-27 (the EIR asserts a baseline of $\approx 31,500$ gallons per minute, or 45.4 MGD).

⁵ DEIR at 4.4-22, 4.4-27, 4.10-22; FEIR at 3.2-122, 3.2-136, 3.2-138.

⁶ NPDES Permit Order R2-2011-0027; see esp. required monitoring, Finding II.B.2. Non-OTC water is only 0.65 MGD of E-003 average flow (Finding II.B.2), and is excluded from OTC flow analysis herein.

⁷ All of these daily records were reviewed except for those from June 2011: the data from this month was missing from RWQCB records, according to RWQCB staff aiding CBE's records review on 18 Dec 2013.

⁸ These findings were submitted previously: see Karras Report Att. "NPDES Permit R2-2011-0027."

⁹ See Attachment 3. Also important, temperature increased recently along with flow (see Chart S-1, plates A and B). The recent daily maximum of 109 °F exceeds the 105.4 °F maximum reported by the EIR (DEIR at 4.4-27, 4.10-22). This compares with Bay temperatures ≈ 55 °F (see Karras Report) and further suggests that the EIR underestimates OTC impacts. The EIR's assertion of "continued compliance" with water quality requirements (DEIR at 4.10-22; FEIR at 3.2-122, 3.2-125, 3.2-137, 3.2-138) is unsupported.

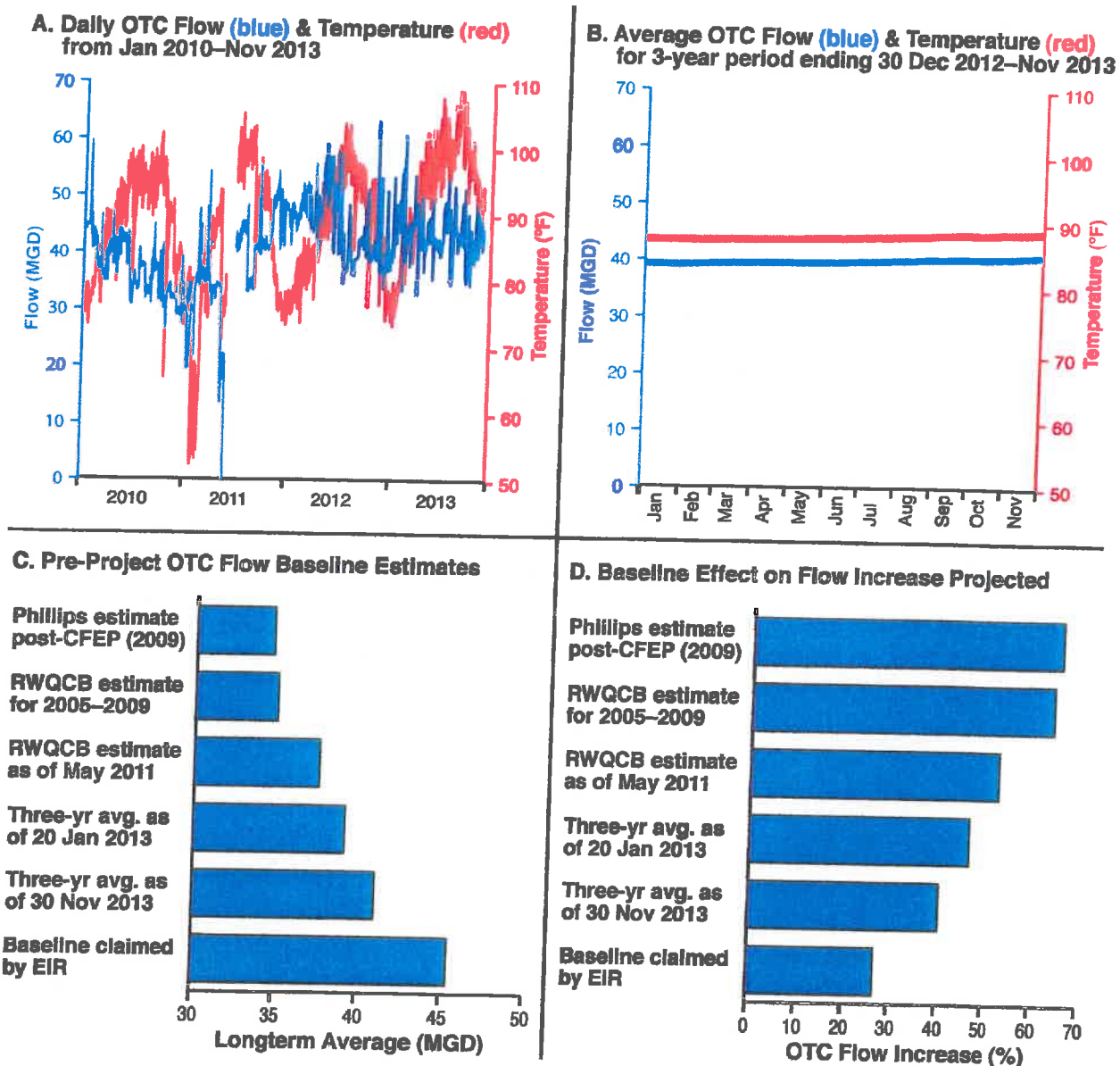


Chart S-1. Rodeo Once-Through Cooling (OTC) data and EIR baseline error. MGD: million gallons/day. **Plate A:** Cooling water flow and outfall E-003 discharge temperature vary daily, seasonally and annually; thus an accurate estimate of current “baseline” conditions must consider data from multiple years. **Plate B:** Long-term (3-year) average flow and temperature varied little during 2013, and both increased slightly, indicating increased use of OTC since 2010. **Plate C:** Phillips’ estimate of OTC flow following startup of its prior, “Clean Fuels Expansion” (CFEP) project in 2009 is close to the average for 2005–2009 observed by the RWQCB (~35 MGD) and less than the three-year averages from 2010–2012 and 2011–2013 (~39–41 MGD), and all of these long-term flow estimates are smaller than the baseline claimed by the EIR (45.4 MGD). **Plate D:** The EIR’s inflated baseline underestimates the increase in OTC flow from the project. Overestimating current average flow, the EIR underestimates the increase in flow represented by the proposed total post-project flow (57.6 MGD), and this cumulative error—in both the numerator and denominator of its calculated percentage increase—underestimates potential project impacts substantially. **Data sources:** Jan 2010–Nov 2013 data from measurements reported by Phillips’ to RWQCB (see Attachment 3). Phillips’ and RWQCB’s flow estimates from RWQCB findings reported in NPDES Permit CA0005053, attached to CBE’s previous comments (see also Karras Report, esp. page 14). Flow shown excludes non-OTC flows that are discharged with the cooling water from outfall E-003 (0.65 MGD; see NPDES Permit Finding II.B.2).

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Increasing multi-year average flow did not lower discharge temperature and is not explained by reviews of prior projects. See Chart S-1, plates B and C.¹⁰ This indicates increasing transfer of process heat from undisclosed sources—possibly from increased firing rates, reduced cooling tower use, or both—that might be part of the project Phillips has already begun to implement.¹¹ Instead of describing these heat sources, the EIR states “it should be expected that the capacity of an engineered cooling system would exceed not only the normal average, but also the largest heat load that the *Refinery* could impose on the system.” FEIR at 3.2-136; *emphasis added*. Thus, the EIR’s description of the project allows for the possibility that the recent flow increase is related to the project: recent flow might include project flow. Therefore, its assertion that one recent year represents the OTC baseline accurately is inconsistent with its project description.

Overestimating baseline OTC flow, the EIR also underestimates the increment from baseline to total post-project OTC flow. These errors in both the numerator (increment) and denominator (baseline) of its calculated percentage increase in flow are cumulative. Thus, instead of the EIR’s erroneous assertion that the proposed OTC expansion would increase flow from its inflated baseline by $\approx 25\%$, this expansion to 57.6 MGD would increase OTC flow from the observed multi-year averages of 35–41 MGD by $\approx 40\text{--}65\%$. See Chart S-1, plates C and D. Therefore, the EIR underestimates potential project impacts substantially. As a result, it ignores substantial impacts.

Conclusion

CBE seeks an adequate environmental review that, among other things, resolves the EIR’s failure to identify, analyze, or mitigate significant potential impacts on the San Francisco Bay from the project’s proposed expansion of antiquated technology that could otherwise be replaced with modern cooling technology. This new evidence further strongly supports CBE’s appeal.

Respectfully Submitted,



Roger Lin
Staff Attorney



Greg Karras
Senior Scientist

Attachment: CBE Supp. Attachment 3. Flow and heat data reported by Phillips 66 for Rodeo facility once-through cooling (OTC)

Copy: Lashun Cross, Principal Planner, Department of Conservation and Development
Laurel L. Impett, AICP, Urban Planner, Shute, Mihaly & Weinberger LLP
Interested Organizations and Individuals

¹⁰ See also NPDES Permit CA0005053, Order R2-2011-0027 at page F-53.

¹¹ See also Karras Report at 14–16.

CBE Supplemental Attachment 3

Flow and Heat Data Reported by Phillips 66 for Rodeo Facility Once-Through Cooling (OTC)

Contents

- Part 1: Rodeo Facility Once-Through Cooling (OTC)
daily data, Jan 2010–Nov 2013
(27 pages)**
- Part 2: Rodeo Facility Once-Through Cooling (OTC) data,
Jan 2010–Nov 2013
Three-year avg. flow (12/30/12–11/30/13)
(7 pages)**
- Part 3: E-003 Average Flow findings by date,
and OTC portion, various dates
(1 page)**

Attachment 3 Part 1. Rodeo Facility Once-Through Cooling (OTC) daily data, Jan 2010–Nov 2013
 CBE Records Review, San Francisco Bay Regional Water Quality Control Board Records, Dec 2013
 Includes paper and electronic (<http://ciwqs.waterboards.ca.gov/ciwqs>, dnidd 12/2013) records.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2010	1	1	44.1	78.4
2010	1	2	44.6	78.4
2010	1	3	44.4	77.6
2010	1	4	44.0	77.8
2010	1	5	44.0	77.3
2010	1	6	44.0	76.3
2010	1	7	44.9	76.2
2010	1	8	44.7	76.8
2010	1	9	44.8	75.1
2010	1	10	44.6	76.2
2010	1	11	45.0	75.6
2010	1	12	44.6	79.5
2010	1	13	44.7	79.3
2010	1	14	44.8	78.3
2010	1	15	44.7	76.1
2010	1	16	44.9	78.9
2010	1	17	44.8	79.6
2010	1	18	47.1	78.4
2010	1	19	56.3	76.1
2010	1	20	59.5	74.0
2010	1	21	48.8	73.4
2010	1	22	49.3	74.9
2010	1	23	45.4	76.2
2010	1	24	43.0	76.3
2010	1	25	45.3	76.3
2010	1	26	46.6	76.5
2010	1	27	42.4	77.6
2010	1	28	41.3	76.6
2010	1	29	40.6	77.5
2010	1	30	40.6	78.2
2010	1	31	41.2	78.7
2010	2	1	41.9	78.4
2010	2	2	41.1	78.4
2010	2	3	40.8	80.2
2010	2	4	41.1	77.6
2010	2	5	42.3	80.4
2010	2	6	44.1	79.4
2010	2	7	42.7	80.3
2010	2	8	42.2	80.0
2010	2	9	43.4	80.0
2010	2	10	42.5	78.8
2010	2	11	42.3	81.6
2010	2	12	42.6	82.6
2010	2	13	42.6	82.8
2010	2	14	42.5	82.9
2010	2	15	41.0	84.7
2010	2	16	39.5	85.6
2010	2	17	37.4	85.0
2010	2	18	37.7	83.7
2010	2	19	37.9	82.1
2010	2	20	38.0	81.6
2010	2	21	37.5	81.3

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2010	2	22	37.1	83.5
2010	2	23	38.2	81.7
2010	2	24	37.9	84.8
2010	2	25	36.9	84.1
2010	2	26	38.8	81.0
2010	2	27	37.8	79.4
2010	2	28	37.8	85.3
2010	3	1	37.7	82.9
2010	3	2	38.8	81.9
2010	3	3	46.6	76.5
2010	3	4	38.4	83.2
2010	3	5	36.3	85.0
2010	3	6	36.2	88.1
2010	3	7	35.7	84.1
2010	3	8	36.2	83.0
2010	3	9	36.0	81.6
2010	3	10	36.2	82.6
2010	3	11	36.0	80.8
2010	3	12	36.8	80.9
2010	3	13	36.0	81.8
2010	3	14	35.4	84.4
2010	3	15	35.0	85.0
2010	3	16	34.9	86.1
2010	3	17	35.5	88.4
2010	3	18	38.7	90.7
2010	3	19	40.2	86.5
2010	3	20	39.0	83.4
2010	3	21	38.1	87.0
2010	3	22	38.2	85.6
2010	3	23	38.0	89.0
2010	3	24	38.4	86.9
2010	3	25	34.9	84.8
2010	3	26	40.3	87.2
2010	3	27	41.1	90.4
2010	3	28	39.9	87.7
2010	3	29	39.3	86.4
2010	3	30	39.7	88.3
2010	3	31	41.9	84.9
2010	4	1	41.0	88.3
2010	4	2	39.7	85.6
2010	4	3	40.0	85.6
2010	4	4	41.0	83.8
2010	4	5	41.8	86.6
2010	4	6	42.0	88.0
2010	4	7	41.6	90.3
2010	4	8	40.0	88.0
2010	4	9	42.1	89.4
2010	4	10	42.9	85.9
2010	4	11	44.3	83.6
2010	4	12	47.3	84.0
2010	4	13	37.9	90.1
2010	4	14	37.9	88.9
2010	4	15	39.0	87.8
2010	4	16	38.8	90.4

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2010	4	17	38.1	91.3
2010	4	18	40.7	91.7
2010	4	19	42.5	88.9
2010	4	20	42.1	89.1
2010	4	21	41.5	88.5
2010	4	22	41.0	92.0
2010	4	23	41.3	93.5
2010	4	24	39.7	91.3
2010	4	25	36.1	79.8
2010	4	26	36.1	92.4
2010	4	27	39.0	86.9
2010	4	28	37.8	84.0
2010	4	29	39.8	89.9
2010	4	30	43.6	90.7
2010	5	1	43.4	90.2
2010	5	2	43.2	93.3
2010	5	3	43.2	93.2
2010	5	4	43.4	95.3
2010	5	5	44.3	94.6
2010	5	6	44.3	92.3
2010	5	7	41.3	93.4
2010	5	8	39.6	92.0
2010	5	9	39.3	90.3
2010	5	10	39.4	88.3
2010	5	11	44.0	93.5
2010	5	12	43.0	91.5
2010	5	13	41.8	94.7
2010	5	14	42.0	91.6
2010	5	15	43.4	91.7
2010	5	16	41.8	92.7
2010	5	17	41.7	92.3
2010	5	18	42.2	92.6
2010	5	19	42.6	92.2
2010	5	20	43.1	93.9
2010	5	21	43.0	89.4
2010	5	22	42.0	91.8
2010	5	23	42.0	90.1
2010	5	24	42.6	88.0
2010	5	25	43.1	88.7
2010	5	26	41.6	91.1
2010	5	27	41.5	88.6
2010	5	28	42.2	94.4
2010	5	29	40.9	97.9
2010	5	30	38.5	96.1
2010	5	31	37.7	93.0
2010	6	1	38.5	95.1
2010	6	2	38.7	96.0
2010	6	3	39.9	95.7
2010	6	4	39.0	94.5
2010	6	5	38.0	99.0
2010	6	6	43.8	96.6
2010	6	7	41.4	98.0
2010	6	8	43.6	96.3
2010	6	9	41.6	94.8

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2010	6	10	38.3	97.6
2010	6	11	38.0	99.7
2010	6	12	35.2	98.1
2010	6	13	34.4	97.8
2010	6	14	33.1	96.4
2010	6	15	31.5	93.6
2010	6	16	31.2	98.0
2010	6	17	31.6	95.2
2010	6	18	30.9	89.4
2010	6	19	30.8	92.3
2010	6	20	31.6	90.7
2010	6	21	31.4	91.2
2010	6	22	31.6	80.9
2010	6	23	34.4	92.1
2010	6	24	34.5	93.4
2010	6	25	34.5	86.3
2010	6	26	34.7	90.2
2010	6	27	35.4	98.6
2010	6	28	36.7	96.9
2010	6	29	36.1	89.6
2010	6	30	35.2	92.0
2010	7	1	35.0	96.0
2010	7	2	34.6	96.2
2010	7	3	34.6	97.5
2010	7	4	34.4	99.4
2010	7	5	34.2	95.7
2010	7	6	34.3	92.8
2010	7	7	34.1	95.3
2010	7	8	33.6	97.5
2010	7	9	33.3	94.6
2010	7	10	33.6	96.6
2010	7	11	33.6	96.4
2010	7	12	34.1	92.7
2010	7	13	33.8	94.0
2010	7	14	33.7	99.3
2010	7	15	35.6	100.1
2010	7	16	40.8	99.7
2010	7	17	38.0	100.3
2010	7	18	38.2	98.7
2010	7	19	38.1	98.5
2010	7	20	37.7	93.1
2010	7	21	37.7	90.8
2010	7	22	37.3	95.5
2010	7	23	37.3	96.2
2010	7	24	37.4	95.0
2010	7	25	37.6	96.1
2010	7	26	38.0	93.9
2010	7	27	38.0	93.0
2010	7	28	38.2	96.3
2010	7	29	38.1	97.6
2010	7	30	38.0	94.9
2010	7	31	37.9	94.3
2010	8	1	38.0	95.6
2010	8	2	38.0	95.3

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2010	8	3	37.8	96.3
2010	8	4	37.8	95.0
2010	8	5	35.6	94.0
2010	8	6	34.1	95.3
2010	8	7	33.4	94.9
2010	8	8	31.9	93.1
2010	8	9	34.0	95.5
2010	8	10	34.1	93.9
2010	8	11	34.0	90.6
2010	8	12	34.0	94.1
2010	8	13	33.7	94.2
2010	8	14	33.5	93.1
2010	8	15	33.8	95.2
2010	8	16	33.7	97.1
2010	8	17	33.7	93.3
2010	8	18	33.4	97.2
2010	8	19	33.1	99.2
2010	8	20	32.5	92.1
2010	8	21	33.6	93.1
2010	8	22	33.8	97.8
2010	8	23	33.6	97.1
2010	8	24	33.4	97.8
2010	8	25	35.5	95.7
2010	8	26	35.7	91.4
2010	8	27	33.7	92.4
2010	8	28	31.1	89.7
2010	8	29	36.7	92.7
2010	8	30	38.6	92.0
2010	8	31	37.6	93.4
2010	9	1	35.1	96.9
2010	9	2	36.7	98.5
2010	9	3	40.5	98.5
2010	9	4	38.6	97.8
2010	9	5	38.4	97.6
2010	9	6	39.5	99.8
2010	9	7	44.5	92.0
2010	9	8	45.0	90.9
2010	9	9	39.0	95.9
2010	9	10	36.5	97.4
2010	9	11	38.8	98.6
2010	9	12	38.6	96.7
2010	9	13	37.0	92.1
2010	9	14	37.9	93.9
2010	9	15	37.8	94.5
2010	9	16	37.2	98.2
2010	9	17	37.4	96.6
2010	9	18	37.5	96.0
2010	9	19	37.2	97.5
2010	9	20	37.4	96.7
2010	9	21	37.8	95.7
2010	9	22	37.9	94.6
2010	9	23	37.6	98.9
2010	9	24	37.7	100.5
2010	9	25	35.5	99.5

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow	Daily Temperature
			E-003A (MGD)	E-003A (°F)
2010	9	26	31.7	100.4
2010	9	27	34.8	101.5
2010	9	28	33.9	101.9
2010	9	29	36.3	102.4
2010	9	30	38.0	97.0
2010	10	1	40.0	96.7
2010	10	2	39.1	95.9
2010	10	3	35.0	95.1
2010	10	4	32.9	94.1
2010	10	5	32.0	95.9
2010	10	6	31.3	96.2
2010	10	7	31.4	92.8
2010	10	8	36.3	93.8
2010	10	9	40.9	97.6
2010	10	10	40.9	96.8
2010	10	11	40.4	98.6
2010	10	12	41.6	96.1
2010	10	13	40.4	96.3
2010	10	14	30.3	96.8
2010	10	15	30.6	98.1
2010	10	16	30.7	93.0
2010	10	17	31.0	91.0
2010	10	18	30.3	95.7
2010	10	19	30.0	94.1
2010	10	20	29.9	93.3
2010	10	21	29.9	91.6
2010	10	22	28.1	92.2
2010	10	23	26.6	65.5
2010	10	24	31.7	71.0
2010	10	25	32.6	76.6
2010	10	26	33.0	87.6
2010	10	27	32.9	86.0
2010	10	28	33.0	85.0
2010	10	29	34.0	85.2
2010	10	30	34.1	89.0
2010	10	31	33.8	90.7
2010	11	1	33.8	91.7
2010	11	2	33.9	90.6
2010	11	3	33.7	90.7
2010	11	4	33.9	90.7
2010	11	5	34.4	90.5
2010	11	6	34.3	88.9
2010	11	7	34.6	90.0
2010	11	8	33.6	90.8
2010	11	9	32.2	89.0
2010	11	10	31.8	90.7
2010	11	11	31.8	88.7
2010	11	12	31.7	91.1
2010	11	13	32.1	90.4
2010	11	14	31.9	90.5
2010	11	15	31.8	92.3
2010	11	16	31.9	90.7
2010	11	17	31.8	88.6
2010	11	18	31.8	88.3

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow	Daily Temperature
			E-003A (MGD)	E-003A (°F)
2010	11	19	32.0	84.8
2010	11	20	32.7	82.6
2010	11	21	32.0	81.4
2010	11	22	31.9	81.6
2010	11	23	31.9	81.0
2010	11	24	31.9	82.9
2010	11	25	31.8	81.7
2010	11	26	31.7	82.2
2010	11	27	32.1	82.5
2010	11	28	31.9	83.8
2010	11	29	31.8	81.3
2010	11	30	31.8	78.1
2010	12	1	29.8	80.7
2010	12	2	29.1	82.3
2010	12	3	29.1	81.4
2010	12	4	29.3	83.7
2010	12	5	29.9	81.6
2010	12	6	29.4	83.7
2010	12	7	29.5	83.6
2010	12	8	30.2	82.6
2010	12	9	29.4	85.2
2010	12	10	29.0	84.9
2010	12	11	29.2	85.7
2010	12	12	28.9	85.1
2010	12	13	29.1	85.1
2010	12	14	29.2	84.5
2010	12	15	29.2	84.7
2010	12	16	29.1	83.5
2010	12	17	29.6	77.8
2010	12	18	29.7	78.6
2010	12	19	38.2	74.9
2010	12	20	39.3	78.4
2010	12	21	27.6	80.1
2010	12	22	29.0	80.9
2010	12	23	29.5	82.4
2010	12	24	29.4	80.3
2010	12	25	31.1	78.4
2010	12	26	30.9	78.1
2010	12	27	30.1	78.7
2010	12	28	32.8	76.5
2010	12	29	34.7	73.5
2010	12	30	30.2	77.4
2010	12	31	29.7	78.7
2011	1	1	31.3	76.2
2011	1	2	31.3	75.0
2011	1	3	30.4	76.9
2011	1	4	30.2	77.6
2011	1	5	30.3	76.8
2011	1	6	30.3	75.5
2011	1	7	30.0	75.1
2011	1	8	23.0	77.0
2011	1	9	19.6	75.3
2011	1	10	19.7	75.9
2011	1	11	19.9	75.3

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2011	1	12	19.6	81.0
2011	1	13	20.0	78.8
2011	1	14	19.7	81.3
2011	1	15	19.6	80.1
2011	1	16	19.7	80.3
2011	1	17	19.9	82.0
2011	1	18	19.7	80.2
2011	1	19	23.1	78.7
2011	1	20	25.4	72.2
2011	1	21	30.4	76.8
2011	1	22	31.0	78.9
2011	1	23	30.4	78.2
2011	1	24	30.6	78.0
2011	1	25	29.8	79.5
2011	1	26	30.2	77.3
2011	1	27	30.0	76.5
2011	1	28	31.3	78.4
2011	1	29	31.4	80.5
2011	1	30	32.5	76.4
2011	1	31	31.6	60.8
2011	2	1	32.6	53.9
2011	2	2	24.6	52.4
2011	2	3	21.9	53.7
2011	2	4	33.6	53.1
2011	2	5	33.7	53.6
2011	2	6	34.4	55.4
2011	2	7	35.4	57.2
2011	2	8	35.6	62.3
2011	2	9	35.5	64.4
2011	2	10	36.2	66.7
2011	2	11	35.2	67.8
2011	2	12	35.1	66.4
2011	2	13	35.3	66.4
2011	2	14	34.9	67.2
2011	2	15	34.7	67.2
2011	2	16	38.4	62.2
2011	2	17	42.5	54.1
2011	2	18	40.5	58.1
2011	2	19	47.7	53.3
2011	2	20	38.9	59.8
2011	2	21	36.4	60.6
2011	2	22	34.2	59.7
2011	2	23	34.3	60.8
2011	2	24	36.0	61.7
2011	2	25	44.9	54.5
2011	2	26	37.0	61.1
2011	2	27	35.8	62.4
2011	2	28	35.5	63.4
2011	3	1	35.5	76.3
2011	3	2	35.6	76.3
2011	3	3	35.6	79.5
2011	3	4	35.4	80.3
2011	3	5	35.3	82.8
2011	3	6	37.4	79.2

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2011	3	7	36.6	79.1
2011	3	8	35.5	82.9
2011	3	9	35.0	84.1
2011	3	10	34.5	82.1
2011	3	11	34.6	78.4
2011	3	12	34.8	81.8
2011	3	13	34.8	81.3
2011	3	14	35.0	88.2
2011	3	15	36.3	82.3
2011	3	16	37.0	82.0
2011	3	17	34.8	84.7
2011	3	18	48.0	80.6
2011	3	19	46.6	75.2
2011	3	20	45.9	76.5
2011	3	21	35.6	79.1
2011	3	22	35.1	79.4
2011	3	23	35.2	77.7
2011	3	24	54.3	75.1
2011	3	25	41.0	77.2
2011	3	26	39.6	74.5
2011	3	27	36.6	75.3
2011	3	28	35.7	78.8
2011	3	29	35.0	82.2
2011	3	30	34.5	84.3
2011	3	31	33.3	84.6
2011	4	1	32.9	87.4
2011	4	2	33.1	89.5
2011	4	3	32.5	88.4
2011	4	4	32.2	89.7
2011	4	5	31.2	86.3
2011	4	6	30.7	89.0
2011	4	7	33.4	86.0
2011	4	8	33.9	86.3
2011	4	9	34.0	87.1
2011	4	10	34.1	88.3
2011	4	11	34.1	88.7
2011	4	12	34.1	84.9
2011	4	13	33.4	86.8
2011	4	14	33.9	86.0
2011	4	15	33.6	86.0
2011	4	16	33.4	89.3
2011	4	17	34.1	88.5
2011	4	18	33.9	86.6
2011	4	19	33.3	90.9
2011	4	20	31.7	89.3
2011	4	21	33.3	90.7
2011	4	22	34.4	88.2
2011	4	23	33.7	88.6
2011	4	24	34.1	88.5
2011	4	25	34.1	90.3
2011	4	26	34.8	91.0
2011	4	27	34.6	88.3
2011	4	28	34.3	89.0
2011	4	29	34.6	91.5

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2011	4	30	34.4	88.6
2011	5	1	34.3	91.1
2011	5	2	34.3	92.6
2011	5	3	34.2	92.3
2011	5	4	34.1	93.9
2011	5	5	34.2	93.8
2011	5	6	33.9	88.3
2011	5	7	34.4	87.3
2011	5	8	34.7	88.2
2011	5	9	34.3	93.7
2011	5	10	34.1	90.8
2011	5	11	34.1	82.1
2011	5	12	32.3	72.7
2011	5	13	17.1	79.4
2011	5	14	13.6	73.2
2011	5	15	19.1	73.8
2011	5	16	19.2	71.3
2011	5	17	21.0	71.2
2011	5	18	17.6	76.9
2011	5	19	21.8	77.6
2011	5	20	22.2	76.6
2011	5	21	21.4	77.5
2011	5	22	22.2	76.7
2011	5	23	22.2	77.5
2011	5	24	22.2	77.1
2011	5	25	20.8	74.6
2011	5	26	22.1	77.5
2011	5	27	22.1	78.0
2011	5	28	21.8	75.2
2011	5	29	22.0	76.9
2011	5	30	9.9	81.0
2011	5	31	0.0	76.3
2011	6	1	--	-- NA: Self-
2011	6	2	--	-- Monitoring
2011	6	3	--	-- Report (SMR)
2011	6	4	--	-- missing from
2011	6	5	--	-- Regional
2011	6	6	--	-- Board records
2011	6	7	--	-- (searched on
2011	6	8	--	-- 12/18/2013).
2011	6	9	--	-- NA: see above
2011	6	10	--	-- NA: see above
2011	6	11	--	-- NA: see above
2011	6	12	--	-- NA: see above
2011	6	13	--	-- NA: see above
2011	6	14	--	-- NA: see above
2011	6	15	--	-- NA: see above
2011	6	16	--	-- NA: see above
2011	6	17	--	-- NA: see above
2011	6	18	--	-- NA: see above
2011	6	19	--	-- NA: see above
2011	6	20	--	-- NA: see above
2011	6	21	--	-- NA: see above
2011	6	22	--	-- NA: see above

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2011	6	23	--	-- NA: see above
2011	6	24	--	-- NA: see above
2011	6	25	--	-- NA: see above
2011	6	26	--	-- NA: see above
2011	6	27	--	-- NA: see above
2011	6	28	--	-- NA: see above
2011	6	29	--	-- NA: see above
2011	6	30	--	-- NA: see above
2011	7	1	40.7	97.2
2011	7	2	43.6	94.8
2011	7	3	42.4	100.3
2011	7	4	43.1	99.0
2011	7	5	40.1	99.9
2011	7	6	40.5	101.2
2011	7	7	42.8	101.6
2011	7	8	42.6	103.1
2011	7	9	42.5	97.1
2011	7	10	42.1	101.8
2011	7	11	41.0	99.6
2011	7	12	40.4	98.5
2011	7	13	41.2	99.2
2011	7	14	41.1	102.7
2011	7	15	42.1	95.0
2011	7	16	44.1	100.2
2011	7	17	43.6	102.2
2011	7	18	44.0	101.0
2011	7	19	43.1	102.8
2011	7	20	42.0	105.4
2011	7	21	44.5	100.0
2011	7	22	45.4	101.9
2011	7	23	44.4	101.5
2011	7	24	44.6	93.8
2011	7	25	44.3	97.7
2011	7	26	45.6	99.2
2011	7	27	44.1	98.9
2011	7	28	45.3	98.7
2011	7	29	45.3	98.5
2011	7	30	44.5	98.0
2011	7	31	45.6	99.3
2011	8	1	43.5	101.3
2011	8	2	43.9	100.6
2011	8	3	45.0	98.8
2011	8	4	44.8	101.4
2011	8	5	43.2	97.3
2011	8	6	43.7	99.4
2011	8	7	43.7	100.6
2011	8	8	43.8	98.7
2011	8	9	44.1	99.4
2011	8	10	46.4	99.9
2011	8	11	48.5	98.2
2011	8	12	37.2	98.4
2011	8	13	33.4	102.7
2011	8	14	33.2	101.4
2011	8	15	33.2	102.4

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2011	8	16	33.3	102.3
2011	8	17	33.1	99.7
2011	8	18	34.5	100.3
2011	8	19	34.8	98.2
2011	8	20	34.7	96.8
2011	8	21	34.2	99.5
2011	8	22	34.1	102.7
2011	8	23	34.7	100.9
2011	8	24	35.3	99.3
2011	8	25	34.5	103.2
2011	8	26	34.4	97.6
2011	8	27	35.7	97.8
2011	8	28	34.4	101.0
2011	8	29	33.6	98.6
2011	8	30	33.6	100.3
2011	8	31	33.6	99.7
2011	9	1	34.1	99.7
2011	9	2	34.6	103.5
2011	9	3	35.7	101.2
2011	9	4	34.0	99.7
2011	9	5	33.7	100.5
2011	9	6	33.4	96.5
2011	9	7	41.1	88.0
2011	9	8	41.0	80.1
2011	9	9	41.3	79.1
2011	9	10	40.6	78.9
2011	9	11	41.5	79.2
2011	9	12	41.4	88.7
2011	9	13	41.2	93.5
2011	9	14	41.1	89.9
2011	9	15	41.3	90.5
2011	9	16	41.5	90.8
2011	9	17	41.2	92.0
2011	9	18	40.6	92.4
2011	9	19	40.3	93.4
2011	9	20	40.1	96.1
2011	9	21	40.5	92.9
2011	9	22	49.7	94.4
2011	9	23	45.1	95.9
2011	9	24	43.7	92.3
2011	9	25	45.1	93.1
2011	9	26	48.0	96.6
2011	9	27	55.4	95.4
2011	9	28	50.6	98.7
2011	9	29	39.7	95.1
2011	9	30	40.3	92.9
2011	10	1	40.5	94.7
2011	10	2	41.0	96.4
2011	10	3	41.3	93.4
2011	10	4	41.2	95.3
2011	10	5	42.4	92.9
2011	10	6	41.5	94.0
2011	10	7	40.8	92.2
2011	10	8	40.8	92.0

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2011	10	9	41.3	93.7
2011	10	10	41.1	91.0
2011	10	11	41.3	90.7
2011	10	12	41.8	93.4
2011	10	13	41.1	95.0
2011	10	14	40.4	96.7
2011	10	15	40.7	93.5
2011	10	16	41.8	93.0
2011	10	17	42.9	92.7
2011	10	18	42.0	94.1
2011	10	19	41.5	93.7
2011	10	20	41.7	90.9
2011	10	21	41.3	93.2
2011	10	22	40.9	95.7
2011	10	23	41.2	95.2
2011	10	24	41.2	92.4
2011	10	25	40.9	90.7
2011	10	26	41.2	92.1
2011	10	27	40.5	90.9
2011	10	28	40.7	92.2
2011	10	29	41.0	91.1
2011	10	30	40.5	91.6
2011	10	31	40.8	92.3
2011	11	1	41.2	91.6
2011	11	2	41.0	89.9
2011	11	3	41.1	90.0
2011	11	4	41.8	88.4
2011	11	5	43.1	85.7
2011	11	6	42.1	88.5
2011	11	7	45.3	87.5
2011	11	8	43.0	85.9
2011	11	9	44.9	85.6
2011	11	10	49.1	86.4
2011	11	11	48.5	85.0
2011	11	12	48.9	83.3
2011	11	13	49.3	84.8
2011	11	14	50.1	84.2
2011	11	15	49.2	85.3
2011	11	16	47.8	84.0
2011	11	17	48.1	83.6
2011	11	18	48.1	82.8
2011	11	19	48.6	82.6
2011	11	20	48.2	80.7
2011	11	21	49.7	82.6
2011	11	22	50.9	81.3
2011	11	23	50.7	80.0
2011	11	24	49.3	79.7
2011	11	25	50.4	79.5
2011	11	26	49.9	80.0
2011	11	27	51.8	80.1
2011	11	28	52.4	80.3
2011	11	29	52.8	81.1
2011	11	30	51.1	80.7
2011	12	1	54.4	79.7

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2011	12	2	52.1	79.2
2011	12	3	50.9	76.3
2011	12	4	50.1	78.0
2011	12	5	49.4	75.8
2011	12	6	48.6	77.3
2011	12	7	44.0	77.7
2011	12	8	40.6	75.6
2011	12	9	40.8	76.9
2011	12	10	40.9	77.1
2011	12	11	45.0	76.9
2011	12	12	49.4	76.9
2011	12	13	51.3	76.4
2011	12	14	49.2	76.2
2011	12	15	48.7	76.7
2011	12	16	47.5	78.4
2011	12	17	47.3	77.0
2011	12	18	47.3	76.9
2011	12	19	47.3	77.4
2011	12	20	46.7	76.0
2011	12	21	46.9	75.9
2011	12	22	46.9	76.0
2011	12	23	42.3	74.8
2011	12	24	41.2	74.7
2011	12	25	49.4	74.2
2011	12	26	48.6	74.4
2011	12	27	48.2	75.0
2011	12	28	48.6	76.1
2011	12	29	48.5	76.9
2011	12	30	48.5	76.9
2011	12	31	48.7	76.8
2012	1	1	48.8	75.7
2012	1	2	48.6	78.1
2012	1	3	48.7	78.5
2012	1	4	47.9	76.1
2012	1	5	47.4	75.9
2012	1	6	47.5	73.5
2012	1	7	47.6	73.7
2012	1	8	47.2	73.9
2012	1	9	47.4	75.3
2012	1	10	46.2	76.8
2012	1	11	45.8	77.0
2012	1	12	44.5	76.3
2012	1	13	44.6	76.8
2012	1	14	44.7	78.7
2012	1	15	45.4	76.0
2012	1	16	47.6	78.6
2012	1	17	41.4	75.7
2012	1	18	48.7	76.5
2012	1	19	44.8	77.5
2012	1	20	47.2	76.1
2012	1	21	47.7	75.1
2012	1	22	46.1	75.7
2012	1	23	48.9	75.8
2012	1	24	47.2	77.1

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2012	1	25	47.7	78.6
2012	1	26	48.4	77.7
2012	1	27	47.2	77.5
2012	1	28	46.9	75.4
2012	1	29	46.8	78.1
2012	1	30	47.3	79.3
2012	1	31	46.1	77.0
2012	2	1	46.2	77.1
2012	2	2	46.3	78.8
2012	2	3	45.2	79.5
2012	2	4	45.5	77.7
2012	2	5	45.3	78.8
2012	2	6	43.7	76.9
2012	2	7	44.7	77.3
2012	2	8	44.5	81.3
2012	2	9	44.7	81.1
2012	2	10	45.0	80.6
2012	2	11	45.3	82.9
2012	2	12	47.0	81.4
2012	2	13	46.5	79.9
2012	2	14	46.6	83.6
2012	2	15	45.9	76.0
2012	2	16	48.0	78.8
2012	2	17	48.5	78.8
2012	2	18	47.1	79.8
2012	2	19	46.0	79.5
2012	2	20	46.7	81.5
2012	2	21	48.4	83.4
2012	2	22	49.2	81.2
2012	2	23	47.6	84.0
2012	2	24	50.5	79.6
2012	2	25	50.3	78.7
2012	2	26	48.2	77.2
2012	2	27	49.0	73.8
2012	2	28	50.0	77.7
2012	2	29	52.3	77.6
2012	3	1	51.1	79.4
2012	3	2	49.7	84.5
2012	3	3	50.2	84.6
2012	3	4	48.9	82.0
2012	3	5	47.4	86.6
2012	3	6	48.0	79.5
2012	3	7	47.6	82.0
2012	3	8	47.3	84.4
2012	3	9	47.0	84.7
2012	3	10	47.1	83.5
2012	3	11	46.9	85.4
2012	3	12	47.1	82.3
2012	3	13	46.4	80.2
2012	3	14	52.0	80.3
2012	3	15	48.0	82.8
2012	3	16	52.5	81.4
2012	3	17	49.3	81.9
2012	3	18	46.3	80.3

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2012	3	19	46.5	78.9
2012	3	20	45.9	84.6
2012	3	21	46.3	86.5
2012	3	22	46.1	83.4
2012	3	23	46.5	84.0
2012	3	24	48.0	80.1
2012	3	25	51.9	79.9
2012	3	26	45.3	80.8
2012	3	27	48.8	80.4
2012	3	28	49.7	83.7
2012	3	29	44.5	83.2
2012	3	30	44.1	82.9
2012	3	31	44.5	81.4
2012	4	1	44.1	83.1
2012	4	2	43.9	84.0
2012	4	3	43.8	84.8
2012	4	4	43.7	84.6
2012	4	5	44.0	85.4
2012	4	6	44.0	85.3
2012	4	7	44.4	84.8
2012	4	8	44.6	84.6
2012	4	9	44.9	85.6
2012	4	10	46.2	82.6
2012	4	11	47.0	83.4
2012	4	12	49.1	83.6
2012	4	13	55.8	77.4
2012	4	14	48.2	85.8
2012	4	15	47.7	83.5
2012	4	16	47.2	84.0
2012	4	17	47.2	85.1
2012	4	18	47.1	85.1
2012	4	19	44.3	89.3
2012	4	20	39.6	90.4
2012	4	21	39.1	92.1
2012	4	22	45.3	92.4
2012	4	23	48.9	86.6
2012	4	24	50.2	89.3
2012	4	25	50.0	90.9
2012	4	26	48.5	83.0
2012	4	27	48.1	86.9
2012	4	28	47.3	87.8
2012	4	29	47.4	89.9
2012	4	30	47.1	84.0
2012	5	1	47.2	90.0
2012	5	2	48.2	84.8
2012	5	3	46.5	85.5
2012	5	4	46.9	85.6
2012	5	5	46.7	89.3
2012	5	6	46.9	91.3
2012	5	7	44.9	90.5
2012	5	8	46.6	94.9
2012	5	9	49.7	88.6
2012	5	10	50.4	94.2
2012	5	11	50.8	92.3

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow	Daily Temperature
			E-003A (MGD)	E-003A (°F)
2012	5	12	53.1	91.4
2012	5	13	55.8	91.4
2012	5	14	54.4	88.9
2012	5	15	51.0	86.5
2012	5	16	54.7	89.7
2012	5	17	57.2	88.5
2012	5	18	55.2	93.6
2012	5	19	50.4	92.3
2012	5	20	51.5	94.2
2012	5	21	54.1	91.1
2012	5	22	59.2	94.4
2012	5	23	59.2	92.8
2012	5	24	54.7	89.8
2012	5	25	49.2	89.6
2012	5	26	48.1	90.6
2012	5	27	49.2	89.3
2012	5	28	49.3	86.4
2012	5	29	50.4	90.2
2012	5	30	51.2	93.3
2012	5	31	53.0	90.8
2012	6	1	53.2	91.3
2012	6	2	56.3	89.7
2012	6	3	57.0	90.7
2012	6	4	53.2	87.6
2012	6	5	52.3	90.1
2012	6	6	53.8	91.2
2012	6	7	54.9	90.7
2012	6	8	54.1	90.5
2012	6	9	56.6	93.7
2012	6	10	57.2	95.6
2012	6	11	54.8	95.7
2012	6	12	47.1	96.9
2012	6	13	48.1	94.4
2012	6	14	48.8	95.8
2012	6	15	49.7	94.3
2012	6	16	47.3	97.4
2012	6	17	40.6	94.1
2012	6	18	40.1	92.1
2012	6	19	42.2	93.9
2012	6	20	50.8	91.4
2012	6	21	47.5	88.7
2012	6	22	52.3	88.1
2012	6	23	50.6	89.7
2012	6	24	50.1	89.7
2012	6	25	47.7	92.9
2012	6	26	47.8	94.3
2012	6	27	49.5	98.5
2012	6	28	49.8	94.8
2012	6	29	50.0	99.4
2012	6	30	50.0	98.6
2012	7	1	56.2	96.5
2012	7	2	58.0	98.4
2012	7	3	58.1	100.0
2012	7	4	40.3	97.0

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2012	7	5	40.0	97.8
2012	7	6	39.9	100.7
2012	7	7	39.9	97.1
2012	7	8	40.2	97.9
2012	7	9	40.2	97.9
2012	7	10	40.5	97.9
2012	7	11	40.4	99.4
2012	7	12	40.7	100.3
2012	7	13	46.5	93.9
2012	7	14	50.5	97.1
2012	7	15	49.6	96.7
2012	7	16	57.6	92.9
2012	7	17	43.0	93.5
2012	7	18	41.4	98.1
2012	7	19	41.2	95.6
2012	7	20	39.8	103.0
2012	7	21	38.8	104.0
2012	7	22	43.6	99.1
2012	7	23	43.6	100.1
2012	7	24	43.3	103.2
2012	7	25	41.1	94.4
2012	7	26	34.9	99.0
2012	7	27	36.0	100.9
2012	7	28	36.2	98.6
2012	7	29	36.4	99.2
2012	7	30	36.5	102.8
2012	7	31	38.1	99.3
2012	8	1	36.8	100.7
2012	8	2	37.0	101.4
2012	8	3	36.9	98.6
2012	8	4	36.8	96.7
2012	8	5	36.9	100.5
2012	8	6	37.0	102.2
2012	8	7	37.4	102.1
2012	8	8	37.4	103.8
2012	8	9	41.4	100.3
2012	8	10	41.9	100.3
2012	8	11	46.2	101.2
2012	8	12	48.6	99.0
2012	8	13	46.4	100.8
2012	8	14	44.3	94.8
2012	8	15	41.0	97.8
2012	8	16	41.8	99.3
2012	8	17	46.5	99.2
2012	8	18	46.4	98.7
2012	8	19	41.0	99.8
2012	8	20	40.6	97.4
2012	8	21	38.7	96.7
2012	8	22	38.5	98.9
2012	8	23	38.2	98.3
2012	8	24	36.6	94.6
2012	8	25	36.7	95.1
2012	8	26	36.8	97.2
2012	8	27	36.4	98.7

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2012	8	28	36.4	99.3
2012	8	29	36.6	91.9
2012	8	30	36.7	84.9
2012	8	31	36.5	86.6
2012	9	1	36.2	94.4
2012	9	2	38.1	97.3
2012	9	3	39.1	92.5
2012	9	4	39.1	94.3
2012	9	5	39.1	94.9
2012	9	6	38.9	95.7
2012	9	7	38.9	94.3
2012	9	8	39.1	97.0
2012	9	9	39.2	98.1
2012	9	10	39.2	95.3
2012	9	11	39.3	96.6
2012	9	12	39.2	97.4
2012	9	13	39.4	95.5
2012	9	14	39.3	95.9
2012	9	15	39.7	97.6
2012	9	16	42.5	94.7
2012	9	17	42.3	96.4
2012	9	18	41.8	95.1
2012	9	19	41.6	92.1
2012	9	20	41.7	97.7
2012	9	21	41.5	97.8
2012	9	22	41.5	96.2
2012	9	23	42.5	97.0
2012	9	24	43.0	96.8
2012	9	25	42.3	93.8
2012	9	26	42.3	94.3
2012	9	27	42.3	96.7
2012	9	28	41.7	92.8
2012	9	29	41.7	94.2
2012	9	30	41.7	97.2
2012	10	1	41.7	95.4
2012	10	2	40.9	97.0
2012	10	3	44.8	94.8
2012	10	4	43.7	91.6
2012	10	5	44.0	94.0
2012	10	6	42.9	94.0
2012	10	7	42.9	92.8
2012	10	8	42.9	91.4
2012	10	9	43.9	91.1
2012	10	10	44.0	88.4
2012	10	11	39.5	86.5
2012	10	12	40.6	88.9
2012	10	13	44.2	91.0
2012	10	14	50.6	92.4
2012	10	15	40.9	89.9
2012	10	16	40.0	91.6
2012	10	17	43.7	91.2
2012	10	18	51.4	90.9
2012	10	19	39.6	90.4
2012	10	20	39.8	88.6

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2012	10	21	40.0	76.4
2012	10	22	39.9	76.4
2012	10	23	38.8	78.7
2012	10	24	38.5	81.5
2012	10	25	38.4	92.1
2012	10	26	38.4	93.3
2012	10	27	38.6	95.5
2012	10	28	38.6	93.8
2012	10	29	39.0	92.5
2012	10	30	39.2	93.0
2012	10	31	39.0	92.3
2012	11	1	39.3	94.0
2012	11	2	41.5	93.4
2012	11	3	39.3	93.5
2012	11	4	39.3	95.7
2012	11	5	39.3	91.7
2012	11	6	39.4	92.8
2012	11	7	39.6	90.3
2012	11	8	40.1	85.3
2012	11	9	42.1	86.9
2012	11	10	39.4	87.8
2012	11	11	40.0	86.0
2012	11	12	39.8	86.2
2012	11	13	40.8	86.6
2012	11	14	38.9	85.7
2012	11	15	39.0	86.8
2012	11	16	41.8	86.4
2012	11	17	52.1	86.5
2012	11	18	63.4	87.1
2012	11	19	60.9	84.8
2012	11	20	46.5	88.7
2012	11	21	43.4	91.1
2012	11	22	42.4	89.7
2012	11	23	42.1	87.4
2012	11	24	41.8	88.4
2012	11	25	38.6	88.0
2012	11	26	39.3	88.6
2012	11	27	38.8	87.3
2012	11	28	36.6	84.0
2012	11	29	38.7	86.9
2012	11	30	51.1	76.6
2012	12	1	40.8	85.4
2012	12	2	53.5	84.0
2012	12	3	38.4	86.8
2012	12	4	37.1	86.9
2012	12	5	37.9	85.9
2012	12	6	36.9	85.7
2012	12	7	36.9	86.1
2012	12	8	37.2	84.3
2012	12	9	37.1	86.9
2012	12	10	36.9	86.4
2012	12	11	35.6	84.7
2012	12	12	34.5	82.8
2012	12	13	33.9	83.1

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow	Daily Temperature
			E-003A (MGD)	E-003A (°F)
2012	12	14	35.1	82.6
2012	12	15	40.1	81.6
2012	12	16	39.3	81.2
2012	12	17	38.7	81.9
2012	12	18	37.9	79.0
2012	12	19	37.2	78.8
2012	12	20	36.7	80.3
2012	12	21	37.3	79.2
2012	12	22	45.7	74.2
2012	12	23	51.1	77.1
2012	12	24	40.6	77.9
2012	12	25	44.1	77.9
2012	12	26	42.5	75.4
2012	12	27	38.5	76.1
2012	12	28	38.0	75.3
2012	12	29	37.0	77.2
2012	12	30	37.0	78.8
2012	12	31	37.1	76.3
2013	1	1	37.2	76.5
2013	1	2	37.2	76.8
2013	1	3	37.3	77.1
2013	1	4	37.1	76.9
2013	1	5	40.5	76.2
2013	1	6	40.7	77.3
2013	1	7	40.4	76.8
2013	1	8	40.1	78.3
2013	1	9	38.7	76.3
2013	1	10	38.5	74.1
2013	1	11	39.5	74.5
2013	1	12	42.7	75.4
2013	1	13	48.2	74.8
2013	1	14	53.6	74.9
2013	1	15	43.5	76.2
2013	1	16	39.5	80.0
2013	1	17	45.3	73.4
2013	1	18	47.0	75.1
2013	1	19	46.4	75.4
2013	1	20	45.3	77.0
2013	1	21	45.9	77.5
2013	1	22	46.6	76.2
2013	1	23	48.6	74.9
2013	1	24	48.7	76.7
2013	1	25	43.5	79.2
2013	1	26	41.9	78.2
2013	1	27	46.2	75.9
2013	1	28	45.8	77.5
2013	1	29	45.8	78.7
2013	1	30	45.7	76.7
2013	1	31	46.2	78.2
2013	2	1	45.3	79.3
2013	2	2	46.6	80.0
2013	2	3	47.9	80.2
2013	2	4	49.4	78.3
2013	2	5	46.3	79.5

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2013	2	6	43.8	79.2
2013	2	7	44.1	80.3
2013	2	8	44.8	79.6
2013	2	9	47.8	81.8
2013	2	10	53.5	84.0
2013	2	11	54.2	83.5
2013	2	12	53.3	85.9
2013	2	13	53.7	84.2
2013	2	14	54.3	86.6
2013	2	15	55.1	88.3
2013	2	16	49.0	85.9
2013	2	17	33.5	88.9
2013	2	18	45.3	84.1
2013	2	19	56.6	83.2
2013	2	20	51.8	80.7
2013	2	21	60.9	80.4
2013	2	22	45.3	85.2
2013	2	23	45.6	86.7
2013	2	24	45.0	84.5
2013	2	25	42.7	87.9
2013	2	26	38.6	79.8
2013	2	27	41.5	84.1
2013	2	28	40.9	86.8
2013	3	1	43.4	88.7
2013	3	2	43.8	88.6
2013	3	3	42.2	88.2
2013	3	4	42.2	85.3
2013	3	5	42.7	87.8
2013	3	6	44.0	88.9
2013	3	7	44.7	87.1
2013	3	8	44.1	89.0
2013	3	9	43.5	91.4
2013	3	10	43.4	90.9
2013	3	11	43.4	86.3
2013	3	12	45.4	84.3
2013	3	13	45.5	84.5
2013	3	14	37.8	85.8
2013	3	15	42.0	85.8
2013	3	16	40.9	89.5
2013	3	17	40.8	88.7
2013	3	18	41.3	90.0
2013	3	19	42.4	87.1
2013	3	20	38.7	86.6
2013	3	21	40.5	89.0
2013	3	22	43.1	89.5
2013	3	23	45.7	90.4
2013	3	24	43.8	87.8
2013	3	25	44.2	83.0
2013	3	26	45.0	83.5
2013	3	27	46.4	86.8
2013	3	28	45.0	86.2
2013	3	29	47.6	89.5
2013	3	30	53.8	88.7
2013	3	31	45.6	88.9

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow	Daily Temperature
			E-003A (MGD)	E-003A (°F)
2013	4	1	46.5	90.1
2013	4	2	45.2	87.9
2013	4	3	45.2	87.9
2013	4	4	45.2	87.9
2013	4	5	45.2	87.9
2013	4	6	45.2	87.9
2013	4	7	45.2	87.9
2013	4	8	45.7	93.3
2013	4	9	48.9	89.3
2013	4	10	40.8	95.4
2013	4	11	33.0	98.5
2013	4	12	36.1	92.2
2013	4	13	41.1	94.3
2013	4	14	40.8	98.1
2013	4	15	41.7	88.9
2013	4	16	40.8	87.8
2013	4	17	43.3	89.1
2013	4	18	42.6	97.4
2013	4	19	41.0	94.9
2013	4	20	45.9	93.1
2013	4	21	44.9	98.4
2013	4	22	40.9	98.1
2013	4	23	50.1	97.7
2013	4	24	50.3	89.5
2013	4	25	46.7	89.7
2013	4	26	46.5	95.7
2013	4	27	47.0	89.4
2013	4	28	41.4	96.2
2013	4	29	42.2	101.4
2013	4	30	43.0	94.7
2013	5	1	42.1	95.4
2013	5	2	41.6	94.8
2013	5	3	36.9	95.5
2013	5	4	40.0	98.5
2013	5	5	40.1	96.6
2013	5	6	39.9	95.6
2013	5	7	40.8	93.1
2013	5	8	41.4	94.7
2013	5	9	40.7	92.9
2013	5	10	41.8	95.9
2013	5	11	41.7	102.6
2013	5	12	41.9	101.3
2013	5	13	42.8	94.1
2013	5	14	45.7	97.0
2013	5	15	45.6	94.0
2013	5	16	45.2	95.3
2013	5	17	45.1	100.6
2013	5	18	43.7	99.0
2013	5	19	42.2	93.3
2013	5	20	46.3	98.6
2013	5	21	44.2	95.3
2013	5	22	42.0	91.3
2013	5	23	44.1	98.5
2013	5	24	45.1	98.8

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2013	5	25	43.5	97.7
2013	5	26	43.6	93.6
2013	5	27	46.2	97.8
2013	5	28	47.0	95.0
2013	5	29	45.5	100.4
2013	5	30	47.5	98.4
2013	5	31	49.8	95.4
2013	6	1	44.0	103.1
2013	6	2	44.6	99.1
2013	6	3	35.5	92.8
2013	6	4	38.2	93.7
2013	6	5	41.6	92.3
2013	6	6	41.8	93.3
2013	6	7	42.7	94.5
2013	6	8	42.7	99.8
2013	6	9	43.0	94.7
2013	6	10	41.9	97.0
2013	6	11	42.3	95.6
2013	6	12	42.0	97.2
2013	6	13	41.9	95.5
2013	6	14	41.4	102.4
2013	6	15	41.3	103.1
2013	6	16	41.0	103.2
2013	6	17	41.4	100.7
2013	6	18	42.5	97.2
2013	6	19	41.9	102.6
2013	6	20	41.9	98.4
2013	6	21	42.6	104.2
2013	6	22	40.6	104.9
2013	6	23	40.7	99.5
2013	6	24	42.5	97.5
2013	6	25	42.6	93.2
2013	6	26	41.2	100.0
2013	6	27	41.1	99.8
2013	6	28	41.3	107.9
2013	6	29	39.6	103.1
2013	6	30	40.5	96.1
2013	7	1	40.4	101.2
2013	7	2	40.0	103.1
2013	7	3	39.7	106.7
2013	7	4	42.2	94.6
2013	7	5	40.5	99.5
2013	7	6	41.9	101.6
2013	7	7	41.9	102.7
2013	7	8	42.4	102.0
2013	7	9	42.3	104.8
2013	7	10	45.9	102.8
2013	7	11	47.4	98.8
2013	7	12	48.3	99.9
2013	7	13	48.0	104.8
2013	7	14	49.1	105.0
2013	7	15	44.9	97.7
2013	7	16	45.1	100.1
2013	7	17	44.5	104.2

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2013	7	18	46.5	101.1
2013	7	19	48.0	103.3
2013	7	20	44.0	102.0
2013	7	21	46.5	96.8
2013	7	22	49.4	95.7
2013	7	23	49.2	100.7
2013	7	24	53.1	100.0
2013	7	25	46.9	97.0
2013	7	26	45.3	96.4
2013	7	27	47.1	97.3
2013	7	28	47.0	101.2
2013	7	29	47.0	95.6
2013	7	30	45.1	97.0
2013	7	31	44.9	101.5
2013	8	1	48.0	101.8
2013	8	2	35.6	99.7
2013	8	3	35.4	97.2
2013	8	4	36.3	100.5
2013	8	5	36.4	97.2
2013	8	6	37.0	97.8
2013	8	7	38.2	100.4
2013	8	8	37.1	98.6
2013	8	9	34.7	97.9
2013	8	10	34.8	101.6
2013	8	11	35.2	99.7
2013	8	12	36.4	97.2
2013	8	13	41.1	104.6
2013	8	14	46.6	102.7
2013	8	15	44.1	105.2
2013	8	16	50.6	106.8
2013	8	17	52.0	103.9
2013	8	18	50.4	106.2
2013	8	19	45.5	105.3
2013	8	20	49.0	99.7
2013	8	21	45.1	103.9
2013	8	22	43.6	103.3
2013	8	23	43.9	101.1
2013	8	24	43.8	105.1
2013	8	25	44.1	106.0
2013	8	26	44.0	102.4
2013	8	27	43.6	106.6
2013	8	28	42.8	106.5
2013	8	29	40.4	104.7
2013	8	30	41.0	109.0
2013	8	31	41.9	107.9
2013	9	1	41.6	105.0
2013	9	2	41.8	108.4
2013	9	3	42.3	106.5
2013	9	4	41.8	104.5
2013	9	5	41.7	106.7
2013	9	6	41.9	108.9
2013	9	7	43.5	105.8
2013	9	8	42.4	107.0
2013	9	9	44.8	102.8

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow E-003A (MGD)	Daily Temperature E-003A (°F)
2013	9	10	45.4	99.1
2013	9	11	45.9	97.5
2013	9	12	45.8	102.7
2013	9	13	48.8	97.4
2013	9	14	48.6	103.0
2013	9	15	49.1	105.1
2013	9	16	48.2	106.1
2013	9	17	44.0	101.7
2013	9	18	41.4	104.8
2013	9	19	41.8	107.4
2013	9	20	46.4	102.2
2013	9	21	51.5	99.5
2013	9	22	48.0	103.9
2013	9	23	41.2	103.8
2013	9	24	41.4	103.0
2013	9	25	40.5	100.7
2013	9	26	36.8	98.7
2013	9	27	35.7	102.6
2013	9	28	35.7	103.5
2013	9	29	35.0	99.5
2013	9	30	34.9	99.5
2013	10	1	35.4	92.9
2013	10	2	35.4	92.3
2013	10	3	35.4	92.3
2013	10	4	36.3	100.0
2013	10	5	41.3	100.2
2013	10	6	47.0	100.1
2013	10	7	46.9	99.8
2013	10	8	39.0	98.2
2013	10	9	36.3	98.2
2013	10	10	38.2	97.5
2013	10	11	39.9	95.7
2013	10	12	38.2	97.3
2013	10	13	35.8	100.1
2013	10	14	36.3	96.9
2013	10	15	34.5	98.4
2013	10	16	38.3	99.6
2013	10	17	44.2	97.8
2013	10	18	39.6	100.5
2013	10	19	39.1	101.3
2013	10	20	39.0	99.4
2013	10	21	39.2	96.7
2013	10	22	38.9	98.1
2013	10	23	38.7	98.0
2013	10	24	38.4	93.7
2013	10	25	41.1	97.0
2013	10	26	39.3	97.3
2013	10	27	38.2	96.0
2013	10	28	42.5	96.4
2013	10	29	38.2	95.5
2013	10	30	38.3	93.8
2013	10	31	42.6	96.6
2013	11	1	44.4	95.8
2013	11	2	46.0	94.0

Attachment 3 Part 1, continued.

Year	Month	Day	Daily Avg. Flow	Daily Temperature
			E-003A (MGD)	E-003A (°F)
2013	11	3	46.5	94.1
2013	11	4	47.8	91.2
2013	11	5	45.7	93.7
2013	11	6	41.7	93.7
2013	11	7	48.7	93.1
2013	11	8	45.8	93.5
2013	11	9	45.4	95.8
2013	11	10	39.3	92.9
2013	11	11	40.0	93.8
2013	11	12	41.1	94.6
2013	11	13	41.4	94.1
2013	11	14	41.6	92.5
2013	11	15	42.9	92.6
2013	11	16	43.4	92.4
2013	11	17	44.0	92.8
2013	11	18	44.0	90.8
2013	11	19	44.9	91.1
2013	11	20	46.9	91.6
2013	11	21	44.8	91.9
2013	11	22	43.6	85.5
2013	11	23	43.0	89.3
2013	11	24	45.2	91.7
2013	11	25	43.5	91.9
2013	11	26	40.6	92.3
2013	11	27	40.9	92.9
2013	11	28	41.7	94.4
2013	11	29	42.3	91.2
2013	11	30	44.4	92.8

Attachment 3 Part 2. Rodeo Facility Once-Through Cooling (OTC) data, Jan 2010–Nov 2013
Three-year avg. flow excludes 0.65 MGD demineralizer, storm, water per NPDES Finding II.B.2.

Year	Month	Day	3-yr average E-003A (MGD)	3-yr average E-003A (°F)
2012	12	30	39.32	87.45
2012	12	31	39.31	87.45
2013	1	1	39.31	87.44
2013	1	2	39.30	87.44
2013	1	3	39.29	87.44
2013	1	4	39.29	87.44
2013	1	5	39.29	87.44
2013	1	6	39.28	87.44
2013	1	7	39.28	87.44
2013	1	8	39.27	87.45
2013	1	9	39.27	87.45
2013	1	10	39.26	87.45
2013	1	11	39.26	87.44
2013	1	12	39.25	87.44
2013	1	13	39.26	87.43
2013	1	14	39.27	87.43
2013	1	15	39.26	87.43
2013	1	16	39.26	87.43
2013	1	17	39.26	87.43
2013	1	18	39.25	87.42
2013	1	19	39.24	87.43
2013	1	20	39.23	87.43
2013	1	21	39.23	87.43
2013	1	22	39.23	87.43
2013	1	23	39.24	87.43
2013	1	24	39.24	87.43
2013	1	25	39.24	87.43
2013	1	26	39.24	87.43
2013	1	27	39.24	87.43
2013	1	28	39.25	87.43
2013	1	29	39.25	87.43
2013	1	30	39.26	87.43
2013	1	31	39.26	87.43
2013	2	1	39.26	87.43
2013	2	2	39.27	87.43
2013	2	3	39.27	87.43
2013	2	4	39.28	87.43
2013	2	5	39.28	87.43
2013	2	6	39.28	87.43
2013	2	7	39.29	87.43
2013	2	8	39.29	87.43
2013	2	9	39.29	87.43
2013	2	10	39.30	87.44
2013	2	11	39.31	87.44
2013	2	12	39.32	87.44
2013	2	13	39.33	87.44
2013	2	14	39.35	87.44
2013	2	15	39.36	87.45
2013	2	16	39.37	87.45
2013	2	17	39.37	87.45
2013	2	18	39.38	87.45
2013	2	19	39.39	87.46
2013	2	20	39.41	87.45

Attachment 3 Part 2, continued.

Year	Month	Day	3-yr average E-003A (MGD)	3-yr average E-003A (°F)
2013	2	21	39.43	87.45
2013	2	22	39.44	87.45
2013	2	23	39.44	87.46
2013	2	24	39.45	87.46
2013	2	25	39.45	87.46
2013	2	26	39.45	87.46
2013	2	27	39.46	87.46
2013	2	28	39.46	87.47
2013	3	1	39.47	87.47
2013	3	2	39.46	87.48
2013	3	3	39.47	87.49
2013	3	4	39.47	87.49
2013	3	5	39.48	87.49
2013	3	6	39.49	87.49
2013	3	7	39.49	87.50
2013	3	8	39.50	87.50
2013	3	9	39.51	87.51
2013	3	10	39.52	87.52
2013	3	11	39.52	87.53
2013	3	12	39.53	87.53
2013	3	13	39.54	87.53
2013	3	14	39.54	87.53
2013	3	15	39.55	87.53
2013	3	16	39.55	87.53
2013	3	17	39.56	87.53
2013	3	18	39.56	87.53
2013	3	19	39.56	87.54
2013	3	20	39.56	87.54
2013	3	21	39.56	87.54
2013	3	22	39.57	87.54
2013	3	23	39.57	87.54
2013	3	24	39.58	87.55
2013	3	25	39.59	87.54
2013	3	26	39.59	87.53
2013	3	27	39.60	87.53
2013	3	28	39.60	87.53
2013	3	29	39.61	87.53
2013	3	30	39.62	87.54
2013	3	31	39.63	87.54
2013	4	1	39.63	87.54
2013	4	2	39.64	87.55
2013	4	3	39.64	87.55
2013	4	4	39.64	87.55
2013	4	5	39.65	87.55
2013	4	6	39.65	87.55
2013	4	7	39.65	87.55
2013	4	8	39.66	87.55
2013	4	9	39.66	87.55
2013	4	10	39.66	87.57
2013	4	11	39.65	87.58
2013	4	12	39.65	87.58
2013	4	13	39.65	87.59
2013	4	14	39.65	87.60
2013	4	15	39.65	87.59

Attachment 3 Part 2, continued.

Year	Month	Day	3-yr average E-003A (MGD)	3-yr average E-003A (°F)
2013	4	16	39.66	87.59
2013	4	17	39.66	87.59
2013	4	18	39.66	87.60
2013	4	19	39.66	87.60
2013	4	20	39.66	87.61
2013	4	21	39.66	87.61
2013	4	22	39.66	87.62
2013	4	23	39.67	87.62
2013	4	24	39.69	87.63
2013	4	25	39.70	87.63
2013	4	26	39.70	87.64
2013	4	27	39.71	87.64
2013	4	28	39.71	87.65
2013	4	29	39.71	87.66
2013	4	30	39.71	87.66
2013	5	1	39.71	87.67
2013	5	2	39.71	87.67
2013	5	3	39.70	87.67
2013	5	4	39.70	87.67
2013	5	5	39.70	87.67
2013	5	6	39.69	87.68
2013	5	7	39.70	87.68
2013	5	8	39.70	87.68
2013	5	9	39.70	87.69
2013	5	10	39.70	87.69
2013	5	11	39.70	87.70
2013	5	12	39.70	87.71
2013	5	13	39.70	87.71
2013	5	14	39.70	87.71
2013	5	15	39.70	87.71
2013	5	16	39.71	87.72
2013	5	17	39.71	87.72
2013	5	18	39.71	87.73
2013	5	19	39.71	87.73
2013	5	20	39.71	87.74
2013	5	21	39.71	87.74
2013	5	22	39.71	87.74
2013	5	23	39.72	87.75
2013	5	24	39.72	87.76
2013	5	25	39.72	87.77
2013	5	26	39.72	87.77
2013	5	27	39.72	87.78
2013	5	28	39.73	87.77
2013	5	29	39.74	87.78
2013	5	30	39.75	87.78
2013	5	31	39.76	87.78
2013	6	1	39.76	87.79
2013	6	2	39.77	87.79
2013	6	3	39.76	87.79
2013	6	4	39.76	87.79
2013	6	5	39.76	87.78
2013	6	6	39.76	87.78
2013	6	7	39.76	87.78
2013	6	8	39.76	87.78

Attachment 3 Part 2, continued.

Year	Month	Day	3-yr average E-003A (MGD)	3-yr average E-003A (°F)
2013	6	9	39.77	87.78
2013	6	10	39.77	87.78
2013	6	11	39.78	87.77
2013	6	12	39.78	87.77
2013	6	13	39.79	87.77
2013	6	14	39.80	87.78
2013	6	15	39.81	87.78
2013	6	16	39.82	87.79
2013	6	17	39.83	87.80
2013	6	18	39.84	87.81
2013	6	19	39.85	87.82
2013	6	20	39.86	87.83
2013	6	21	39.87	87.85
2013	6	22	39.88	87.86
2013	6	23	39.88	87.87
2013	6	24	39.89	87.88
2013	6	25	39.90	87.88
2013	6	26	39.90	87.88
2013	6	27	39.91	87.88
2013	6	28	39.91	87.90
2013	6	29	39.92	87.91
2013	6	30	39.92	87.91
2013	7	1	39.93	87.91
2013	7	2	39.93	87.92
2013	7	3	39.94	87.93
2013	7	4	39.94	87.93
2013	7	5	39.95	87.93
2013	7	6	39.96	87.94
2013	7	7	39.96	87.94
2013	7	8	39.97	87.95
2013	7	9	39.98	87.96
2013	7	10	39.99	87.96
2013	7	11	40.00	87.97
2013	7	12	40.02	87.98
2013	7	13	40.03	87.98
2013	7	14	40.04	87.98
2013	7	15	40.05	87.98
2013	7	16	40.06	87.98
2013	7	17	40.06	87.99
2013	7	18	40.07	87.99
2013	7	19	40.08	88.00
2013	7	20	40.08	88.01
2013	7	21	40.09	88.01
2013	7	22	40.10	88.01
2013	7	23	40.12	88.02
2013	7	24	40.13	88.02
2013	7	25	40.14	88.02
2013	7	26	40.15	88.03
2013	7	27	40.15	88.03
2013	7	28	40.16	88.03
2013	7	29	40.17	88.03
2013	7	30	40.18	88.03
2013	7	31	40.18	88.04
2013	8	1	40.19	88.05

Attachment 3 Part 2, continued.

Year	Month	Day	3-yr average E-003A (MGD)	3-yr average E-003A (°F)
2013	8	2	40.19	88.05
2013	8	3	40.19	88.05
2013	8	4	40.19	88.06
2013	8	5	40.19	88.06
2013	8	6	40.20	88.06
2013	8	7	40.20	88.07
2013	8	8	40.20	88.07
2013	8	9	40.20	88.07
2013	8	10	40.21	88.09
2013	8	11	40.21	88.09
2013	8	12	40.21	88.09
2013	8	13	40.22	88.10
2013	8	14	40.23	88.11
2013	8	15	40.24	88.12
2013	8	16	40.25	88.13
2013	8	17	40.27	88.14
2013	8	18	40.29	88.14
2013	8	19	40.30	88.16
2013	8	20	40.31	88.16
2013	8	21	40.32	88.17
2013	8	22	40.33	88.17
2013	8	23	40.34	88.18
2013	8	24	40.35	88.19
2013	8	25	40.36	88.20
2013	8	26	40.37	88.21
2013	8	27	40.38	88.23
2013	8	28	40.39	88.24
2013	8	29	40.39	88.25
2013	8	30	40.39	88.26
2013	8	31	40.40	88.28
2013	9	1	40.40	88.28
2013	9	2	40.40	88.29
2013	9	3	40.41	88.30
2013	9	4	40.41	88.31
2013	9	5	40.41	88.31
2013	9	6	40.41	88.33
2013	9	7	40.41	88.34
2013	9	8	40.41	88.35
2013	9	9	40.42	88.36
2013	9	10	40.43	88.36
2013	9	11	40.43	88.36
2013	9	12	40.44	88.37
2013	9	13	40.45	88.37
2013	9	14	40.46	88.38
2013	9	15	40.47	88.39
2013	9	16	40.48	88.39
2013	9	17	40.49	88.40
2013	9	18	40.49	88.41
2013	9	19	40.50	88.42
2013	9	20	40.50	88.42
2013	9	21	40.52	88.43
2013	9	22	40.53	88.43
2013	9	23	40.53	88.44
2013	9	24	40.54	88.44

Attachment 3 Part 2, continued.

Year	Month	Day	3-yr average E-003A (MGD)	3-yr average E-003A (°F)
2013	9	25	40.54	88.44
2013	9	26	40.55	88.44
2013	9	27	40.55	88.44
2013	9	28	40.55	88.44
2013	9	29	40.54	88.44
2013	9	30	40.54	88.44
2013	10	1	40.54	88.44
2013	10	2	40.54	88.44
2013	10	3	40.54	88.44
2013	10	4	40.54	88.44
2013	10	5	40.55	88.44
2013	10	6	40.57	88.45
2013	10	7	40.58	88.46
2013	10	8	40.58	88.46
2013	10	9	40.57	88.46
2013	10	10	40.57	88.46
2013	10	11	40.57	88.46
2013	10	12	40.57	88.46
2013	10	13	40.57	88.46
2013	10	14	40.58	88.46
2013	10	15	40.58	88.46
2013	10	16	40.59	88.47
2013	10	17	40.60	88.47
2013	10	18	40.61	88.48
2013	10	19	40.62	88.49
2013	10	20	40.63	88.50
2013	10	21	40.64	88.50
2013	10	22	40.65	88.53
2013	10	23	40.65	88.56
2013	10	24	40.66	88.57
2013	10	25	40.67	88.58
2013	10	26	40.67	88.59
2013	10	27	40.68	88.60
2013	10	28	40.69	88.61
2013	10	29	40.69	88.62
2013	10	30	40.69	88.62
2013	10	31	40.70	88.63
2013	11	1	40.71	88.63
2013	11	2	40.72	88.63
2013	11	3	40.74	88.64
2013	11	4	40.75	88.64
2013	11	5	40.76	88.64
2013	11	6	40.77	88.65
2013	11	7	40.78	88.65
2013	11	8	40.79	88.65
2013	11	9	40.81	88.66
2013	11	10	40.81	88.66
2013	11	11	40.82	88.66
2013	11	12	40.83	88.67
2013	11	13	40.84	88.67
2013	11	14	40.85	88.67
2013	11	15	40.86	88.67
2013	11	16	40.87	88.68
2013	11	17	40.88	88.68

Attachment 3 Part 2, continued.

Year	Month	Day	3-yr average E-003A (MGD)	3-yr average E-003A (°F)
2013	11	18	40.89	88.69
2013	11	19	40.90	88.69
2013	11	20	40.92	88.70
2013	11	21	40.93	88.71
2013	11	22	40.94	88.72
2013	11	23	40.95	88.72
2013	11	24	40.96	88.73
2013	11	25	40.97	88.74
2013	11	26	40.98	88.75
2013	11	27	40.99	88.76
2013	11	28	41.00	88.77
2013	11	29	41.01	88.78
2013	11	30	41.02	88.80

Attachment 3 Part 3. E-003 Average Flow findings by date, and OTC portion, various dates

Note: E-003 includes 0.2 MGD demineralizer regeneration wastewater and 0.45 MGD stormwater runoff from various nonindustrial sources (Permit Finding II.B.2)

Reference	Description	Date	E-003 (MGD)	OTC (MGD)
Permit page F-53	Phillips post CFEP* projection	2009 (Nov)	35.40	34.75
Permit page F-53	RWQCB Estimate	2005-2009	35.70	35.05
Permit Finding II.B.2	RWQCB Estimate	2011 (May)	38.30	37.65
Att. 3 Part 2	Longterm (3-yr) average	20-Jan-13	39.88	39.23
Att. 3 Part 2	Longterm (3-yr) average	30-Nov-13	41.67	41.02
DEIR page 3-27	Baseline asserted by EIR	2013 (June)	--	45.40
DEIR page 3-27	Project potential asserted by EIR	--	--	57.60

Effect of baseline assumption	Baseline (MGD)	Post-project (MGD)	Increase (MGD)	Increase (%)
Baseline assumption				
Phillips post-CFEP*	34.75	57.60	22.85	65.8%
RWQCB 2005-2009	35.05	57.60	22.55	64.3%
RWQCB May 2011	37.65	57.60	19.95	53.0%
Three-yr average as of 12 Jan 2013	39.23	57.60	18.37	46.8%
Three-yr average as of 30 Nov 2013	41.02	57.60	16.58	40.4%
Baseline asserted by EIR	45.40	57.60	12.20	26.9%

Permit: NPDES Permit CA0005053, Order R2-2011-0027, issued May 2011

* CFEP: "Clean Fuels Expansion Project" that became operational Jul-Oct 2009. See also DEIR at 3-19, 3-20.

EXHIBIT #5

**PHILLIPS 66 PROPANE RECOVERY PROJECT
MITIGATION MONITORING REPORTING PROGRAM, COUNTY FILE #LP12-2073**

Abbreviations: Bay Area Air Quality Management District (BAAQMD)
California Environmental Quality Act (CEQA)
Nitrogen Oxide (NOx)

Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Air Quality						
Impact 4.1-1: The Project would result in short-term construction emissions of criteria pollutants that could contribute to existing air quality violations.	<p>Mitigation Measure 4.1-1: Phillips 66 and its construction contractors shall implement the following applicable BAAQMD basic control measures, as listed in a) through h) below. In addition, measure i), although not considered by BAAQMD as a basic control measure, has been requested by BAAQMD for the Project as a means to limit the emissions of diesel particulate matter, a toxic air contaminant (TAC) that poses potential carcinogenic and chronic health risks (BAAQMD, 2014e).</p> <ul style="list-style-type: none"> a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. However, measures should be taken to ensure that the soil materials are not washed into storm drains without acceptable BMPs in place. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or more if needed. The use of dry power sweeping is prohibited. d) Limit vehicle speeds on unpaved roads to 15 miles per hour. e) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points. g) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h) Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and require Phillips 66 to take corrective action within 48 hours. The telephone numbers of contacts at the BAAQMD shall also be visible. i) Use Tier 3 or better equipment for all construction equipment greater than 50 horsepower that will be used an aggregate of 40 or more hours during any portion of Project construction. If Tier 3 equipment is unavailable for a specific piece of construction equipment, then for that equipment use equipment that meets the Tier 2 emission standards with installed Level 3 diesel particulate filters. 	Contractor to comply with BAAQMD measures.	During duration of construction activities.	Department of Conservation and Development Zoning Administrator		

**PHILLIPS 66 PROPANE RECOVERY PROJECT
MITIGATION MONITORING REPORTING PROGRAM, COUNTY FILE #LP12-2073**

Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Geology and Soils						
Impact 4.4-1: Project facilities could be damaged by seismically induced ground shaking.	Mitigation Measure 4.4-1: Prior to issuance of any building or grading permits, a design-level geotechnical investigation shall be performed for each proposed Project component site area. Each investigation shall include an analysis of expected ground motions at the site from known active faults. The analyses must be in accordance with applicable County ordinances and policies and consistent with the most recent version of the CBC, which requires structural design that can accommodate ground accelerations expected from known active faults. The investigations shall determine final design parameters for the earthwork, foundations, foundation slabs, and any surrounding related improvements (utilities, roadways, parking lots and sidewalks). The investigations shall be reviewed and approved by the County's geologist, a California certified engineering geologist.	Prior to issuance of any permits.	Prior to issuance of any permits.	Department of Conservation and Development Zoning Administrator County Geologist		

**PHILLIPS 66 PROPANE RECOVERY PROJECT
MITIGATION MONITORING REPORTING PROGRAM, COUNTY FILE #LP12-2073**

Abbreviations: California Environmental Quality Act (CEQA)
California Native American Heritage Commission (NAHC)
Most Likely Descendent (MLD)

Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Cultural Resources						
Impact 4.5-1: Inadvertent discovery of a historical resource.	<p>Mitigation Measure 4.5-1: Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" shall be instituted. In the event that any prehistoric or historic-period subsurface cultural resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate course of action.</p> <p>Avoidance is always the preferred course of action for archaeological sites. In considering any suggestion proposed by the consulting archaeologist to reduce impacts to historical resources or unique archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, interpretation of finds in a public venue) would be instituted. Work may proceed on other parts of the Project site while mitigation for historical resources or unique archaeological resources is carried out.</p> <p>All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards.</p>	Contractor to cease activities within 100 feet of the find if archeological resources are found. Resources to be evaluated by resource specialist.	Contractor to contact Project sponsor immediately after finding archeological resources.	Department of Conservation and Development Zoning Administrator Archeological specialist at the discretion of DCD		
Impact 4.5-2: Inadvertent discovery of a unique archaeological resource.	Implement Mitigation Measure 4.5-1.	Contractor to cease activities within 100 feet of the find if archeological resources are found. Resources to be evaluated by resource specialist.	Contractor to contact Project sponsor immediately after finding archeological resources.	Department of Conservation and Development Zoning Administrator Archeological specialist at the discretion of DCD		
Impact 4.5-3: Inadvertent discovery of a unique paleontological resource or site or unique geological feature.	Mitigation Measure 4.5-3: Phillips 66 shall notify both a qualified paleontologist (as approved by the County) and the County of unanticipated discoveries. The qualified paleontologist, under contract to Phillips 66, shall subsequently document the discovery. In the event of an unanticipated discovery of a fossil or fossilized deposit during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until a qualified paleontologist examines the discovery. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. The paleontologist shall oversee implementation of these procedures once they have been determined.	Contractor to halt construction activities within 100 feet of the find until qualified paleontologist provides an assessment.	Immediately after the find.	Department of Conservation and Development Zoning Administrator Paleontologist specialist at the discretion of DCD		

**PHILLIPS 66 PROPANE RECOVERY PROJECT
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Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Cultural Resources (cont.)						
Impact 4.5-4: Inadvertent Discovery of Human Remains located at the proposed Project sites.	<p>Mitigation Measure 4.5-4: In the event that any prehistoric or historic subsurface human remains are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation is carried out. All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards. CEQA Guidelines Section 15064.5(e)(1), below, shall also be followed:</p> <p>(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <p>(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</p> <p>(B) If the coroner determines the remains to be Native American:</p> <ol style="list-style-type: none"> 1. The coroner shall contact the Native American Heritage Commission within 24 hours; 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American; 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or 	Contract to provide immediate notification to the County coroner. All work to cease within 100 feet of the find.	Immediately after the find.	Department of Conservation and Development Zoning Administrator County Coroner		

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Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Cultural Resources (cont.)						
Impact 4.5-4 (cont.)	<p>(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:</p> <p>(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;</p> <p>(B) The identified descendant fails to make a recommendation; or</p> <p>(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>					
Noise						
Impact 4.13-1: Project construction activities could result in exposure of persons to noise levels in excess of standards established by Contra Costa County.	<p>Mitigation Measure 4.13-1a: The applicant shall implement the following construction noise nuisance control measures for the duration of construction:</p> <ul style="list-style-type: none"> • Ensure that construction equipment and trucks are well tuned and maintained according to the manufacturer's specifications, and that the equipment's standard noise reduction devices are in good working order; • Place construction equipment at locations to maximize the distance to the nearest residences; and • Notify nearby residents along Old County Road of the planned construction schedule at least one month prior to construction. Notification shall include the shift hours and include contact information of a designated construction noise coordinator who will maintain communication with affected residences throughout the construction period. <p>Mitigation Measure 4.13-1b: The applicant shall coordinate with Contra Costa County to establish a daytime construction shift limited to between 7:00 a.m. and 5:30 p.m. as a Project-specific condition of approval.</p>	<p>Contractor to observe noise control measures</p> <p>Contractor to obey construction hours restrictions</p>	During construction period.	Department of Conservation and Development Zoning Administrator		
Impact 4.13-4: Project construction activities could result in exposure of persons to a temporary increase in ambient noise levels.	Implement Mitigation Measures 4.13-1a and 4.13-1b.	<p>Contractor to observe noise control measures</p> <p>Contractor to obey construction hours restrictions.</p>	During construction period.	Department of Conservation and Development Zoning Administrator		

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Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Transportation/Traffic						
Impact 4.17-2: Traffic generated by the Project could contribute to pavement wear-and-tear on area roadways.	Mitigation Measure 4.17-2a: Prior to Project construction, Phillips 66 shall document road conditions for all routes that will be used by Project-related vehicles. Phillips 66 shall also document road conditions after Project construction is completed. The pre- and post-construction conditions of the haul routes shall be reviewed by Public Works Department staff. Phillips 66 shall enter into an agreement prior to construction that will detail the pre-construction conditions and the post-construction requirements of a rehabilitation program. Roads damaged by construction would be repaired to a structural condition equal to that which existed prior to construction activity. A cash bond/deposit to finance damage to County roadways shall be required. An encroachment permit may be required from the County and a transportation/haul permit may be also required for any extra-legal loads used during construction. A pavement monitoring plan that describes measures that will be implemented to revitalize pavement along the proposed haul route(s) deteriorated by Project-related construction traffic shall also be included and be submitted for review by the Public Works Department prior to the commencement of any construction on-site.	Project sponsor to document pre and post condition of roadways.	Documentation to be provided prior and after construction.	Department of Conservation and Development		
		Provide cash/bond	Bond to be provided prior to issuance of grading/building permits.	Zoning Administrator		
		Roads to be repaired if applicable.		Public Works Engineering/Traffic		
	Mitigation Measure 4.17-2b: Access and hauling routes shall be specified to minimize traffic impact to the area wide roadways. Construction traffic should not deviate from this route, except in the event that the route is rendered impassable due to accidents or other unanticipated road closures. In such instances, Phillips 66 shall submit a traffic control plan to the Public Works Department staff for review.					

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Abbreviations: Bay Area Air Quality Management District (BAAQMD)
California Environmental Quality Act (CEQA)
Nitrogen Oxide (NOx)

Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Air Quality						
Impact 4.1-1: The Project would result in short-term construction emissions of criteria pollutants that could contribute to existing air quality violations.	<p>Mitigation Measure 4.1-1: Phillips 66 and its construction contractors shall implement the following applicable BAAQMD basic control measures, as listed in a) through h) below. In addition, measure i), although not considered by BAAQMD as a basic control measure, has been requested by BAAQMD for the Project as a means to limit the emissions of diesel particulate matter, a toxic air contaminant (TAC) that poses potential carcinogenic and chronic health risks (BAAQMD, 2014e).</p> <ul style="list-style-type: none"> a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. However, measures should be taken to ensure that the soil materials are not washed into storm drains without acceptable BMPs in place. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or more if needed. The use of dry power sweeping is prohibited. d) Limit vehicle speeds on unpaved roads to 15 miles per hour. e) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points. g) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h) Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and require Phillips 66 to take corrective action within 48 hours. The telephone numbers of contacts at the BAAQMD shall also be visible. i) Use Tier 3 or better equipment for all construction equipment greater than 50 horsepower that will be used an aggregate of 40 or more hours during any portion of Project construction. If Tier 3 equipment is unavailable for a specific piece of construction equipment, then for that equipment use equipment that meets the Tier 2 emission standards with installed Level 3 diesel particulate filters. 	Contractor to comply with BAAQMD measures.	During duration of construction activities.	Department of Conservation and Development Zoning Administrator		

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Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
Geology and Soils						
Impact 4.4-1: Project facilities could be damaged by seismically induced ground shaking.	Mitigation Measure 4.4-1: Prior to issuance of any building or grading permits, a design-level geotechnical investigation shall be performed for each proposed Project component site area. Each investigation shall include an analysis of expected ground motions at the site from known active faults. The analyses must be in accordance with applicable County ordinances and policies and consistent with the most recent version of the CBC, which requires structural design that can accommodate ground accelerations expected from known active faults. The investigations shall determine final design parameters for the earthwork, foundations, foundation slabs, and any surrounding related improvements (utilities, roadways, parking lots and sidewalks). The investigations shall be reviewed and approved by the County's geologist, a California certified engineering geologist.	Prior to issuance of any permits.	Prior to issuance of any permits.	Department of Conservation and Development Zoning Administrator County Geologist		

EXHIBIT #6

Note:

Exhibit #6 provides responses to some of the main issues that came up just prior to the appeal hearing before the Board on January 21, 2014 and/or which had been raised in comments on the 2013 DEIR, and provides responses for issues that existed at that specific stage in the environmental review process. The exhibit presents a snapshot-in-time of the consideration of specific environmental issues, and, while accurate at that time, much of this information has now been added to and superseded by the preparation of the Recirculated DEIR and the Recirculated FEIR, as many issues discussed in the Exhibit #6 were revisited and subjected to additional analysis as part of the Recirculation process, and this updated analysis is presented in the Recirculated DEIR and Recirculated FEIR.

EXHIBIT # 6

DETAILED RESPONSE TO APPEAL POINTS RAISED BY SHUTE MIHALY & WEINBERGER (SMW) AND COMMUNITIES FOR A BETTER ENVIRONMENT (CBE)

Introduction:

As previously discussed, most of the appeal points raised by the appellants have already been addressed in the Final EIR. Nonetheless, the County determined that some points raised in the appeal letters required additional clarification. The new clarification provided herein confirms the analyses and conclusions performed in both Draft and Final EIR. The responses below are the ones in which the County is providing additional clarification. See margins of Exhibits # 3 (SMW appeal documents) and Exhibit #4 (CBE appeal documents) for corresponding appeal points.

SMW-8. *The EIR is silent on carbon monoxide (CO) emissions from the entire Project.*

Analysis of the Project-related CO emissions was not included in the EIR discussion of impacts because the Bay Area Air Quality Management District (BAAQMD) CEQA guidelines do not recommend the use of mass emission significance thresholds for project-related CO emissions. This is the case because such emissions tend not to be a concern in the Bay Area relative to regional air quality.

Nonetheless, emissions of CO estimated to be generated by the Project are disclosed in Final EIR Appendix A, *Air Quality and Greenhouse Gas Emissions Documentation*. The total Project-related CO emissions for the proposed boiler, increased locomotive trips, and increased vehicle exhaust is estimated to be approximately 39 pounds per day (see Final EIR Appendix A, Table 2, page 3). The potential for these Project-related emissions to cause or contribute to a violation of a CO ambient air quality standard is extremely low given that existing CO concentrations in the Project area, and the Bay Area Air Basin as a whole, are many orders of magnitude lower than the State and federal ambient air quality standards for CO (see DEIR Table 4.3-1).

It should be noted that the BAAQMD CEQA guidelines have identified screening levels to identify potentially significant local CO emission *concentrations* at affected roadway intersections. For the proposed Project, the applicable screening level for potential significant local CO concentrations at affected intersections is an increase in trips at an intersection that experiences more than 44,000 vehicles per hour. Existing traffic at

Project area intersections are less than 900 trips per hour and Project-related construction and operational trips would total up to 384 trips per the peak hour and 8 trips per day, respectively (see DEIR Figure 4.17-2 and DEIR Section 4.17.5). Therefore, there would be no potential for the Project to result in CO concentrations at affected roadways that would result in a significant impact.

SMW-10: The EIR fails to include criteria pollutant emissions from burning propane/butane.

As a general rule, “[a] project applicant has traditionally been expected to only address emissions that are closely related and within the capacity of the project to control and/or influence.”¹ With respect to the proposed Project, it is unclear where, how, or by whom the propane/butane produced by the Project might be used. Butane may be used as an additive in chemical manufacturing, which does not involve combustion. Further uncertainty exists relative to the baseline concerning the locations, quantities, and types of fuel that might be replaced by the propane/butane that would be sold by Phillips 66 and whether such production could have the potential to affect the overall consumption of propane/butane or the use or non-use of another fuel for which butane or propane may be substituted. These issues are not within the capacity or control of the Project or of the County and are too speculative for inclusion in the EIR analysis.

SMW-12: The EIR’s Analysis of the Project’s Potential to Impact Public Health is Flawed.

Sections 4.3 and 4.9 of the DEIR, provide the general discussion of both air emissions and hazards related to toxic air contaminants (TACs). Sensitive receptors are described in Section 4.3.2.4 of the DEIR as follows:

“The Bayo Vista community contains the nearest sensitive receptors to the active area of the Refinery (e.g., schools, day care centers, libraries). The closest such sensitive receptor is a day care center, located approximately 2,000 feet south of the Refinery. The closest residences in the Bayo Vista neighborhood to the south are approximately 2,300 feet away from the Refinery fuel gas processing unit and approximately 4,000 feet from the proposed propane storage area and propane/butane loading rack.”

This information was summarized from information contained in the Public Health Supplement (December, 2012) available as part of the cited public administrative record for the EIR. Figure 3 of that supplement provided a figure showing the exact locations of sensitive receptors considered for the Health Risk Assessment for the project. For the purposes of the EIR analysis, summaries of information contained this supplement provide more than adequate disclosure of the underlying analysis in the EIR.

¹ California Air Pollution Control Officers Association, “CEQA & Climate Change – Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act,” pg. 50 (January 2008).

Furthermore, there is no need to provide any discussion on the condition of these nearby sensitive receptors for the purposes of the CEQA analysis as this is part of the existing baseline conditions present in the area. The EIR does describe the impact of the proposed Project on these receptors as is required by CEQA.

The appellants imply that the area surrounding the Refinery is already considered an 'impacted community' per BAAQMD guidelines. Examination of the documents that the appellants cite reveals that this is not the case for the Rodeo area. The BAAQMD guidelines cited by the appellants indicated that the Richmond/San Pablo area is an impacted community and the Rodeo (Selby and Crockett) area is not listed nor mapped as impacted.

In a letter dated January 6, 2014, from Phillips, TAC data from stations nearby the Project area is presented in response to the appellants concerns (See Table 1 and 2 in Phillips66 Exhibit B). These data provides no new significant information and reveal no new environmental impact from the proposed Project. Impact 4.3-3, DEIR page 4.3-22 includes analysis of how the project will have a less than significant impact on TAC emissions.

Additionally, as discussed in the DEIR, the proposed project will remove sulfur from the RFG, which will result in decreased SO₂ emission from combustion of the RFG in refinery heaters and boilers. In regards to the Steam Power Plant, this plant is equipped with selected catalytic reduction (SCR) for nitrogen oxide (NOX) control. The NOX emission estimates reported to the BAAQMD are accurate and the emissions from this plant are less than those of a new boiler. See discussion in DEIR, page 4.3-18 Impact 4.3-2.

SMW-13: The EIR provides no explanation as to why the Project would not result in any odorous emissions.

The Project would add no new sources of odorous emissions, nor would it result in an increase in any odor-causing compounds to the atmosphere, such as H₂S, SO₂, or ammonia relative to baseline conditions. Therefore, there would be no change from existing conditions at the Refinery relative to odors. As stated in the DEIR, Section 4.3.4, the proposed Project represents an odor improvement over current conditions, since sulfur compounds would be removed from the RFG stream. Therefore, there would be no odor impacts associated with the Project.

SMW-19: The EIR Fails to Adequately Analyze the Project's Impacts Related to Geologic Hazards.

As described in Section 4.7.2.3 of the DEIR and Section 2.5 of the FEIR, the mere presence of liquefiable soils and/or seismic hazards does not preclude safe construction

of critical improvements. These adverse site conditions can easily be overcome by appropriate engineering design, correct site preparation, and proper construction. The DEIR states that each of the proposed Project components will receive a site-specific geotechnical investigation as required by Law. The investigations and resultant recommendations made by a state licensed geotechnical engineer would include design parameters to mitigate potential effects of liquefaction, which would be approved by the County Department of Conservation and Development, Building Inspection Division in accordance with the most recent version of the California Building Code. Construction would be in accordance with objective standards and performance criteria embodied in the regulatory codes.

SMW-22: The EIR Contains an Inadequate Description of the Project Area's Existing Biological Resources.

The appellant asserts that the EIR fails to accurately portray the site's underlying environmental conditions, despite also providing page references from the EIR indicating where these conditions are described. The appellant continues that the Project site and vicinity contain several types of wetlands, including northern coastal salt marsh, coastal brackish marsh, and coastal and valley freshwater marsh; that a number of species depend on these habitats, including salt marsh harvest mouse, California clapper rail, and black rail; the Project site drains into San Pablo Bay, which supports diverse marine biota including several federally threatened species. As the appellant admits with page references included in the comment, the EIR does identify and describe all of these habitats types and special-status species in Section 4.4, Biological Resources pages 4.4-2 through 4.4-18.

The appellant asserts that the EIR relies on insufficient biological surveys that are outdated or entirely absent, that a review of high-resolution satellite imagery in 2013 to augment surveys performed in 1993, 2003, and 2006 is insufficient to identify species occurrences, and the United State Fish and Wildlife Service (USFWS) list of species clearly indicates that surveys should be performed for the species and habitats within the project area. Beginning on page 4.4-2, the EIR identifies the habitats present in the Refinery Complex Vicinity (RCV), the Refinery Complex (RC), and the Proposed Project Area (PA), and the species potentially present in these habitats. The EIR appropriately reduces the scope of the discussion to the habitats and species that could be directly and indirectly impacted by the Project. With all terrestrial impacts occurring within developed areas of the Refinery, the EIR adequately relies on a variety of information including past surveys, a review of the California Natural Diversity Database (CNDDB) and high-resolution satellite imagery, to confirm the habitats present and infer the

potential for encountering any particular species. Additional terrestrial surveys would not contribute to an improved understanding of the biological resources present and/or the project's potential impacts on these resources because the project area (PA) is already developed by industrial facilities and secondary (e.g., noise and visual disturbance impacts) would not significantly increase baseline disturbance levels and may not extend beyond the industrial area. A Phase II aquatic study further evaluating the impact of the thermal plume on aquatic life was underway at the time of the EIR and was not available for review or discussion during the EIR process. The 2006 Tenera Environmental Study demonstrated that the submerged cylindrical wedgewire screens installed on the once-through cooling water intake structure complied with requirements to reduce impingement and entrainment of aquatic organisms and estimated that the configuration significantly reduced entrainment of larval fishes and virtually eliminated impingement of adult fishes. The increase in intake volume under the proposed project is within the operating parameters of the once-through cooling system that was sufficiently proven in the 2006 study; thus, no additional study on the wedgewire system was necessary.

The appellant misapplies the language provided by the USFWS in their species list (DEIR Appendix B); all species on the list were considered in the EIR analysis, and those with potential to occur in the Project area are described in Table 4.4-1 and, where appropriate, discussed in the Impacts section of the DEIR.

SMW-23: The EIR Fails to Adequately Analyze the Project's Impacts on Biological Resources.

The appellant asserts that the EIR fails to analyze impacts to sensitive species that it acknowledges may be present in habitat areas described in the EIR (specifically salt marsh harvest mouse, California clapper rail, and black rail), and further states that the EIR erroneously dismisses impacts to these species based on the Refinery's baseline disturbance levels. The EIR correctly measures impacts against the Refinery's baseline disturbance levels consistent with CEQA Guidelines Section 15125, which states that the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. As stated in the response to SMW-22, above, the DEIR in Section 4.4, Biological Resources, pages 4.4-2 through 4.4-18, identifies the habitats present in the Refinery Complex Vicinity (RCV), the Refinery Complex (RC), and the proposed Project Area (PA); identifies the species potentially present in these habitats; and appropriately reduces the scope of the impact discussion to the habitats and species that could be directly and indirectly impacted by the Project. In the impact discussions beginning on page 4.4-25, the DEIR

analyzes potential impacts to salt marsh harvest mouse, California clapper rail, and black rail, among other species, and finds that impacts would be less than significant based on the environmental baseline and distance from potentially sensitive habitats: the Project would not significantly increase the Refinery's baseline disturbance levels, and potentially sensitive habitats are spatially separated from the PA by existing Refinery operational structures and features.

The appellant erroneously asserts that the EIR does not analyze impacts to sensitive fish species. Species are identified in Section 4.4, Biological Resources, in Table 4.4-1, and potential impacts are discussed on page 4.4-27 in *Impact 4.4-2: Special-status fishes could be adversely impacted by an increase in once-through intake water piped in from San Pablo Bay to use as coolant in the Refinery processes* and *Impact 4.4-3: Special-status fishes could be adversely impacted by an increase in effluent temperature*. The DEIR in Section 4.4, Biological Resources, pages 4.4-27 through 4.4-28, and the FEIR in Section 3.2, Response to Organization Comments, pages 3.2-121 through 3.2-123, discuss the baseline and future Project conditions relative to once-through cooling and effluent temperatures and, while referring to maximum thresholds allowed in the Project-specific National Pollutant Discharge Elimination System (NPDES) permit, identify that thresholds in the NPDES permit are based on several plans and scientific studies including the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California; Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California; Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*; and the project-specific studies *Cooling Water Discharge Thermal Plume Study* (Tenera Environmental, 2007) and *Technology Installation and Operation Plan* (Tenera Environmental, 2006 in RWQCB, 2011). These plans serve to guide activities in San Francisco Bay and protect aquatic species from unsafe temperatures and other environmental conditions; the project-specific studies do the same for the Refinery environment. The finding of no significant impact to special-status fishes (page 4.4-27) incorporates the existing baseline intake volumes and effluent temperatures relative to the changes under the proposed project and relative to thresholds identified in the plans and studies upon which the project-specific NPDES thresholds are based (e.g., upon the Tenera 2007 Cooling Water Discharge Thermal Plume Study, which concluded that thermal plume effects would be of a minor nature due to their being a surface phenomena that dissipates rapidly in the nearshore area of the discharge and the study's documentation of natural solar heating of nearby tidal flats that produce natural thermal plumes that significantly exceed temperatures of the ConocoPhillips thermal plume). The finding is further based on existing or proposed design features that avoid and minimize impacts, such as use of a wedgewire screen

configuration and low through-screen velocity that virtually eliminates impingement of adult and juvenile fishes and significantly reduces the entrainment of larval fishes and use of sufficient cooling water to lower effluent temperatures.

The appellant states that CEQA mandates a finding of significance for any impacts that "restrict[s] the range of an endangered, rare, or threatened species" and continues to reference various case law and CEQA guidelines. Nowhere does the appellant suggest how the proposed Project would restrict the range of an endangered, rare, or threatened species or what species is/are being referred to. The EIR does not make findings regarding whether the proposed Project would restrict the range of an endangered, rare, or threatened species because this is not a potential outcome of the Project.

SMW-23: The EIR Fails to Analyze Cumulative Impacts to Biological Resources.

The appellant states that the EIR fails to disclose the extent and quality of biological resources that historically occurred in the Project area, or the amount of resources already lost in the region, and fails to evaluate the cumulative impacts of this Project and other projects on this habitat and the listed species that use it. As described in the response to SMW-22, the EIR identifies the habitats present in the Refinery Complex Vicinity (RCV), the Refinery Complex (RC), and the proposed Project Area (PA), and the species potentially present in these habitats. The EIR appropriately reduces the scope of the discussion to the habitats and species that could be directly and indirectly impacted by the Project. The impact discussion is thus limited to a discussion of potential indirect impacts (e.g. noise and visual disturbances) on marsh birds and nesting birds, and potential direct impacts on fishes.

The cumulative impact discussion considers the Project's potential for "cumulatively considerable" impacts on fishes in San Pablo Bay and, following the guidance of CEQA Section 15130 (b) to follow standards of practicality and reasonableness in the cumulative analysis, finds the Project's incremental contribution to once-through cooling volume and thermal plume temperature is not cumulatively considerable. This is because the project's anticipated increases in thermal plume temperature and once-through cooling volume are within the operational parameters of the existing Refinery, very localized, and considered less than significant (DEIR at pages 4.4-23, 4.4-27, 4.4-28, and 5-9; FEIR at pages 3.2-137 and 3.2-138). The Bay is a highly regulated environment where individual and cumulative project impacts on water quality are carefully monitored, as described on Page 5-9 of the DEIR. The San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan) is the Regional Water Board's master water quality control planning document, designating beneficial uses and water quality

objectives for the Bay and providing a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses for the maximum benefit to the people of California. These water quality objectives are, in fact, controls on cumulative effects to water quality from all sources, natural and man-made. Industrial wastewater point source discharges are regulated through the NPDES program, and the management approach includes a Strategic Plan and Watershed Management Initiative that finds integrated solutions through the expertise and authority of multiple agencies and organizations, and measures success through monitoring and other data collection. The NPDES program includes project oversight by agencies such as the National Marine Fisheries Service and California Department of Fish and Wildlife with specific interest in protecting fisheries resources and direct input into NPDES permit conditions. As stated on Page 5-10 of the DEIR, permit maximums are based on scientific studies and data collected by the RWQCB and other regulatory and research agencies. As long as the individual permit maximums of projects in the Bay, which themselves take into account the potential cumulative effects of each point source discharge, are not breached, it follows that cumulatively considerable impacts are not likely to occur.

SMW-24: 2. *The EIR Fails to Adequately Analyze the Project's Cumulative Environmental Impacts From Other Refining-Related Projects.*

The appellants assert that the EIR fails to analyze adequately cumulative impacts. Section 5.4.2 of the DEIR provides Table 5-1 which states all cumulative Bay Area refinery projects known to the authors of the DEIR prior to publication in June of 2013. Since that time, a number of other projects involving refineries and rail have been announced. Given that the baseline date for the proposed Project as defined by the publication of the Notice of Preparation for the EIR (July 2012) was well before this, the DEIR authors conducted their cumulative analysis according to CEQA (as further discussed in response B4-22 in the FEIR) requirements with the best list then available of potential cumulative projects.

The appellants assert that this analysis should have considered cumulative rail traffic within California. This was not possible as the destination of the project's rail cars is not knowable and could be anywhere. It would have been speculative to have done so and contrary to CEQA section 15145.

The thread that appellants are following is indicated by the statement that "Each of the Bay Area refineries have either recently permitted projects or have pending permits that will facilitate transporting and refining tar sands crude." This expands on their claim of a "larger project" for the Propane Recovery Project, in order to link all projects and refineries in an overall action that requires a cumulative analysis, regardless of whether it

is warranted under CEQA. The appellants then assert that comments by another organization (NRDC) about another refinery project, a proposed project at the Valero Benicia Refinery, support the appellants unsupportable claims and conclusions about a "larger project". Since the appellants' only physical evidence in support of their "larger project" claim is not true, their claim for the "larger project" is also unsupportable. The County cannot provide a response to these general and unsupportable assertions.

Finally, as is discussed in detail in Section 5.4.3 of the DEIR, the proposed Project was analyzed for its potential to have a cumulative considerable impact on all appropriate CEQA categorical areas. In many cases the proposed Project had no project-related impacts and when considered with other projects described in Section 5.4.2, after analysis, no cumulative considerable impacts were found as well. The appellants do not suggest otherwise but simply assert that the analysis was inadequate.

CBE-11: Significant Biological Resource Impacts due to OTC system.

The appellant states that the Regional Water Quality Control Board (RWQCB) has ordered the Project proponent to study replacing the once through cooling (OTC) system, that the study is referenced and attached to Citizens for a Better Environment's (CBE's) comments on the DEIR, and that the FEIR denies the existence of the study. As a condition in the NPDES permit for existing Refinery operations, the RWQCB required that ConocoPhillips conduct a study evaluating the feasibility of replacing the existing OTC technology. The FEIR does not deny the existence of the study (page 3.2-122, last paragraph). On pages 3.2-137 and 3.2-138, the FEIR responds to Karras' Comments 31, 32, and 33, by informing that the Cooling Tower Replacement Feasibility Evaluation required under the current NPDES permit was not finalized at the time of the FEIR and therefore the findings were not available for review; as such, any discussion or analysis of the feasibility evaluation would be speculative and thus outside the scope of the DEIR. Additionally, the FEIR responds on page 3.2-122 that no fundamental change to the Refinery cooling system, such as conversion from the existing OTC system to a closed-loop cooling system, is proposed as part of the Project; therefore, it is beyond the scope of the DEIR to explore the advantages and disadvantages of alternate cooling systems.

CBE-17: The County Failed to Adequately Notify the Community of this Project.

In advance of the November 19, 2013 Public Hearing on certification of the proposed Projects' EIR, the County on November 6, 2013, performed the following steps to properly notice the hearing in accordance with CEQA guidelines:

- 1) The project noticed all property owners and occupants within 300 feet of the project parcels (357-010-001 and 357-300-005).

- 2) The project noticed all speakers from the scoping session.
- 3) The project noticed all required public agencies and those that requested to be noticed (e.g. City of Martinez).
- 4) The project noticed all people and organizations who expressed interest in the project and requested to be noticed.
- 5) The project was noticed in the West County Times.
- 6) Hard copies of the FEIR were sent to those people, organizations, and agencies who commented on the DEIR. A hard copy was also available for public review at the district supervisor's office and the Rodeo and Pleasant Hill public libraries.
- 7) Copies of the staff report were also mailed to various people, agencies, and organizations.

Furthermore, there is no known CEQA requirement to notice parties who might be subject to 'taking' or decreased property values as suggested by the appellant. In fact such action might be considered speculative as well. The County properly noticed the public hearing per CEQA requirements.

F-21. The EIR did not include criteria pollutant and GHG emissions relative to electricity use.

Electrical power would be supplied to the proposed Project from Pacific Gas and Electric Company (PG&E)'s existing regional power grid. It is generally not possible to determine the exact generation source(s) of electricity on the power grid that would supply the proposed project, or whether or not the electricity would even be generated within the Bay Area Air Basin. Since analysis of criteria pollutants is dependent on the air basin of the Project-related sources, indirect emissions of criteria pollutants associated with electricity use from the regional power grid are not addressed in the air quality analysis.

GHG emissions associated with use of electricity from the existing power grid are generally addressed independent of air basin due to the global nature of the effects of GHG emissions. Refer to the *Indirect Emissions from Increased Electrical Demand* on DEIR page 4.8-17 for a discussion of electricity-related GHG emissions and emission factors that would be associated with the proposed Project.

F-25: V. Cumulative Air Quality Impact Analysis is Inadequate

As mentioned in response SMW-24, the baseline date (July 2012) for the proposed Project predates both the projects mentioned by the appellant (Santa Maria and Ferndale Refineries). The Santa Maria Refinery's relationship to the proposed Project was discussed in detail in Section 2.2 of the FEIR as was a discussion of the relationship of refinery feedstocks to the proposed Project. The Ferndale Refinery project is in another state (Washington) and its status is outside what would be considered by CEQA. Whether the Phillips refinery could or could not

receive crude oils or other feedstocks from the Ferndale refinery by marine vessel merely represents an existing, baseline condition that would not be altered by the proposed project.

Response to CBE Supplemental Evidence- Letter received January 7, 2014

The appellant claims the EIR's baseline level for once-through, non-contact saltwater flow volume is erroneous and underestimates the percent increase of the proposed project, and as a result underestimates the severity of potential project impacts related to the discharge of this water. The EIR used average daily flow volumes for the year 2012 to best represent current conditions of operations at the facility in order to analyze potential impacts from the proposed changes with the project. In accordance with CEQA requirements, "an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." (Article 9 Section 15125). Reviewing the data provided by the appellant which includes data from 2013 that was not available at the time of preparation of the DEIR, shows relatively similar average flow volumes compared to 2012 (44.76 for 2012 and 43.26 for 2013) further supporting the appropriate use of the 2012 data as baseline conditions. Further, in reviewing the data from the years 2010 through 2013 provided by the appellant, there is no clear correlation between average flow volumes and temperature of discharge. Comparing 2010 data to 2012 shows an approximate increase of 20% in flow and yet the highest recorded monthly average temperature² for the year only increases by 1.2% while the average for the year actually decreases by 0.6%. Regardless, despite fluctuations in flow volumes of once-through, non-contact saltwater for process cooling, the Refinery has a history of compliance with the effluent permit limitations including temperature.

The EIR has disclosed on page 3-27 and on page 4.4-27 of the DEIR that the Project would result in an increase of once-through cooling volume to approximately 40,000 gallons per minute from an existing 31,500 gallons per minute. A flow of 31,500 gallons per minute is the equivalent of 45.4 million gallons per day which compares well with the data provided by the appellant showing an average daily flow of 44.6 million gallons per day. The magnitude of the flow increase has been conveyed to the reader in another meaningful way by describing the change as a 25% increase in flow volume from an existing baseline level of 31,500 gallons per minute. However, it should be noted that the analysis does not rely solely on this percent increase. The increase in flow volume to 40,000 gallons per minute as proposed by the Project would be accommodated by the existing five pumps and would continue to operate within the National Pollutant Discharge Elimination System (NPDES) permit thresholds determined by the Regional Water Quality Control Board (RWQCB). As described in the DEIR (page 4.4-27) and in ESA's Response to Appeal Comment SMW-23, permit thresholds are based on various studies including the project-specific study by Tenera (2006) regarding use of wedgewire screens and maximum intake flows. The appellant provides no information to support the claim that the proposed Project's increase in once-through cooling volume to 40,000 gallons per minute would result in significant impacts on special-status fishes.

² The NPDES effluent permit limitation for temperature is based on the monthly average of daily measured temperatures.

Therefore, based on the appropriate use of 2012 monitoring data as representative of existing baseline conditions for the Refinery for the EIR and the lack of data supporting a direct correlation between increases in flow volumes and an inability to meet water quality permit requirements which are protective of receiving waters and habitat, the EIR has adequately characterized the potential impacts of the proposed Project.

EXHIBIT #7



CONTRA COSTA
COUNTY

Phillips 66
San Francisco Refinery
1380 San Pablo Avenue
Rodeo, CA 94572

January 6, 2014

2014 JAN -7 A 9:55

DEPARTMENT OF
COUNTY CLERK

Chair Karen Mitchoff and Members of the
Contra Costa County Board of Supervisors
651 Pine Street, Second Floor
Martinez, CA 94553

**Re: Phillips 66 Propane Recovery Project – County File #LP12-2073 - Phillips 66
Response to Appeals by the Rodeo Citizens Association and Communities for
a Better Environment**

Dear Chair Mitchoff and Members of the Board:

This letter and attachments are submitted on behalf of Phillips 66 Company ("Phillips 66") to respond to the separate appeals filed on behalf of the Rodeo Citizens Association and by Communities for a Better Environment (collectively, "Appellants"), with respect to the Contra Costa County Planning Commission's unanimous decision at its meeting on November 19, 2013, to approve the Propane Recovery Project (the "Project") proposed by Phillips 66 Rodeo Refinery (the "Refinery" or "Rodeo Refinery") and to certify the Environmental Impact Report ("EIR") prepared for the Project.

Most of the issues raised in the appeals flow from the Appellants' reliance on generic information relating to oil refining, speculation about how the Rodeo Refinery operates and incorrect assumptions. I am the manager of the San Francisco Refinery for Phillips 66 and have held positions ranging from Process Engineer to Refinery Manager. The Rodeo Refinery employees numerous engineers and other refinery professionals, many of whom have been at the Rodeo Refinery for decades. Collectively, we have personal, hands on, knowledge of the Rodeo Refinery equipment and operations. It is important to correct the misinformation that underlies the appeal petitions so that your Board can make a thoughtful and reasoned decision based on facts.

1. The Project

In the process of refining crude oil (any crude oil) into liquid products (i.e., gasoline, diesel, jet fuel, etc.), a gaseous by-product is produced called refinery fuel gas ("RFG"). Among other constituents, RFG contains propane and butane. The more RFG that is produced, the less transportation fuels (gasoline, diesel, and jet fuel) are produced. Currently, the Rodeo Refinery manages its RFG by using it as fuel in refinery heaters and boilers. In some cases when more RFG is produced than can be used as fuel in refinery heaters and boilers the excess RFG is burned in refinery flares. Maximizing RFG production is not a preferred practice due to the fact that refineries generate more revenue from producing and selling transportation fuels than can be

produced from capturing, processing, and selling propane and butane contained in the RFG. All Bay Area refineries, with the exception of the Rodeo Refinery, currently capture, store, and sell propane and butane normally contained in RFG. The captured gases are often referred to as liquid petroleum gas ("LPG") and are stored in pressurized vessels and shipped from the refineries by rail or truck for sale to third parties. Phillips 66 is not aware of any fires or explosions related to the collection, storage and shipment of LPG from any Bay Area refinery.

The Rodeo Refinery has recovered butane, stored it in a pressurized vessel, and sent it offsite by rail for sale to third parties since the 1970s, and has experienced no adverse issues of any kind related to these activities. The Project would allow the Rodeo Refinery to recover additional butane and for the first time recover propane from its existing RFG, store the LPG in pressurized vessels, and ship it from the Refinery by rail for sale. To the extent necessary for use in the Refinery's heaters and boilers, the LPG removed from the RFG will be replaced by purchased natural gas. The motivation/justification for the Project is the fact that replacement natural gas can currently be purchased by Phillips 66 at prices below that for which LPG can be sold to third parties. [DEIR, pgs. ES-1 through ES-7, 3-1, 3-2 and 3-5; FEIR, Master Response 2.2, pgs. 2-2 through 2-4.]

2. Project Benefits

a. Reduction in Sulfur Dioxide.

RFG contains sulfur compounds which form sulfur dioxide ("SO₂") when burned in heaters/boilers or flares. SO₂ is one of the 5 criteria pollutants regulated by Federal EPA and the Bay Area Air Quality Management District (the "BAAQMD"). Current scientific evidence links exposures to SO₂ with an array of adverse respiratory effects, including bronchoconstriction and increased asthma symptoms. EPA's National Ambient Air Quality Standard for SO₂, as well as BAAQMD regulation of SO₂, are designed to protect against exposure to the entire group of sulfur oxides which can react with other compounds in the atmosphere to form small particles that are potentially harmful. SO₂ emissions can also be a cause of odors.

To meet sales specifications for butane and propane, the Rodeo Refinery will need to remove impurities, including sulfur. Phillips 66 will hydrotreat the RFG in a new hydrotreater to remove sulfur compounds from the RFG, including from the propane/butane to be extracted as LPG. This sulfur removal process will precede the butane and propane recovery equipment, which means that the entire RFG stream will be treated by the sulfur removal equipment. RFG combustion is the single largest source of SO₂ emissions from the Rodeo Refinery; accordingly, by hydrotreating the entire RFG steam, the Project will result in a reduction in sulfur emissions from fuel burning sources throughout the Refinery. Although the Rodeo Refinery has been and continues to be in compliance with SO₂ limits imposed by the BAAQMD, the hydrotreating process will result in an approximately 50% reduction in SO₂ emissions from the Rodeo Refinery (roughly 180 tons per year). Without the Project, this reduction in SO₂ will not occur. [DEIR, pgs. ES-1, ES-2, 3-2, 3-5 and 4.3-19 through 4.3-22.]

b. Reduction in Flaring.

Generally, refineries strive to ensure the amount of RFG produced in the refining process is less than the amount combusted in refinery heaters and boilers. However, when some of the combustion units are down for maintenance, or as a result of upsets or breakdowns, there may be more RFG than can be combusted in the heaters and boilers. In this situation, excess RFG is typically combusted in a refinery flare. The capture of propane and butane from the RFG will reduce the volume of RFG combusted at the Refinery. To the extent and when needed, the remaining volume of RFG will be supplemented by purchased natural gas, which is very low in sulfur. The Rodeo Refinery will purchase only the amount of natural gas needed to address any shortfall between RFG production and demand, reducing instances of excess RFG and the associated flaring incidents at the Refinery. [DEIR, pgs. ES-2, 3-5 and 4.6-8; FEIR, Responses B4-29, pg. 3.2-127 and B4-39, pgs. 3.2-129 through 3.2-132.]

c. Reduction in On-site Greenhouse Gas Emissions.

The combustion of propane and butane produces more greenhouse gas ("GHG") emissions than does the combustion of natural gas. Accordingly, by replacing a portion of the RFG with natural gas for Refinery heaters and boilers, the Project will result in a reduction in onsite GHG emissions from the Rodeo Refinery. [DEIR, pgs. 4.8-12 through 4.8-18; FEIR, Responses B4-23, pgs. 3.2-123 & 3.2-124, B4-32, pgs. 3.2-127 & 3.2-128.]

3. Appeal

a. Project Scope

The fundamental premise of the arguments raised by Appellants and their consultants is based on speculation, and erroneous interpretation of the Project scope. Appellants cite the "Fox Report" and the Karras Declaration as evidence that there is insufficient butane/propane in the Refinery's existing RFG. They compound that faulty foundation by then asserting that the project goals can be met only if Canadian Oil Sands are processed. Appellants' premise, the Fox Report, and the Karras Declaration are speculative, erroneous, and false. "Argument, speculation, unsubstantiated opinion or narrative, or evidence this is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence." [CEQA Guidelines, 14 Cal. Code Regs. §15064(f)(5).]

As set forth in the project application, and in the DEIR and FEIR, the Project is designed to recover LPG, and the size of the Project is based on the Refinery's existing RFG produced by the existing Rodeo Refinery crude slate. [DEIR, pg. 3-2; FEIR, Master Response 2.2, pgs. 2-2 through 2-4, Responses B2-12, pg. 3.2-14, B4-5, pgs. 3.2-118 & 3.2-119, B4-11, pg. 3.2-120, B4-19, pg. 3.2-121, B4-39, pgs. 3.2-129 through 3.2-132, B4-40, pgs. 3.2-132 & 3.2-133.] The design of the removal equipment and the amount of propane/butane that can be removed is specified in the Project's BAAQMD permit application, and this amount has been translated into an enforceable condition included in the draft permit prepared by the BAAQMD. The volume is

specified as 14,500 BPD for a consecutive twelve month average. This design and permit limit is based on actual sampling and measurements of propane and butane in the RFG at the Rodeo Refinery taken in 2011. A summary of those measurements is attached to this response on Exhibit "A-1" and it verifies what has been the stated basis of the Project from its outset. I recently reviewed similar data for January through November 2013 which reveals an average of 14,250 BPD and is consistent with the levels of butane/propane measured in August of 2011 and the BAAQMD permit limit. (See Exhibit "A-2").

As referenced above, the economic motivation for the Project is that LPG currently brings a price higher than the cost of natural gas, which would replace it. The Project has nothing to do with changes in the crude slate. The Refinery has no desire or incentive to sustain or increase production of butane and propane because they have a lower value than the liquid fuels (gasoline, etc.) that are the Refinery's primary products. Moreover, regardless of the amount of RFG produced in the future, the design of the removal equipment and BAAQMD permit limits will limit the amount of LPG that can be recovered. If more than 14,500 BPD LPG is produced, the excess will remain in the RFG and be burned in heaters/boilers as it is today. If less than 14,500 BPD is produced, it will all be captured and removed from the RFG. The Project benefits and impacts (or lack thereof), as described in the DEIR, will occur regardless of which crudes or intermediates are processed at the Refinery.

Having incorrectly assumed that Phillips 66 will need to refine heavier crudes to support the Project, Appellants then contend that refining of heavy crude will produce adverse impacts. Based on Phillips 66's many years of experience refining heavy crudes at its various refineries, we do not agree with Appellants' contentions regarding the impacts of refining heavy crude. Even so, we will not provide detailed responses in this letter because the contentions have no relevance or relationship to the Project, the FEIR, or the Land Use Permit. Because the fundamental allegation of the Appellants is false and the entirety of the Project is in fact to recover propane and butane from the existing RFG, the remainder of the "larger project" arguments are not relevant and do not require a response. However, because these additional allegations are also incorrect, for informational purposes and to insure an accurate record, Phillips 66 provides the following:

b. No Crude Processing Equipment.

None of the equipment being installed in connection with the Project in any way affects the ability of the Refinery to process crude either heavier or lighter than that which is currently being processed at the Refinery. Appellants do not contend otherwise. The Refinery currently processes heavy crude and there are no restrictions on the types of crude it can process now or in the future. There are restrictions on the levels of pollutant emissions and discharges contained in applicable permits and regulations issued by the BAAQMD and the Regional Water Quality Control Board, and those restrictions will not change regardless of the type of crude processed. Further, the CEQA baseline for the Project used to determine environmental impacts are actual emissions from the refinery averaged over the last three years. Following implementation of the Project, or without the Project, the Rodeo Refinery will still be able to process the same blend of

crude oils that are currently processed and allowed under existing permits, regulations, and facility design. Rather than enabling or requiring the processing of heavier crude, the Project simply will allow the Refinery to remove LPG and sulfur from the RFG, resulting in the corresponding environmental benefits described in the FEIR irrespective of the Refinery's crude slate. [DEIR, pgs. 3-20 through 3-28, 4.3-12 through 4.3-24, 4.4-25 through 4.4-28, 4.8-12 through 4.8-18, and 4.10-21 through 4.10-24; FEIR, Master Response 2.2, pgs. 2-2 through 2-4, Responses B2-10, pg. 3.2-13 & 3.2-14, B2-11, pg. 3.2-14, B4-5, pgs. 3.2-118 & 3.2-119, B4-11, pg. 3.2-120, B4-21, pgs. 3.2-121 through 3.2-123, B4-25, pgs. 3.2-125 & 3.2-126, B4-39, pgs. 3.2-129 through 3.2-132, B4-40, pgs. 3.2-132 & 3.2-133, and B4-47, pgs. 3.2-135 through 3.2-138.]

c. Advantaged Crude.

The Appellants have excerpted selected language from various Phillips 66 public sites and documents to support its contention that all of Phillips 66's projects on the U.S. west coast are a part of an overall plan to increase use of "Advantaged Crude," including Canadian Oil Sands. However, when the Phillips 66 websites/documents that Appellants cite are read in full, one finds that Advantaged Crude is defined as "crude oils that sell at a discount relative to crude oils tied to the global benchmark." At least 6 different types of crude oils are listed as potential "Advantaged Crude," several of which are considerably lighter than the crude the Rodeo Refinery currently processes. When the Recent Advantaged Crude Activities list cited by the Appellants is read in whole one finds that most of the projects listed involve crude oils that are considerably lighter with lower sulfur contents than what Phillips 66 West Coast refineries currently process. Further, a general corporate goal to purchase crude oils that cost less than the global benchmark is not a "project" as defined in CEQA. Even assuming that Phillips 66 is successful in purchasing crude oils at a discount compared to the global benchmark, which of the qualifying crudes will be purchased and where they will be refined is currently speculation. [See (1) Feature Story - "Phillips 66 Delivers on Advantaged Crude Strategy", (2) Edited Transcript - Thomas Reuters Street events - Q1 2013 Phillips 66 Earnings Conference Call (May 1, 2013), and (3) Transcript of Phillips 66 Presentation at 2013 Barclays CEO Energy-Power Conference, Greg Garland, Chairman and CEO (September 12, 2013), all currently available on the Phillips 66 Company website "Newsroom"; see also FEIR, Master Response 2.2, pgs. 2-2 through 2-4.]

d. Santa Maria and Carson Projects.

Appellants attempt to bolster their claims and erroneous conclusions regarding the Project scope by cobbling the Rodeo Project together with projects at other Phillips 66 refineries in Carson and Santa Maria, California. The only thing these projects have in common is that they have the same owner, they will be constructed in the same general time frame, and they occur in California. Beyond that, they are hundreds of miles apart, and each will proceed or not depending upon the outcome of the environmental review and permitting process by the respective local jurisdictions. The projects will occur in different counties, and are subject to CEQA review by different lead and responsible agencies. Phillips 66 hopes that all these projects will be approved; however, any combination is capable of proceeding because the

projects do not affect one another. Moreover, every one of these projects either has gone through or is undergoing CEQA environmental reviews.

The Carson project consists of the addition of one new tank and increases in throughput of two additional tanks to accommodate the off-loading of very large oil tankers in one call. The size of crude tankers has increased over time, and the Carson operations need to be modified as a result. Currently, two calls are required to offload the very large tankers, and the proposed new and modified tanks will allow the entire contents to be offloaded in one visit. The South Coast Air Quality Management District ("SCAQMD") has issued a 100-page Draft Negative Declaration and is expected to issue its Final Negative Declaration in the near future. [Phillips 66 Los Angeles Refinery - Carson Plant Crude Oil Storage Capacity Project, Draft Negative Declaration, South Coast Air Quality Management District (September 2013).]

A project at Santa Maria involving an increase in refinery throughput was applied for 5 years ago, long before the propane recovery project was conceived. It was approved in 2013, after certification of an Environmental Impact Report by the County of San Luis Obispo. No legal challenge was filed related to that project nor were any comments submitted by Appellants. [Phillips 66 Santa Maria Refinery Throughput Increase Project, Final Environmental Impact Report, Marine Research Specialists (October 2012).]

A second Santa Maria project consists of an expansion of an existing rail terminal at the refinery and is the subject of a Draft Environmental Impact Report issued by the County of San Luis Obispo in November 2013. [Phillips 66 Company Rail Spur Extension Project, Public Draft Environmental Impact Report, Marine Research Specialists (November 2013).] Two full EIRs (one completed and one just issued) have been prepared for the two separate Santa Maria Projects and will cover all environmental impacts from those projects. While there is a pipeline between the Santa Maria Refinery and the Rodeo Refinery, the Santa Maria Refinery only delivers semi-refined products to the Rodeo Refinery. Unrefined crude oil is not sent directly from the Santa Maria Refinery to the Rodeo Refinery and cannot be delivered directly to the Rodeo Refinery without substantial modifications to the Santa Maria Refinery and pipeline. No such changes are proposed, and if they are proposed in the future, they would require new permits/environmental review. Prior to shipment of the intermediates produced at Santa Maria, the semi-refined material is stored in tankage. The tankage has vapor pressure limits imposed by the County Air District which acts as a constraint regarding how much butane/propane can be included in the intermediates. Historically, and currently the Santa Maria refinery operates at or very near these limits. Accordingly, contrary to the contentions of the appellants no new propane/butane can be added to the intermediates sent from Santa Maria to Rodeo regardless of the types of crude that may be processed at Santa Maria.

e. Greenhouse Gas

Another of the consistent themes of the appellants is that the DEIR/FEIR is deficient because it does not include off-site greenhouse gas emissions that could be created by the use of the propane/butane after it is sold by Phillips 66.

With respect to the proposed Project, it is unclear where, how, or by whom the propane/butane produced by the Project might be used. Butane is sometimes used as an additive in chemical manufacturing which does not involve combustion. Further uncertainty exists concerning the locations, quantities and types of fuel that might be replaced by the propane/butane that would be sold by Phillips 66. It is also unknown whether such production and sale would have the potential to impact the overall demand/consumption of propane/butane or the use or non-use of another fuel. These issues are not within the capacity or control of the Project (or of the County as Lead Agency) and are too speculative for inclusion in the EIR analysis. (14 Cal. Code Regs. §15358).

Contrary to Appellants' claims, for the above reasons, the CEQA Guidelines do not require a manufacturer/producer of a product to attempt to determine or be responsible for emissions that occur from the use of the product after it is sold. The California Natural Resources Agency chose not to impose such a requirement when presented with the opportunity to do so as part of the recently-adopted amendments to the CEQA Guidelines intended to address the effects and mitigation of GHG emissions. As stated by the Resources Agency:

"Moreover, even if a standard definition of the term 'lifecycle' existed, requiring such an analysis may not be consistent with CEQA. As a general matter, the term could refer to emissions beyond those that could be considered 'indirect effects' of a project as that term is defined in section 15358 of the State CEQA Guidelines. Depending on the circumstances of a particular project, an example of such emissions could be those resulting from the manufacture of building materials. (CAPCOA White Paper, at pp. 50-51.) CEQA only requires analysis of impacts that are directly or indirectly attributable to the project under consideration. (State CEQA Guidelines, §15064(d).) In some instances, materials may be manufactured for many different projects as a result of general market demand, regardless of whether one particular project proceeds. Thus, such emissions may not be 'caused by' the project under consideration. Similarly, in this scenario, a lead agency may not be able to require mitigation for emissions that result from the manufacturing process. Mitigation can only be required for emissions that are actually caused by the project." (California Natural Resources Agency, "Final Statement of Reasons for Regulatory Action – Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97," pgs. 71-72 (December 2009).

The Bay Area Air Quality Management District has also issued guidelines for assessing GHG emissions from stationary sources and includes a number of examples of indirect sources that should be considered. Emissions from the post-manufacturing/production that might result from the use of the product produced are not included. (Section 4.2 BAAQMD California Environmental Quality Act Air Quality Guidelines).

An indirect effect must only be considered if it constitutes a reasonably foreseeable impact caused by the project. An indirect physical change determined to be speculative is not reasonably foreseeable. (14 Cal. Code Regs. §§15064(d)(3) & 15358(a)(2)). If a lead agency determines after performing a thorough investigation that an indirect impact is speculative and not reasonably foreseeable, it is authorized to simply note this conclusion and to thereafter terminate its discussion of the impact. (14 Cal. Code Regs. §15145). This was done in the DEIR for this Project. (FEIR, pg. 3.2-123-4)

4. The FEIR Covers Appellants' Other Arguments

While the vast majority of the Appellants' arguments relate to the fictional "larger project/Canadian Oil Sands" scenario, the Appellants also claim that almost every section of the DEIR or FEIR is inadequate. As this Board is aware, the County and its CEQA consultant have a long history of permitting and conducting environmental review of refinery projects. As part of this process, they have developed considerable expertise in CEQA compliance in general, and refinery project EIRs in particular. The shotgun attacks of the Appellants clearly lack credibility. In Exhibit "B" to this letter, Phillips 66 has responded to those of Appellants' additional arguments which Phillips 66 believes it has particular knowledge as the Project applicant. The references in the Exhibit "B" are to numbering that has been added to the appeals (i.e. Shute, Mihaly & Wineberger –SMW 1, etc.; or Communities for a Better Environment – CBE 1, etc.). In many cases, the responses simply reference sections of the DEIR and FEIR where the issues raised are appropriately addressed, and, in a number of cases, Phillips defers to the County based on its expertise and or CEQA experience.

In conclusion, the Project as described in the DEIR is only to recover for sale propane and additional butane from refinery fuel gas and other process streams and will result in a significant decrease in SO₂ emissions from the Refinery. [DEIR, pg. 3-5.] The Project is not about Advantaged Crude, projects at the Carson or Santa Maria Refineries, or the availability or processing of "Canadian Oil Sands," and none of those topics belong in the environmental analysis of the Project. Speculation of what greenhouse gas emissions may or may not occur related to the use of butane/propane after it is produced sold and distributed to customers is neither required by CEQA nor appropriate. For all of the above reasons it is respectfully requested that the Appeals be denied and the Planning Commission's approval of the Phillips 66 Propane Recovery Project be confirmed.

Very truly yours,



Mark E. Evans
Phillips 66 San Francisco Refinery Manager

Exhibit A-1 Refinery Propane and Butane Production - Design Basis August 2011

Design Period August 2011	Refinery Fuel Gas - U203				Refinery Fuel Gas - A				Butane Recovered for Sales		Total Propane + Butane BPD
	Flow ¹ MSCFD	Propane mol % ²	BPD	Butane mol % ²	Flow ¹ MSCFD	Propane mol % ²	BPD	Butane mol % ²	BPD	BPD	
	38,592	9.9	2,333	9.8	27,288	17.8	3,192	10.0	2,157	4,898	15,474

Propane and butane obtained from two refinery fuel gas streams: U203 and RFG-A.

1. Flowrate obtained from continuous flowmeter data.
2. Mol % based on daily lab results
3. Mol % based on on-line continuous gas chromatograph (GC) results
4. Butane recovered for sale obtained from continuous flowmeter data.

Calculations

BPD of LPG = (Gas Flow [mscfd] x 1000 [scfd/mscfd] x mol %/100 x MW [lb/lb-mol]) / (379.5 [scf/lb-mol] x liquid density [lb/gal] x 42 [gal/bbl])
where:

MW = molecular weight, propane = 44 lb/lb-mol and butane = 58 lb/lb-mol

Propane liquid density = 4.2 lb/gal

Butane liquid density = 4.6 lb/gal

379.5 scf/lb-mol is the specific molar volume of an ideal gas at 60 F

Exhibit A-2
Refinery Propane and Butane Production
BPD

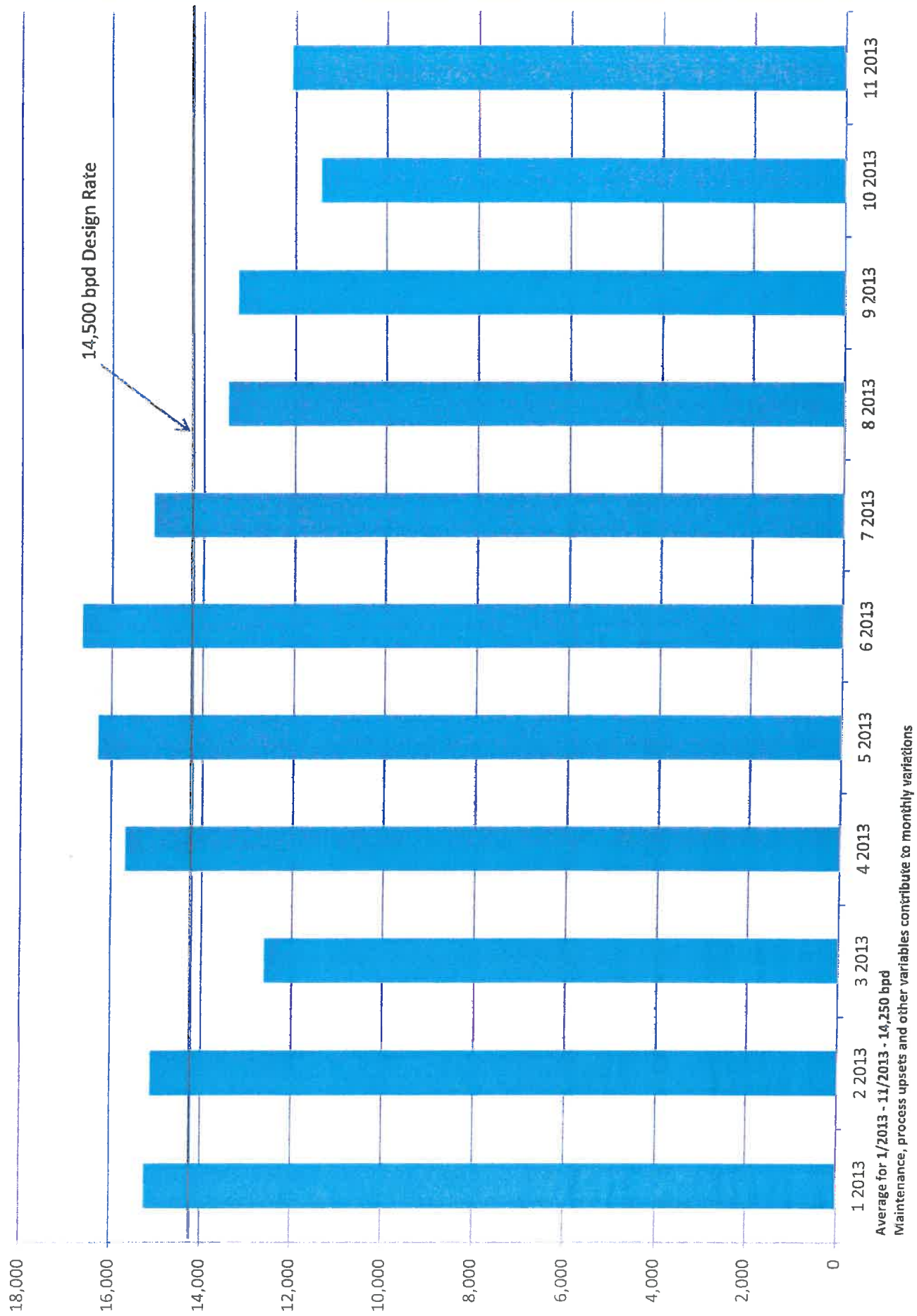


EXHIBIT B

ID	Subject	FEIR/DEIR Reference	Response
SMW 1	Feedstocks	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	The propane and butane recovery equipment were sized to handle the amount of LPG in the refinery's current and recent RFG, based on a review of data in 2011 when project design was begun. Thus, the starting premise of Dr. Fox's comments is faulty. Also see Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
SMW 2	LPG Removal Design	DEIR ES-1, 1.1, 3-2, 3.4.2.1	See response to SMW-1.
SMW 3	Santa Maria	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	See response to SMW-1.
SMW 4	Rail Study Area	DEIR 4.3-19	The analysis of diesel locomotive emissions related to the project within the BAAQMD satisfies CEQA's requirements as published by BAAQMD and used by the County as it covers impacts in the 9 Bay Area Counties included in the jurisdiction of the Bay Area Air Quality Management District. Further, movements of trains from their origination and destination points off the Phillips 66 properties are performed by the Railroads on their property with their employees. The movements of such trains other than on Phillips 66 property are preempted from local and state environmental regulation by the Federal Interstate Commerce Commission Termination Act. (cite to Act) While the DEIR has included emissions within the jurisdiction of the BAAQMD the County as well as other state and local responsible agencies are preempted from imposing emissions measures, conditions, or regulations related to such rail train movements. See response to F14.
SMW 5	B-401 Reductions	DEIR 4.3,	See Response to F15.
SMW 6	Steam Power Plant	FEIR 3.1.6 A6-5 DEIR 4.3.5 Impact 4.3-2	As discussed in the DEIR, the proposed project will remove sulfur from the RFG, which will result in decreased SO2 emissions from the combustion of this RFG in refinery heaters and boilers. The BAAQMD will impose permit conditions which will limit SO2 emissions and ensure the SO2 emission reductions in the DEIR are real. CEQA does not require that mitigation for air quality impacts be limited to banked emission reduction credits.
SMW 7	SO2 Reduction	DEIR 4.3-19, Table 4.3-7	BAAQMD CEQA guidelines do not contain significance thresholds for stationary source emissions of CO. CO emissions were provided to the County in the Air Quality Supplement and in the BAAQMD Permit Application as referenced in the DEIR. Also see Appendix A-1 to the FEIR.
SMW 8	CO	DEIR 4.3-15, 4.3-19, FEIR Appendix A-1	See Response to F16, F18 and F20.
SMW 9	H2 usage, SRU	DEIR 3.1.1.2, 3.2.1, 3.4.2.2, 4.3.5 Impact 4.3-2	See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
SMW 10	Propane/butane Lifecycle	FEIR 3.2.4 B4-2 & B4-25	As discussed in the previous responses (see SMW 5 - 10), the PPP emissions will not exceed significance threshold and will not conflict with the Bay Area 2010 Clean Air Plan as reported in the DEIR.
SMW 11	Clean Air Plan	DEIR 4.3.4	See Response to F15, SMW 7 and Phillips 66 Letter to Board Of Supervisors dated January 6, 2014. The BAAQMD CEQA Guideline for evaluating a project's health risk impacts requires comparison of the modeled increase in health risk from the project's TAC sources to the significance criteria.
SMW 12	HRA	DEIR Section 4.3, page 4.3-22; FEIR Section 3.1.6, Response A6-3, page 3.1-21; FEIR Section 3.2.4, Response to B4-9, page 3.2-119.	Background TAC levels monitored by the BAAQMD are presented for information on existing conditions. The average monitored background concentrations of toxics for the closest station to the Project (Crockett) and the five BAAQMD air monitoring stations within 10 miles of Rodeo are included in the attached Tables 1 and 2. The purpose of the health risk assessment under CEQA is to analyze the impact to the public from proposed projects. On-site workers, within the project refinery property boundary are protected by refinery safety practices as well as Occupational Safety and Health Administration (OSHA) regulations.
SMW 13	Odor	DEIR Section 4.3.4, page 4.3-16	The Project does not add sources of odorous emissions; thus, there would be no change from existing conditions at the refinery, which currently operates sources of odorous emissions. There would not be an increase in odor-causing compounds such as H2S, SO2, or ammonia. As stated in the DEIR, Section 4.3.4, the proposed Project represents an odor improvement over current conditions. Therefore, there would be no odor impacts associated with the Project.

EXHIBIT B

ID	Subject	FEIR/DEIR Reference	Response
SMW 14	Hazards	DEIR 4.9-10, 4.9-12, 4.9-15, 4.9-21; FEIR Master Response 2.3, Master Response 2.5, FEIR 3.2-128.	See Response to SMW 16-18. The EIR discloses the risk of accident and associated release in DEIR 4.9. The Toxic Release Inventory and other references listed in the comment do not pertain to accidents and associated releases.
SMW 15	Historical Compliance	DEIR 4.9	The paper cited by the commenter (X. Liu et al., Exhibit I) summarizes many factors that can be involved in derailments, with train length being one. There are many root causes for which train length is not factor (e.g., broken rails, bar defects, mechanical breakdowns, human error, and obstructions to name a few). No data or statistics are cited in the paper referenced by the commenter that can be used to quantify any affect train length may have on derailments. Therefore, while train length can be a factor in some derailments, there are many other factors potentially involved. No publically available data was found that related train length to accidents in a quantifiable manner. The publically available data from the U.S. Department of Transportation (DOT) discussed in FEIR Master Response 2.6 expressed accident rates in terms of incidents per train-miles, which rolled up trains of various lengths involved in accidents. These data showed an extremely small risk of train derailments leading to a fire. The FEIR also showed on page 2-20 that the number of train accidents involved in the release of hazardous materials has reduced significantly over time as DOT railcar safety standards have been implemented since the late 1970s. The EIR provided a reasonable estimate of train accident frequency from the publicly available data.
SMW 16	Rail	DEIR 4.9.3 - 4.9.6, FEIR Master Response 2.3, 2.6	
SMW 17	Refrigerated C3	DEIR page 4.9-21; FEIR Master Response 2.3; FEIR Master Response 2.5; FEIR page 3.2-128.	
SMW 18	Hazards	DEIR 4.9.2.3, 4.9.4, FEIR Master Response 2.3	The refinery has comprehensive safety procedures that cover all aspects of refinery operation. The purpose of an assessment of hazard impacts under CEQA is to analyze the impact to the public from proposed projects. On-site workers, within the project refinery property boundary, are protected by refinery safety practices as well as Occupational Safety and Health Administration (OSHA) regulations.
SMW 19	Geology	DEIR 4.7.2.3, FEIR 2.5	As described in the DEIR/FEIR, the mere presence of liquefiable soils and/or seismic hazards does not preclude safe construction of critical improvements provided that the appropriate engineering design measures are incorporated into construction specifications. The DEIR states that each of the proposed project components will receive a site-specific geotechnical investigation as required by Law. The investigations and resultant design parameters would be approved by the County Department of Conservation and Development, Building Inspection Division. Construction would be in accordance with objective standards and performance criteria embodied in the regulatory codes.
SMW 20	Hazards	DEIR 4.9.2.3, 4.9.6, 4.15.2, 4.15.4, FEIR 3.1.7, 3.1.11, 3.3.3 DEIR 3.4.2.2, FEIR 3.1.6 A6-5, FEIR 3.2.4 B4-2 & B4-23 DEIR 4.4	The FEIR provided responses to the comments from the Rodeo-Hercules Fire Protection District (RHFD) and the Rodeo Sanitary District regarding potential impacts to public services and facilities. As noted in the DEIR, the proposed Project in and of itself would not necessitate the construction of a new or physically altered fire station.
SMW 21	GHG	FEIR 3.1.6 A6-5, FEIR 3.2.4 B4-2 & B4-23 DEIR 4.4	See Response to SMW 10, F10, F11, F18.
SMW 22	Biology	DEIR 4.4, FEIR 3.2.4 B4-21	County to respond. Defer to County Also See Response to CBE 15.
SMW 23	Biology/OTC	DEIR 4.4, FEIR 3.2.4 B4-21	Defer to County.
SMW 24	Cumulative	DEIR 5.4-5.5	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
SMW 25	Santa Maria	DEIR ES-1, 1.1, 3-2, 3.4.2.1- FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.

EXHIBIT B

ID	Subject	FEIR/DEIR References	
SMW 26	Crude	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
SMW 27	Ferndale	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014. Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014. The WestPac terminal has not yet been built or permitted, but is currently going through a CEQA review. If it is eventually approved and built, which types of crude oils will be delivered to the terminal either by ship or rail is currently unknown and entirely speculative. Further what companies may contract for delivery of such crude from WestPac is equally speculative and unknown. While a pipeline or rights of way for a pipeline to various refineries in the County exists it has been dormant for years and it is currently unknown if it can be reactivated. The pipeline and its use is not covered or analyzed by the WestPac EIR which indicates that any such use will have to be addressed by the pipeline owners in the future. (Recirculated Draft Environmental Impact Report WestPac Pittsburg Energy Infrastructure Project - State Clearinghouse No. 2011072053-July 2013)
SMW 28	WestPac	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	See Response to SMW 4 and F 14
SMW 29	Rail Study Area	DEIR 4.3-19	See Response to F15.
SMW 30	Steam Power Plant NOx	DEIR 4.3.5 Impact 4.3-7	
SMW 31	Feedstock	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
SMW 32	Santa Maria	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
SMW 33	SO2 Reduction	DEIR 4.3-19, Table 4.3-7	See Response to SMW 7.
SMW 34	Cumulative	DEIR 5.4-5.5	See Response to SMW 24
F1	Feedstock	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F2	LPG Removal Goal	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F3	Santa Maria	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F4	Feedstock/Santa Maria	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F5	Santa Maria	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F6	Project Description	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F7	Feedstock	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F8	RFG Heat Content	FEIR 3.2.4 B4-39 p. 3.2-13C	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F9	Butane/Propane Lifecycle	FEIR 3.2.4 B4-2 & B4-2E	See Response to SMW 10
F10	GHG	FEIR 3.2.4 B4-2 & B4-2E	See Response to SMW 10
F11	B-401 Reductions	FEIR 3.1.6 AC-5, FEIR 3.2.4 B4-2 & B4-23	
F12	B-401 Reductions	DEIR 4.3.2.6, FEIR 3.2.2 B2-10	
F13	Rail Study Area	DEIR 4.3-19 & B2-11	See Response to SMW 4 and F14

EXHIBIT B

ID	Subject	FEIR/DEIR Reference	Response
			The thresholds of significance that were chosen by the County are those recommended by the BAAQMD's Revised Draft Options and Justification Report (BAAQMD, 2009). These represent the levels at which a project's individual emissions would result in a considerable adverse contribution to the SF Bay Area Air Basin's (SFBAAB) existing air quality conditions. To be consistent with the significance criteria, the focus of the emissions development was to address the emissions impacting the SFBAAB. For criteria pollutants and TACs, this involved assessing emission sources that are located within the SFBAAB. Comparing criteria pollutant emissions from total track length estimates to SFBAAB significance criteria is not appropriate [Fox 13 Table 1]. For GHG, the BAAQMD's recommended interim threshold are to be applied to land uses in the SFBAAB that contribute to GHG emissions within the state, so accounting for emissions to the state boundary were considered appropriate. See also Response to SMW 4.
F14	Emissions	DEIR 4.3.2.6 Table 4.3-4, 4.3.3	The Steam Power Plant (SPP) NOx emissions provided to BAAQMD and the County (5/8/13 via e-mail) are based on actual emission measured : the SPP. The SPP is equipped with SCR for NOx control. Therefore, the NOx emission estimates reported to BAAQMD and the County are accurate and emissions from the SPP are less than those of a new boiler.
F15	SPP NOx	DEIR 4.3.5 Impact 4.3-2	See Responses to F 17 through F21. Throughput of sulfur at the sulfur recovery units (SRUs) may increase marginally (less than 0.2%) as a result of the reduction of approximately 140 tons per year (tpy) in SO2 to atmosphere from combustion of RFG. Sulfur production will theoretically increase by approximately 135 tons per year compared to current annual throughput of about 87,500 long tons per year of sulfur or 240 long tons per day. This increase is less than one day's worth of production. The projected increase will likely be imperceptible post-project because the it is so small relative to current rates. The increase in SO2 emissions at the SRUs will be less than approximately 2 tpy because the SRUs are greater than 99% efficient at sulfur removal. The 2 tpy increase in SO2 is well below the 140 tpy decrease, therefore there is still a large net reduction in SO2 emissions to atmosphere as a result of this project.
F16	H2 usage, SRU	DEIR 3.1.1.2, 3.2.1, 4.3.5 Impact 4.3-2	See Response to SMW 10
F17	GHG - Lifecycle	FEIR 3.2.4 B4-2 & B4-2:	The DEIR states that there is adequate hydrogen present in the gas streams being hydrotreated and that no increase in demand at the existing Refinery hydrogen plant is expected. A Hydrogen Supply Connection to the Hydrotreater is provided for start-up and shut-down operations, but will not require new hydrogen production. In response to BAAQMD requests, Phillips 66 has proposed limits on the amount of hydrogen that could be added to the hydrotreater by the Start-Up and Shut-Down Hydrogen Supply Connection. The hydraulic flow capacity of the Hydrogen Supply Connection was provided to the BAAQMD as the maximum flow value. As noted in the DEIR above, there will be no increase in hydrogen demand at the existing Hydrogen Plants. There is no inconsistency between the DEIR and the BAAQMD application.
F18	H2 Usage	DEIR 3.4.2.2	See F15.
F19	SPP NOx	DEIR 4.3.5 Impact 4.3-2	See F16.
F20	SRU	DEIR 3.1.1.2, 3.2.1, 4.3.5 Impact 4.3-2	
F21	Indirect GHG	DEIR 4.6.4, 4.8.5, p 4.8-16 - 4.8-18	Defer to County.
F22	Crude	DEIR ES -1, 1.1, 3-2, 3.4.2.1 - FEIR SMW 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
F23	CO	DEIR 4.3-15, 4.3-15	See Response to SWM 8.
F24	SO2 Reduction	DEIR 4.3-19, Table 4.3-7	See Response to SMW 7.
F25	Cumulative	DEIR 5.4-5.5	Defer to County.
CBE 1		N/A	Opinion. No response required.
CBE 2		N/A	Opinion. No response required.
CBE 3	Crude	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 4	Project Description	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.

EXHIBIT B

ID	Subject	FEIR/DEIR Reference	Response
CBE 5	Crude	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 6	Crude	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 7	Crude	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 8	GHG - Lifecycle	FEIR 3.2.4 B4-2 & B4-2E	See Response to SMW 10
CBE 9	Crude	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 10	Crude	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 11	OTC	DEIR 3.4.2.7 4.4.4 and 4.4.5, FEIR 3.2.4 B4-21, -25, -30, -47	As described in the DEIR and FEIR, the project does not include use of a closed-loop system for cooling. It is not part of the project. The commenter's claim that the Project's increased utilization of the existing OTC system "forecloses any replacement" of that system is incorrect and unsubstantiated. The Project use of the OTC does not in any way affect potential future replacement of the system.
CBE 12	Cumulative	DEIR 5.4-5.5	See Response to SMW 24
CBE 13	GHG - Lifecycle	FEIR 3.2.4 B4-2 & B4-2E	See Response to SMW 10
CBE 14	OTC	DEIR 3.4.2.7 4.4.4 and 4.4.5, FEIR 3.2.4 B4-21, -25, -30, -47	The commenter's claim of "deferred mitigation" is not correct. There was no significant impact found in the DEIR, therefore there is no impact to mitigate. The FEIR merely states the fact that the RWQCB has the authority to require modifications to a facility's operations discharge limitations are exceeded. The DEIR indicates that there will be no impacts or discharge limitations exceeded as a result of this Project.
CBE 15	Mitigation		Contrary to the Appellants' contentions, reliance on the authority of a specialized public agency, created for the sole purpose of regulating a particular environmental media, is consistent with CEQA's mandates, especially when based on an assessment of the Project's potentially significant environmental impacts and the statutory or regulatory requirements that will be relied upon to mitigate such impacts to less-than-significant levels. See <i>Sundstrom v. County of Mendocino</i> , 202 Cal.App.3d 296, 308-09 (1988) (stating that "[a] condition requiring compliance with air and water quality standards where 'the County possessed 'meaningful information' reasonably justifying an expectation of compliance...[which] would indeed avoid significant environmental effects'"); <i>Mountain Lion Foundation v. Fish & Game Com.</i> , 16 Cal.4th 105, 135 (1997) (citing <i>Sundstrom</i> as standing for the proposition that a "use permit condition requiring compliance with environmental regulations is proper mitigating measure because compliance avoids potentially significant environmental effects").
CBE 16	Project Alternatives	DEIR 6.1-5	Defer to County.
CBE 17	Public Notice	FEIR 2.1	
CBE 18	Project Description	DEIR ES-1, 1.1, 3-2, 3.4.2.1 - FEIR Master Response 2.2	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 19	Project Description	DEIR ES-1, 1.1, 3-2, 3.4.2.1, 3.4.2.7, 4.4.4 and 4.4.5 - FEIR	Also See Phillips 66 Letter to Board Of Supervisors dated January 6, 2014.
CBE 20	Omissions in FEIR	SMW 2.2, 3.2.4 B4-21, -25, -30, 47 See all of above.	Appellants contend that the FEIR should be recirculated for further public comment. Recirculation of an EIR is required only when significant new information is added to an EIR after public notice is given of the availability of the draft EIR. New information 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. [CEQA Guidelines, 14 Cal. Code Regs. §15088.5(a).] For all of the reasons discussed in the response to the appeals, no new significant information has been submitted that would change any of the County's findings of no significant impact with the mitigations referenced in the EIR. Any new information submitted has been only to refute Appellants' claims and speculation and only verifies the facts upon which the DEIR and FEIR are based. [FEIR, Response B4-35, pgs. 3.2-128 & 3.2-129.] Summary. See all above.

EXHIBIT #8

COUNTY PLANNING COMMISSION
TUESDAY, NOVEMBER 19, 2013

FILE COPY

I. INTRODUCTION

PHILLIPS 66 COMPANY (APPLICANT & OWNER) COUNTY FILE #LP12-2073:

This is a request for approval of a Land Use Permit to implement and construct the Propane Recovery Project, which proposes refinery processing equipment improvements to recover for sale additional amounts of propane and butane from refinery fuel gas (RFG) and other process streams; and to decrease sulfur dioxide (SO₂) emissions from the refinery as a result of removing sulfur compounds from RFG streams. The proposed project would add and modify processing and ancillary equipment within the Phillips 66 Rodeo refinery in Contra Costa County.

The proposed project would add: 1) a hydrotreater, 2) new fractionation columns to recover propane and butane, 3) six propane storage vessels and treatment facilities, 4) two new rail spurs, and 5) the removal of two 265-foot heater stacks. To provide the steam required by the project, either a new 140 million Btu/hr¹ steam boiler would be added or more steam would be provided by the existing steam power plant if the new boiler were not built. There would also be minor modifications to existing process units and utility systems for the purpose of tie-ins and to address any changes in operating pressure or temperature at the tie-in points. The project also would require hydrotreating a portion of the RFG, a process that would reduce the amount of sulfur in the fuel gas, and because fuel gas is now burned to produce heat for refinery processes, it would ultimately reduce the refinery's SO₂ emissions within the atmosphere.

The project would be built in two phases. Phase I would include all project components except propane storage and the additional railcar loading rack and rail spurs. Phase II will include the facilities to store and ship propane along with the piping and other ancillary equipment necessary to get the propane from the Propane/Butane Recovery Unit to the storage vessels and loading racks. The Phillips 66 Rodeo refinery is located at 1380 San Pablo Avenue in unincorporated Contra Costa County, in the town of Rodeo. {Zoning: Heavy Industrial District (H-I); Assessor's Parcel Numbers: 357-010-001 & 357-300-005}

¹ British Thermal Unit (BTU or Btu) is a traditional unit of energy equal to about 1,055 Joules. It is the amount of energy needed to cool or heat one pound of water by one degree Fahrenheit. The unit is most often used as a measure of power (as Btu/h) in the power, steam generation, heating, and air conditioning industries.

II. STAFF RECOMMENDATIONS

Staff recommends that the County Planning Commission take the following actions:

- A. ACCEPT the recommendation from the Zoning Administrator regarding the adequacy and completeness of the Final Environmental Impact Report (Final EIR).
- B. ADOPT the Final EIR dated November 2013, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and with State and County CEQA Guidelines, and finding that the Final EIR reflects the County's independent judgment and analysis, and specify that the Department of Conservation and Development, Community Development Division (located at 30 Muir Road in Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
- C. CERTIFY that the Commission has considered the contents of the Final EIR prior to making a decision on the project
- D. APPROVE the Land Use Permit, County File #LP12-2073, based on the attached CEQA Findings, Land Use Permit Findings, Growth Management Standards, and subject to the attached conditions of approval (Exhibit A).
- E. ADOPT the attached Mitigation Monitoring Reporting Program (Exhibit C).
- F. DIRECT staff to file a Notice of Determination with the County Clerk.

III. GENERAL INFORMATION

- A. General Plan: The majority of the Refinery, including the locations of all proposed Propane Recovery Project units and modifications, is designated Heavy Industry (HI). The HI designation allows activities such as oil refining and other manufacturing operations requiring large areas of land with convenient truck and rail access.

The following standards apply to the Heavy Industry designation:

- Maximum site coverage: 30%
- Maximum floor area ratio: 0.67
- Average employees per gross acre: 45 employees

The Propane Recovery Project is consistent with the overall goals, standards, and policies of the General Plan because it is consistent with the land use designation for the site; is consistent with the Growth Management Performance Standards; mitigates all potentially significant environmental impacts to less-than-significant levels; and provides

economic development in the form of temporary construction jobs and two new permanent jobs, which translates into a small increase in the tax base.

- B. Zoning: The vast majority of the refinery, including the locations of all proposed Propane Recovery Project units and modifications, is zoned Heavy Industrial District (H-I). Petroleum refining is a permitted use in the H-I District, but a land use permit is still required for this project because it involves large quantities of hazardous materials. There are no setback requirements or height limitations for this zoning district. A small area on the south side of the refinery is zoned Planned Unit District, and R-6—Single Family Residential and A-2—General Agricultural to the east, but these have no bearing on this application.
- C. CEQA Status: The Department of Conservation and Development, Community Development Division (CDD) determined that an EIR was required for this project and distributed a Notice of Preparation (NOP) on July 24, 2012 (Exhibit H). The Draft Environmental Impact Report (Draft EIR) was released for public review on June 10, 2013. The initial public comment period was scheduled for 45 days and was extended an additional 15 days, ending on August 9, 2013. A public hearing before the Zoning Administrator to receive comments on the Draft EIR was held on July 15, 2013.

The Final EIR was published and distributed in November 2013. On November 18, 2013 the County Zoning Administrator will make a recommendation regarding certification of the Final EIR. Should the Zoning Administrator recommend certification of the Final EIR, then the resolution indicating such will be distributed to the Planning Commission at its November 19, 2013 hearing.

The EIR identified potentially significant environmental impacts that would occur if the project was implemented and recommended mitigation measures that would reduce all of the potentially significant impacts to less-than-significant levels. All mitigation measures are stated in the attached Mitigation Monitoring Reporting Program (Exhibit C) and are included as conditions of approval (Exhibit A). Further discussion of the project's environmental impacts is provided in Section VI below.

- D. Regulatory Programs: None apply.
- E. Refinery Vicinity: The Phillips 66 Rodeo refinery is located in unincorporated northwestern Contra Costa County, near the community of Rodeo. The refinery encompasses a total of 1,100 acres of land, consisting of a 495-acre active area of the refinery, where all its facilities and equipment are located, and another 600 acres of undeveloped land. The southern-most 300- to 600-foot wide portion of the refinery property serves as an undeveloped buffer area between the active or developed portion of the refinery and the adjacent residential area. Figure 3-1 (see.

Draft EIR Figure 3-1 which is attached as Exhibit D) shows the location and property boundaries of the refinery.

The refinery is bordered by the Shore Terminal (formerly NuStar) to the north, an undeveloped area to the east, the Bayo Vista residential area to the south, and San Pablo Bay to the north and west (see Figure 3-2 which is attached as Exhibit E). Interstate Highway 80 (I-80) and San Pablo Avenue run parallel in a north-south direction through the Refinery's property. A portion of the property extends to the southeast ending along Highway 4.

Project components would occupy approximately one acre at three primary locations in the active area of the refinery. The propane/butane recovery unit and fuel gas hydrotreating unit would be located next to the existing hydrocracker (Unit 240), located in the central area of the refinery.

IV. PROPOSED PROJECT

The main objectives and elements of the Propane Recovery Project are described below. A detailed description of the project is provided in Chapter 3 of the Draft EIR entitled *Project Description*.

A. Propane Recovery Project Objectives: The primary objectives of the proposed project are as follows.

1. **Recover and Sell Additional Propane and Butane**: The refinery currently generates light hydrocarbon gases from many of its separation, distillation, and conversion steps. Most of the gases are treated and used by the refinery in the refinery fuel gas (RFG) system to provide heat and energy for refinery processes. Phillips 66's main objective for its Rodeo refinery is to have the capability to recover and produce propane and recover more butane for sale, thus producing more products from the crude oil it currently refines.
2. **Reduce Refinery Fuel Gas Sulfur (SO₂) Emissions**: A decrease in SO₂ emissions from refinery combustion sources would result from the removal of sulfur compounds from RFG as part of the process to recover propane and additional butane for sale. Phillips 66 plans to remove sulfur and other impurities from its light hydrocarbon gases, which includes the light hydrocarbon gases that are generated by the refinery's Crude/Delayed Coker Unit. The gases from this unit contain sulfur compounds, which would need to be removed to produce clean liquid propane and butane products. The proposed project includes a hydrotreating step to remove sulfur compounds from the coker fuel gas. Removal of sulfur from the light hydrocarbon gases produced at the coker would not only clean the propane and butane products, but would also reduce the sulfur in the remaining

light hydrocarbon gases that then become part of the refinery's fuel gas system.

3. **Reduce Likelihood of Flaring Events:** Recovery of propane and additional butane from the refinery's fuel gas system would reduce the overall volume of fuel gas produced. One benefit of reducing the fuel gas volume occurs when large fuel gas consuming equipment or units are periodically taken out of service. On these occasions, the refinery runs the risk of having more fuel gas present than it can consume and must flare the excess fuel gas. Thus, another key objective of this proposed project is to reduce the likelihood of flaring during periods of RFG consumption imbalance by reducing the overall amount of fuel gas consumed at the refinery.

- B. **Propane Recovery Project Elements:** Phillips 66 proposes to implement the following additions and modifications aimed at attaining the three objectives stated above.

New Refinery Components

1. **Refinery Fuel Gas (RFG) Propane/Butane Recovery Facilities:**
The project would involve the construction of three (3) new fractionation towers and two (2) new absorber towers to recover propane and butane and to remove hydrogen sulfide (H_2S). Supporting the operation of the fractionators /absorbers are a total of fifteen (15) process heat exchangers, eleven (11) process vessels, and fifteen (15) process pumps. The propane/butane recovery unit would primarily be added at the existing Process Unit 240. The propane and butane recovery process would require an increase in energy consumption. The heat required by the process would be provided by steam from a new 140 million Btu/hr steam boiler or from the existing steam power plant. The project would be designed to recover approximately 4,200 barrels per day of propane and 3,800 barrels per day of additional butane. Natural gas consumption would increase to replace the propane and butane recovered from RFG. The additional natural gas would be purchased from PG&E. To meet propane product specifications, treatment facilities that use sodium hydroxide and potassium hydroxide pellets would be installed. The treatment facilities will remove trace sulfur compounds and water prior to rail loading.
2. **Refinery Fuel Gas Hydrotreating Unit:** Certain RFG streams that contain sulfur compounds would be hydrotreated prior to processing at the propane/butane recovery unit as part of the proposed project. Hydrotreating would remove the sulfur compounds from the light hydrocarbon gases, which would not only clean and improve the quality of the propane and butane products,

but would also reduce the sulfur in the remaining light hydrocarbon gases that become part of the RFG system.

3. **Propane Railcar Loading Rack:** The proposed project would add a new, two-sided railcar loading rack in order to increase the overall amount of propane and butane that could be loaded. The new loading rack would be added next to an existing butane railcar loading rack. This new loading facility would be designed to load an additional 8 rail cars per day. The total propane and butane loading capacity under the project would be 24 cars per day (16 existing + 8 new with the project). The existing butane loading capacity would be sufficient to accommodate the increased volume of recovered butane. Offloading of purchased butane will not be affected by the proposed project and will remain an infrequent occurrence. As part of this loading modification, two new rail spurs would be added with the capacity to hold 4 railcars on each spur. The new loading rack would be positioned between the two proposed rail spurs.
4. **Propane Storage Facilities:** Up to six (6) pressure tanks designed for storage of propane would be constructed. The combined total storage capacity of the storage tanks would be 15,000 barrels of propane. The propane storage tanks would be installed in a tank farm located west of San Pablo Avenue. This location allows for shorter piping runs and is farthest from sensitive receptors, ignition sources, and public roadways compared to other sites. In addition, this location has access to key utilities, such as fire water.

Project Related Modifications To Existing Refinery Process Units

5. The project would necessitate minor modifications to existing process units and utility systems for the purpose of tie-ins and to address any changes in operating pressure or temperature at the tie-in points. Additional piping would consist of new lines or tie-ins to existing lines outside of the process units. These include new rundown lines needed to send products to storage and interconnection lines between process units.
- C. Increased Demand on Utilities: The Propane Recovery Project will result in the following demands on utility usage.

1. **Water:** The East Bay Municipal Utility District (EBMUD) is the water supplier to the refinery. The Refinery currently receives approximately 3,000 gallons per minute (4.32 million gallons/day) of fresh water from EBMUD. The Propane Recovery Project would require an increase in fresh water by approximately 20 gallons per minute (0.03 million gallons/day). The additional fresh water

required for the proposed project would be available from EBMUD's existing entitlements.

Approximately 31,500 gallons per minute of additional cooling water (salt water) is withdrawn and returned to San Pablo Bay via a once-through, non-contact cooling system. The intake structure for the once-through, non-contact salt water is located at the base of the Marine Terminal Causeway and consists of four intake bays with five pumps capable of withdrawing a maximum flow of all pumps combined of 49,000 gallons per minute. The project is estimated to increase once-through salt water use by approximately 8,500 gallons per minute for a total of 40,000 gallons per minute. Therefore, the existing salt water cooling system has sufficient capacity to supply the proposed project. The additional water supply required during project construction would be only a small, temporary increment as compared to existing and proposed water usage.

2. **Sewer/Wastewater:** The proposed project would be constructed and its operations conducted entirely within those areas of the refinery that are already served by the existing water and on-site wastewater collection and treatment systems. The refinery's wastewater treatment system has a capacity of approximately 10 million gallons per day. Current wastewater flows to the on-site treatment system are approximately 2.8 million gallons per day. Overall flows to the refinery's on-site wastewater treatment system would increase by approximately 10 to 20 gallons per minute or up to 0.03 million gallons per day. The treatment system has adequate capacity to handle increased wastewater flows; thus, no treatment-system expansion or modification would be required.
3. **Electricity and Natural Gas:** The refinery currently produces approximately 48 Mega Watts (MW) of electrical power, which, as of 2012, was consumed internally for its own use with no power exported. The refinery currently uses approximately 9,000 million standard cubic feet (SCF) of natural gas and 116,000 MW-hours of electricity supplied by PG&E annually. As a result of implementing the proposed project, natural gas consumption would increase at the refinery. An increase of approximately 30 million SCF per day of natural gas would replace propane and butane removed from the fuel gas. The additional natural gas would be purchased from PG&E. An increase of 10,900 MW-hours of electricity would be required annually from PG&E.
4. **Solid Waste to Landfills:** Solid waste from proposed project construction is expected to produce 2.8 pounds per person per day.

Assuming a peak construction workforce of 400 workers and a three-month peak construction period, the proposed project would generate approximately 37 tons of waste during the peak of construction activity. Additional solid waste would be recycled or transported to an approved solid waste landfill. Debris that could not be recycled would be sent to a sanitary landfill in compliance with the *Countywide Integrated Waste Management Plan*. The refinery's ongoing recycling programs also would reduce the quantities of proposed project solid wastes that require landfill disposal. Solid waste generated by the proposed project would be transported to the Keller Canyon Landfill, which has an allowable throughput of 3,500 tons per day, and an estimated closure date of 2050. The estimated 37 tons of solid waste produced during peak construction would represent the largest component of the solid waste produced by the project. This one-time contribution to the landfill would be well within the capacity of the landfill and would result in a less-than-significant impact.

During normal post-construction project operations, solid wastes would be generated from routine maintenance, office activities, etc. The additional waste quantities generated during project operations would be an insubstantial increase in comparison to the existing solid waste generation from normal operations at the refinery. Currently, normal operations produce approximately one-quarter ton per month of waste.

D. Propane Recovery Project Construction: Construction of the Propane Recovery Project is discussed in several sections of the Draft EIR. Chapter 3 provides an overview while other sections such as, but not limited to, 4.3 *Air Quality*, 4.13 *Noise* and 4.17 *Transportation and Traffic* discuss particular aspects of the construction process. Startup would occur after the completion of construction, which is estimated to take 12 to 15 months. The project would be constructed on existing refinery property that is zoned for heavy industrial use, and the proposed project would be a permitted use within the heavy industrial zoning district; however, a Land Use Permit is required under the Hazardous Waste or Hazardous Materials Ordinance §84-63.1002 of the Contra Costa County Code. Construction is proposed to begin after all required permits are received. Construction activity is summarized as follows.

1. **Construction Duration:** The project would be built in two phases. The first phase (Phase I) would provide enhanced recovery and increased rail shipments of butane. Phase I would include all project components except propane storage and the additional rail loading rack and spurs. During the second phase, (Phase II), the facilities to store and ship propane would be added along with the piping and

other ancillary equipment necessary to get the propane from the Propane/Butane Recovery Unit to the storage vessels and loading racks.

Construction for Phase I is proposed to begin during the 2nd quarter 2014 after all required permits are received. Startup for Phase I would occur after the completion of construction, which is estimated to take 12 to 15 months. Construction for Phase II will likely begin within five years after the completion of Phase I and is expected to take 8 to 12 months to complete. Both phases of the proposed project will be constructed utilizing a single work shift, with construction occurring weekdays during an 8- to 10-hour shift, starting at 7:00 a.m., and ending as early as 3:30 p.m. and as late as 5:30 p.m. The plan is to complete construction of Phase I during a planned turnaround at the existing uncracker complex. The planned turnaround will occur regardless of the ultimate timing of this proposed project.

2. **Construction Areas:** The Propane Recovery Project would be constructed entirely within the 495-acre active processing section of the refinery property. The major project components would be constructed at three sites (see Draft EIR Figure 3-3, Locations of Site Modifications, which is attached in Exhibit F). The primary staging and laydown area would be located in an open area just south of the new propane recovery unit, and the backup laydown area would be on the Selby Slag site just north of the refinery along San Pablo Bay. Project construction workers would park in a number of adjacent and on-site refinery parcels or property. No development is proposed within the 600-acre undeveloped portion of the refinery.
3. **Site Preparation:** The new Fuel Gas Hydrotreating and Propane/Butane Recovery Unit would be constructed during Phase I on existing plot space that currently houses an out of service unit U-240-4 that would be dismantled. The propane storage facilities are proposed to be constructed during Phase II on an undeveloped space adjacent to Tank 78 (which would be demolished). The new propane railcar loading rack would be located east of the existing butane railcar loading racks and would require demolition of approximately 20 existing, small, out of service tanks. There also would be minor demolition activities (e.g., pipe supports, concrete slabs) associated with proposed new interconnecting piping. Excess soil generated from site preparation activities would be recycled or remain on-site. Other materials, such as asphalt and concrete, would be transported off-site for recycling or disposal at appropriately permitted disposal sites. Hydrocarbon-containing soils

would be handled consistent with the refinery's existing soils management plan.

4. **Construction Materials and Services:** During construction, deliveries would be required of materials such as concrete, structural steel, pipe and fittings, vessels and equipment, electrical equipment, and insulation. Deliveries would also be necessary for additional construction services equipment (e.g., portable toilets, temporary office trailers for construction contractors). Materials would be delivered by truck. It is estimated that up to 20 truck deliveries per day would occur during the construction period, which is anticipated to last approximately 12 to 15 months for Phase I and 8 to 12 months for Phase II.
5. **Construction Workforce:** The project's construction workforce for Phase I is expected to reach approximately 400 workers at its peak during 2014. This workforce would include cement finishers, ironworkers, pipe fitters, welders, carpenters, boilermakers, electricians, riggers, painters, operators, and laborers. The entire construction work force would be drawn from the region within an approximately 1-hour commute distance from the refinery. The project's construction workforce for Phase II is expected to reach approximately 200 workers at its peak.

Phillips 66 anticipates a peak of 386 additional two-way trips per day during construction: 366 worker commute trips and 20 truck trips, bringing project equipment and supplies to the refinery. No physical entrance, roadway, or intersection improvements would be needed to accommodate the construction traffic volume. Construction traffic would be encouraged to use the Cummings Skyway interchange from I-80 and the north gate(s) of the Refinery. The Cummings Skyway interchange was constructed several years ago to minimize the refinery traffic through the community of Rodeo. Continued use of this access route by project construction-phase traffic would minimize the potential for project impacts on the residents of Rodeo. Project construction workers would park in a number of adjacent and on-site refinery parcels or property.

6. **Construction Hours:** Construction activities would be limited to the hours of 7:00 a.m. to 5:30 p.m. and would be prohibited on state and federal holidays.

V. PUBLIC AGENCY CONSULTATION & COMMENTS

The Department of Conservation and Development, Community Development Division conferred with a number of state and local agencies and other County departments prior to and during preparation of the EIR (see Exhibit G). Correspondence was received in response to the Notice of

Preparation (NOP), and the Draft Environmental Impact Report (Draft EIR) [see Section VII—Public Comments].

VI. ENVIRONMENTAL IMPACTS

The Draft EIR identified environmental impacts which would occur if the Propane Recovery Project were implemented. Most impacts were determined to be less than significant. However, potentially significant impacts were identified in the following Draft EIR topic areas: Air Quality, Cultural Resources, Noise, and Traffic and Transportation.

- A. Air Quality: Potentially significant temporary and permanent air quality impacts would result from increased emissions of particulate matter less than 10 microns in diameter (PM₁₀), reactive organic gases (ROG), nitrogen oxide (NO_x) and sulfur dioxide (SO₂) during the construction and/or operation phases of the Propane Recovery Project. These impacts would be mitigated to less-than-significant levels by permanently decommissioning the B-401 process heater in Unit 240 to offset significant emissions related to the proposed project, and prior to operations of the project, Phillips 66 shall provide documentation to the Department of Conservation and Development that the Bay Area Air Quality Management District (BAAQMD) has relinquished its permit to operate for the process heater. The project will also decrease SO₂ emissions by removing sulfur for RFG streams, and, during the construction phases, emissions will be reduced by implementation of basic BAAQMD construction control measures outlined in the project's Mitigation and Monitoring Program. Air quality is discussed in detail in Section 4.3 of the Draft EIR and in
- B. Cultural Resources: Potentially significant cultural resource impacts would result from earthwork performed at the various construction sites. These impacts would be mitigated to less-than-significant levels through implementation of standard protocols related to the discovery of cultural resources at construction sites. Specifically, construction must cease and appropriate professionals such as archaeologists, paleontologists, the County coroner, etc must be contacted in the event that artifacts or human remains are discovered. Cultural resources are discussed in detail in Section 4.5 of the Draft EIR.
- C. Noise: Potentially significant temporary noise impacts would result from project construction activities. These impacts would be mitigated to less-than-significant levels by proper maintenance of construction equipment, such as ensuring that equipment is well-tuned and that noise control devices are in good working order; notifying residents of the construction schedule; and adherence to approved project work hours. Noise is discussed in detail in Section 4.13 of the Draft EIR.
- D. Transportation and Traffic: Potentially significant transportation and traffic impacts would result from a large increase in truck and automobile traffic during the construction phase of the Propane Recovery

Project. The use of large trucks to transport equipment and material to and from the project work sites could affect road conditions on the designated construction route by increasing the rate of road wear. These impacts would be mitigated to less-than-significant levels by the requirement of the submittal of a pavement monitoring plan that describes measures that will be implemented to revitalize pavement along the proposed haul routes deteriorated by project-related construction traffic shall also be included and be submitted for review by the Public Works Department prior to the commencement of any construction on-site. Also, access and hauling routes shall be specified to minimize traffic impact to the area wide roadways. Transportation and traffic are discussed in Section 4.17 of the Draft EIR.

All mitigation measures are included in the Mitigation Monitoring Reporting Program (Exhibit C) and the conditions of approval (Exhibit A).

VII. PUBLIC COMMENTS

Forty-four (41) comments, in the form of letters and e-mail correspondence, were received from private citizens, public agencies, concerned-citizens groups, and other entities during the 60-day public comment period for the Draft EIR, and seven (7) late comments were accepted for the record. According to State and County CEQA Guidelines Section 15088, staff was under no obligation to respond formally to these late comments; nevertheless, staff has chosen to provide responses for this project. Twelve (12) oral comments related to the Draft EIR were received during the July 15, 2013 public hearing before the Zoning Administrator, which was held for the purpose of receiving public comments on the adequacy of the Draft EIR. The Final EIR responds to the comments submitted during the public review and comment period for the Draft EIR.

VIII. CONCLUSION

Staff recommends that the County Planning Commission APPROVE the Propane Recovery Project by taking the six actions listed above in Section II. The project as proposed is consistent with the General Plan and the Heavy Industrial zoning designation for the site; all environmental impacts would be mitigated to less-than-significant levels; the health, safety, and general welfare of the public would be preserved; and there would be economic benefits as a result of the project.

EXHIBIT #9

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DONNA HOFFMAN
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SUITE 200
PETALUMA, CA 94954

ESA
ATTN: BRIAN BOXER
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WALNUT CREEK, CA 94597

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3609 BLACK FEATHER
EL SOBRANTE, CA 94803

JESS DERVIN-ACKERMAN
SIERRA CLUB
2530 SAN PABLO AVENUE
BERKELEY, CA 94702

ERIK FERRY
2334 TULARE AVENUE
EL CERRITO, CA 94530

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175 RIDGEVIEW TER
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2351 DAPPLEGRAY LANE
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DEAJU HIDALGO
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EBMUD
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RODEO, CA 94572

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861 SOUTH VILLAGE OAKS
COVINA, CA 91724

RODEO CHAMBER OF COMMERCE
JOSEPHINE OROZCO
P.O. BOX 548
RODEO, CA 94572

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DON LOU
263 S. 20TH STREET
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JAMES NEU
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MARTINEZ, CA 94553

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COMMUNITY DEVELOPMENT
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PLANNING AND BUILDING SERVICES
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KENT CAROLL
212 SHARON AVENUE
RODEO, CA 94572

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PHIL VANCE
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DISTRICT
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ATTN: WILLIAM KIRKPATRICK
375 11TH STREET
OAKLAND, CA 94607

COCOTAX
ATTN: ALEX ALIFERIS
P.O. BOX 27
MARTINEZ, CA 94553

DISTRICT I
SUPERVISOR JOHN GIOIA

DISTRICT II
SUPERVISOR CANDACE ANDERSEN

DISTRICT III
SUPERVISOR MARY N. PIEPHO

DISTRICT IV
SUPERVISOR KAREN MITCHOFF

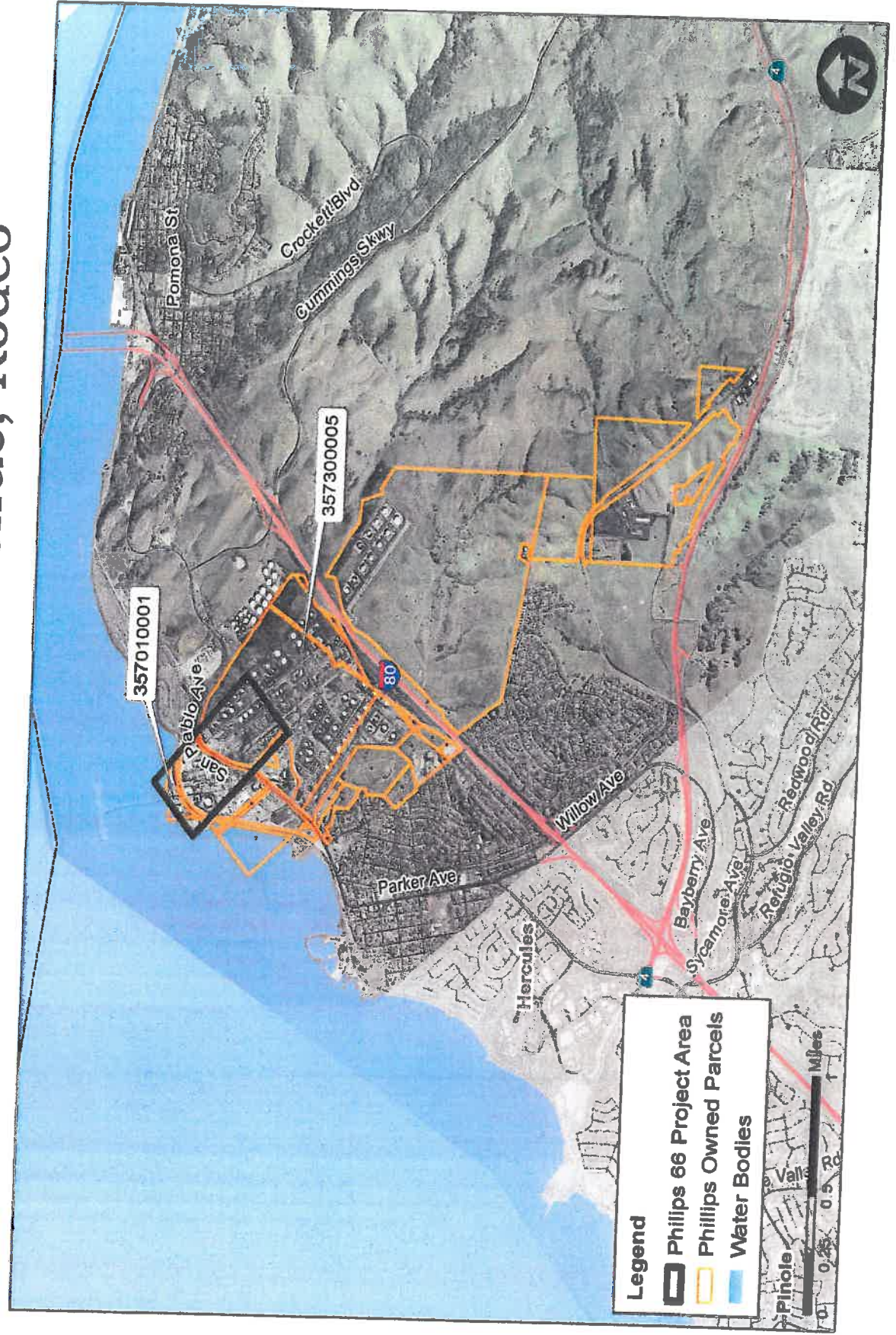
EXHIBIT #10

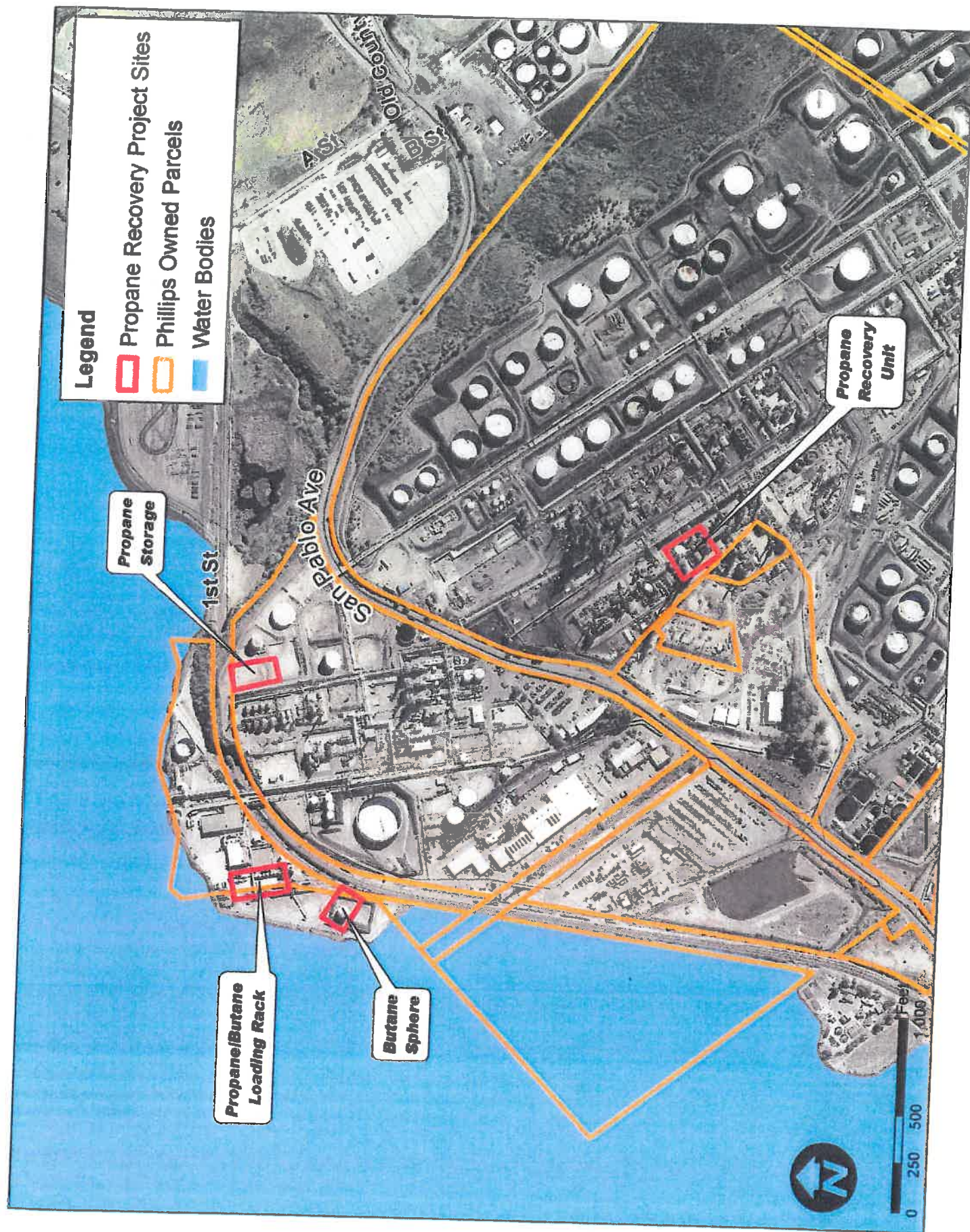




Project Location

1380 San Pablo Avenue, Rodeo





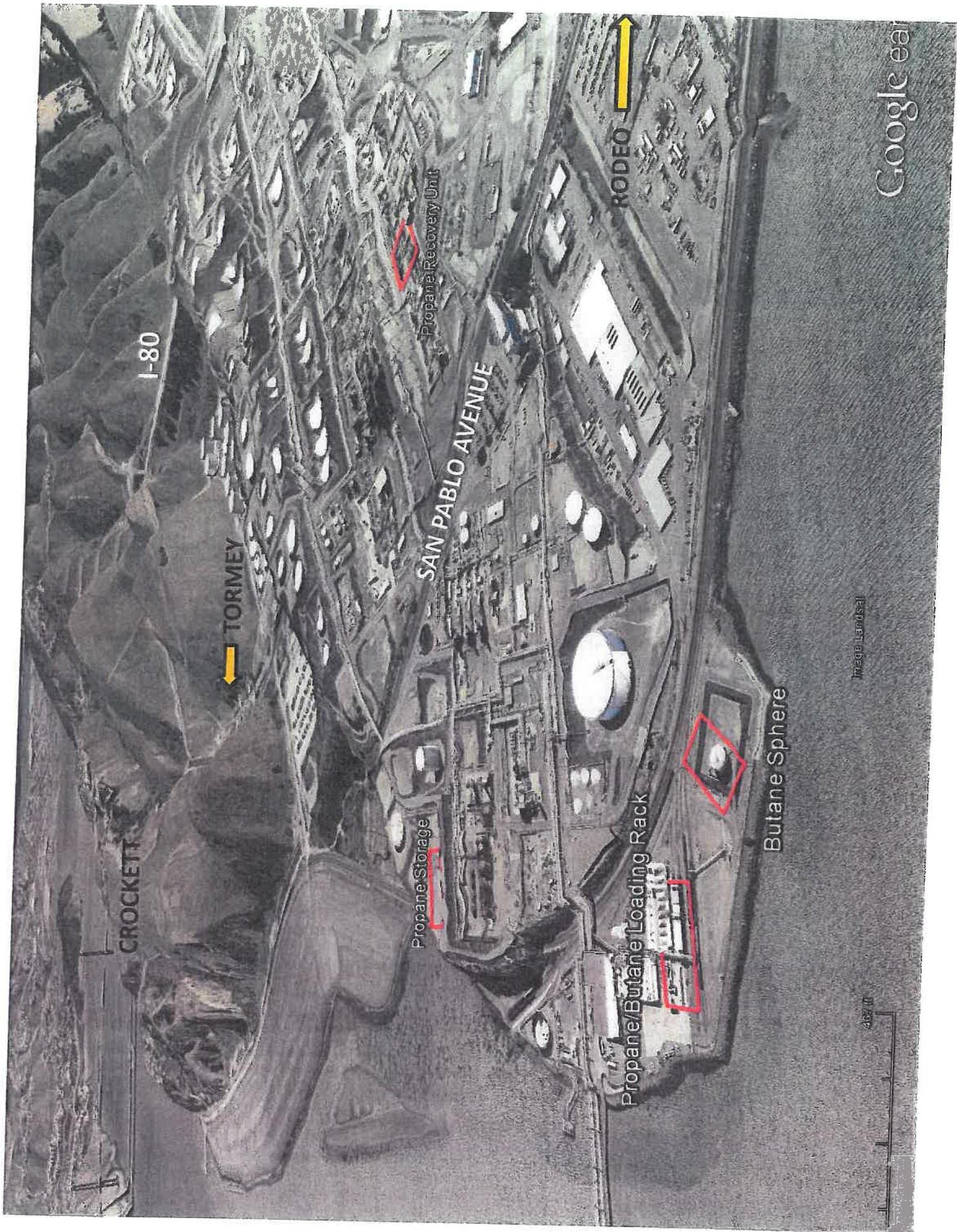


EXHIBIT #11

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14 January 2014

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–C

Dear Clerk of the Board,

In support of our appeal, CBE respectfully submits Rodeo facility fuel gas propane and butane (LPG) content and fuel gas flow data. This evidence is appended hereto as Attachment 4.

The proposed project would recover propane and additional butane produced from crude oil in amounts that could boost this refinery's LPG yield to exceed 11 volume % on its crude oil feed.¹ Average monthly West Coast refinery LPG yields reported since 1993 never exceeded 4.1 vol. % on crude.² Feedstock and products are key process variables that are fundamentally interrelated. Thus, changing LPG production changes oil feedstock processing. CBE and the Rodeo Citizens Association (RCA) showed that the project would require increased LPG production, requiring a change in feedstock, and related proposals would enable such new, and likely lower quality, oil feeds, such as tar sands oils.¹ Refining lower quality oil can worsen pollution and safety hazards substantially.¹ The Governor's Office of Planning and Research (OPR),³ and the Refinery Action Collaborative, which includes, among others, the Labor Occupational Health Program at U.C. Berkeley and the refinery workers' union United Steelworkers,⁴ have joined CBE and RCA in asking that the EIR disclose and analyze potential changes in oil feedstock and resultant impacts.

¹ See CBE and RCA expert reports: Karras Report dated 4 Sep 2013; Fox Report dated 15 Nov 2013.

² PADD 5 Refinery Yield; www.eia.gov/dnav/pet/pet_pnp_pct_dc_r50_pct_m.htm. Download 13 Jan 2013. This 4.1% maximum may be an overestimate: it may include other liquefied gases (e.g., ethane, ethylene).

³ See CBE Supplemental Evidence–A, submitted on 12 Dec 2013.

⁴ Refinery Action Collaborative letter of 18 Dec 2013, appended hereto as Attachment 5.

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The EIR admits it “did not address changes in crude oil use”⁵ and argues against this disclosure, asserting that the proposed change in LPG has no relationship to any change in oil feedstock. Specifically, the EIR asserts that the project “would not change, enlarge, or otherwise impact” the refinery’s oil feedstock⁵ because, it asserts:

- (1) “the actual amount of propane and butane available for recovery (determined using measured flow data and lab analysis of propane and butane content) is approximately 4,200 bpd [barrels per day, or b/d] of propane and 9,300 bpd of butane”⁵ so that;
- (2) the 4,200 b/d of propane⁶ and 3,800 b/d of additional butane⁶ the project design would recover from refinery fuel gas “do not represent any anticipated increase in LPG production.”⁵

Despite its explicit reliance on “measured flow data and lab analysis of propane and butane content” for this claimed amount of LPG recoverable in the baseline, no such data is included anywhere in the EIR.⁷ Therefore, the data in Attachment 4 are relevant to environmental review of this project.

The Rodeo Fuel Gas LPG Data

Phillips 66 submitted a “Refinery Fuel Gas Speciation Profile” and “Daily U233 Fuel Gas Data” in attachments A-4 and A-7 to its air permits application for this project.⁸ These data are given in Attachment 4. The Speciation Profile reports the propane and butane⁹ content, mass fractions, and molecular weight (MW) of fuel gas from analysis of samples taken at the Unit 233 fuel gas mix drum, described as the mix drum for the fuel gas system. Propane and butane concentrations ranged by 10% and 17%, respectively, in three samples taken during August 2011. Phillips’ Attachment A-7 reports daily Unit 233 fuel gas flow from Jan 2009–Nov 2012. In the most recent three-year baseline period reported (Dec 2009–Nov 2012) this fuel gas flow averaged ≈29.83 million standard cubic feet per day (MMSCFD) with a 90th Percentile flow of 35.21 MMSCFD.

Phillips asserted that these data are representative of the refinery baseline for project review.¹⁰ Table S-1 summarizes these baseline data.

⁵ FEIR at 3.2-130 [explanation added]: As used in the EIR, “bpd” refers to barrels per day (b/d).

⁶ Project design reported by the EIR. See DEIR at 3-23; see also DEIR at 3-21 (Table 3-2).

⁷ The EIR’s failure to disclose these purported baseline data is improper. See also Fox Report at 5.

⁸ *Rodeo Propane Recovery Project BAAQMD Authority to Construct and Significant Revision to Major Facility Review Permit Application*, February 2013. Previously submitted attached to Karras Report.

⁹ Butane, herein, is the sum of *n*-butane and isobutane, each of which is reported in Attachment A-4.

¹⁰ Indeed, this refinery baseline is asserted explicitly (“Refinery fuel gas [RFG] volume and total sulfur content *for the baseline period* were provided in the original permit application”) (*emphasis added*) on page 3 of Phillips’ 28 June 2013 response to the Air Quality Management District’s 21 May 2013 Incomplete Letter (included in the Karras Report “Air Permit Correspondence” Attachment). Phillips’ statement must refer to air permit app. attachments A-4 and A-7 as no other refinery fuel gas data were included in the application or its attachments. Thus, these are the only data available at this time that represent the “measured flow data and lab analysis of propane and butane content” the EIR purports to rely upon, and Phillips asserted that these data are representative of the project baseline. CBE submits these data on this basis, however, more data are required for full environmental review. For example, other, undisclosed, and new streams containing LPG could be routed to recovery, such as streams from the refinery’s Santa Maria Facility (see Fox Report), and Phillips reports analysis of only three samples for LPG in fuel gas.

Table S-1. Baseline LPG in Rodeo Facility Fuel Gas, December 2009–November 2012^a

	Units	Average	90 th Percentile
U233 fuel gas flow	(MMSCFD)	29.83	35.21
	(million lbs/day)	1.71	2.02
Propane in fuel gas	(lb/lb fuel gas)	0.2381	0.2381
	(million lbs/day)	0.407	0.481
	(barrels/day)	2,290	2,700
	(% of project design)	54%	64%
Butane in fuel gas	(lb/lb fuel gas)	0.2230	0.2230
	(million lbs/day)	0.381	0.450
	(barrels/day)	1,880	2,220
	(% of project design)	49%	58%

(a) Project design: 4,200 b/d propane and 3,800 b/d butane; data from DEIR at 3-23. Compressed liquid densities at 60 °F: 178 lb/barrel propane and 203 lb/b butane; data from EPA's AP 42 Appendix A. All other data from Phillips 66 Air Permit Application attachments provided in Attachment 4 hereto. Conversions from MMSCFD (1 atm., 60 °F) to lbs/d based on fuel gas MW (21.75 lb/lb-mol), and on propane and butane mass fractions (lb/lb fuel gas shown in table), from Attachment 4. Butane shown includes *n*-Butane and Isobutane.

LPG Baseline Errors

As estimated from Phillips' data, the baseline Rodeo facility fuel gas contains an average of $\approx 2,290$ b/d of propane and $\approx 1,880$ b/d of butane. See Table S-1. Even at the 90th Percentile (conditions existing only 10% of the time) it contains only $\approx 2,700$ b/d of propane and 2,220 b/d of butane. These amounts are smaller than the "4,200 bpd of propane and 9,300 bpd of butane" baseline asserted by the EIR. Thus, Phillips' data show that the EIR overestimates the project LPG baseline. Therefore, the EIR's unsupported LPG baseline is contradicted by available data that the EIR has failed to disclose.

LPG Production and Feedstock Errors

Phillips data show that baseline refinery fuel gas does not contain enough LPG to implement the project goals. See Table S-1. Instead, LPG available from existing crude stocks would meet about half of the project's goals—54% of projected propane production and 49% of projected butane production. Therefore, the EIR's unsupported assertion that the project goals "do not represent any anticipated increase in LPG production" is contradicted by available data that the EIR has failed to disclose.

At roughly half of project design (see Table S-1), LPG production would roughly double—*on average*—in order to implement the project as proposed. This substantial increase in production would require a change in the amount or composition of the feedstock or processing methods. Thus, the EIR's unsupported claim that the project "would not change, enlarge, or otherwise impact" refinery oil feedstock is contradicted by Phillips' own data, which the EIR has failed to disclose. Changing refinery oil feedstock has known potential to worsen air pollution and safety

hazards substantially. Therefore, the EIR's admission that it "did not address changes in crude oil use" indicates a serious deficiency in the environmental review of this project.


Conclusion

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 this refinery's oil feedstock. 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 impacts of those changes, and how those impacts will be addressed. The EIR argues against this necessary environmental disclosure, inappropriately, and erroneously. Its claim that LPG production and oil feed changes are unrelated suffers from the logical fallacy that products are unrelated to feedstock, relies on unsupported conclusory statements, ignores related wharf, rail, and processing expansions that enable new feedstock, and—as documented further herein—is contradicted by substantial evidence that the project requires new feedstock. This new evidence further strongly supports CBE's appeal.

Respectfully Submitted,



Roger Lin
Staff Attorney



Greg Karras
Senior Scientist

Attachments: CBE Supp. Attachment 4. Refinery Fuel Gas Speciation Profile and Daily U233 Fuel Gas Data, as submitted by Phillips 66 in attachments to its air permit application for the project

CBE Supp. Attachment 5. Refinery Action Collaborative letter of 18 Dec. 2013

Copy: Lashun Cross, Principal Planner, Department of Conservation and Development
Laurel L. Impett, AICP, Urban Planner, Shute, Mihaly & Weinberger LLP
Ken Alex, Director, Governor's Office of Planning and Research
Jean Roggenkamp, Deputy Air Pollution Control Officer, BAAQMD
Refinery Action Collaborative, San Francisco Bay Area
Interested Organizations and Individuals

CBE Supplemental Attachment 4

**Refinery Fuel Gas Speciation Profile and
Daily U233 Fuel Gas Data, as submitted
by Phillips 66 in attachments to its Air
Permit Application for the Project***

Contents

- Part 1: Refinery Fuel Gas Speciation Profile
 Permit App. Attachment A-4 excerpt
 (5 pages)**
- Part 2: Daily U233 Fuel Gas Data
 Permit App. Attachment A-7
 (22 pages)**

**** Rodeo Propane Recovery Project BAAQMD Authority to
Construct and Significant Revision to Major Facility Review
Permit Application, February 2013.
Previously submitted attached to 4 Sep 2013 Karras Report.***

Form Approved 03/28/2011
OMB Control No. 2060-0657
Approval Expires 03/31/2014

Fuel Gas Data

[illegible]

Fuel Gas Data

Instruction:		Enter the fuel gas higher heating value (HHV) content and general composition data						
Field:		CAS No. >>	1333-74-0	630-08-0	124-38-0	7727-37-9	7782-44-7	
	Facility ID Number	HHV (Btu/scf)	Moisture Content (vol%)	Hydrogen (vol%, dry basis)	Carbon monoxide (vol%, dry basis)	Carbon dioxide (vol%, dry basis)	Nitrogen (vol%, dry basis)	Oxygen (vol%, dry basis)
	CAS0280	1323.33	1.00	29.44	0.43	0.11	2.03	0.43
	CAS0280	1335.42	0.90	29.49	0.44	0.11	2.39	0.44
	CAS0280	1320.85	1.10	29.44	0.43	0.11	2.03	0.43
Molecular Wt	Molecular V	18.0153	2.014	28.01	44.01	28.0134	32	
Mass Fraction		0.008282897	0.027274137	0.005531228	0.002225783	0.027678106	0.006318147	

Refinery Fuel Gas Speciation Profile

Form Approved 03/28/2011

OMB Control No. 2060-0657

Approval Expires 03/31/2014

Fuel Gas Data

 Assume all TRS is H₂S

Instruction:		Enter the sulfur compound composition data												
Field:		CAS No. >>	7783-06-4	463-58-1	75-15-0	74-82-8	74-84-0	74-85-1	74-86-2	74-98-6	115-07-1	463-49-0	106-97-8	75-28-5
	Facility ID Number	TRS (ppmvd)	Hydrogen sulfide (ppmvd)	Carbonyl sulfide (ppmvd)	Carbon disulfide (ppmvd)	Methane (ppmvd)	Ethane (ppmvd)	Ethylene (ppmvd)	Acetylene (ppmvd)	Propane (ppmvd)	Propylene (ppmvd)	Propadiene (ppmvd)	n-Butane (ppmvd)	Isobutane (ppmvd)
	CA5A0280	505.55	8.370	29.50	0.344	285,832.00	116,590.66	6,783.18	0.53	113,270.53	13,323.18	0.53	50,774.64	35,532.76
	CA5A0280	571.89	12.300	30.60	0.459	275,316.91	113,347.86	6,775.19	0.54	114,590.81	13,684.23	0.54	54,365.84	34,297.09
	CA5A0280	551.55	18.300	32.70	0.359	278,916.27	123,708.52	6,628.30	0.54	124,396.66	12,803.23	0.54	47,143.31	28,321.31
Molecular Wt	Molecular Wt	34.0809	34.0809	60.07	76.139	16.04	30.07	28.05	26.04	44.1	42.08	40.065	58.12	58.12
Mass Fraction		0.0009	0.0030	0.0001	0.0000136	0.2065	0.1625	0.0087	0.0000	0.2361	0.0257	0.0000	0.1356	0.0874

Fuel Gas Data

Instruction:		Enter the organic compound composition data													
Field:		106-98-9	107-01-7	115-11-7	590-19-2	106-99-0	109-66-0	78-76-4	287-92-3	109-57-1	827-20-3	646-04-6	563-46-2	563-45-1	513-35-9
	Facility ID Number	1-Butene (ppmvd)	2-Butene (ppmvd)	Isobutene (ppmvd)	1,2-Butadiene (ppmvd)	1,3-Butadiene (ppmvd)	n-Pentane (ppmvd)	2-Methylbutane (ppmvd)	Cyclopentane (ppmvd)	1-Pentene (ppmvd)	Cis-2-pentene (ppmvd)	Trans-2-pentene (ppmvd)	2-Methyl-1-butene (ppmvd)	3-Methyl-1-butene (ppmvd)	2-Methyl-2-butene (ppmvd)
	CA5A0280	3,845.93	3,281.74	4,859.40	0.53	90.87	8,159.25	8,323.28	803.88	840.43	239.12	487.41	603.86	394.76	700.72
	CA5A0280	4,218.99	3,561.71	4,991.62	0.54	92.39	7,002.63	9,746.00	685.57	958.71	277.82	562.60	694.28	414.61	810.72
	CA5A0280	3,651.76	3,012.08	3,904.83	0.54	88.31	5,850.78	7,771.96	579.37	813.06	253.07	479.22	581.52	358.61	685.98
Molecular Wt	Molecular Wt	56.106	56.106	56.106	54.091	54.091	72.15	72.15	70.1	70.13	70.13	70.13	70.13	70.13	70.13
Mass Fraction		0.0191	0.0085	0.0119	0.0000	0.0002	0.0210	0.0286	0.0020	0.0028	0.0008	0.0016	0.0020	0.0012	0.0024

Refinery Fuel Gas Speciation Profile
Form Approved 03/28/2011
OMB Control No. 2060-0657
Approval Expires 03/31/2014

Fuel Gas Data

Assume n-Hexane

Instruction:												
Field:		142-29-0	591-95-7	1574-41-0	2004-70-8	591-93-5	591-96-8	598-25-4	78-79-6	542-92-7	71-43-2	110-54-3
	Facility ID Number	Cyclopentene (ppmv)	1,2-Pentadiene (ppmv)	1-cis-3-Pentadiene (ppmv)	1-trans-3-Pentadiene (ppmv)	1,4-Pentadiene (ppmv)	2,3-Pentadiene (ppmv)	3-Methyl-1,2-butadiene (ppmv)	2-Methyl-1,3-butadiene (ppmv)	Cyclopentadiene (ppmv)	Benzene (ppmv)	other C6+ (ppmv)
	CA5A0280	121.48	19.08	159.13	40.64	6.29	N/A	10.24	26.65	N/A	257.25	12,947.76
	CA5A0280	138.75	23.61	170.52	46.90	7.73	N/A	11.64	31.45	N/A	292.28	14,456.86
	CA5A0280	130.41	21.54	178.12	43.18	6.57	N/A	11.42	28.32	N/A	283.22	13,355.67
Molecular Wt	Molecular Wt	68.12	68.12	68.12	68.12	68.12	68.12	68.12	68.12	66.10114	78.11	86.18
Mass Fraction		0.0004	0.0001	0.0005	0.0001	0.0000	0.0000	0.0000	0.0001	0.0000	0.000997	0.0538

Attachment A-7
Daily U233 Fuel Gas Data

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
1/1/2009	36,424	272.3	1,648
1/2/2009	35,533	270.2	1,595
1/3/2009	36,013	313.1	1,873
1/4/2009	35,013	324.2	1,885
1/5/2009	35,133	310.4	1,811
1/6/2009	35,162	302.3	1,766
1/7/2009	36,438	282.3	1,708
1/8/2009	36,114	305.3	1,831
1/9/2009	35,737	283.6	1,684
1/10/2009	35,381	321.8	1,891
1/11/2009	34,445	302.8	1,733
1/12/2009	33,907	304.3	1,714
1/13/2009	34,348	306.1	1,747
1/14/2009	35,624	317.0	1,876
1/15/2009	36,061	283.7	1,700
1/16/2009	36,715	261.2	1,593
1/17/2009	36,823	272.5	1,667
1/18/2009	32,963	380.5	2,083
1/19/2009	32,132	370.0	1,975
1/20/2009	33,395	296.5	1,645
1/21/2009	32,368	304.8	1,639
1/22/2009	32,765	309.8	1,686
1/23/2009	33,833	327.0	1,838
1/24/2009	35,622	280.8	1,662
1/25/2009	36,994	256.1	1,574
1/26/2009	35,268	284.0	1,664
1/27/2009	34,667	340.9	1,963
1/28/2009	34,025	326.5	1,846
1/29/2009	33,793	313.0	1,757
1/30/2009	33,527	321.3	1,789
1/31/2009	33,817	335.6	1,885
2/1/2009	33,276	333.8	1,845
2/2/2009	32,918	352.5	1,928
2/3/2009	31,799	386.6	2,042
2/4/2009	30,532	428.0	2,171
2/5/2009	31,341	383.3	1,996
2/6/2009	31,541	298.4	1,563
2/7/2009	32,050	308.2	1,641
2/8/2009	32,440	304.5	1,641
2/9/2009	32,521	359.9	1,944
2/10/2009	32,485	320.8	1,731
2/11/2009	31,750	342.8	1,808
2/12/2009	33,553	358.9	2,000
2/13/2009	34,433	313.9	1,795
2/14/2009	33,545	355.5	1,981
2/15/2009	33,810	333.3	1,872
2/16/2009	34,462	324.9	1,860
2/17/2009	35,806	283.9	1,688
2/18/2009	35,297	260.9	1,530
2/19/2009	36,933	284.1	1,743
2/20/2009	37,503	335.7	2,091
2/21/2009	38,282	359.3	2,285
2/22/2009	39,774	297.3	1,964
2/23/2009	39,470	269.6	1,768
2/24/2009	36,443	276.8	1,675
2/25/2009	33,406	287.0	1,592
2/26/2009	33,616	278.4	1,554
2/27/2009	36,151	197.1	1,184
2/28/2009	33,562	280.2	1,562
3/1/2009	36,386	277.3	1,676
3/2/2009	33,550	277.4	1,546
3/3/2009	32,106	249.6	1,331
3/4/2009	32,612	246.1	1,333
3/5/2009	32,071	317.9	1,693
3/6/2009	29,664	301.0	1,483
3/7/2009	28,452	296.3	1,400
3/8/2009	28,035	258.3	1,203
3/9/2009	28,322	258.0	1,214

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
3/10/2009	29,279	310.8	1,511
3/11/2009	28,637	325.5	1,548
3/12/2009	28,622	287.9	1,369
3/13/2009	27,867	265.8	1,230
3/14/2009	27,652	291.3	1,338
3/15/2009	26,824	344.9	1,543
3/16/2009	25,347	380.1	1,600
3/17/2009	25,090	350.1	1,459
3/18/2009	26,214	365.7	1,592
3/19/2009	26,574	378.6	1,671
3/20/2009	25,970	403.9	1,742
3/21/2009	25,400	334.0	1,409
3/22/2009	26,028	305.1	1,319
3/23/2009	25,555	365.7	1,552
3/24/2009	25,896	327.2	1,408
3/25/2009	24,863	344.3	1,422
3/26/2009	25,724	352.6	1,506
3/27/2009	25,650	351.8	1,499
3/28/2009	25,654	347.8	1,482
3/29/2009	25,181	371.0	1,552
3/30/2009	24,548	409.9	1,671
3/31/2009	25,261	389.1	1,633
4/1/2009	24,889	408.6	1,689
4/2/2009	24,239	418.7	1,688
4/3/2009	23,935	380.7	1,514
4/4/2009	22,849	373.0	1,416
4/5/2009	23,040	404.5	1,548
4/6/2009	22,314	447.3	1,658
4/7/2009	23,849	432.7	1,714
4/8/2009	25,886	321.9	1,384
4/9/2009	26,817	329.8	1,469
4/10/2009	27,214	337.0	1,523
4/11/2009	27,201	344.3	1,556
4/12/2009	26,937	322.8	1,444
4/13/2009	27,465	329.9	1,505
4/14/2009	29,098	332.9	1,609
4/15/2009	30,389	317.2	1,601
4/16/2009	30,427	332.5	1,680
4/17/2009	30,920	325.0	1,669
4/18/2009	31,696	320.6	1,688
4/19/2009	34,618	308.2	1,772
4/20/2009	30,953	239.8	1,233
4/21/2009	25,738	25.1	107
4/22/2009	26,210	31.3	136
4/23/2009	27,990	24.5	114
4/24/2009	28,929	23.0	111
4/25/2009	28,605	23.4	111
4/26/2009	28,615	23.0	109
4/27/2009	28,963	22.1	107
4/28/2009	29,078	23.4	113
4/29/2009	28,189	20.4	95
4/30/2009	28,032	24.9	108
5/1/2009	26,005	26.9	116
5/2/2009	26,146	25.0	108
5/3/2009	27,733	102.5	472
5/4/2009	29,291	419.0	2,039
5/5/2009	30,456	547.3	2,769
5/6/2009	29,237	548.1	2,862
5/7/2009	29,067	538.0	2,598
5/8/2009	28,600	448.5	2,131
5/9/2009	30,062	463.3	2,314
5/10/2009	25,634	490.8	2,090
5/11/2009	27,591	481.5	2,207
5/12/2009	26,859	562.7	2,510
5/13/2009	26,997	566.7	2,541
5/14/2009	27,631	543.0	2,492
5/15/2009	28,233	563.9	2,645
5/16/2009	28,680	556.5	2,649
5/17/2009	28,370	561.3	2,645
5/18/2009	29,479	545.0	2,669

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
5/19/2009	28,778	522.0	2,495
5/20/2009	27,056	559.4	2,514
5/21/2009	27,554	529.5	2,424
5/22/2009	28,606	514.3	2,444
5/23/2009	27,414	527.2	2,401
5/24/2009	30,695	499.3	2,546
5/25/2009	32,257	488.2	2,616
5/26/2009	34,029	474.1	2,680
5/27/2009	33,326	477.2	2,641
5/28/2009	33,917	417.4	2,352
5/29/2009	33,488	437.3	2,432
5/30/2009	33,606	458.2	2,557
5/31/2009	33,958	446.9	2,521
6/1/2009	33,970	515.4	2,908
6/2/2009	34,419	444.8	2,543
6/3/2009	33,144	451.6	2,486
6/4/2009	31,957	434.0	2,304
6/5/2009	32,053	445.8	2,374
6/6/2009	31,981	447.1	2,375
6/7/2009	32,338	469.7	2,523
6/8/2009	32,311	486.6	2,611
6/9/2009	32,663	479.4	2,601
6/10/2009	32,185	498.1	2,663
6/11/2009	31,583	516.2	2,708
6/12/2009	31,758	484.1	2,553
6/13/2009	30,058	420.2	2,098
6/14/2009	30,315	474.9	2,391
6/15/2009	30,711	495.9	2,530
6/16/2009	31,386	506.3	2,640
6/17/2009	31,745	451.0	2,378
6/18/2009	31,702	492.8	2,595
6/19/2009	31,487	453.5	2,372
6/20/2009	32,321	478.6	2,569
6/21/2009	31,827	443.1	2,343
6/22/2009	31,517	535.4	2,803
6/23/2009	31,485	501.4	2,622
6/24/2009	32,223	486.7	2,605
6/25/2009	32,568	378.9	2,050
6/26/2009	32,315	394.5	2,117
6/27/2009	31,861	461.9	2,445
6/28/2009	32,386	402.1	2,163
6/29/2009	32,855	401.0	2,188
6/30/2009	32,476	441.2	2,380
7/1/2009	31,446	473.2	2,472
7/2/2009	31,976	465.6	2,473
7/3/2009	33,195	448.4	2,472
7/4/2009	33,548	355.9	1,983
7/5/2009	34,016	430.0	2,429
7/6/2009	33,448	386.8	2,149
7/7/2009	33,007	415.9	2,280
7/8/2009	33,215	392.2	2,164
7/9/2009	32,826	466.3	2,543
7/10/2009	32,883	420.2	2,281
7/11/2009	32,666	459.1	2,491
7/12/2009	31,153	354.5	1,835
7/13/2009	31,633	337.4	1,773
7/14/2009	31,668	489.4	2,574
7/15/2009	32,957	469.9	2,572
7/16/2009	33,305	429.6	2,377
7/17/2009	32,920	396.0	2,165
7/18/2009	32,771	410.9	2,237
7/19/2009	32,815	428.4	2,335
7/20/2009	33,403	406.5	2,255
7/21/2009	33,458	418.1	2,324
7/22/2009	33,279	372.0	2,056
7/23/2009	33,703	402.7	2,254
7/24/2009	33,484	422.1	2,348
7/25/2009	33,204	422.0	2,327
7/26/2009	32,967	452.0	2,475
7/27/2009	33,032	434.0	2,381

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
7/28/2009	32,942	471.8	2,582
7/29/2009	33,234	446.5	2,465
7/30/2009	32,999	464.2	2,544
7/31/2009	33,131	462.7	2,546
8/1/2009	33,199	484.7	2,673
8/2/2009	33,572	495.3	2,762
8/3/2009	33,847	476.2	2,677
8/4/2009	33,676	464.7	2,599
8/5/2009	33,495	488.4	2,717
8/6/2009	32,588	493.4	2,671
8/7/2009	31,314	522.1	2,716
8/8/2009	31,954	470.9	2,499
8/9/2009	32,187	510.6	2,730
8/10/2009	31,452	520.4	2,719
8/11/2009	32,112	407.7	2,174
8/12/2009	31,111	536.6	2,773
8/13/2009	31,689	485.8	2,610
8/14/2009	32,452	424.3	2,287
8/15/2009	31,919	453.6	2,405
8/16/2009	31,823	470.1	2,485
8/17/2009	31,443	471.0	2,460
8/18/2009	31,928	431.6	2,289
8/19/2009	32,200	389.6	2,084
8/20/2009	32,267	412.1	2,209
8/21/2009	32,380	461.9	2,484
8/22/2009	33,915	473.7	2,669
8/23/2009	33,003	443.2	2,430
8/24/2009	33,471	451.9	2,512
8/25/2009	33,255	431.9	2,386
8/26/2009	33,468	458.5	2,548
8/27/2009	33,587	469.5	2,620
8/28/2009	32,698	486.0	2,656
8/29/2009	32,129	463.3	2,472
8/30/2009	33,061	445.3	2,445
8/31/2009	32,987	394.9	2,164
9/1/2009	33,036	467.6	2,566
9/2/2009	32,533	508.9	2,755
9/3/2009	33,174	484.7	2,671
9/4/2009	33,515	435.9	2,427
9/5/2009	33,484	476.1	2,648
9/6/2009	33,284	490.1	2,710
9/7/2009	33,175	457.5	2,521
9/8/2009	33,047	454.0	2,492
9/9/2009	34,239	398.8	2,268
9/10/2009	33,071	422.8	2,323
9/11/2009	34,130	465.6	2,640
9/12/2009	34,070	431.3	2,441
9/13/2009	33,824	352.8	1,982
9/14/2009	33,501	405.6	2,257
9/15/2009	33,158	349.3	1,924
9/16/2009	30,697	449.2	2,290
9/17/2009	29,823	441.0	2,185
9/18/2009	30,155	473.9	2,374
9/19/2009	30,843	432.8	2,217
9/20/2009	30,442	450.4	2,277
9/21/2009	31,131	446.9	2,311
9/22/2009	29,473	416.0	2,037
9/23/2009	31,038	379.1	1,955
9/24/2009	31,735	303.4	1,599
9/25/2009	30,369	322.0	1,624
9/26/2009	32,828	341.6	1,863
9/27/2009	32,196	216.6	1,158
9/28/2009	30,296	180.9	911
9/29/2009	30,946	178.7	918
9/30/2009	33,470	176.0	978
10/1/2009	30,715	220.3	1,124
10/2/2009	31,648	198.4	1,043
10/3/2009	28,276	226.9	1,066
10/4/2009	27,083	257.7	1,159
10/5/2009	26,405	276.3	1,212

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
10/6/2009	25,487	293.8	1,244
10/7/2009	25,154	324.0	1,354
10/8/2009	25,468	288.8	1,222
10/9/2009	26,672	337.1	1,493
10/10/2009	29,994	396.8	1,977
10/11/2009	32,823	386.5	2,107
10/12/2009	35,289	352.2	2,065
10/13/2009	39,336	337.3	2,204
10/14/2009	33,275	421.6	2,330
10/15/2009	33,069	412.6	2,267
10/16/2009	31,624	431.5	2,266
10/17/2009	32,299	460.6	2,471
10/18/2009	32,665	445.8	2,419
10/19/2009	31,912	371.4	1,969
10/20/2009	31,662	410.8	2,161
10/21/2009	32,380	389.8	2,097
10/22/2009	31,272	329.3	1,711
10/23/2009	30,108	393.4	1,967
10/24/2009	29,825	440.2	2,181
10/25/2009	31,214	447.9	2,322
10/26/2009	33,290	440.0	2,433
10/27/2009	33,726	361.5	2,025
10/28/2009	32,080	256.1	1,365
10/29/2009	32,920	356.9	1,952
10/30/2009	32,553	345.4	1,868
10/31/2009	32,702	329.2	1,788
11/1/2009	32,666	335.2	1,819
11/2/2009	32,667	340.0	1,845
11/3/2009	32,678	330.7	1,795
11/4/2009	32,480	325.5	1,756
11/5/2009	30,808	380.7	1,948
11/6/2009	30,508	382.7	1,939
11/7/2009	31,993	324.9	1,726
11/8/2009	32,559	341.8	1,849
11/9/2009	30,490	341.1	1,728
11/10/2009	31,270	349.6	1,816
11/11/2009	30,780	401.8	2,054
11/12/2009	30,241	421.4	2,117
11/13/2009	31,799	384.9	2,033
11/14/2009	31,750	378.6	1,996
11/15/2009	33,049	427.4	2,346
11/16/2009	37,205	332.4	2,054
11/17/2009	37,601	327.1	2,043
11/18/2009	37,957	323.2	2,038
11/19/2009	35,313	384.5	2,255
11/20/2009	37,038	366.5	2,255
11/21/2009	37,910	316.7	1,994
11/22/2009	37,458	340.2	2,117
11/23/2009	37,229	355.0	2,195
11/24/2009	36,782	359.8	2,198
11/25/2009	36,605	372.4	2,265
11/26/2009	36,202	361.5	2,174
11/27/2009	35,433	345.8	2,035
11/28/2009	35,411	347.9	2,046
11/29/2009	35,150	386.4	2,256
11/30/2009	35,182	395.1	2,309
12/1/2009	34,616	404.9	2,328
12/2/2009	35,065	382.5	2,228
12/3/2009	34,519	406.1	2,328
12/4/2009	34,618	395.1	2,272
12/5/2009	33,858	389.8	2,192
12/6/2009	35,588	346.3	2,047
12/7/2009	34,831	347.3	2,009
12/8/2009	29,690	41.3	203
12/9/2009	27,149	20.3	92
12/10/2009	27,278	15.7	71
12/11/2009	29,776	121.5	601
12/12/2009	31,754	330.5	1,743
12/13/2009	32,746	357.6	1,945
12/14/2009	32,219	356.9	1,910

DATE	U233 FG	U233 Total S	U233 FG SQ2
	MSCFD	ppm	lb/d
12/15/2009	33,455	380.6	2,115
12/16/2009	31,960	398.8	2,117
12/17/2009	32,435	413.3	2,226
12/18/2009	33,837	374.6	2,093
12/19/2009	32,468	377.7	2,037
12/20/2009	32,270	372.4	1,996
12/21/2009	31,934	361.0	1,915
12/22/2009	32,744	393.1	2,138
12/23/2009	31,813	423.6	2,224
12/24/2009	31,238	430.2	2,232
12/25/2009	31,890	408.9	2,166
12/26/2009	31,439	386.3	2,017
12/27/2009	32,049	393.5	2,095
12/28/2009	31,554	431.5	2,261
12/29/2009	33,780	387.8	2,176
12/30/2009	36,698	375.7	2,290
12/31/2009	37,763	363.8	2,282
1/1/2010	36,887	414.9	2,542
1/2/2010	37,113	419.8	2,588
1/3/2010	38,316	381.5	2,428
1/4/2010	40,225	348.6	2,329
1/5/2010	39,453	369.0	2,418
1/6/2010	34,638	403.0	2,318
1/7/2010	33,459	379.5	2,109
1/8/2010	34,474	397.6	2,277
1/9/2010	31,163	407.3	2,108
1/10/2010	35,750	409.7	2,433
1/11/2010	36,557	408.6	2,481
1/12/2010	33,343	435.9	2,414
1/13/2010	33,316	374.2	2,071
1/14/2010	33,300	414.0	2,280
1/15/2010	32,374	453.8	2,440
1/16/2010	33,445	410.8	2,282
1/17/2010	32,050	408.5	2,180
1/18/2010	33,587	412.2	2,299
1/19/2010	36,122	386.6	2,319
1/20/2010	36,892	341.7	2,084
1/21/2010	31,429	409.9	2,140
1/22/2010	29,782	419.5	2,075
1/23/2010	31,180	420.5	2,178
1/24/2010	31,421	442.4	2,309
1/25/2010	32,400	372.0	2,002
1/26/2010	35,667	347.2	2,057
1/27/2010	35,148	400.8	2,340
1/28/2010	32,510	397.8	2,148
1/29/2010	34,802	418.2	2,417
1/30/2010	36,862	389.8	2,387
1/31/2010	37,542	407.6	2,542
2/1/2010	36,951	410.3	2,518
2/2/2010	36,742	318.5	1,844
2/3/2010	36,741	320.9	1,958
2/4/2010	37,005	373.2	2,294
2/5/2010	36,717	372.8	2,274
2/6/2010	35,910	400.0	2,386
2/7/2010	35,445	368.4	2,169
2/8/2010	33,620	396.2	2,212
2/9/2010	32,640	354.5	1,922
2/10/2010	33,886	424.8	2,391
2/11/2010	33,836	403.6	2,268
2/12/2010	33,682	472.5	2,644
2/13/2010	32,035	483.1	2,571
2/14/2010	29,406	471.8	2,304
2/15/2010	33,756	463.7	2,600
2/16/2010	36,494	408.3	2,475
2/17/2010	35,735	404.6	2,402
2/18/2010	35,018	387.5	2,254
2/19/2010	33,977	405.0	2,286
2/20/2010	34,058	405.2	2,292
2/21/2010	34,436	336.8	1,927
2/22/2010	34,915	392.7	2,277

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
2/23/2010	36,740	348.8	2,129
2/24/2010	32,389	412.5	2,219
2/25/2010	33,592	360.4	2,011
2/26/2010	33,601	347.3	1,938
2/27/2010	34,773	386.3	2,231
2/28/2010	35,176	363.8	2,125
3/1/2010	34,192	418.2	2,375
3/2/2010	35,124	407.8	2,379
3/3/2010	35,965	256.7	1,533
3/4/2010	35,912	386.9	2,308
3/5/2010	35,515	390.4	2,303
3/6/2010	35,548	362.9	2,143
3/7/2010	35,284	369.5	2,185
3/8/2010	30,401	337.4	1,704
3/9/2010	29,429	352.5	1,723
3/10/2010	28,342	374.7	1,764
3/11/2010	31,064	361.8	1,867
3/12/2010	36,289	248.1	1,495
3/13/2010	38,198	269.6	1,710
3/14/2010	35,845	267.3	1,582
3/15/2010	31,116	318.7	1,647
3/16/2010	32,475	405.1	2,185
3/17/2010	31,198	432.0	2,239
3/18/2010	32,916	416.3	2,276
3/19/2010	30,368	412.5	2,081
3/20/2010	32,857	394.7	2,154
3/21/2010	32,880	372.6	2,035
3/22/2010	30,875	396.6	2,034
3/23/2010	31,347	408.8	2,127
3/24/2010	33,551	370.4	2,064
3/25/2010	33,965	380.9	2,149
3/26/2010	33,947	407.1	2,295
3/27/2010	33,539	429.4	2,392
3/28/2010	33,433	381.3	2,117
3/29/2010	34,959	393.6	2,286
3/30/2010	36,188	330.3	1,985
3/31/2010	36,101	349.6	2,098
4/1/2010	36,028	392.9	2,352
4/2/2010	37,397	364.4	2,263
4/3/2010	38,113	352.5	2,232
4/4/2010	38,378	330.2	2,105
4/5/2010	36,590	327.7	1,992
4/6/2010	32,062	413.9	2,205
4/7/2010	31,369	450.7	2,348
4/8/2010	31,123	368.5	1,905
4/9/2010	31,089	482.3	2,491
4/10/2010	30,439	420.6	2,127
4/11/2010	31,050	381.3	1,987
4/12/2010	29,711	413.2	2,039
4/13/2010	30,979	434.5	2,236
4/14/2010	32,968	375.7	2,057
4/15/2010	31,723	432.5	2,279
4/16/2010	31,865	267.8	1,418
4/17/2010	33,258	498.2	2,752
4/18/2010	32,791	533.5	2,906
4/19/2010	32,571	460.9	2,494
4/20/2010	31,485	435.4	2,277
4/21/2010	31,940	421.2	2,235
4/22/2010	31,438	491.6	2,567
4/23/2010	31,989	486.0	2,583
4/24/2010	31,457	451.5	2,359
4/25/2010	31,702	453.1	2,386
4/26/2010	31,974	465.2	2,471
4/27/2010	31,093	427.5	2,208
4/28/2010	28,295	427.8	2,011
4/29/2010	27,683	452.8	2,082
4/30/2010	28,745	541.0	2,583
5/1/2010	29,604	514.9	2,532
5/2/2010	33,958	466.5	2,631
5/3/2010	33,255	467.7	2,584

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
5/4/2010	32,786	443.4	2,415
5/5/2010	31,836	398.8	2,115
5/6/2010	29,912	449.6	2,234
5/7/2010	31,785	437.8	2,311
5/8/2010	30,381	539.0	2,720
5/9/2010	31,585	521.3	2,735
5/10/2010	34,315	434.5	2,476
5/11/2010	36,256	447.3	2,694
5/12/2010	38,217	488.5	3,101
5/13/2010	37,482	446.4	2,779
5/14/2010	36,739	453.0	2,765
5/15/2010	36,426	519.0	3,140
5/16/2010	36,508	545.3	3,306
5/17/2010	35,446	501.9	2,955
5/18/2010	34,448	505.0	2,889
5/19/2010	36,805	458.8	2,805
5/20/2010	36,988	380.8	2,339
5/21/2010	36,589	407.5	2,477
5/22/2010	36,351	406.5	2,454
5/23/2010	35,767	400.4	2,379
5/24/2010	35,583	389.9	2,304
5/25/2010	34,983	430.4	2,501
5/26/2010	35,345	463.7	2,722
5/27/2010	36,378	416.0	2,514
5/28/2010	35,527	468.4	2,764
5/29/2010	34,545	524.2	3,008
5/30/2010	35,211	546.6	3,187
5/31/2010	35,637	541.6	3,206
6/1/2010	35,366	495.6	2,911
6/2/2010	35,226	424.8	2,486
6/3/2010	33,842	400.5	2,251
6/4/2010	33,305	409.6	2,266
6/5/2010	34,104	458.8	2,599
6/6/2010	34,493	524.6	3,005
6/7/2010	34,415	543.8	3,108
6/8/2010	34,429	487.4	2,787
6/9/2010	33,489	478.1	2,659
6/10/2010	33,805	498.4	2,782
6/11/2010	34,073	521.9	2,954
6/12/2010	33,784	561.9	3,153
6/13/2010	33,281	565.2	3,124
6/14/2010	33,083	484.3	2,662
6/15/2010	33,883	458.4	2,580
6/16/2010	32,592	483.8	2,511
6/17/2010	34,323	439.5	2,505
6/18/2010	35,575	382.5	2,260
6/19/2010	35,371	269.9	1,586
6/20/2010	35,836	433.3	2,579
6/21/2010	36,147	462.7	2,778
6/22/2010	34,559	457.4	2,626
6/23/2010	34,702	486.8	2,806
6/24/2010	35,249	483.8	2,832
6/25/2010	34,863	477.1	2,764
6/26/2010	34,480	429.7	2,461
6/27/2010	34,106	401.5	2,275
6/28/2010	33,062	273.3	1,501
6/29/2010	32,157	231.8	1,238
6/30/2010	27,206	249.9	1,129
7/1/2010	23,717	308.0	1,213
7/2/2010	27,067	291.4	1,310
7/3/2010	34,369	408.5	2,332
7/4/2010	35,103	469.2	2,736
7/5/2010	33,758	465.5	2,610
7/6/2010	34,412	484.2	2,653
7/7/2010	36,702	429.9	2,621
7/8/2010	35,451	449.2	2,645
7/9/2010	34,710	506.8	2,922
7/10/2010	37,634	508.6	3,179
7/11/2010	38,242	453.8	2,883
7/12/2010	38,524	434.6	2,781
7/13/2010	37,105	449.7	2,771
7/14/2010	36,010	422.0	2,524

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
7/15/2010	35,444	397.1	2,338
7/16/2010	36,168	493.9	2,967
7/17/2010	35,353	554.4	3,256
7/18/2010	36,236	388.9	2,341
7/19/2010	36,916	431.8	2,648
7/20/2010	33,646	396.5	2,216
7/21/2010	32,115	398.8	2,127
7/22/2010	36,843	438.7	2,685
7/23/2010	35,548	454.6	2,685
7/24/2010	34,454	442.3	2,531
7/25/2010	32,324	430.0	2,309
7/26/2010	34,412	456.0	2,606
7/27/2010	34,546	407.8	2,340
7/28/2010	32,921	505.4	2,764
7/29/2010	30,741	551.5	2,816
7/30/2010	30,378	578.9	2,921
7/31/2010	30,875	499.4	2,561
8/1/2010	31,421	512.8	2,677
8/2/2010	32,666	565.7	3,069
8/3/2010	33,373	579.7	3,213
8/4/2010	33,684	550.0	3,077
8/5/2010	35,529	526.2	3,106
8/6/2010	36,907	460.4	2,823
8/7/2010	36,855	391.1	2,394
8/8/2010	35,759	412.0	2,447
8/9/2010	35,988	448.0	2,678
8/10/2010	36,285	438.7	2,644
8/11/2010	35,117	461.6	2,692
8/12/2010	34,669	472.6	2,721
8/13/2010	34,865	437.1	2,532
8/14/2010	34,822	403.6	2,334
8/15/2010	34,678	417.7	2,406
8/16/2010	34,897	442.8	2,567
8/17/2010	35,627	359.9	2,130
8/18/2010	35,294	425.6	2,495
8/19/2010	34,871	460.8	2,669
8/20/2010	35,636	427.2	2,529
8/21/2010	35,601	414.8	2,452
8/22/2010	35,484	441.4	2,602
8/23/2010	33,761	436.5	2,448
8/24/2010	32,021	477.2	2,538
8/25/2010	31,853	518.4	2,743
8/26/2010	33,051	448.6	2,463
8/27/2010	32,144	432.8	2,311
8/28/2010	32,203	449.0	2,402
8/29/2010	31,718	456.8	2,407
8/30/2010	32,554	494.5	2,674
8/31/2010	34,563	498.2	2,860
9/1/2010	35,157	450.7	2,632
9/2/2010	35,124	486.6	2,839
9/3/2010	36,082	363.5	2,179
9/4/2010	36,093	395.5	2,371
9/5/2010	35,636	420.4	2,488
9/6/2010	34,926	401.6	2,330
9/7/2010	35,203	281.7	1,647
9/8/2010	37,427	365.8	2,274
9/9/2010	38,586	338.4	2,169
9/10/2010	36,181	365.5	2,197
9/11/2010	34,683	410.1	2,363
9/12/2010	35,766	405.7	2,410
9/13/2010	33,939	388.0	2,188
9/14/2010	31,847	427.9	2,264
9/15/2010	32,304	405.9	2,178
9/16/2010	32,576	425.7	2,304
9/17/2010	32,809	479.0	2,611
9/18/2010	32,809	481.6	2,625
9/19/2010	33,414	451.1	2,504
9/20/2010	34,479	413.9	2,370
9/21/2010	33,949	378.8	2,125
9/22/2010	32,292	398.9	2,140
9/23/2010	32,040	443.2	2,359
9/24/2010	33,125	434.5	2,391

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
9/25/2010	32,672	432.0	2,344
9/26/2010	31,018	472.7	2,435
9/27/2010	31,366	491.0	2,558
9/28/2010	30,403	517.2	2,612
9/29/2010	30,588	434.9	2,210
9/30/2010	33,051	395.7	2,172
10/1/2010	32,720	418.5	2,274
10/2/2010	32,287	466.1	2,499
10/3/2010	31,483	419.4	2,193
10/4/2010	31,281	393.6	2,044
10/5/2010	30,368	469.9	2,370
10/6/2010	30,451	435.6	2,203
10/7/2010	28,546	400.5	1,899
10/8/2010	27,746	384.1	1,770
10/9/2010	31,114	308.2	1,593
10/10/2010	29,770	447.4	2,212
10/11/2010	29,272	457.0	2,222
10/12/2010	29,318	515.7	2,512
10/13/2010	30,307	421.1	2,120
10/14/2010	29,852	475.0	2,340
10/15/2010	30,179	417.1	2,091
10/16/2010	30,009	389.4	1,941
10/17/2010	30,756	388.3	1,984
10/18/2010	31,111	368.0	1,901
10/19/2010	31,142	391.4	2,025
10/20/2010	31,815	364.2	1,925
10/21/2010	32,220	339.4	1,816
10/22/2010	12,785	190.2	404
10/23/2010	9,082	43.8	66
10/24/2010	16,917	54.5	153
10/25/2010	22,740	115.5	436
10/26/2010	24,632	389.3	1,593
10/27/2010	22,132	452.1	1,662
10/28/2010	24,311	464.3	1,875
10/29/2010	26,882	363.9	1,613
10/30/2010	29,166	355.6	1,723
10/31/2010	27,253	431.8	1,954
11/1/2010	26,477	405.9	1,785
11/2/2010	25,935	395.2	1,703
11/3/2010	25,503	375.7	1,592
11/4/2010	24,985	373.9	1,552
11/5/2010	25,714	323.1	1,380
11/6/2010	28,460	309.0	1,461
11/7/2010	29,745	340.3	1,681
11/8/2010	30,151	349.6	1,751
11/9/2010	30,609	333.1	1,694
11/10/2010	31,075	263.6	1,360
11/11/2010	30,586	367.2	1,865
11/12/2010	30,035	341.1	1,702
11/13/2010	30,818	353.0	1,807
11/14/2010	30,465	397.3	2,010
11/15/2010	29,380	356.6	1,740
11/16/2010	29,690	397.2	1,959
11/17/2010	31,578	329.3	1,727
11/18/2010	32,986	269.9	1,479
11/19/2010	32,582	272.8	1,476
11/20/2010	31,174	300.5	1,556
11/21/2010	28,322	301.4	1,418
11/22/2010	29,334	271.7	1,324
11/23/2010	33,640	269.9	1,508
11/24/2010	34,882	347.2	2,012
11/25/2010	32,870	324.9	1,774
11/26/2010	32,201	325.4	1,741
11/27/2010	31,755	330.8	1,745
11/28/2010	32,086	307.2	1,638
11/29/2010	32,139	308.4	1,646
11/30/2010	30,773	304.5	1,557
12/1/2010	31,353	327.3	1,705
12/2/2010	32,247	316.8	1,697
12/3/2010	33,523	321.1	1,788
12/4/2010	33,503	353.6	1,968
12/5/2010	33,382	385.2	2,136

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
12/6/2010	32,733	375.9	2,044
12/7/2010	32,030	366.2	1,949
12/8/2010	31,364	366.1	1,907
12/9/2010	32,728	367.6	1,999
12/10/2010	33,413	397.4	2,206
12/11/2010	33,901	366.9	2,066
12/12/2010	33,095	360.1	1,979
12/13/2010	30,780	345.0	1,764
12/14/2010	31,267	264.0	1,371
12/15/2010	33,459	362.1	2,013
12/16/2010	32,773	379.6	2,067
12/17/2010	31,632	290.0	1,524
12/18/2010	30,176	203.5	1,020
12/19/2010	30,485	272.2	1,378
12/20/2010	30,595	290.5	1,476
12/21/2010	31,456	326.3	1,705
12/22/2010	30,843	378.3	1,938
12/23/2010	30,723	295.6	1,508
12/24/2010	31,130	385.0	1,991
12/25/2010	31,555	363.0	1,903
12/26/2010	31,316	324.3	1,687
12/27/2010	31,603	378.9	1,989
12/28/2010	31,687	339.8	1,789
12/29/2010	31,922	364.8	1,934
12/30/2010	31,872	349.3	1,849
12/31/2010	31,660	353.2	1,857
1/1/2011	32,152	326.7	1,745
1/2/2011	31,589	361.9	1,899
1/3/2011	31,494	361.0	1,889
1/4/2011	31,360	282.9	1,474
1/5/2011	31,563	348.8	1,829
1/6/2011	32,050	361.7	1,926
1/7/2011	32,011	371.6	1,976
1/8/2011	30,895	311.2	1,597
1/9/2011	30,838	377.1	1,932
1/10/2011	31,043	365.5	1,885
1/11/2011	31,072	386.9	1,997
1/12/2011	30,336	411.5	2,073
1/13/2011	28,579	427.3	2,028
1/14/2011	28,145	415.1	1,941
1/15/2011	27,507	430.0	1,965
1/16/2011	29,125	407.6	1,972
1/17/2011	28,648	400.1	1,904
1/18/2011	28,028	218.5	1,017
1/19/2011	28,526	199.9	947
1/20/2011	27,054	216.8	974
1/21/2011	27,836	256.6	1,186
1/22/2011	26,010	374.1	1,616
1/23/2011	24,720	362.2	1,487
1/24/2011	22,709	365.5	1,379
1/25/2011	21,157	426.4	1,499
1/26/2011	22,128	421.4	1,549
1/27/2011	22,917	370.4	1,410
1/28/2011	24,704	387.8	1,591
1/29/2011	25,447	406.9	1,720
1/30/2011	22,489	315.8	1,180
1/31/2011	19,350	19.4	62
2/1/2011	18,344	20.1	61
2/2/2011	20,365	12.3	41
2/3/2011	20,100	14.0	47
2/4/2011	21,449	23.4	83
2/5/2011	21,573	36.5	131
2/6/2011	20,448	23.8	81
2/7/2011	23,378	133.2	517
2/8/2011	28,162	304.6	1,425
2/9/2011	27,436	306.6	1,397
2/10/2011	28,365	392.2	1,848
2/11/2011	28,909	419.1	2,012
2/12/2011	29,226	447.0	2,170
2/13/2011	29,655	399.7	1,969
2/14/2011	29,444	438.5	2,145
2/15/2011	29,588	456.5	2,244

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
2/16/2011	29,098	362.5	1,752
2/17/2011	28,926	304.2	1,462
2/18/2011	29,174	338.0	1,638
2/19/2011	29,306	364.3	1,774
2/20/2011	29,673	416.8	2,054
2/21/2011	25,001	376.0	1,561
2/22/2011	19,875	345.3	1,140
2/23/2011	24,574	301.9	1,232
2/24/2011	26,411	308.9	1,355
2/25/2011	26,765	333.5	1,483
2/26/2011	27,498	369.1	1,686
2/27/2011	27,833	393.6	1,820
2/28/2011	29,285	386.4	1,880
3/1/2011	30,104	387.5	1,938
3/2/2011	31,818	387.6	2,036
3/3/2011	32,135	369.1	1,970
3/4/2011	33,162	461.5	2,542
3/5/2011	35,886	403.1	2,403
3/6/2011	32,913	386.6	2,113
3/7/2011	31,951	381.7	2,026
3/8/2011	32,517	406.4	2,195
3/9/2011	32,866	436.7	2,384
3/10/2011	32,758	425.0	2,313
3/11/2011	32,838	410.7	2,240
3/12/2011	32,113	460.6	2,457
3/13/2011	32,307	446.7	2,397
3/14/2011	31,017	513.0	2,643
3/15/2011	31,681	448.8	2,362
3/16/2011	32,758	471.8	2,567
3/17/2011	34,560	448.3	2,573
3/18/2011	35,367	412.8	2,425
3/19/2011	35,848	471.2	2,806
3/20/2011	35,251	414.4	2,426
3/21/2011	35,871	414.3	2,469
3/22/2011	36,399	368.3	2,227
3/23/2011	36,681	381.8	2,326
3/24/2011	35,653	341.8	2,024
3/25/2011	33,478	425.7	2,367
3/26/2011	33,696	474.6	2,656
3/27/2011	32,503	475.5	2,567
3/28/2011	30,971	532.9	2,742
3/29/2011	32,425	495.5	2,669
3/30/2011	33,451	513.5	2,853
3/31/2011	33,721	488.5	2,736
4/1/2011	33,081	488.3	2,683
4/2/2011	31,826	484.2	2,560
4/3/2011	33,422	524.5	2,912
4/4/2011	31,571	438.0	2,297
4/5/2011	32,832	469.0	2,558
4/6/2011	32,428	463.7	2,497
4/7/2011	32,448	450.5	2,428
4/8/2011	32,345	475.6	2,555
4/9/2011	34,603	432.6	2,486
4/10/2011	34,781	403.2	2,330
4/11/2011	34,440	446.0	2,551
4/12/2011	34,820	384.1	2,222
4/13/2011	33,525	369.2	2,056
4/14/2011	32,329	424.6	2,280
4/15/2011	31,853	428.0	2,264
4/16/2011	32,430	426.3	2,296
4/17/2011	32,762	415.6	2,262
4/18/2011	32,652	418.7	2,271
4/19/2011	32,375	430.5	2,315
4/20/2011	32,898	462.7	2,528
4/21/2011	32,823	451.8	2,463
4/22/2011	32,741	516.9	2,811
4/23/2011	32,425	567.6	3,057
4/24/2011	32,397	461.8	2,485
4/25/2011	32,259	497.0	2,663
4/26/2011	32,484	609.7	3,290
4/27/2011	32,165	669.9	3,579
4/28/2011	32,288	531.7	2,850

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
4/29/2011	32,310	447.0	2,399
4/30/2011	31,570	497.0	2,606
5/1/2011	31,388	603.8	3,148
5/2/2011	31,590	671.0	3,521
5/3/2011	31,526	590.8	3,094
5/4/2011	31,217	748.2	3,880
5/5/2011	30,551	716.1	3,634
5/6/2011	30,918	678.4	3,484
5/7/2011	31,593	414.0	2,173
5/8/2011	31,667	332.2	1,748
5/9/2011	28,672	470.1	2,239
5/10/2011	31,950	434.6	2,307
5/11/2011	25,334	184.1	775
5/12/2011	21,016	76.9	268
5/13/2011	21,842	51.8	188
5/14/2011	21,498	48.9	175
5/15/2011	21,449	54.7	195
5/16/2011	20,770	61.7	213
5/17/2011	21,105	77.0	270
5/18/2011	18,877	98.3	308
5/19/2011	19,538	67.9	220
5/20/2011	18,425	110.5	338
5/21/2011	19,882	107.1	354
5/22/2011	18,917	55.5	174
5/23/2011	18,397	152.1	465
5/24/2011	17,975	231.1	690
5/25/2011	19,702	99.1	324
5/26/2011	18,048	96.1	288
5/27/2011	16,286	110.2	298
5/28/2011	17,996	119.0	356
5/29/2011	17,896	119.0	354
5/30/2011	18,759	137.8	429
5/31/2011	20,497	207.1	705
6/1/2011	19,879	310.1	1,024
6/2/2011	20,611	50.0	171
6/3/2011	20,559	16.2	55
6/4/2011	23,771	73.0	288
6/5/2011	28,513	55.8	264
6/6/2011	27,932	6.0	28
6/7/2011	25,169	8.1	34
6/8/2011	26,088	6.0	26
6/9/2011	25,810	8.3	36
6/10/2011	25,930	7.9	34
6/11/2011	24,955	29.2	121
6/12/2011	23,674	19.8	78
6/13/2011	20,055	57.8	193
6/14/2011	20,268	105.1	354
6/15/2011	21,291	176.5	624
6/16/2011	22,329	206.9	767
6/17/2011	22,354	221.7	823
6/18/2011	22,223	211.4	780
6/19/2011	21,781	246.6	892
6/20/2011	19,434	238.4	770
6/21/2011	20,316	197.7	667
6/22/2011	21,061	174.9	612
6/23/2011	21,726	198.4	716
6/24/2011	22,590	188.1	706
6/25/2011	23,875	296.1	1,174
6/26/2011	22,012	375.1	1,371
6/27/2011	21,201	358.8	1,264
6/28/2011	23,008	267.3	1,021
6/29/2011	23,664	275.6	1,083
6/30/2011	24,109	373.9	1,497
7/1/2011	24,104	402.9	1,813
7/2/2011	26,167	425.3	1,848
7/3/2011	27,598	501.4	2,298
7/4/2011	29,142	447.7	2,167
7/5/2011	31,674	444.9	2,341
7/6/2011	33,521	440.2	2,451
7/7/2011	34,194	435.3	2,472
7/8/2011	33,956	451.0	2,544
7/9/2011	34,341	470.8	2,686

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
7/10/2011	33,950	460.2	2,595
7/11/2011	33,805	455.4	2,557
7/12/2011	33,056	394.7	2,167
7/13/2011	32,921	405.2	2,216
7/14/2011	32,298	434.3	2,330
7/15/2011	32,946	456.2	2,496
7/16/2011	32,403	470.1	2,530
7/17/2011	31,636	393.0	2,065
7/18/2011	32,137	432.7	2,310
7/19/2011	32,279	460.0	2,466
7/20/2011	31,755	504.1	2,659
7/21/2011	32,160	484.3	2,587
7/22/2011	32,060	497.7	2,651
7/23/2011	31,593	446.3	2,342
7/24/2011	30,225	384.9	1,932
7/25/2011	30,951	366.7	1,885
7/26/2011	31,700	326.1	1,717
7/27/2011	32,658	360.0	1,953
7/28/2011	33,987	390.4	2,204
7/29/2011	33,498	444.7	2,475
7/30/2011	31,913	449.8	2,384
7/31/2011	29,512	436.4	2,139
8/1/2011	29,242	445.0	2,161
8/2/2011	30,233	429.4	2,157
8/3/2011	31,352	415.6	2,164
8/4/2011	32,036	425.3	2,263
8/5/2011	32,169	459.6	2,456
8/6/2011	32,707	418.9	2,276
8/7/2011	32,491	444.8	2,401
8/8/2011	32,504	467.4	2,523
8/9/2011	33,034	427.7	2,347
8/10/2011	33,944	402.4	2,269
8/11/2011	33,468	374.5	2,082
8/12/2011	32,844	461.4	2,517
8/13/2011	33,005	510.1	2,797
8/14/2011	33,147	455.6	2,509
8/15/2011	33,340	212.9	1,179
8/16/2011	33,154	297.1	1,636
8/17/2011	32,302	419.2	2,249
8/18/2011	32,537	409.5	2,213
8/19/2011	32,774	425.0	2,314
8/20/2011	33,075	438.9	2,411
8/21/2011	36,305	390.5	2,355
8/22/2011	36,666	378.9	2,307
8/23/2011	34,933	448.3	2,601
8/24/2011	32,355	542.1	2,913
8/25/2011	32,392	531.8	2,861
8/26/2011	32,218	486.9	2,606
8/27/2011	33,021	313.8	1,721
8/28/2011	34,348	409.6	2,337
8/29/2011	33,355	403.7	2,237
8/30/2011	33,523	362.8	2,132
8/31/2011	33,636	424.0	2,369
9/1/2011	34,528	427.3	2,451
9/2/2011	35,403	448.8	2,639
9/3/2011	35,290	400.6	2,348
9/4/2011	35,612	441.2	2,610
9/5/2011	35,176	457.4	2,673
9/6/2011	34,807	438.3	2,534
9/7/2011	30,308	116.2	585
9/8/2011	29,506	69.1	338
9/9/2011	28,835	57.4	275
9/10/2011	29,577	40.1	197
9/11/2011	29,824	41.2	204
9/12/2011	31,012	91.0	469
9/13/2011	30,838	346.4	1,775
9/14/2011	30,805	333.2	1,705
9/15/2011	29,654	344.1	1,695
9/16/2011	30,495	340.2	1,723
9/17/2011	30,588	391.6	1,988
9/18/2011	30,470	422.3	2,137
9/19/2011	30,541	410.4	2,082

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
9/20/2011	31,085	387.8	2,003
9/21/2011	29,940	353.3	1,757
9/22/2011	29,517	374.2	1,835
9/23/2011	30,160	432.6	2,167
9/24/2011	32,083	393.7	2,098
9/25/2011	32,955	427.2	2,338
9/26/2011	33,498	512.9	2,854
9/27/2011	33,051	422.0	2,316
9/28/2011	31,823	561.7	2,969
9/29/2011	32,401	463.6	2,495
9/30/2011	30,691	412.2	2,101
10/1/2011	29,692	489.1	2,412
10/2/2011	29,456	488.5	2,390
10/3/2011	29,871	483.2	2,398
10/4/2011	29,720	522.2	2,578
10/5/2011	29,167	532.6	2,580
10/6/2011	28,827	605.2	2,898
10/7/2011	28,370	489.7	2,307
10/8/2011	27,300	254.5	1,154
10/9/2011	25,430	289.1	1,137
10/10/2011	25,829	286.2	1,228
10/11/2011	24,988	303.8	1,260
10/12/2011	23,599	354.0	1,388
10/13/2011	23,411	383.8	1,492
10/14/2011	26,579	586.8	2,591
10/15/2011	29,982	534.5	2,662
10/16/2011	29,376	483.6	2,360
10/17/2011	27,729	465.8	2,145
10/18/2011	27,732	496.1	2,285
10/19/2011	29,011	508.3	2,449
10/20/2011	29,964	438.3	2,182
10/21/2011	31,025	492.7	2,539
10/22/2011	28,850	509.8	2,443
10/23/2011	28,600	555.7	2,640
10/24/2011	29,501	549.3	2,692
10/25/2011	29,834	500.4	2,480
10/26/2011	28,359	526.0	2,478
10/27/2011	30,291	459.7	2,313
10/28/2011	31,011	486.9	2,508
10/29/2011	30,873	504.2	2,586
10/30/2011	29,368	543.7	2,652
10/31/2011	27,763	580.3	2,676
11/1/2011	28,691	641.1	3,055
11/2/2011	28,924	560.5	2,693
11/3/2011	30,478	479.8	2,429
11/4/2011	29,442	437.9	2,141
11/5/2011	29,917	506.0	2,515
11/6/2011	29,664	498.5	2,456
11/7/2011	29,823	432.7	2,143
11/8/2011	29,407	405.0	1,978
11/9/2011	28,961	472.0	2,271
11/10/2011	28,502	459.1	2,174
11/11/2011	27,467	434.8	1,984
11/12/2011	26,954	420.3	1,882
11/13/2011	27,904	430.2	1,994
11/14/2011	29,570	384.4	1,888
11/15/2011	29,441	517.3	2,530
11/16/2011	28,923	533.4	2,562
11/17/2011	28,129	470.1	2,196
11/18/2011	28,393	471.3	2,223
11/19/2011	29,016	506.5	2,441
11/20/2011	28,690	438.0	2,088
11/21/2011	28,827	463.4	2,219
11/22/2011	27,969	424.3	1,971
11/23/2011	28,211	394.4	1,848
11/24/2011	28,334	438.9	2,066
11/25/2011	27,803	421.1	1,945
11/26/2011	28,455	406.8	1,923
11/27/2011	28,162	440.0	2,058
11/28/2011	27,819	515.3	2,381
11/29/2011	27,615	554.9	2,545
11/30/2011	27,420	567.4	2,584

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
12/1/2011	27,237	510.9	2,311
12/2/2011	26,843	502.7	2,241
12/3/2011	26,516	431.7	1,901
12/4/2011	26,238	444.7	1,938
12/5/2011	26,377	426.4	1,868
12/6/2011	26,748	399.0	1,773
12/7/2011	25,268	369.8	1,552
12/8/2011	26,568	348.8	1,539
12/9/2011	27,486	339.6	1,551
12/10/2011	26,909	377.5	1,887
12/11/2011	26,686	426.4	1,890
12/12/2011	26,985	438.3	1,965
12/13/2011	29,921	383.9	1,908
12/14/2011	30,279	382.9	1,926
12/15/2011	29,926	363.2	1,805
12/16/2011	29,733	413.2	2,041
12/17/2011	29,670	373.8	1,842
12/18/2011	30,562	392.6	1,993
12/19/2011	29,704	401.5	1,981
12/20/2011	29,596	400.0	1,966
12/21/2011	28,852	391.1	1,874
12/22/2011	30,020	329.5	1,643
12/23/2011	27,989	305.7	1,420
12/24/2011	25,205	336.4	1,408
12/25/2011	26,987	357.6	1,603
12/26/2011	25,602	360.3	1,532
12/27/2011	25,073	384.3	1,600
12/28/2011	26,335	418.6	1,831
12/29/2011	25,906	403.8	1,738
12/30/2011	24,576	436.5	1,782
12/31/2011	25,910	473.9	2,039
1/1/2012	24,917	507.2	2,099
1/2/2012	24,453	473.4	1,923
1/3/2012	23,849	451.9	1,790
1/4/2012	24,199	373.6	1,502
1/5/2012	24,494	364.1	1,481
1/6/2012	25,264	322.9	1,355
1/7/2012	24,877	302.1	1,248
1/8/2012	25,404	385.7	1,627
1/9/2012	25,380	367.8	1,551
1/10/2012	26,270	326.9	1,426
1/11/2012	26,064	297.2	1,287
1/12/2012	25,531	409.8	1,738
1/13/2012	26,121	472.7	2,051
1/14/2012	27,354	453.1	2,059
1/15/2012	27,331	438.6	1,991
1/16/2012	25,291	426.9	1,794
1/17/2012	25,938	422.4	1,820
1/18/2012	22,606	432.2	1,623
1/19/2012	20,952	442.9	1,541
1/20/2012	22,968	451.4	1,722
1/21/2012	28,051	492.0	2,293
1/22/2012	28,179	505.8	2,367
1/23/2012	27,287	501.2	2,270
1/24/2012	26,924	543.1	2,429
1/25/2012	27,984	476.0	2,212
1/26/2012	29,514	371.6	1,822
1/27/2012	29,369	414.0	2,020
1/28/2012	28,766	432.6	2,087
1/29/2012	26,075	470.7	2,039
1/30/2012	24,580	487.7	1,991
1/31/2012	25,811	488.8	2,096
2/1/2012	27,071	549.8	2,472
2/2/2012	27,464	550.1	2,509
2/3/2012	27,543	561.8	2,570
2/4/2012	28,280	549.3	2,579
2/5/2012	27,672	552.7	2,540
2/6/2012	28,248	540.0	2,534
2/7/2012	29,086	512.1	2,475
2/8/2012	29,572	467.8	2,288
2/9/2012	29,530	517.8	2,540
2/10/2012	27,892	535.7	2,482

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
2/11/2012	27,305	581.0	2,635
2/12/2012	26,335	519.8	2,274
2/13/2012	27,105	478.5	2,155
2/14/2012	26,879	543.1	2,425
2/15/2012	26,810	527.8	2,350
2/16/2012	26,548	347.9	1,534
2/17/2012	25,271	328.1	1,381
2/18/2012	24,951	368.6	1,527
2/19/2012	26,582	562.3	2,483
2/20/2012	25,840	493.1	2,116
2/21/2012	24,550	556.5	2,269
2/22/2012	24,852	575.8	2,377
2/23/2012	25,397	588.1	2,397
2/24/2012	25,660	407.2	1,736
2/25/2012	25,788	493.7	2,115
2/26/2012	24,963	508.3	2,099
2/27/2012	24,633	303.5	1,242
2/28/2012	23,777	299.4	1,182
2/29/2012	24,099	488.0	1,954
3/1/2012	23,922	721.1	2,865
3/2/2012	22,787	625.6	2,368
3/3/2012	23,202	663.5	2,557
3/4/2012	23,466	675.3	2,632
3/5/2012	24,540	646.6	2,636
3/6/2012	24,587	638.3	2,607
3/7/2012	26,106	640.1	2,776
3/8/2012	29,576	578.1	2,840
3/9/2012	30,647	480.7	2,447
3/10/2012	30,357	402.0	2,027
3/11/2012	27,786	387.7	1,789
3/12/2012	26,564	349.1	1,540
3/13/2012	27,606	335.9	1,540
3/14/2012	25,633	371.8	1,583
3/15/2012	25,966	447.7	1,931
3/16/2012	30,010	437.4	2,180
3/17/2012	28,829	421.8	2,020
3/18/2012	26,307	463.4	2,025
3/19/2012	25,805	547.9	2,348
3/20/2012	24,897	535.6	2,215
3/21/2012	26,421	514.8	2,259
3/22/2012	28,825	493.9	2,365
3/23/2012	29,079	467.1	2,256
3/24/2012	28,995	442.0	2,129
3/25/2012	28,384	457.1	2,155
3/26/2012	26,924	492.2	2,201
3/27/2012	25,347	508.1	2,139
3/28/2012	28,974	477.8	2,299
3/29/2012	28,145	502.4	2,349
3/30/2012	28,282	498.1	2,340
3/31/2012	29,642	470.1	2,314
4/1/2012	29,799	440.0	2,178
4/2/2012	29,277	477.5	2,322
4/3/2012	29,894	435.4	2,162
4/4/2012	29,816	416.9	2,065
4/5/2012	29,441	393.9	1,926
4/6/2012	29,194	407.7	1,977
4/7/2012	28,517	424.0	2,009
4/8/2012	29,314	384.4	1,872
4/9/2012	29,036	411.0	1,982
4/10/2012	29,951	468.2	2,329
4/11/2012	29,054	426.1	2,056
4/12/2012	28,203	445.7	2,088
4/13/2012	28,028	382.7	1,782
4/14/2012	29,272	318.7	1,550
4/15/2012	28,371	329.0	1,550
4/16/2012	28,798	336.7	1,611
4/17/2012	28,984	319.8	1,540
4/18/2012	29,242	312.2	1,516
4/19/2012	29,511	319.7	1,567
4/20/2012	28,053	332.3	1,549
4/21/2012	27,543	396.2	1,812
4/22/2012	27,273	442.1	2,003

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
4/23/2012	27,074	447.5	2,012
4/24/2012	27,806	470.6	2,174
4/25/2012	27,362	425.6	1,934
4/26/2012	27,837	410.5	1,905
4/27/2012	26,784	427.7	1,903
4/28/2012	25,291	399.9	1,880
4/29/2012	24,628	409.2	1,674
4/30/2012	24,672	364.9	1,496
5/1/2012	24,929	403.4	1,670
5/2/2012	25,196	368.1	1,540
5/3/2012	25,263	374.8	1,572
5/4/2012	24,868	359.7	1,486
5/5/2012	22,923	376.8	1,435
5/6/2012	23,472	416.7	1,625
5/7/2012	23,352	416.7	1,616
5/8/2012	23,747	388.1	1,531
5/9/2012	24,438	431.5	1,752
5/10/2012	24,409	404.0	1,638
5/11/2012	24,880	381.4	1,576
5/12/2012	25,306	339.3	1,426
5/13/2012	25,646	355.5	1,515
5/14/2012	26,103	290.8	1,261
5/15/2012	26,748	322.0	1,431
5/16/2012	28,983	315.0	1,412
5/17/2012	27,886	304.2	1,409
5/18/2012	27,447	336.7	1,535
5/19/2012	27,261	397.7	1,801
5/20/2012	28,425	383.6	1,811
5/21/2012	27,946	402.4	1,868
5/22/2012	28,531	392.2	1,859
5/23/2012	27,173	355.1	1,603
5/24/2012	27,800	279.3	1,290
5/25/2012	26,695	248.2	1,100
5/26/2012	25,890	298.8	1,285
5/27/2012	25,626	261.1	1,111
5/28/2012	25,853	233.6	1,003
5/29/2012	26,519	264.6	1,165
5/30/2012	27,974	275.8	1,281
5/31/2012	29,488	222.2	1,088
6/1/2012	30,040	234.5	1,170
6/2/2012	28,529	293.7	1,392
6/3/2012	29,191	324.3	1,572
6/4/2012	28,290	351.0	1,649
6/5/2012	20,731	398.5	1,372
6/6/2012	19,313	486.4	1,592
6/7/2012	21,415	391.9	1,394
6/8/2012	20,153	396.5	1,327
6/9/2012	20,280	395.3	1,331
6/10/2012	21,508	529.9	1,893
6/11/2012	23,444	405.1	1,577
6/12/2012	23,426	366.6	1,427
6/13/2012	24,596	388.2	1,627
6/14/2012	25,924	369.4	1,591
6/15/2012	26,626	316.9	1,401
6/16/2012	25,279	311.3	1,307
6/17/2012	23,201	333.9	1,287
6/18/2012	24,892	371.7	1,537
6/19/2012	25,581	400.9	1,703
6/20/2012	25,441	387.0	1,635
6/21/2012	25,095	354.0	1,476
6/22/2012	24,738	330.2	1,357
6/23/2012	25,040	252.2	1,049
6/24/2012	25,150	326.2	1,363
6/25/2012	25,541	346.7	1,471
6/26/2012	25,914	370.3	1,594
6/27/2012	28,154	380.2	1,652
6/28/2012	26,248	393.1	1,714
6/29/2012	26,825	332.1	1,480
6/30/2012	26,241	413.1	1,801
7/1/2012	28,666	395.8	1,885
7/2/2012	28,982	404.0	1,945
7/3/2012	29,046	434.8	2,098

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
7/4/2012	29,709	403.2	1,990
7/5/2012	29,638	379.3	1,867
7/6/2012	29,661	406.7	2,004
7/7/2012	29,149	391.3	1,895
7/8/2012	28,429	334.3	1,579
7/9/2012	28,590	279.2	1,326
7/10/2012	27,664	305.9	1,406
7/11/2012	27,486	339.1	1,548
7/12/2012	27,903	410.1	1,901
7/13/2012	28,625	328.9	1,564
7/14/2012	27,279	407.2	1,845
7/15/2012	27,198	378.2	1,709
7/16/2012	27,250	317.8	1,438
7/17/2012	27,148	374.2	1,688
7/18/2012	27,782	402.1	1,856
7/19/2012	28,102	390.8	1,824
7/20/2012	28,382	390.3	1,840
7/21/2012	28,379	390.0	1,838
7/22/2012	29,039	372.3	1,796
7/23/2012	30,055	368.9	1,842
7/24/2012	29,730	364.6	1,801
7/25/2012	27,547	400.7	1,834
7/26/2012	27,320	412.8	1,873
7/27/2012	27,694	389.0	1,790
7/28/2012	29,403	327.1	1,598
7/29/2012	28,906	348.5	1,674
7/30/2012	28,707	361.0	1,721
7/31/2012	28,680	347.9	1,657
8/1/2012	27,891	375.1	1,738
8/2/2012	31,494	322.6	1,688
8/3/2012	32,095	277.5	1,479
8/4/2012	31,863	293.8	1,555
8/5/2012	31,085	388.3	2,005
8/6/2012	31,473	362.6	1,896
8/7/2012	31,243	361.9	1,878
8/8/2012	30,234	398.5	2,001
8/9/2012	32,896	444.8	2,430
8/10/2012	33,004	385.5	2,113
8/11/2012	31,145	433.7	2,244
8/12/2012	30,629	383.9	1,953
8/13/2012	30,492	409.6	2,075
8/14/2012	31,019	393.9	2,029
8/15/2012	30,839	387.0	1,982
8/16/2012	30,893	428.1	2,197
8/17/2012	30,693	433.1	2,208
8/18/2012	30,440	406.2	2,054
8/19/2012	30,321	401.2	2,021
8/20/2012	30,680	386.4	1,969
8/21/2012	30,754	357.5	1,826
8/22/2012	31,097	327.9	1,694
8/23/2012	31,574	324.0	1,689
8/24/2012	29,239	309.2	1,502
8/25/2012	25,934	291.3	1,255
8/26/2012	25,408	339.5	1,433
8/27/2012	28,534	274.5	1,301
8/28/2012	25,213	354.5	1,485
8/29/2012	28,198	159.5	747
8/30/2012	25,222	20.6	86
8/31/2012	27,639	102.4	470
9/1/2012	28,309	212.0	997

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
9/2/2012	27,038	244.0	1,096
9/3/2012	27,550	289.7	1,372
9/4/2012	29,854	391.0	1,939
9/5/2012	28,634	360.2	1,713
9/6/2012	28,078	436.2	2,034
9/7/2012	28,311	428.3	2,014
9/8/2012	28,318	409.0	1,924
9/9/2012	28,949	395.1	1,900
9/10/2012	28,968	353.1	1,899
9/11/2012	28,835	382.1	1,748
9/12/2012	29,708	438.8	2,165
9/13/2012	28,372	439.2	2,070
9/14/2012	28,472	413.0	1,953
9/15/2012	27,277	401.0	1,817
9/16/2012	27,573	401.0	1,837
9/17/2012	26,892	401.0	1,791
9/18/2012	27,723	401.0	1,847
9/19/2012	27,855	401.0	1,855
9/20/2012	27,554	401.0	1,835
9/21/2012	28,194	401.0	1,878
9/22/2012	28,305	401.0	1,885
9/23/2012	27,873	401.0	1,857
9/24/2012	28,648	401.0	1,908
9/25/2012	28,557	401.0	1,902
9/26/2012	29,131	401.0	1,940
9/27/2012	29,178	401.0	1,943
9/28/2012	29,553	401.0	1,968
9/29/2012	29,362	401.0	1,956
9/30/2012	29,186	401.0	1,944
10/1/2012	32,171	401.0	2,143
10/2/2012	30,627	401.0	2,040
10/3/2012	30,901	400.7	2,057
10/4/2012	30,913	374.2	1,921
10/5/2012	32,326	304.7	1,836
10/6/2012	26,367	293.3	1,285
10/7/2012	24,725	407.7	1,674
10/8/2012	24,683	385.6	1,581
10/9/2012	24,223	375.3	1,510
10/10/2012	24,475	423.6	1,722
10/11/2012	24,520	436.8	1,779
10/12/2012	24,336	340.9	1,378
10/13/2012	24,331	365.1	1,475
10/14/2012	23,780	340.0	1,343
10/15/2012	24,110	313.3	1,255
10/16/2012	25,388	307.0	1,295
10/17/2012	25,083	325.9	1,358
10/18/2012	26,119	259.2	1,124
10/19/2012	23,386	256.8	998
10/20/2012	19,250	285.9	914
10/21/2012	17,644	176.2	516
10/22/2012	19,941	35.5	117
10/23/2012	23,737	32.6	129
10/24/2012	24,529	181.4	739
10/25/2012	24,405	340.4	1,380
10/26/2012	26,025	502.2	2,171
10/27/2012	30,900	427.2	2,192
10/28/2012	28,619	382.9	1,820
10/29/2012	28,723	388.4	1,853
10/30/2012	28,384	407.1	1,920
10/31/2012	26,285	420.7	1,837
11/1/2012	26,646	496.8	2,199
11/2/2012	27,235	515.4	2,331
11/3/2012	26,859	460.3	2,053

DATE	U233 FG	U233 Total S	U233 FG SO2
	MSCFD	ppm	lb/d
11/4/2012	26,966	491.5	2,201
11/5/2012	27,273	481.4	2,181
11/6/2012	27,422	512.9	2,336
11/7/2012	29,167	440.9	2,136
11/8/2012	29,439	343.7	1,681
11/9/2012	29,321	365.1	1,778
11/10/2012	29,759	346.1	1,711
11/11/2012	29,631	362.4	1,784
11/12/2012	26,908	417.3	1,865
11/13/2012	26,490	376.0	1,654
11/14/2012	24,863	385.3	1,591
11/15/2012	25,275	380.0	1,596
11/16/2012	25,129	353.0	1,473
11/17/2012	25,567	313.4	1,331
11/18/2012	26,089	330.0	1,430
11/19/2012	25,316	340.6	1,432
11/20/2012	25,088	433.5	1,806
11/21/2012	24,724	386.3	1,587
11/22/2012	24,968	413.6	1,715
11/23/2012	24,465	546.1	2,219
11/24/2012	25,390	543.9	2,294
11/25/2012	26,287	503.8	2,200
11/26/2012	26,716	520.4	2,309
11/27/2012	26,558	500.2	2,207
11/28/2012	26,797	501.8	2,234
11/29/2012	26,376	509.0	2,230
11/30/2012	26,244	425.0	1,852

CBE Supplemental Attachment 5

**Refinery Action Collaborative letter of
18 December 2013
(3 pages)**

REFINERY

ACTION COLLABORATIVE



BY ELECTRONIC MAIL

18 December 2013

Hon. Federal Glover, Chair, and Members of the Board
Board of Supervisors, Contra Costa County

Hon. Elizabeth Patterson, Mayor, and Council Members
City Council, City of Benicia

Hon. Nancy Parent, Mayor, and Council Members
City Council, City of Pittsburg

Hon. Gayle McLaughlin, Mayor, and Council Members
City Council, City of Richmond

Re: **Chevron Richmond Refinery “Modernization” Project,
Phillips 66 San Francisco Refinery Rodeo “Propane Recovery” Project,
Praxair “Contra Costa Pipeline” Project,
Valero Benicia Refinery “Crude by Rail” Project, and
WesPac Pittsburg “Energy Infrastructure” Project—Disclosure of
Refinery Oil Feedstock Quality Among Data for Environmental Review**

Dear local government leaders,

The Refinery Action Collaborative (Collaborative) is a labor-community-university partnership working to address critical environmental health and safety concerns shared by refinery workers and residents regionally. Collaborative members include the Asian Pacific Environmental Network, the BlueGreen Alliance, Communities for a Better Environment, the Labor Occupational Health Program at UC Berkeley, the Natural Resources Defense Council, the United Steelworkers (USW) International Union, United Steelworkers Local 5, and United Steelworkers Local 326.

We understand that the proposed projects identified above are currently in environmental review, including public review of potential environmental health and safety impacts, and that your city or county is the California Environmental Quality Act “lead agency” in this review for one or more of these projects. The Collaborative has not taken a position on the projects at this time. We write to support an adequate environmental review of these

projects that includes, among other factors that have the potential to affect refinery safety and emissions, public disclosure of potential changes in refinery oil feedstock quality.

Our Collaborative's founding principles commit us to "pursue solutions that improve transparency and public accountability in the refinery industry." In a major effort earlier this year, our groups reached consensus on a *Recommendation to Ensure Prevention of Feedstock-Related Emissions Increase*, released in June 2013, that calls for the public disclosure and review of each Bay Area refiner's oil feedstock quality.¹ We also have supported community leaders' call for full and transparent environmental review of all potential risks associated with the Valero Benicia proposal, including its potential to facilitate a change in refinery oil feedstock quality.² More recently, we made recommendations to the Governor's Interagency Refineries Task Force that called, among other things, for public reporting of refinery crude feed quality, explaining that:

Disclosure by the refineries of the quality of crude oil entering the plant is necessary for assessing the efficacy of a plant's safety measures and air pollution controls.³

As leaders of the public environmental reviews for these proposed projects under the state's Environmental Quality Act, your agencies are positioned to address these needs. Accordingly, we respectfully ask you to ensure that the environmental reviews of these proposed projects will disclose and address current and potentially changing refinery oil feedstock quality among the factors affecting community and worker health and safety.

On Behalf of the Collaborative,

Miya Yoshitani, Executive Director
Asian Pacific Environmental Network

Charlotte Brody, Vice President for Health Initiatives
BlueGreen Alliance

Greg Karras, Senior Scientist
Communities for a Better Environment

Nazima EL-Askari, MPH, Program Coordinator
Labor Occupational Health Program, UC Berkeley

Diane Bailey, Senior Scientist
Natural Resources Defense Council

Ron Espinoza, District 12 Sub-Director

¹ *Bay Area Air Quality Management District Proposed Regulation 12, Rule 15; March 2013 Preliminary Draft Petroleum Refining Emissions Tracking Rule*; comments submitted to Jack Broadbent, Executive Officer, BAAQMD. 13 June 2013. See page 3.

² *Supporting the Committee's position on the Valero Crude-by-Rail Project*; letter to the Benicia Good Neighbor Steering Committee c/o Marilyn Bardet. 25 July 2013.

³ *Initial Response of the Collaborative to the Findings & Recommendations of the July 2013 Draft Report of the Interagency Working Group on Refinery Safety*; 10 October 2013. See p. 7.

United Steelworkers International

Mike Smith, Local 5 Field Rep.

United Steelworkers Local 5

Moxie J. Loeffler, D.O.

Internal Medicine Physician



EXHIBIT #12

Design Period	Refinery Fuel Gas - U233						Refinery Fuel Gas - A				Butane Currently Recovered for Sale ⁴	
	Flow ¹		Propane		Butane		Flow ¹		Propane		Butane	
	MSCFD	mol % ²	BPD	mol % ²	BPD	mol % ³	MSCFD	mol % ³	BPD	mol % ³	BPD	BPD
	August 2011	36,582	9.9	2,388	9.8	2,839	27,269	17.8	3,192	10.0	2,157	15,474

Propane and butane obtained from two refinery fuel gas streams: U233 and RFG-A.

1. Flowrate obtained from continuous flowmeter data.

2. Mol % based on daily lab results

3. Mol % based on on-line continuous gas chromatograph (GC) results

4. Butane recovered for sale obtained from continuous flowmeter data.

Calculations

BPD of LPG = (Gas Flow [mscf] x 1000 [scfd/mscf] x mol %/100 x MW [lb/lb-mol]) / (379.5 [scf/lb-mol] x liquid density [lb/gal] x 42 [gal/bbl])

where:

MW = molecular weight, propane = 44 lb/lb-mol and butane = 58 lb/lb-mol

Propane liquid density = 4.2 lb/gal

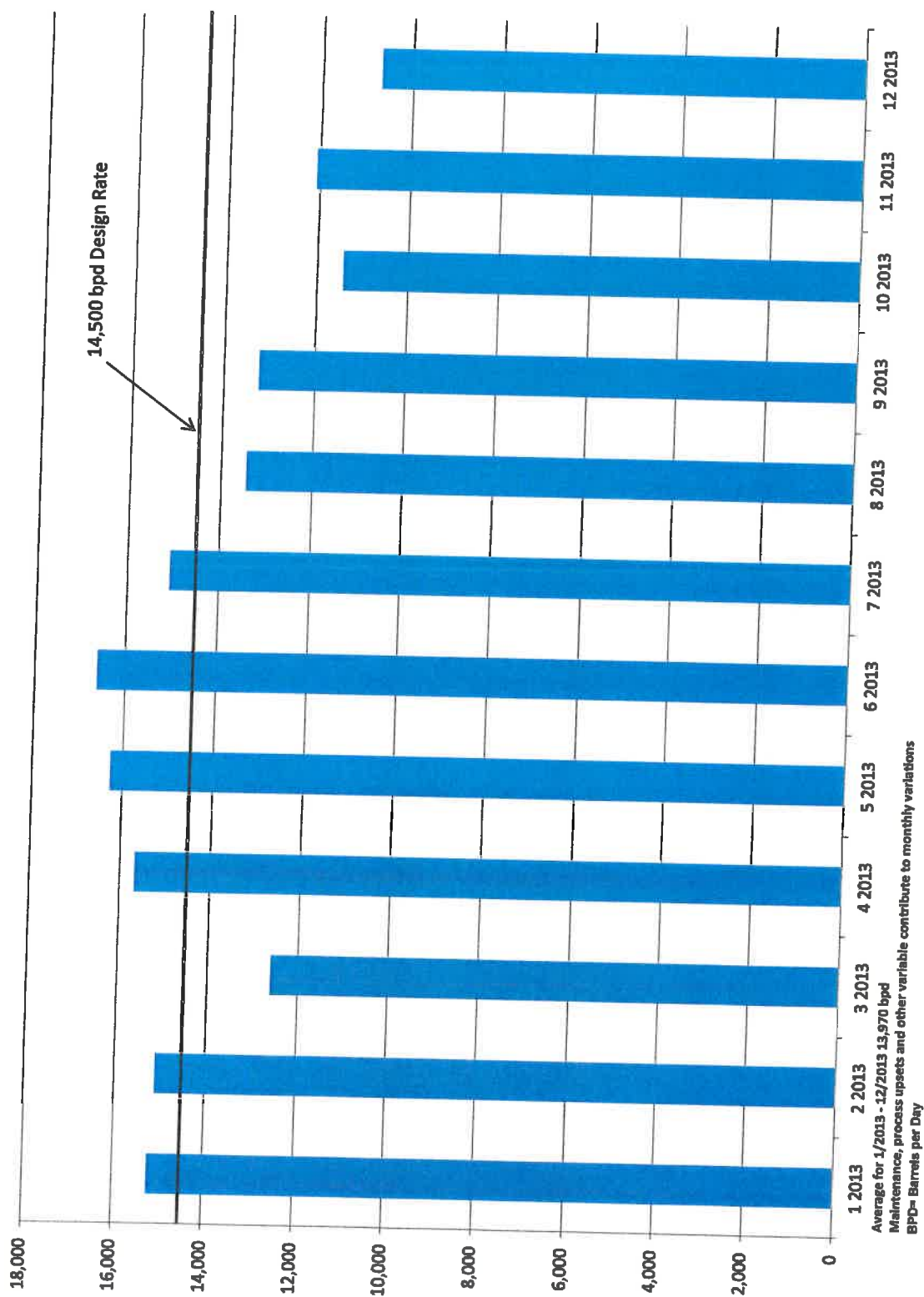
Butane liquid density = 4.6 lb/gal

379.5 scf/lb-mol is the specific molar volume of an ideal gas at 60 F

BPD=Barrels Per Day

Figure 3-7
Refinery Fuel Gas: Actual Propane and Butane Production
August 2011

EXHIBIT #13



SOURCE: Phillips 66 Company

Phillips 66 Company Installation . 120546

Figure 3-8
Refinery Fuel Gas: Average Propane and
Butane Production (BPD) 2013

EXHIBIT #14

Lashun Cross

From: jack pfister <jlpf2@att.net>
Sent: Wednesday, January 07, 2015 7:56 AM
To: Lashun Cross
Subject: LP12-2073

CONTRA COSTA
COUNTY

2015 JAN -7 A 8:02

DEPARTMENT OF
CONSERVATION

I know that I am writing past the deadline set for review however due to illness I was not able to comment. I live in the ViewPointe neighborhood of single family homes located across the I-80 freeway from the refinery.

I want to let you know that the last time the supervisors allowed this refinery in Rodeo to make their changes. it caused an increase in NOISE level not only during the day but at night that still exists. An extremely loud clang at night.

This new upgrade for the refinery in Rodeo will cause noise exceeding the noise level allowed for any neighborhood.

Please have the refinery monitored for existing noise level and a complete noise evaluation should be made for this new project as it relates to the ViewPointe neighborhood before the refinery is allowed to upgrade.

Thank you for your time.

*Donna G. Pfister
1070 Sandpoint Dr
Rodeo, CA 94572*

D6
Henry Reiser
Received @
BoS

The Reverend Peter O. Champion
703 Mariposa Avenue, Rodeo, California 94572

September 23, 2014

Board of Supervisors
Contra Costa County
651 Pine St., Room 107
Martinez, CA 94553

Re: Phillips-66 Refinery Propane Project

Dear Members of the Board of Supervisors:

I am sorry not to be with you this morning to speak in person; my post-retirement career as a substitute teacher has taken off and several weeks ago I committed to teaching at John Sweet High School today.

As an ordained minister and resident of Rodeo, I write to express my deep concern about the propane recovery project that has been proposed by Conoco Phillips less than a mile from my home and those of my neighbors. The concerns I have are many, and though most of them are likely familiar to you I would like you to hear them once again.

First, the P-66 San Francisco Refinery has a horrible record as a neighbor and as a polluter. After the disastrous 1994 catacarb release, the refinery entered into a 30-year good neighbor agreement with Rodeo, Crockett and the John Swett School District. 5 years ago, Conoco Phillips unilaterally cancelled the agreement, despite the efforts of our communities and the recommendation of the Board of Supervisors. Community confidence in the refinery—already low—plummeted. Many of my neighbors have told me they believe the refinery has no commitment to our community's health and well-being. EPA statistics for 2012, released several weeks ago, show that our Rodeo refinery released more pollution than any other refinery in the state, and that in the year of the Chevron refinery fire!

Second, the refinery has planned to build its storage facilities on a soil liquefaction zone in spite of the danger of earthquakes such as our recent 6.1 temblor. Living on the same type of soil, I can tell you that the effects of the quake in our area were significantly stronger than those experienced by friends living as close as a mile away from us. Do we really want a facility that stores 600,000+ gallons of highly-explosive propane so close to the people of Rodeo and Crockett? As one citizen, I emphatically say, "No!"

Third, the Phillips plan calls for transporting propane and butane by rail through heavily populated areas along the East Bay. A map of our area released in June shows that 76,000 residents of Richmond live within 1 mile of the tracks; this doesn't include residents of San Pablo, Pinole, Hercules, Rodeo and Crockett! Transporting crude oil (including incendiary Bakken crude from North Dakota) by rail greatly increases the threat to a large population.

Home: 510.245.7542 • Cell: 808.351.3268 • peterchamp@hotmail.com

Finally, in spite of the months which have passed since your decision to have Phillips 66 recirculate its DEIR, Phillips has made no discernable public effort to engage the Rodeo community in discussion. If past experience is any indication, Phillips will not come out and speak to the public about details of the project and our safety concerns. Instead, it makes vague economic threats to the community if it isn't granted carte blanche approval, along with equally vague and vastly inflated predictions of the social and economic benefits to our area.

I care deeply about the health and safety of our communities, and I also care for the health and safety of the hundreds of employees at the refinery. But I care more deeply about the health of our planet and fear the proposed plan will help accelerate irreversible climate-change impacts on our world. This morning, I ask you to demand that Conoco Phillips engage in fully transparent dialogue to address the many valid concerns of our communities before allowing them to break ground on this ill-conceived plan. Thank you for your time and attention.

Sincerely,

The Rev. Peter Champion

Home: 510.245.7542 • Cell: 808.351.3268 • peterchamp@hotmail.com

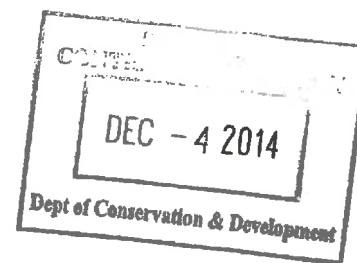
EXHIBIT #15



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

December 2, 2014

Lashun Cross
Principal Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553



Subject: Phillips 66 Propane Recovery Project Recirculated DEIR

Dear Ms. Cross,

Bay Area Air Quality Management District (Air District) staff has reviewed Contra Costa County's (County) Recirculated Draft Environmental Impact Report (RDEIR) prepared for the Propane Recovery Project (Project) located at the Phillips 66 Refinery in Rodeo. The proposed Project consists of implementing refinery processing equipment improvements to recover propane and butane for sale off-site. The RDEIR analyzes two options for implementing the Project: use of a new steam boiler; or use of the existing steam power plant if the new boiler is not built.

Air District staff appreciates the County's responses to the issues raised by the Air District in its previous comment letters regarding the Project. As recommended in the Air District's comment letters (most recently from January 14, 2014), the RDEIR includes a cumulative health risk analysis and additional information on the Project's emission sources and emission estimates. Air District staff agrees with the conclusions of these additional studies.

The RDEIR also addresses the Air District's recommendation that the County fully explain the estimated decrease of GHG emissions anticipated to result from the Project. The RDEIR justifies the Project's GHG emission decrease based on the anticipated change in fuel gas use and the conclusion that accounting for the end use of propane and butane is too speculative to estimate downstream emissions.

Air District staff is available to assist the County in addressing these comments. If you have any questions, please contact Alison Kirk, Senior Planner, at (415) 749-5169 or akirk@baaqmd.gov.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Director John Gioia
BAAQMD Director David Hudson
BAAQMD Director Mary Piepho
BAAQMD Director Mark Ross

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

EXHIBIT #16

To: Board of Supervisors
 From: Catherine Kutsuris, Conservation and Development Director
 Date: January 21, 2014



Contra
 Costa
 County

Subject: Hearing to Consider Two Appeals on the Phillips 66 Propane Recovery Project (County File #LP12-2073)

RECOMMENDATION(S):

1. OPEN the public hearing and take testimony on the Phillips 66 Propane Recovery Project.
2. CLOSE the public hearing.
3. CERTIFY the Final Environmental Impact Report (FEIR) dated November 2013, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis, and specify that the Department of Conservation and Development, Community Development Division (30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
4. CERTIFY that the Board has considered the contents of the FEIR prior to making a decision on the project.
5. DENY the appeals from Communities For A Better Environment and Shute, Mihaly & Weinberger and UPHOLD the County Planning Commission's decision to APPROVE the Land Use Permit (County File #LP12-2073) with the attached conditions of approval.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
 COMMITTEE

Action of Board On: 01/21/2014 ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES _____ NOES _____

ABSENT _____ ABSTAIN _____

RECUSE _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 21, 2014

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: 925-674-7786

By: , Deputy

cc:

RECOMMENDATION(S): (CONTD)

6. ADOPT the findings contained in County Planning Commission Resolution No. 19-2013, which includes the CEQA findings, Growth Management Standards, and additional language to Land Use Permit findings, shown as underlined text, as the basis for the Board's actions.

7. ADOPT the Mitigation Monitoring and Reporting Program.

8. DIRECT the Community Development Division to post a Notice of Determination with the County Clerk.

FISCAL IMPACT:

None. The applicant, Phillips 66, is obligated to pay any additional costs above the initial application deposit associated with the processing of the application.

BACKGROUND:

1. Timeline

The following timeline illustrates the land use permit application's progress from submittal to present:

- June 22, 2012 – Phillips 66 Company applied for approval of a Land Use Permit for the Propane Recovery Project.
- July 24, 2012 – Notice of Preparation of an EIR distributed.
- August 20, 2012 – Scoping session held in Martinez.
- June 10, 2013 – Draft EIR (DEIR) distributed for public review.
- July 15, 2013 – Public hearing held before the Zoning Administrator in Martinez to accept comments on DEIR.
- July 23, 2013 – End of public review period for DEIR extended from July 25, 2013 to August 9, 2013.
- August 9, 2013 – End of public review period for DEIR.
- November 6, 2013 – FEIR distributed.
- November 18, 2013 – Closed hearing held before the Zoning Administrator to consider the adequacy of the FEIR. The Zoning Administrator recommended certification of the FEIR by the Planning Commission.
- November 19, 2013 – Public hearing held before the Planning Commission in Martinez regarding the Land Use Permit and the adequacy of the FEIR. The Commission determined that the FEIR was adequate and approved the Land Use Permit.
- November 25, 2013 – Appeal from Shute, Mihaly & Weinberger on behalf of the Rodeo Citizens Association received by the Clerk of the Board.
- December 2, 2013 – Appeal from Communities for a Better Environment received by the Community Development Division.

2. County Planning Commission Hearing

The County Planning Commission opened the public hearing on the project on November 19, 2013. Oral testimony covered a wide variety of topics such as, but not limited to, the adequacy of the FEIR, types and quality of crude oil, propane safety concerns, pollution, public health, greenhouse gas emissions, Refinery safety, Refinery/community relations. There were also several speakers who testified in support of the project.

During the November 19, 2013 hearing, after evaluating the project in its entirety, including all public testimony and evidence in the record, the Commission voted unanimously to certify the FEIR and approved the land use permit with the conditions of approval as recommended by staff.

3. Appeal Discussion

Following the decision of the Planning Commission, two separate appeals were filed by Communities for a Better Environment, and Shute, Mihaly & Weinberger (on behalf of the Rodeo Citizens Association).

Both appellants submitted similar points of appeal. Chiefly, they claim that the EIR fails to include an adequate project description that links the proposed project to a future "larger project" by the Refinery to begin importing and processing heavier lower-quality crude oil feedstocks, such as Canadian tar sands, and that the proposed project is in preparation to implement this objective. Since this is a common point of appeal for both Shute, Mihaly & Weinberger (SMW) and Communities for a Better Environment (CBE), it is being addressed first.

Appeal Points and Staff Responses:

A. Future Plans to Change Crude Oil Feedstocks to Lead Into a Larger Project:

The main point both appellants have raised is that Phillips 66 plans to change the crude oil feedstock and begin processing lower-quality heavy crudes, and with the lower-quality crudes Refinery operations could be changed to increase the production of propane and butane far beyond current levels. Phillips 66 states that the project objective is to recover existing volumes of propane and butane already being produced at the Refinery and already contained in the Refinery Fuel Gas (RFG) streams and not to increase the amount of propane and butane being produced at the Refinery beyond current levels. On the contrary, instead of burning the propane and butane in Refinery process heaters, the project will allow the applicant to capture and sell more of the propane and butane that is already being produced at the Refinery, irrespective of the types of oil feedstock.

The applicant proposes to recover for sale approximately 4,200 barrels per day of propane and 9,300 barrels per day of butane already existent in the RFG. This is a practice already performed by other Bay Area refineries, and Phillips 66 is planning to catch up with similar practice. Refinery flow data provided in the Phillips 66 Response to Appeals (Exhibit #7) shows that from January to November of 2013, the Refinery feedstock that was processed during that time produced an average of 14,250 barrels per day of propane and butane combined. Additionally, Master Response 2.2, on page 2-2, of the FEIR addresses all comments which asserted that a relationship between the Propane Recovery Project and purported plans to change the type of crude oil to be processed at the Refinery.

The appellants further claim that the EIR fails to adequately define the project because importing and processing heavier lower-quality crude oil feedstock, such as Canadian tar sands, was not mentioned in the project description. A change in crude feedstock was not mentioned in the project description or analyzed in the DEIR and FEIR since no changes in feedstock or a switch in crude quality are proposed as a part of the project, nor is the project dependent on any such changes. Specifically, SMW asserts on page 7 of their 11/18/13 Letter (Exhibit #3b) that the project description is inadequate since it did not include mention of Phillips 66's Santa Maria Refinery, claiming that the Rodeo Refinery will "...increase butane and propane production, once the proper amounts of the right feedstocks arrive..." from the Santa Maria Refinery. As discussed above, implementation of the proposed project is not dependent upon new feedstock from Santa Maria or anywhere else, nor does the project plan to "increase" production of butane and propane, but rather it will recover butane and propane already existent in the Refinery gas streams under current operations. With this project objective in mind, a discussion of the Santa Maria Refinery was not considered germane; nevertheless, on page 2-4 of the FEIR in Master Response 2.2, a discussion of the Santa Maria Refinery and its association with the Rodeo Refinery was provided.

The additional appeal issues raised by the appellants are responded to in Sections B, C, and D below. It should be noted that most of the issues raised by SMW and CBE have already been addressed in the DEIR and FEIR. Staff has summarized the appeal points below, and in addition, a more comprehensive response has been provided which is identified as (Exhibit #6). In further attempting to respond to the appeals, Phillips 66 submitted a response letter to the Board of Supervisors dated January 6, 2014 (See Exhibit #7).

B. Appeal by Shute, Mihaly & Weinberger (SMW) on behalf of the Rodeo Citizens Association

The appeal by SMW comprises the following points based on their November 22, 2013 appeal letter (Exhibit #3a). Their appeal is also supported by referencing their November 18, 2013 letter to the Planning Commission and a technical report by Phyllis Fox, Ph.D. (Fox Report), dated November 15, 2013 (see Exhibit #3b for both documents). The issues raised by both the Fox Report and SMW have already been addressed in the DEIR and FEIR. The SMW appeal letter's primary points are summarized and briefly addressed below.

Summary of Appeal Points Raised by Shute, Mihaly & Weinberger and Staff Responses:

- *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.*
- *The County's findings, including its statement of overriding considerations, are not supported by substantial evidence.*
- *The County cannot make the findings for approval required by its code sections; 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 EIR fails to adequately define the project (see previous Staff response in Section A above).*

Staff Response

EIR Fails to Provide Adequate Analysis of Environmental Impacts: SMW suggests that project impacts to air quality, biological resources, safety, health, and climate should have been considered as potentially significant and mitigated as well. Air quality was analyzed as a potentially significant impact and mitigation measures were established for the project to address air-quality impacts during the short-term construction phase of the project and also to mitigate long-term emissions of criteria air pollutants after project implementation (See Mitigation Monitoring and Reporting Program [MMRP]—Exhibit #5). Project impacts were not determined to be significant for biological resources, safety, health, or greenhouse gases; on the contrary, the analysis of the EIR determined how the proposal to capture the propane and butane from the RFG would be beneficial by promoting the reduction in sulfur dioxide, reduction in flaring events, and reduction in on-site greenhouse gas emissions.

EIR Fails to Include Analysis of Cumulative Impacts: Chapter 5 of the DEIR (page 5-2) provided comprehensive analysis of the potential cumulative impacts in terms of past, present, and future projects both at the Refinery and in the near region. Other projects at the Refinery and at other existing refineries in the County are likely to cause impacts that are similar to those anticipated to result from the project. Other non-Refinery projects could also cause similar potentially overlapping impacts with those of the project. Thirteen projects within an approximately 16-mile radius were evaluated as potential projects that could have cumulative effects in conjunction with the proposed project. The Draft EIR provided sufficient and adequate cumulative analysis of cumulative impacts and determined them to be less than significant.

EIR Fails to Evaluate Mitigation Measures and Project Alternatives: SMW claimed in their appeal that the County failed to adopt adequate mitigation or feasible alternatives. The EIR determined that the proposed project would result in potentially significant environmental impacts to air quality, cultural resources, noise, and transportation and traffic. These impacts were evaluated in the DEIR and mitigation measures were proposed as needed that would reduce each of these impacts to a less-than-significant level (See MMRP—Exhibit #5).

Chapter 6 of the DEIR considered alternatives to all components of the project. The alternatives to the project were duly evaluated, but were found to be infeasible in that they would be inferior in terms of meeting the project objectives and require more energy consumption for their implementation, and therefore were not considered feasible to the project as proposed.

A no-project alternative was discussed on page 6-6 of the Draft EIR which, when compared to the project, would not result in a decrease in GHG and sulfur emissions from the Refinery, as well as missing the opportunity to decrease the number of flaring events at the Refinery. Although, implementation of a reduced project alternative was determined to be the marginally environmentally superior alternative in the Draft EIR, it would not meet all of the project objectives.

County Failed to Adequately Respond to Comments on the DEIR: The County received 48 comment letters on the DEIR for the proposed project. In addition, oral comments were made by individuals who attended the

publicly noticed public hearing before the Zoning Administrator on July 15, 2013. There were also several speakers who spoke in support of the project. The County has made its best good-faith effort to respond each comment in a professional and scientific manner.

County Failed to Recirculate EIR: CEQA Guidelines Section 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 or data that “merely clarifies” 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. Various minor changes and edits were made to the mitigation measures, text, tables and figures of the DEIR, as described in the FEIR. The flow data (see Exhibit #7) that was subsequently provided by the applicant clarifies and confirms the conclusions of the DEIR. This information simply confirms and provides additional support for the conclusions of the DEIR and further confirms that impacts will remain less than significant. Therefore, recirculation is not required.

Inadequacy of Project Findings:

a. CEQA Findings: In response to the SMW point that the County’s findings, including its statement of overriding considerations, are not supported by substantial evidence, staff would point out that the EIR identifies potentially significant environmental impacts that would occur if the project were implemented, and requires feasible mitigation measures that would reduce all of the potentially significant impacts to less-than-significant levels (See MMRP—Exhibit #5). The DEIR provides a comprehensive analysis of the project’s impacts, and cumulative impacts of the project. Furthermore, the County Planning Commission adopted the findings, analysis, and conclusions of the EIR and based its decision to adopt the document upon the evidence referenced in the EIR and its appendices.

b. Land Use Permit Findings: SMW further states that the County cannot make the findings for approval required by its own code sections for Land Use Permits; in particular, they claim that 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. Master Response 2.3 and 2.5 of the FEIR addresses onsite hazards in response to concerns about the risk of accidents associated with the storage of propane and butane, and Master Response 2.6 addresses railroad transportation of propane and butane. The EIR thoroughly analyzed and considered all potential hazards that present risks to the community; therefore, as proposed and conditioned, the project will not create a nuisance and/or enforcement problem within the neighborhood or be detrimental to the health, safety and welfare of the community.

C. Appeal by Communities for a Better Environment (CBE):

The appeal by CBE cites a variety of issues (see Exhibit #4a). The CBE appeal is primarily based on an “expert” report by Greg Karras (see Exhibit #4c), an employee of CBE. Comprehensive responses to the Karras report have already been provided in the FEIR beginning on page 3.2-117. CBE also submitted two letters opposing the project to the Planning Commission on the day of the November 19, 2013 hearing (see Exhibits #4b & #4c).

Summary of Appeal Points Raised by CBE and Staff Responses:

- *The FEIR fails to adequately analyze significant environmental impacts.*
- *The FEIR fails to adequately discuss mitigation measures.*
- *The FEIR provides an inadequate discussion of Project alternatives.*
- *The County failed to adequately notify the community of this project.*
- *The project description fails to disclose that this Project is part of a larger project to enable the Refinery to process lower-quality oil feedstock (see previous Staff response in Section A).*

Staff Response:

EIR Fails to Provide Adequate Analysis of Environmental Impacts: CBE asserted that the FEIR failed to properly address potential environmental impacts, such as explosion/fire risks, air pollution, and greenhouse-gas emissions

(GHG) resulting from the refining of a heavier lower-quality oil feedstock. CBE further states that, the FEIR avoids any discussion of any impact associated with a switch in crude quality. Indeed, the DEIR and FEIR did not analyze any impacts associated with a switch in crude quality, since a switch in crude quality, or the refining of heavier lower-quality oil feedstock, is not an aspect of the proposed project, nor is the project dependent on any such switch. CBE also claimed that the proposed project will have significant impacts on biological resources as a result of continued use of the OTC or "once-through" cooling system. As proposed, the project includes a 25% increase of OTC volume; however, the proposed 25% increase will not require any modifications or expansions to the existing OTC system, and does not go beyond the Regional Water Quality Control Board's (RWQCB) current permit requirements for the Refinery. CBE also states that the RWQCB ordered the applicant to study replacing the OTC system and FEIR denies the existence of the study. The FEIR does acknowledge the study (see FEIR page 3.2-122, last paragraph). The RWQCB has reviewed the DEIR and no comments or objections to the project have been received regarding the OTC system. Finally, the FEIR responds on page 3.2-122 that no fundamental change to the Refinery cooling system is proposed as part of the project; therefore, it is outside of the scope of this project to include discussion on OTC systems alternatives.

EIR Fails to Provide Adequate Mitigation Measures: CBE's appeal letter states that the FEIR fails to adequately discuss mitigation measures relating to local and state regulations, the County Industrial Safety Ordinance, the General Plan, and comments again in regards to the RWQCB requirements for the OTC system. The EIR determined that the proposed project would result in potentially significant environmental impacts to air quality, cultural resources, noise, and transportation and traffic. These impacts were identified and evaluated in the DEIR and mitigation measures were proposed as needed that would reduce each of these impacts to a less-than-significant level (See MMRP Exhibit #5). A more detailed response related to the Refinery's OTC system and how it will be affected by the proposed project (including the response to the CBE's supplemental letter, received on 1/7/2014) is found in the County response (See Exhibit #6).

County Failed to Provide Adequate Project Alternatives: As previously discussed in Section B, Chapter 6 of the DEIR considered adequate alternatives to all components of the project as required under CEQA.

County Failed to Provide Adequate Notification: CBE also claims that the County failed to adequately notify the community of this project. The project was noticed in compliance with the noticing requirements of CEQA and, in addition, to the County's noticing requirements in Section 26-2.2002 of the County Code. The notice of completion and availability of the DEIR and the Planning Commission hearing were noticed to all property owners and occupants within a 300-foot radius of the project parcels APN357-010-001 and APN357-300-005. Copies of the DEIR and FEIR were available for public review at the Pleasant Hill and Rodeo public libraries and at the District 5 supervisor's office. Notices were also sent to all speakers and those who submitted comments at the scoping session and the July 15, 2013 Zoning Administrator's hearing on the DEIR. Notice was also given to those individuals, agencies, and organizations that requested notice or expressed interest in the project. Notice of the Commission hearing was published in the West County Times on November 8, 2013.

D. CBE December 12, 2013 Letter to Clerk of the Board: On December 12, 2013, CBE submitted a letter to the Clerk of the Board (see Exhibit #4d) regarding the supposed change in crude oil feedstock. The letter references a project being reviewed by the City of Pittsburg called the "WesPac Pittsburg Energy Infrastructure Project, Tar Sands". The letter describes WesPac as a crude oil transfer facility, and states that it may be a potential new source of oil feedstock to the Rodeo Refinery. Staff has reviewed the letter and as stated above in Section A, the Propane Recovery Project is not dependent on new feedstock from the WesPac facility or anywhere else because it already produces enough propane and butane at the Refinery to achieve project objectives. Currently the WesPac project is under CEQA review and a decision on this project has not been made. Since CBE's assumption that the proposed Propane Recovery Project and the WesPac are related was made out of speculation, and since the County has determined that this matter is not germane to the proposed project, the County will refrain from further commenting on this matter.

CONSEQUENCE OF NEGATIVE ACTION:

The Propane Recovery Project would not be constructed and the Refinery would not be able to recover and sell the existing propane and butane, and there would be a lost benefit to the community by missing an opportunity to decrease the amount of GHG and sulfur emissions from the Refinery, as well as losing an opportunity to decrease the number of flaring events at the Refinery.

CHILDREN'S IMPACT STATEMENT:

No Impact.

ATTACHMENTS

- Exhibit #1 - CPC Resolution No. 19-2013
- Exhibit #2 - Conditions of Approval Approved by CPC *
- Exhibit #3a - Appeal Letter 11/22/13 Shute Mihaley & Weinberger (SMW)
- Exhibit #3b - SMW 11/18/13 Letter and Related Fox Report
- Exhibit #4a - Appeal Letter 12/02/13 Communities for a Better Environment (CBE)
- Exhibit #4b - CBE 11/19/13 Letter by Roger Lin
- Exhibit #4c - CBE 11/19/13 Letter and Related Report by Greg Karras
- Exhibit #4d - CBE 12/12/13 Letter Regarding WesPac Project
- Exhibit #4e - CBE 01/07/14 Letter
- Exhibit #5 - Mitigation Monitoring and Reporting Program
- Exhibit #6 - County Response
- Exhibit #7 - Phillips 66 Response to Appeals
- Exhibit #8 - CPC 11/19/13 Staff Report
- Exhibit #9 - Notification List
- Exhibit #10 - Maps
- Exhibit #11 - CBE 01/14/14 Letter



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Implementation of Laura's Law in Contra Costa County

RECOMMENDATION(S):

1. Acknowledge that the Health Services Department has reviewed the adopted Mental Health Services Act (MHSA) three year plan and concluded that \$2.25 million can be redirected to alternative programs.
2. Authorize the implementation of Assisted Outpatient Treatment (AOT) under Laura's Law and direct that no voluntary programs serving adults, and no children's mental health programs may be reduced as a result of implementation of Laura's Law.
3. Adopt Resolution No. 2015/9 to direct the implementation of Laura's Law for a three year period and make a finding that no voluntary mental health programs serving adults, and no children's mental health programs, will be reduced as a result of implementing Laura's Law.
4. Direct the Health Services Department to return to the Board with an amendment to the three year MHSA Plan after soliciting the required community input.
5. Affirm that the Laura's Law implementation is to be a three year term project; continuance to be contingent upon demonstration of the efficacy of court ordered out-patient treatment.
6. Acknowledge a potential unfunded financial liability to continue housing subsidies for individuals who have transitioned into lower levels of care but are still in need of housing subsidies. This unknown ongoing cost would need to be quantified and addressed.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

Contact: Cynthia Belon,
925-957-5201

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Warren Hayes, Patrick Godley, Cynthia Belon

RECOMMENDATION(S): (CONT'D)

>

7. Acknowledge the need to establish the same level and type of services for individuals who meet Laura's Law eligibility for court ordered treatment, but elect to voluntarily engage in services.
8. Direct the Health Services Department to develop an evaluation design that determines the difference, if any, in program impact and cost savings to the County for individuals who are ordered to participate in services versus those individuals who voluntarily participate in the same level and type of services.
9. Direct the Health Services Department to develop a program design with stakeholder participation, and comply with MHSA statutory requirements for a community program planning process.
10. Direct the Health Services Department to pursue any available grant funding to offset the cost of implementing and sustaining the AOT Program.
11. Acknowledge that Laura's Law has a sunset provision and will expire on January 1, 2017, and, in the unlikely event the legislation is not extended as it has been in the past, the matter will be brought back to the Board of Supervisors for further consideration.

FISCAL IMPACT:

Health Services Mental Health:

No County General Fund impact; \$2.25 million MHSA funding is contained within the Health Services Department. Due to the implementation of the Affordable Care Act, the Health Services Department has been able to project downward the total MHSA funds actually needed to sustain Behavioral Health Services staffing costs at the newly opened Cynthia and George Miller Wellness Center (MWC). The MHSA Three Year Plan is now determined to be able to accommodate \$2.25 million of additional programming per year for the next three years without reducing existing voluntary mental health program services.

Public Defender:

Assuming that Laura's Law clients would require a similar level of involvement by the Public Defender as current Lanterman Petris Short (LPS) conservatorship cases, it is anticipated that a similar level of staffing would be needed once the program is fully operational. A total cost of approximately \$133,500 in County General Funds is estimated for one part-time Public Defender III positions and a part-time Legal Assistant position. The Department would need to monitor the workload and make adjustments either up or down after the first year.

County Counsel:

County Counsel has estimated that they will need approximately \$157,000 to implement Laura's Law to fund one half-time Senior Deputy County Counsel and one half-time Senior Clerk position. These costs would be charged back to the Health Services Department. County Counsel tasks will include determination of whether the AOT criteria are met, and the preparation, filing and serving of the petition. The Department would need to monitor the workload and make adjustments either up or down after the first year.

Superior Court:

The Court has provided an estimated cost of \$128,000 based on 1.5 positions required to support the estimated workload associated with 37 cases as an extension of the current LPS court calendar. The Court has indicated that actual costs may be less but until the program is implemented, a more accurate estimate is not possible.

BACKGROUND:

Summary:

On October 7, 2014 the Board of Supervisors (BOS) considered the report from the Contra Costa Health Services Assisted Outpatient Treatment (AOT) Workgroup. The BOS expressed its intention to implement an involuntary assisted outpatient treatment program (also known as AB 1421, or Laura's Law), and instructed the County Administrator's Office (CAO) and Health Services Department to provide additional information in preparation for a January 2015 BOS meeting. Key to the additional information requested was to address whether the BOS could make a finding that no voluntary programs would be reduced as a result of implementing Laura's Law.

On October 28, 2014 the BOS considered and adopted the Mental Health Services Act (MHSA) Three-Year Program and Expenditure Plan (Three Year Plan), and directed the Health Services Director to initiate a process to achieve a structurally balanced program budget by the beginning of Fiscal Year 2017-18. They also directed the County Administrator and Health Services Director to report to the BOS at their January 2015 meeting whether current MHSA funds would be available to implement Laura's Law, and what impact this would have on the County's existing voluntary mental health program services.

Accordingly, the Health Services Department has reviewed all elements of the three year MHSA budget to identify areas that need to be updated or modified. The MHSA budget for the Miller Wellness Center was established prior to the implementation of the Affordable Care Act (ACA) on January 1, 2014. The budget assumed normal start-up costs, Medi-Cal billings, and a large percentage of uninsured "Short-Doyle or Basic Health Care" individuals. While the psychiatric portion of the Center has not yet opened, the Health Services Department now has a year of experience with the ACA in other patient care settings. It is clear that the uninsured patient percentage throughout the Department has been drastically reduced over the last year as a result of individuals obtaining health care coverage through the ACA. Accordingly, the Department concludes that the 2015/16 MHSA budget of \$2,750,000 for the Miller Wellness Center is outdated and can safely be reduced to \$500,000 with no impact on the current program design.

The Health Services Department has determined and previously reported that for the next three year period projected MHSA revenues would not keep pace with the projected MHSA budget. This imbalance is due to the expenditure of surplus funds generated from prior periods being used for current period programs. This apparent structural imbalance would eventually exhaust unspent funds from previous years, and would necessitate the modification of programs funded by the MHSA sometime in fiscal year 2018/19 or after. An in-depth program review of the effectiveness of all MHSA funded program is on-going. Programs will be adjusted over time, based upon the evaluated program outcomes, to accommodate available funding. Periodic reports and adjustments may be made as circumstances dictate.

Background Detail:

1. What is Assisted Outpatient Treatment (AOT)?

AOT is civil court ordered mental health treatment for persons with serious mental illness who demonstrate that they are resistant to voluntarily participating in services that have been offered. Treatment is provided in the community on an outpatient basis, and AB 1421, or Laura's Law, has based its minimum required treatment standards on the Assertive Community Treatment (ACT) model. ACT is intensive and highly integrated outpatient treatment for individuals whose symptoms of mental illness result in serious functioning difficulties in several major areas of life, often including work, social relationships, residential independence, money management, and physical health and wellness. An experienced, highly qualified multidisciplinary team consisting of a psychiatrist, nurse, mental health clinicians, peer providers, and other rehabilitation professionals provide 24/7 mobile, out of office interventions with a low participant to staff ratio. ACT is an evidence based practice that is cited by AB 1421 as having been proven to be effective.

2. Who would be eligible for AOT?

Laura's Law, or AB 1421 defines eligibility as adults who suffer from a serious mental illness, 1) are unlikely to survive safely in the community without supervision, 2) have a history of lack of compliance with treatment, 3) due to their mental illness have either been hospitalized or incarcerated at least twice within the last 36 months, or have committed one or more acts of serious and violent behavior toward him/herself within the last 48 months, 4) have been offered treatment commensurate with an ACT level of care but have continued to fail to engage in treatment, 5) whose condition is substantially deteriorating, 6) participation in treatment would be the least restrictive placement necessary to ensure the person's recovery and stability, 7) the person is in need of the treatment in order to prevent further deterioration that would likely result in grave disability or serious harm to him/herself, or to others, 8) would likely benefit from treatment.

3. How many individuals would meet these eligibility criteria?

Contra Costa Behavioral Health Services staff estimate that at any given time approximately 37 individuals would meet the criteria for AOT, and an equal number of individuals would meet the same level of severity but who would likely participate voluntarily in services.

4. Are Counties required to provide AOT?

No. AB 1421, first enacted in 2002, stipulates that Counties may choose to provide AOT by means of authorization from their Board of Supervisors.

5. Why should a County choose to provide AOT?

Proponents, primarily led by parents of adult children who are seriously mentally ill, cite the following reasons:

- Individuals who are gravely disabled by mental illness deny or are not aware of the seriousness of their condition. Consequently, they tend to continue to deteriorate, refuse treatment, and inevitably cause serious harm to themselves, their loved ones, and the community. Enacting Laura's Law breaks that cycle by ensuring the "right to care", and mandating treatment until they can achieve sufficient self-awareness to appropriately make best use of treatment.
- Use of the court system ensures that the behavioral health system is accountable to provide the right level of treatment for individuals who are currently cycling through psychiatric emergency responses.
- Enacting Laura's Law saves the County money by replacing repeated high-cost psychiatric emergency and in-patient hospitalizations with lower-cost out-patient, community-based treatment.
- Enacting Laura's Law saves lives by providing intervention for people who are disproportionately at risk for homelessness, violence, incarceration and death.

6. Why should a County choose not to provide AOT?

Opponents, primarily led by consumers with adverse experience with forced treatment, cite the following reasons:

- Implementing Laura's Law does not provide sufficient protection against potential abuse of the process of involuntary commitment; such as non-mental health professionals initiating the process of forcibly removing someone for evaluation, even if that person has not violated the law.
- Forcible removal of a person from the community by law enforcement can be dangerous, is damaging to the individual, furthers the stigma experienced by people who have a mental illness, and compromises a client's right to confidentiality.
- Out-patient treatment ordered by a civil court has not been proven to be effective long term, and can undermine the powerful positive effects of a provider/client relationship and family/community support built on mutual trust and partnership. Quality, voluntary treatment appropriately applied to a person's unique strengths and limitations has been proven to be effective for persons who are seriously disabled by the effects of mental illness.
- Implementing Laura's Law is expensive in an already underfunded public mental health and County court system.

7. What are other counties doing regarding implementation of Laura's Law?

From a total of 61 possible responses, 46 jurisdictions completed a recent survey, with Contra Costa staff selectively following up for further clarification and analysis.

- 26 are not implementing Laura's Law. Nine Counties have decided not to implement Laura's Law, but have or are enhancing their voluntary services for the most severely disabled by establishing programs that meet the minimum standards for ACT level of services (includes Alameda County). Reasons given for not implementing Laura's Law:
 - o Added voluntary services (usually modeled after ACT) address this population
 - o Lack of funding
 - o Court systems are not capable of handling the increased workload
 - o Board of Supervisors voted no
- 13 are considering implementation, to include Contra Costa County.
- Five have voted to implement, but have not yet started (Los Angeles, Orange, San Francisco, Placer, Mendocino).

- One county, Yolo, has just started a pilot project for up to five individuals to be added on to an existing ACT Team.
- One county, Nevada, reports that they have served 5-10 individuals per year since 2008. They contract out their program to Turning Point at a treatment cost of \$20,000 per person. They estimate that the County saves \$1.81 for every dollar they spend on this program. Funding source for treatment is a combination of Mental Health Services Act (MHSA), Medi-Cal and Medi-Care. Funding source for court costs are County General Fund and State Superior Court funds.

8. How much could Contra Costa save by implementing Laura's Law?

This is unknown. Nevada County reports costs savings (see above), but no county comparable in size to Contra Costa has implemented Laura's Law long enough to determine whether individuals involuntarily participating in outpatient treatment results in either reduced public mental health costs or an overall reduction in public costs incurred by these individuals. The analysis that resulted in an estimate of potentially 37 individuals in Contra Costa being directed to AOT also estimated that these individuals incurred approximately \$1.5 million in yearly public mental health costs associated with psychiatric emergency responses. Primary care and criminal justice costs are unknown.

A rigorous research design is needed, with pre- and post-intervention costs in order to determine the degree of any cost savings.

9. What is the position of stakeholders in Contra Costa County?

Input from individuals receiving, providing, or otherwise actively engaged with public mental health services in Contra Costa County is divided on the issue of whether to implement Laura's Law.

- On March 13, 2014 the Mental Health Commission, who provides oversight on behalf of the Board of Supervisors, voted 8 to 1 in favor of implementing Laura's Law, with 2 abstaining, and 2 individuals not present to vote.
- On July 15, 2014 the Assisted Outpatient Workgroup, commissioned by the Board of Supervisors' Family and Human Services Committee, were asked to indicate their level of support for implementing Laura's Law. The group did not reach a level of consensus. Of the 6 participating consumers and family members of consumers, 5 expressed support for implementing Laura's Law, with one opposed. The remaining 15 county employees and private provider representatives were neutral, and indicated they would support the direction of the Board of Supervisors.
- On August 7, 2014 the Consolidated Planning Advisory Workgroup, who advises the Behavioral Health Services Director, voted 11 to 2 against implementing Laura's Law, with 4 abstaining (county employees) and 5 individuals not present to vote.

However, there was broad consensus from the above groups and the over 500 individuals participating in the MHSA Three Year Program and Expenditure Planning process that an intensive multi-disciplinary service response is lacking for individuals who are most debilitated by the effects of mental illness, and who continue to cycle through the most costly levels of care without success.

10. Are there legal considerations?

Yes.

- Disability Rights California has gone on record with their opposition to AOT, and stated they will legally challenge the implementation of Laura's Law by Los Angeles County. The impact on other counties is unknown. However, a representative of this statewide disability rights advocacy organization entered their opposition to Contra Costa implementing Laura's Law at the October 28 Board of Supervisor meeting.
- Welfare and Institutions Code, Section 5348 (b) (Laura's Law) mandates that "any county that provides assisted outpatient treatment services pursuant to this article shall also offer the same services on a voluntary basis". Contra Costa County currently does not offer a voluntary program that is comparable to the minimum program standards as specified in AB 1421. Implementing Laura's Law would require also establishing the same services for individuals with the same level of disability who volunteer for services.
- As per Welfare and Institutions Code Section 5349, the Contra Costa Board of Supervisors would be required to include in a resolution to implement Laura's Law the statement that "no voluntary mental health program...may be reduced as a result of the implementation of this article".

11. How much is this MHSA structural fiscal imbalance?

Per the 10/28/14 Board report the MHSA fund has a balance of \$49 million, which includes \$7.1 million in “prudent reserve” funds that can only be used when MHSA revenues are insufficient to fully fund existing programs. The MHSA budget for current year (\$41.6 million) is approximately \$5 million more than estimated revenue (\$36.9 million), and this shortfall escalates to approximately \$10 million annually thereafter. Utilizing these projections it is estimated that, without correction, the MHSA fund balance would be exhausted in five to six years.

12. How close are projected revenues of the County's Mental Health Services Fund versus what is actually received?

Prior to the start of each fiscal year, the State Department of Health Care Services (DHCS) provides estimates to the counties based upon input from the State Controller's Office. For the last five years actual MHSA revenues received from the State exceeded estimates by \$6.7 million, or 4.9% for the five year period. Any revenues received in excess of the projections become part of the fund balance for the next fiscal year, and are considered in the subsequent budget development.

**Contra Costa County MHSA Revenues
(Dollars in millions)**

	FY09/10	FY10/11	FY11/12	FY12/13	FY13/14	Total
Contra Costa Estimated Revenue ¹	\$31.7	\$25.9	\$19.3	\$30.5	\$30.5	\$137.9
Contra Costa Actual Revenue Received ²	\$30.7	\$26.5	\$23.2	\$36.1	\$28.1	\$144.6
Variance	(\$1.0)	\$0.6	\$3.9	\$5.6	(\$2.4)	\$6.7
Variance in Percent	-3.2%	2.3%	20.3%	18.3%	-8.0%	4.9%

Notes:

1) Contra Costa statewide percentage is 2.272674% per MHSA Distribution Ratios per State Controller's Office.

2) Contra Costa Actual Revenue Received reflects amounts received for each program year and not actual deposits to the Trust fund. Does not include interest earned from Trust Account.

13. Are there MHSA funds available in the next three years to fund the above mental health treatment program without reducing current voluntary programs?

Yes. Due to the implementation of the Affordable Care Act, the Health Services Department has been able to project downward the total MHSA funds actually needed to sustain Behavioral Health Services staffing costs at the newly opened Cynthia and George Miller Wellness Center (MWC). The MHSA Three Year Plan is now determined to be able to accommodate \$2.25 million of additional programming per year for the next three years without reducing existing voluntary mental health program services.

14. What is recommended, given the above information and the Board of Supervisor's direction?

- Establish a Laura's Law program as a three year term project, with continuance to be contingent upon demonstration of the efficacy of court ordered out-patient treatment, as well as sufficiency of MHSA funds available to continue the program without causing the reduction of voluntary programs.
- Design the program to concurrently establish the same level and type of services for individuals who meet Laura's Law eligibility for court ordered treatment, but who elect to voluntarily engage in services.

15. How much would it cost to implement the above recommendations?

Resource Development Associates (RDA), the consulting AOT Workgroup facilitator, submitted a report to the Board of Supervisors in October that provided treatment, Superior Court, County Counsel and Public Defender cost estimates for 37 individuals who were ordered to participate in treatment. The report also estimated mental health treatment costs for an additional 76 individuals who voluntarily participated in full service partnerships.

The Board then directed County administration to re-visit the program and fiscal assumptions that RDA used to arrive at these estimates. For example, treatment and court costs were derived by accepting estimates of costs that other counties were using for planning purposes, such as assuming a \$37,500 treatment cost per individual. County staff subsequently engaged in a “zero based budgeting” approach, in which needed line items within personnel, operating and administrative costs were built upon minimum standards prescribed by AB 1421, as well as current staffing and operating costs for various professional disciplines currently funded by Contra Costa County.

As a result of this subsequent analysis Behavioral Health Services staff now indicates that a mental health treatment program meeting the minimum program standards and legal requirements specified in AB 1421 can be implemented for \$2.25 million. This treatment program can serve up to 37 court ordered individuals, and a similar number of individuals with the same level of severity who are the subject of a petition, but who choose to volunteer for services. Thus a single mental health treatment program could serve up to 70-75 individuals who are both court ordered and voluntary.

Costs for non-mental health treatment participation, such as Superior Court, County Counsel, Public Defender and the Sheriff's Office were also subsequently reviewed. Direct Superior Court costs were revised downward to \$128,000, Public Defender costs were revised downward to \$133,500, and County Counsel costs were reduced downward to \$157,000. This reduced the estimated Court, County Counsel and Public Defender costs downward to \$418,500. Additional workload and increased costs to the Sheriff's Department are unknown.

The following factors need to be considered regarding costs:

- If MHSA funds are used as a funding source, a community program planning process is required where stakeholder input would be solicited regarding program design. Costs could vary depending upon the program design that results from this process.
- Housing subsidies committed to and paid for during program participation would potentially be an ongoing County financial responsibility after an individual has moved to a different level of care, as funding would need to be secured to enable individuals to stay in their homes. This unknown ongoing cost needs to be determined as part of the evaluation of program impact and potential cost savings.
- A one-time start-up cost of up to \$250,000 could be incurred prior to the start of treatment for such items as retrofitting a facility for staff and client safety and reasonable accommodation, and one-time purchases, such as furnishings, computers, communication equipment and vehicles.

16. How long would it take before a program could start?

It is estimated that it would take 10 months from Board resolution to start of program services. Major milestones to accomplish would be:

Complete a community program planning process	4 months
Board approves implementing plan and authorizes budget	1 month
Contract awarded to contract provider and/or fill county positions	3 months
Plan for program start, train staff	<u>2 months</u>
Total	10 months

If the Board approves Resolution No. 2015/9, attached to this Board Order, client services could start by November 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the recommendations in this Board Order the status quo will be maintained.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Resolution No. 2015/9

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/13/2015 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2015/9

IN THE MATTER OF THE FULL IMPLEMENTATION OF "LAURA'S LAW" (ASSEMBLY BILL 1421):
"ASSISTED OUTPATIENT TREATMENT" IN CONTRA COSTA COUNTY

WHEREAS, the State of California has enacted the "Assisted Outpatient Treatment Demonstration Project Act of 2002", known as Laura's Law, effective January 1, 2003 (Assembly Bill (AB) 1421, Chapter 1017, Stats. 2002); and

WHEREAS, this legislation provides that counties which choose to implement Laura's Law will furnish assisted outpatient treatment services for their residents who meet specified criteria; and

WHEREAS, this legislation provides that no voluntary mental health program serving adults and no children's mental health program may be reduced as a result of the implementation of this program.

NOW, THEREFORE, BE IT RESOLVED ACCORDINGLY BY THE BOARD OF SUPERVISORS THAT:

1. The Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, is operative in Contra Costa County.
2. The Board of Supervisors finds that no voluntary mental health program serving adults and no children's mental health program will be reduced as a result of the expansion of assisted outpatient treatment in Contra Costa County.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 13, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Cynthia Belon, 925-957-5201

By: , Deputy

cc: Warren Hayes, Patrick Godley, Cynthia Belon



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: Pacific Gas and Electric (PG&E) Pipeline Pathways Project Framework Agreement

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chair of the Board of Supervisors to execute an agreement with Pacific Gas and Electric (PG&E) to establish a framework for evaluating the removal of trees as part of PG&E's Pipeline Pathway Project.

FISCAL IMPACT:

No Fiscal Impact. Under the agreement, PG&E agrees to reimburse the County for staff costs incurred in evaluating PG&E's tree removal program.

BACKGROUND:

In January of 2014 PG&E approached the County indicating that it was pursuing its Pipeline Pathway Project throughout the East Bay. At that time, PG&E expected to begin this work in early spring of 2014. The project would involve the removal of vegetation and improvements above and adjacent to PG&E's gas transmission pipelines. We do not have the full scope from PG&E so we cannot elaborate on the number of trees. According to PG&E, the purpose of this proposed project is "to enhance safety by reducing risks to the integrity of the pipeline and improving access for PG&E to do safety work." PG&E was and still is finalizing



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Brian Balbas (925)
313-2284

cc:

BACKGROUND: (CONT'D)

the proposed vegetation impacts for various communities within unincorporated Contra Costa County; however, it became apparent the proposed work would impact vegetation, including many large trees, in both the public Right of Way and private property easements throughout the County.

The County, cities and the community viewed the proposed PG&E project very unfavorably. As a result a coalition of cities and the County formed to discuss the proposed project and work with PG&E to re-examine the project. Eventually the Contra Costa County Public Managers Association and administrators, and many City attorneys from various jurisdictions joined to oppose the project. These actions led to PG&E “pausing” the project and work with the coalition to determine a more workable project for all the communities in Contra Costa County.

PG&E subsequently began meeting with the Public Managers Association in an attempt to reach agreement on a framework for moving the project forward. The attached Project Framework Agreement was a result of those efforts. This agreement has been acted upon by many cities within Contra Costa County and PG&E has requested that the County also act on this as the County and PG&E continue to work on the details of any work PG&E proposes as part of the Pipeline Pathway Project. Both the County and PG&E understand the commitment to maintaining gas pipeline integrity and safety as well as the importance of trees and landscaping to our communities. Some of the other commitments in the attached agreement include:

1. Reevaluating all trees initially proposed for removal, upon request by the County, and only proposing the removal of trees for which data supports safety concerns, all with a goal towards reducing the number of trees proposed for removal. PG&E also understands that the County wants to receive all of the potential impacts for all communities in unincorporated Contra Costa County as soon as possible for review;
2. Complying with ministerial encroachment permit procedures and requirements;
3. Identifying trees protected by local tree ordinance;
4. Mitigating for protected tree removals as mutually agreed upon by the County and PG&E;
5. Paying the costs associated with the County evaluation of work, including third party arborists and other consultant and staff time as agreed by the County and PG&E;
6. Evaluating various specified mitigation measures that could potentially avoid the need for the tree removals;
7. Providing detailed data, as specified, to allow the County to evaluate and understand the project;
8. Conducting field reviews with the County.

The Framework Agreement does not resolve the dispute between the County and PG&E over whether PG&E is subject to local tree removal ordinances. Instead, the Agreement is designed to develop a framework for limiting the number of trees required for removal and to develop information for the County to carefully consider PG&E’s tree removal requests. County staff and PG&E acknowledge that there may eventually be disputes over PG&E’s right to remove trees. If such a dispute arises, the County and PG&E could seek legal or regulatory remedies at that time.

At this time, staff recommends that the Board of Supervisors approve the Framework Agreement. We believe that the commitments made by PG&E in the Framework Agreement are appropriate and that PG&E will develop the appropriate level of data and information for the County to review as they pursue the Pipeline Pathway Project. Staff does not believe that entering into this Framework Agreement prevents the County from enforcing its legal rights now or in the future. Therefore staff recommendation is for the Board of Supervisors to consider this Framework Agreement and authorize the Chair to execute it.

CONSEQUENCE OF NEGATIVE ACTION:

The Framework Agreement with PG&E will not be executed.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

PG&E Agent Agreement

- I. On May 1, 2014 representatives from PG&E met with City/County Managers and Administrators representing public agencies in Contra Costa and Alameda Counties to continue dialogue around PG&E's implementation of their Pipeline Pathways Project (PPP).
- II. PG&E and public agencies in attendance discussed the importance of moving forward on the PPP through a collaborative process that addresses community needs and expectations including: 1) the need to maintain and promote gas pipeline integrity and safety; and 2) the importance of trees and landscaping to overall community character and aesthetics, visual buffering, etc.
- III. PG&E and public agencies share a genuine commitment to ensure the safety of communities, and agree to work cooperatively to eliminate or mitigate the threat to PG&E's pipelines posed by certain trees and structures on PG&E's pipeline rights-of-way.
- IV. Agencies support an overall pipeline integrity safety plan that includes the need to clearly mark or delineate the location of existing pipelines, ongoing monitoring and inspection of pipelines, selective vegetation management within PG&E pipeline easements, addressing the existence of incompatible structures within PG&E pipeline easements, and the need to work with agencies to ensure that future local planning and development activities and entitlements are consistent with the goal of maintaining pipeline safety.
- V. PG&E has committed to not remove any trees on public or private property, without first having an agreement in place with individual communities about a path forward.
- VI. From an agency perspective, PG&E's gas pipeline network has safely co-existed with trees and vegetation over several decades. Agencies are interested in ensuring a deliberate and transparent review process, which considers all mitigation options available moving forward.
- VII. Prior to moving forward with vegetation management activities under the PPP, PG&E agrees to work with the local agencies, including doing the following:
 1. Per an agency's request, re-evaluate all trees already submitted to agencies as trees PG&E desires to remove with a goal of reducing the number of trees proposed for removal.
 2. For those agencies that PG&E has yet to submit tree removal information, propose removal of only those trees that PG&E has data to support PG&E's safety concerns, with the goal of reducing the number of trees proposed for removal.
 3. Comply with local ministerial encroachment permit procedures and requirements related to removing or trimming any trees within the public right-of-way, including any publicly owned trees.
 4. Working with local agencies, identify any trees proposed for removal that would be protected by local agency tree preservation ordinances.
 5. Once the parties agree on the removal of the protected tree identified under section VII.4, mitigate that tree in a manner mutually agreed upon by the parties.

6. Comply with applicable environmental standards related to raptor nesting season, unique or endangered habitats, etc.
7. Pay necessary and reasonable costs and fees associated with agency evaluation of work proposed to be performed as part of the PPP. This includes reimbursement costs required for city/town/county retention of third party arborists, and/or other consultant or staff time as agreed by PG&E and the local agency.
8. Evaluate potential mitigation measures, including but not limited to:
 - a. Specific risk assessment on a tree by tree basis;
 - b. Regular, ongoing monitoring and inspection of pipelines, including possible use of subsurface radar to determine whether, and the extent to which tree roots have grown into contact with pipelines;
 - c. Root barriers to protect pipeline coating;
 - d. Tree removal and/or trimming. In the event that it is necessary to undertake tree removal and/or trimming, mitigation measures will be identified, evaluated and implemented by PG&E, as appropriate;
 - e. Potential pipeline retrofitting to accommodate in-line inspections or other inspection technology.

VIII. In order to facilitate agency evaluation and understanding of the proposed PPP work, PG&E will submit the following information:

1. Mapping and/or data showing:
 - a. trunk diameter, species and location of landscaping proposed to be affected by PPP;
 - b. all trees that would be covered by local tree preservation ordinances;
 - c. location of the pipeline within any public right of way or PG&E easement;
 - d. location of the pipeline in proximity to private property lines and structures;
 - e. depth of the pipeline in areas where trees are proposed to be removed or trimmed;
 - f. location of certain non-compatible structures to be removed or relocated, excluding any private customer information.
2. Reports or surveys prepared by or for PG&E addressing the condition and health of trees proposed to be removed or trimmed.
3. Information about the safety risk associated with the trees proposed to be removed or trimmed.
4. Other information and/or data as may be requested by the agency.
5. Nothing in this Agreement shall require PG&E to disclose any confidential or otherwise protected information, including private customer-specific data.

IX. PG&E and agency will undertake joint field review to verify the location of: affected pipelines, structures proximate to the pipelines; trees and shrubs potentially affected as well as the health and condition of same. Following the receipt of additional information and completing a field review, the agency will provide written feedback within a timeframe to be determined between PG&E and each local agency.

X. Prior to performing public outreach, PG&E will work with agency to identify appropriate community outreach activities to be undertaken to ensure that community members are informed of the project, and have the opportunity to provide feedback, receive answers to questions, etc.

XI. If any tree or structure poses an imminent threat to the safe operation of PG&E's gas pipelines, PG&E will provide notice to the agency at least twenty-four hours prior to the start of its work removing such tree or structure. As part of that notice, PG&E will provide the agency with its documentation of the imminent threat. If immediate tree or structure removal is required, PG&E shall provide such notice and documentation immediately after the removal is completed.

XII. Nothing in this framework is intended to change the existing rights and duties of any of the parties, including with respect to the applicability of local ordinances or the jurisdiction of the California Public Utilities Commission.

DATE: June 30, 2014

By: 
M. Kirk Johnson
Vice President, Gas Operations Major Projects and Programs
Pacific Gas & Electric Company

DATE: _____, 2015

By: _____

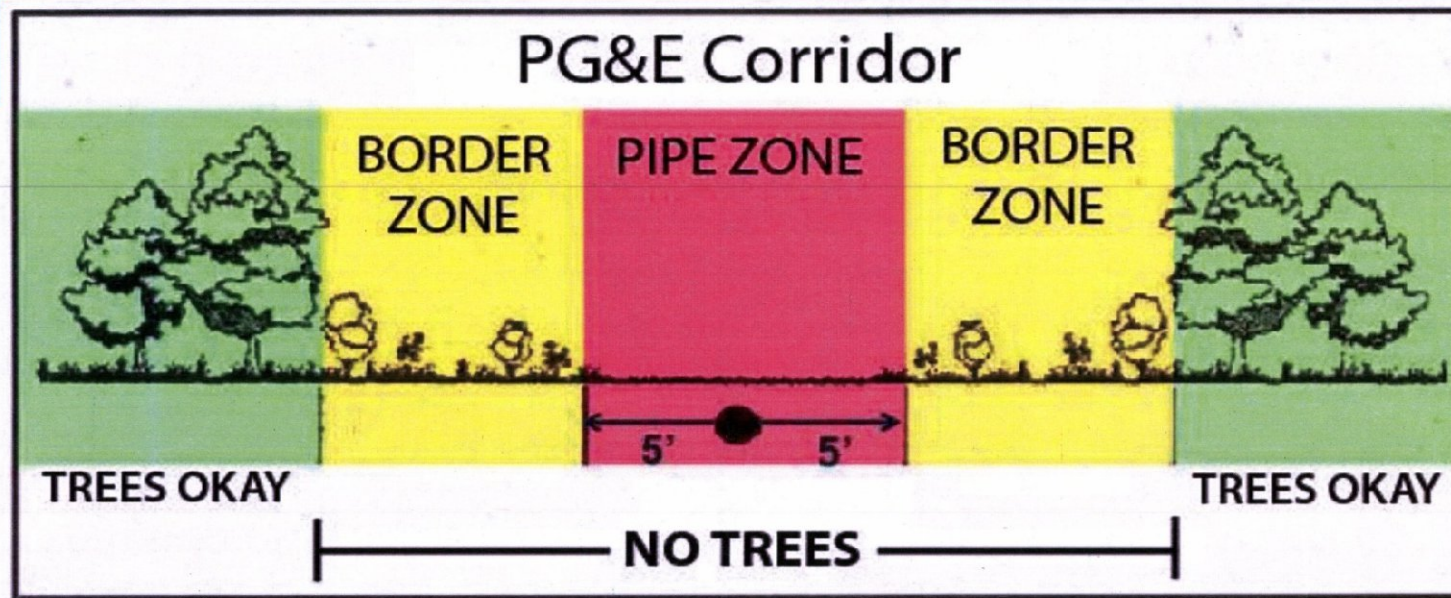
BOARD OF SUPERVISORS FEBRUARY 3, 2015

PG&E Pipeline Pathways Project
Framework Agreement

Overview – Initial Project

- ▣ PG&E pursuing Pipeline Pathways Project (PPP)
- ▣ What is the issue?
 - PG&E requesting a 20 foot clear zone along their pipeline pathways – safety priority
 - Tree roots cause potential damage to pipes
- ▣ What does this mean for our communities?
 - Initial proposal - potential removal of a significant number of trees Countywide
 - including highly protected species in public Right of Way and private easement areas
- ▣ Initial reaction = public outcry
 - Conflicts with local tree preservation ordinances

Restrictions



Pipe Zone- the Pipe Zone is defined as the area that extends 5 feet from the edge of the pipe on both sides. Planting within this zone restricts vegetation to non-woody, low profile ground covers not to exceed 18 inches in height.

Border Zone- the Border Zone is defined as the area outside of the Pipe Zone extending to the edge of the PG&E Easement. Trees are not permitted within the Border Zone, however a large variety of woody shrubs can be used.

PG&E seeking removal of vegetation and improvements above and adjacent to PG&E's gas transmission pipelines

Initial Steps

- ▣ Approached problems on countywide basis (Contra Costa & Tri-Valley)
 - Collaborative work among elected officials, legal counsels and city managers/staff
- ▣ PG&E 'paused' PPP
- ▣ Sub-committee of Public Managers Association negotiated Framework Agreement
- ▣ PG&E to provide countywide information and potential impacts to our communities

Framework Agreement

- ▣ Process
 - Several meetings with key PG&E leaders
 - PMA reps met with PG&E
 - ▣ Seeking solutions that can work for the County and cities
 - Provided Framework Agreement
- ▣ Agreement outlines commitments going forward
 - both parties' committed to maintaining gas pipeline integrity and safety and to the importance of trees and landscaping to community character

PG&E Commitments

- ▣ reevaluating all trees; only proposing tree removal if data supports safety concerns
 - goal is reduce #of trees removed
- ▣ complying with ministerial encroachment permits
- ▣ identifying trees protected by local ordinances
- ▣ mitigating protected tree removals as agreed by County and PG&E
- ▣ paying County costs associated with our evaluation of work
- ▣ evaluating mitigation measures that could potentially avoid tree removals
- ▣ providing detailed data to allow staff to evaluate and understand the project, and
- ▣ conducting field reviews with the County

Agreement - Impacts to County

▣ Does:

- ▣ develop a framework for limiting the number of trees required for removal,
- ▣ develop information for the County to carefully consider PG&E's tree removal requests

▣ Does Not

- ▣ resolve the dispute between the County and PG&E over whether PG&E is subject to local tree removal ordinances
- ▣ If tree removal unresolved, County and PG&E can use legal or regulatory remedies

Key Points

- ▣ Approve Framework Agreement
 - commitments made by PG&E in the Agreement are appropriate
 - additional information to be developed by PG&E as it pursues PPP allows County to make tree removal decisions with better information
 - Agreement does not prevent the County from enforcing its rights at some point in the future
 - PG&E to work with County staff to review each area of work and communicate with District Supervisors and the public before pursuing work
 - PG&E to provide Countywide information in Spring 2015 before work begins in communities

Recommendation:

Approve and authorize the Chair of the Board of Supervisors to execute the Framework Agreement with PG&E to establish a framework for evaluating the removal of trees as part of the PG&E Pipeline Pathway Project.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: Resolution No. 2015/38 Extending the Memorandum of Understanding with SEIU United Healthcare Workers West (UHW)

RECOMMENDATION(S):

ADOPT Resolution No. 2015/38 approving an additional extension of the current Memorandum of Understanding between the In-Home Supportive Services (IHSS) Public Authority and SEIU United Healthcare Workers West (UHW) extending negotiated wage agreements and other economic terms and conditions of employment. The new term of the MOU will be March 31, 2012 - April 30, 2015.

FISCAL IMPACT:

The extension is for time and has no fiscal impact on its own.

BACKGROUND:

The Memorandum of Understanding (MOU) between the In-Home Supportive Services Authority (Public Authority) and the SEIU United Healthcare Workers West (Union) was effective from October 1, 2009 through March 31, 2012. The Union and the Public Authority met on December 18, 2014 to discuss the possibility of extending the current extension through April 30, 2015. Due to turnover for both negotiating teams, the parties have been unable to schedule meetings, thereby, reducing the Union dues paid to SEIU United Healthcare Workers West. The parties agreed to this extension and will continue to meet during the extension of the MOU.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Alvan Mangalindan, (925)
335-1786

By: June McHuen, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve this limited MOU extension will result in the providers working out of contract.

ATTACHMENTS

Resolution No. 2015/38

Extension of MOU

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/03/2015 by the following vote:

		John Gioia
		Candace Andersen
AYE:	<input type="text" value="5"/>	Mary N. Piepho
		Karen Mitchoff
		Federal D. Glover
NO:	<input type="text"/>	
ABSENT:	<input type="text"/>	
ABSTAIN:	<input type="text"/>	
RECUSE:	<input type="text"/>	



Resolution No. 2015/38

In the Matter of Approving the extension of the Memorandum of Understanding between In-Home Supportive Services (IHSS) Public Authority and SEIU United Health Care Workers West (UHW).

The Contra Costa County Board of Supervisors acting solely in its capacity as governing Board of the County of Contra Costa RESOLVES THAT:

WHEREAS this extension of the Memorandum of Understanding (MOU) is entered into pursuant to the authority contained in the Division 34 of Board of Supervisors' Resolution 81/1165 and Contra Costa County Ordinance No. 98-14 and has been jointly prepared by the parties; and WHEREAS this extension will expire April 30, 2015.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County APPROVE the extension of the Memorandum of Understanding between In-Home Supportive Services (IHSS) Public Authority and SEIU United Healthcare Workers West (UHW) through April 30, 2015.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**Contact: Alvan Mangalindan, (925)
335-1786**

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc: Haj Nahal, Lisa Driscoll, Jan Watson, Alvan Mangalindan, Glynis Hughes, James Hicks, Kathy Ito, Keith Fleming, Christine Penkala

TENTATIVE AGREEMENT NO. 1
SEIU-UHW, IHSS - NEGOTIATIONS
Section Cover Page

Presented on: 1/20/15

MEMORANDUM OF UNDERSTANDING
BETWEEN
IN-HOME SUPPORTIVE SERVICES AUTHORITY (AUTHORITY)
AND
SEIU - UNITED HEALTHCARE WORKERS WEST (UNION)

This Memorandum of Understanding (MOU) is entered into pursuant to the authority contained in Division 34 of Board of Supervisors' Resolution 81/1165 and Division 55 of the Contra Costa County Ordinance Code and has been jointly prepared by the parties.

The Director of Human Resources is the manager of labor relations for the In-Home Supportive Services (IHSS) Public Authority in authority-provider relations matters as provided in Board of Supervisors' Resolution 81/1165 and Division 55 of the Contra Costa County Ordinance Code.

The parties have met and conferred in good faith regarding wages and other terms and conditions of employment in accordance with Welfare and Institutions Code Section 12301.6 and Division 55 of the Contra Costa County Ordinance Code for the providers in the unit for which the Union is the recognized representative, have freely exchanged information, opinions and proposals, and have endeavored to reach agreement on all matters relating to the authority-provider relations covering such providers.

The IHSS Public Authority and the Union agree to extend to April 30, 2015, ~~March 31, 2012~~, all of the terms and conditions of the existing MOU, October 1, 2009 through March 31, 2012 ~~September 30, 2011~~.

The parties further agree to amend Section 13.C.5 of the existing MOU to read as follows:

5. In the event that the Fund imposes any surcharges upon the Public Authority after March 31, 2012, the parties agree that the wages of the providers will be reduced to offset the total cost of any and all surcharges. This means the provider hourly rate, set forth in Section 7 – Wages, will be reduced by an amount per hour, to be determined, until the total of all surcharges imposed by the Fund has been recouped by the Public Authority. The parties understand and

TENTATIVE AGREEMENT NO. 1
SEIU-UHW, IHSS - NEGOTIATIONS
Section Cover Page

Presented on: _____

agree that the full cost of any and all surcharges imposed upon the Public Authority by the Fund after March 31, 2012, are to be paid in full by the providers.

Date: 1/20/15

PUBLIC AUTHORITY:

SEIU-UHW, IHSS:

Keith Fleming / Keith Fleming

[Signature] / Athena Mangalindan

[Signature] / John Cottrell

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____

[Signature] / 1/20/2015

Christina / 1/20/15

[Signature] / 1/20/15

[Signature] / 1/20/15

[Signature] / 1/20/15

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: APPOINTMENT OF CONSERVATION AND DEVELOPMENT DIRECTOR

RECOMMENDATION(S):

APPOINT John Kopchik to the position of Director of Conservation and Development-Exempt (4AA1) at Step 3 of the salary range, effective February 4, 2015.

FISCAL IMPACT:

The estimated annual County cost for the Conservation and Development Director position at Step 3 of the salary range is \$237,150, of which \$43,420 is pension cost. The annual position cost at Step 3 is approximately \$58,500 less than the position cost at Step 5, at which the former Director retired in July 2014. The estimated cost of filling the position for the five months remainder of fiscal year 2014/15 is \$98,800, of which \$28,480 is pension cost. All costs are budgeted in the Land Development Fund.

BACKGROUND:

On July 10, 2014, Conservation and Development Director Catherine Kutsuris retired from her position. On June 26, 2014, the County commenced recruitment for a new Conservation and Development Director and on July 11, the County Administrator appointed John Kopchik to serve as the Interim Conservation and Development Director pending selection of a new Director.

The County contracted with Alliance Resource Consulting to conduct the recruitment to fill the vacancy. Alliance advertised the position nationwide but with particular emphasis on the west coast region. Ads were placed with the American Planning Association, California Counties, Careers in Government, Western City and LinkedIn. Invitations and recruitment profiles were sent to 115 potential candidates targeted by Alliance. The eight-week

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Twa 925-335-1080

cc:

BACKGROUND: (CONT'D)

recruitment garnered 37 applications.

Alliance screened the applications and forwarded seven finalist candidates for interview by a County Selection Committee on December 8. The County Selection Committee was composed of myself, Chief Assistant County Administrator Theresa Speiker, Senior Deputy County Administrator Julie DiMaggio Enea, and Moraga Town Manager Jill Keimach. Following a series of interviews and reference checks, I selected John Kopchik for the position.

Mr. Kopchik holds a Bachelor of Arts Degree in Environmental Science from the University of California, Berkeley. John started with Contra Costa County 20 years ago as a Planning Intern and has held progressively responsible positions of Assistant Planner, Associate Planner, Senior Planner, Principal Planner and Deputy Director.

It is recommended that Mr. Kopchik be appointed to Step 3 of the salary range to address compaction with the salaries of the deputy directors.

ATTACHMENTS



Contra
Costa
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 3, 2015

Subject: Partially close a portion of Parker Avenue on March 14, 2015 for the Annual Little League Opening Day Parade, Rodeo area. (District V)

RECOMMENDATION(S):

ADOPT Resolution No. 2015/32 approving and authorizing the Public Works Director, or designee, to partially close a portion of Parker Avenue between 1st Street and 6th Street, on March 14, 2015 from 9:00 a.m. through 9:30 a.m., for the purpose of the Annual Little League Opening Day Parade, Rodeo area. (District V)

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Applicant shall follow guidelines set forth by the Public Works Department.

CONSEQUENCE OF NEGATIVE ACTION:

Applicant will be unable to close the road for planned activities.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Bob Hendry,
925-674-7744

ATTACHMENTS

Resolution No.
2015/32

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/03/2015 by the following vote:

		John Gioia
		Candace Andersen
AYE:	<input type="text" value="5"/>	Mary N. Piepho
		Karen Mitchoff
		Federal D. Glover
NO:	<input type="text"/>	
ABSENT:	<input type="text"/>	
ABSTAIN:	<input type="text"/>	
RECUSE:	<input type="text"/>	



Resolution No. 2015/32

IN THE MATTER OF approving and authorizing the Public Works Director, or designee, to partially close a portion of Parker Avenue between 1st Street and 6th Street, on March 14, 2015 from 9:00 a.m. through 9:30 a.m., for the purpose of the Annual Little League Opening Day Parade, Rodeo area. (District V)

RC15-1

NOW, THEREFORE, BE IT RESOLVED that permission is granted to Rodeo Baseball to partially close Parker Avenue between 1st Street and 6th Street, except for emergency traffic, on March 14, 2015 for the period of 9:00 a.m. through 9:30 a.m., subject to the following conditions:

1. Traffic will be detoured via neighboring streets per traffic control plan reviewed by Public Works.
2. All signing to be in accordance with the California Manual on Uniform Traffic Control Devices.
3. Rodeo Baseball shall comply with the requirements of the Ordinance Code of Contra Costa County.
4. Provide the County with a Certificate of Insurance in the amount of \$1,000,000.00 for Comprehensive General Public Liability which names the County as an additional insured prior to permit issuance.
5. Obtain approval for the closure from the Sheriff's Department, the California Highway Patrol and the Fire District.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Bob Hendry, 925-674-7744

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

cc: Permit Center - B. Hendry, Sheriff -Patrol Div. Commander



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: Contract Amendment with Mark Thomas & Company, Inc., Clayton area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute Contract Amendment No. 1 to the Consulting Services Agreement (CSA) with Mark Thomas & Company, Inc., effective January 6, 2015, to increase the payment limit by \$51,000 to a new payment limit of \$337,000, for additional professional engineering services for the Marsh Creek Road Bridge (Br. No. 28C-0141) Replacement Project, Clayton area. Project No. 0662-6R4079/Federal Project No. BRLS-5928(107)

FISCAL IMPACT:

This project, including the CSA, is funded by 88.53% Federal Highway Safety Improvement Program Funds and 11.47% Local Road Funds.

BACKGROUND:

This project consists of preparing plans, specifications, and estimates, including geological and hydraulic studies for the replacement of the Marsh Creek Road Bridge (Br. No. 28C-0141) over Marsh Creek in eastern Contra Costa County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925-313-2233

cc:

BACKGROUND: (CONT'D)

Mark Thomas & Company, Inc., was selected to provide these services. Proposed Amendment No. 1 will amend the payment limit of the agreement in order for the consultant to provide additional professional engineering services that are needed for retaining wall design, additional geotechnical analysis, additional bridge type selection analysis, and a basis of design report not included in the original scope of work.

CONSEQUENCE OF NEGATIVE ACTION:

The project would be delayed and Federal funds would be in jeopardy.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 3, 2015

Subject: Accepting completion of improvements for subdivision SD13-09303, San Ramon (Dougherty Valley) area. (District II)

RECOMMENDATION(S):

ADOPT Resolution No. 2015/39 accepting completion of improvements for subdivision SD13-09303, for a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

FISCAL IMPACT:

No fiscal impact to County Funds. The funds to be released are developer fees that have been held on deposit.

BACKGROUND:

The developer has completed the improvements per the Subdivision Agreement, and in accordance with Title 9 of the County Ordinance Code.

CONSEQUENCE OF NEGATIVE ACTION:

The completion of improvements will not be accepted and the warranty period will not begin.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Jocelyn A. B. LaRocque,
925-313-2315

By: Stacey M. Boyd, Deputy

ATTACHMENTS

Resolution No.

2015/39

Bond Rider

Recorded at the request of: BOARD OF SUPERVISORS

Return To: PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 02/03/2015 by the following vote:

AYE: John Gioia, District I Supervisor Candace Andersen, District II Supervisor Mary N. Piepho, District III Supervisor Karen Mitchoff,
District IV Supervisor Federal D. Glover, District V Supervisor

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2015/39

IN THE MATTER OF accepting completion of improvements for subdivision SD13-09303, for a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

WHEREAS, these improvements are approximately located near Ivyleaf Springs Road.

The Public Works Director has notified this Board that the improvements in subdivision SD13-09303 have been completed as provided in the Subdivision Agreement with Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

NOW, THEREFORE, BE IT RESOLVED that the improvements have been COMPLETED as of February 10, 2015, thereby, establishing the six-month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: May 6, 2014

NAME OF SURETY: The Continental Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$312,500.00, Bond No. 929 582 282 issued by the above surety be RETAINED for the six-month lien guarantee period until August 10, 2015, at which time the Board AUTHORIZES the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that Rowan Drive from Gatekeeper Road to Poinsettia Street for the hereinafter described public improvements, as shown and dedicated for public use on the Final Map of Subdivision SD13-09303 filed May 12, 2014, in Book 520 of maps at Page 26, Official Records of Contra Costa County, State of California, are ACCEPTED AS COMPLETE.

Road Name: Rowan Drive Length (miles): 0.05

Road/ROW Width: 36'/46'

Road Number: N/A

System: MU

BE IT FURTHER RESOLVED that upon acceptance by the Board of Supervisors, the San Ramon City Council shall accept the improvements for maintenance and ownership in accordance with the Dougherty Valley Memorandum of Understanding.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the \$7,000.00 cash deposit (Auditor's Deposit Permit No. 647438, dated December 12, 2013) made by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, and the performance/maintenance surety bond rider for \$92,700.00, Bond No. 929 582 282 issued by The Continental Insurance Company be RETAINED pursuant to the requirements of Section 94 4.406 of the Ordinance Code until release by this Board.

Contact: Jocelyn A. B. LaRocque, 925-313-2315

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

cc: Records, Design/Construction, Maintenance Division, Mapping, Engineering Services, Originator, J. A.B. LaRocque, Public Works, Finance Division, City of San Ramon, C. Low, Shapell Homes, 6800 Koll Ctr. Pkwy. Ste 320, Pton, 94588, T - 12-10-2015, Continental Insur. Co. 4150 N. Drinkwater Bl, Ste 410 85251-L. Stritt

Decrease PENALTY RIDER

PERFORMANCE BOND

BOND NO. 929582282

To be attached and form a part of Bond No. 929582282 dated the 4th day of November, 2013, executed by The Continental Insurance Company as surety, on behalf of Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp. as current principal of record, and in favor of County of Contra Costa, as Obligee, and in the amount of Six Hundred Eighteen Thousand Dollars and 00/100 (\$618,000.00).

In consideration of the agreed premium charged for this bond, it is understood and agreed that The Continental Insurance Company hereby consents that effective from the 3rd day of November, 2014, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE Decreased:

FROM: Six Hundred Eighteen Thousand Dollars and 00/100 (\$618,000.00)

TO: Ninety Two Thousand Seven Hundred Dollars and 00/100 (\$92,700.00)

The Decrease of said bond penalty shall be effective as of the 3rd day of November, 2014, and does hereby agree that the continuity of protection under said bond subject to changes in penalty shall not be impaired hereby, provided that the aggregate liability of the above mentioned bond shall not exceed the amount of liability assumed by it at the time the act and/or acts of default were committed and in no event shall such liability be cumulative.

Signed, sealed and dated this 4th day of November, 2014.

Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp.
PRINCIPAL

BY: 

The Continental Insurance Company
SURETY

BY: 

Daniel P. Dunigan, ATTORNEY-IN-FACT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of PENNSYLVANIA

County of CHESTER

On NOVEMBER 4, 2014

Date

before me,

ARLENE OSTROFF

NOTARY PUBLIC

Name and Title of Notary

personally appeared DANIEL P. DUNIGAN

Name and or Names of Signer(s)

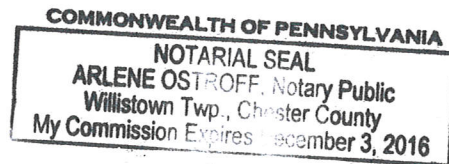
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Notary Public Signature



Place Notary Public Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to the persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document

Document Date

Number of Pages:

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer – Title(s):
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☒ Attorney-in-Fact
- ☐ Trustee
- ☐ Other:

Signer is representing

THE CONTINENTAL INSURANCE COMPANY

RIGHT THUMBPRINT
OF SIGNER
Top of thumb

- ☐ Individual
- ☐ Corporate Officer – Title(s):
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Other:

Signer is representing

RIGHT THUMBPRINT
OF SIGNER
Top of thumb

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

William F Simkiss, Daniel P Dunigan, Richard J Decker, Joseph W Kolok, Jr, Brian C Block, James L Hahn, Individually

of Paoli, PA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

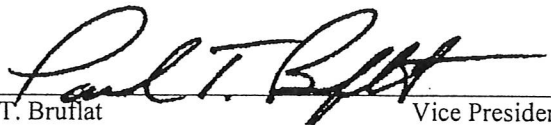
and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 15th day of August, 2013.

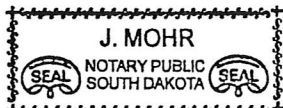


The Continental Insurance Company

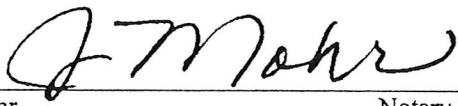

Paul T. Bruflat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 15th day of August, 2013, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires June 23, 2015


J. Mohr Notary Public

CERTIFICATE

I, D. Bult, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 4TH day of NOVEMBER, 2014.



The Continental Insurance Company


D. Bult Assistant Secretary

THE CONTINENTAL INSURANCE COMPANY
Radnor, Pennsylvania
Statement of Net Admitted Assets and Liabilities
December 31, 2013

ASSETS

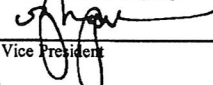
Bonds	\$ 1,684,328,034
Stocks	158,773,278
Cash and short-term investments	187,796,353
Amounts recoverable from reinsurers	193,598,356
Net deferred tax asset	73,211,237
Other assets	47,825,939
Total Assets	<u>\$ 2,345,533,197</u>

LIABILITIES AND SURPLUS

Losses	\$ 908,894,332
Loss adjustment expense	34,732,682
Unearned premiums	-
Ceded reinsurance premiums payable (net of ceding commissions)	26,174,058
Funds held by company under reinsurance treaties	719,991,228
Provision for reinsurance	76,000,000
Other liabilities	(787,119,094)
Total Liabilities	<u>978,673,206</u>
Surplus Account:	
Capital paid up	53,566,360
Gross paid in and contributed surplus	1,423,436,994
Special Surplus	105,639,025
Unassigned funds	(215,782,388)
Surplus as regards policyholders	<u>1,366,859,991</u>
Total Liabilities and Capital	<u>\$ 2,345,533,197</u>

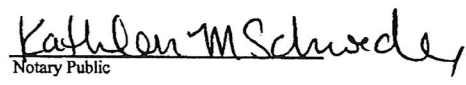
I, OJ B. Magana, Assistant Vice President of The Continental Insurance Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2013, as filed with the various Insurance Departments and is a true and correct statement of the condition of The Continental Insurance Company as of that date.

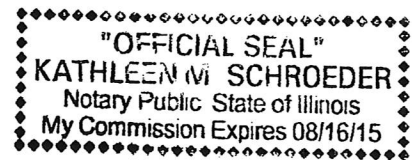
The Continental Insurance Company

By 
Assistant Vice President

Subscribed and sworn to me this 12th day of March, 2014.

My commission expires:


Notary Public



CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

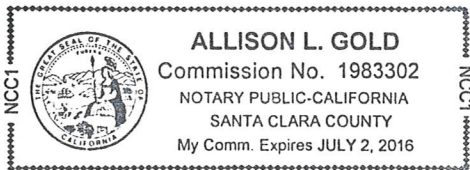
State of California

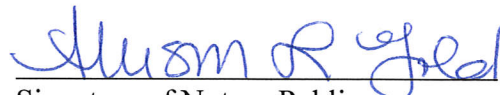
County of Alameda

On **November 11, 2014**, before me, **Allison L. Gold**, Notary Public personally appeared **Robert D. Moore** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.




Signature of Notary Public

Title or Type of Document: **Decrease Penalty Rider**

Effective 1/1/08



Contra
Costa
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 3, 2015

Subject: Accepting completion of improvements for subdivision SD13-09325, San Ramon (Dougherty Valley) area. (District II)

RECOMMENDATION(S):

ADOPT Resolution No. 2015/40 accepting completion of improvements for subdivision SD13-09325, for a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

FISCAL IMPACT:

No fiscal impact to County Funds. The funds to be released are developer fees that have been held on deposit.

BACKGROUND:

The developer has completed the improvements per the Subdivision Agreement, and in accordance with Title 9 of the County Ordinance Code.

CONSEQUENCE OF NEGATIVE ACTION:

The completion of improvements will not be accepted and the warranty period will not begin.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Jocelyn A. B. LaRocque,
925-313-2315

By: Stacey M. Boyd, Deputy

ATTACHMENTS

Resolution No.

2015/40

Bond Rider

Recorded at the request of: BOARD OF SUPERVISORS

Return To: PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/03/2015 by the following vote:

AYE: John Gioia, District I Supervisor Candace Andersen, District II Supervisor Mary N. Piepho, District III Supervisor Karen Mitchoff,
District IV Supervisor Federal D. Glover, District V Supervisor

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2015/40

IN THE MATTER OF accepting completion of improvements for subdivision SD13-09325, for a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

WHEREAS, these improvements are approximately located near Old Dougherty Road.

The Public Works Director has notified this Board that the improvements in subdivision SD13-09325 have been completed as provided in the Subdivision Agreement with Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

NOW, THEREFORE, BE IT RESOLVED that the improvements have been COMPLETED as of February 10, 2015, thereby, establishing the six-month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: July 29, 2014

NAME OF SURETY: Philadelphia Indemnity Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$864,500.00, Bond No. PB00579800022 issued by the above surety be RETAINED for the six-month lien guarantee period until August 10, 2015, at which time the Board AUTHORIZES the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that Poinsettia Street from Rowan Drive to Alpine Blue Drive; Sonsilla Lane from Poinsettia Street to Parcel J; and Alpine Blue Drive from Poinsettia Street to Parcel I for the hereinafter described public improvements, as shown and dedicated for public use on the Final Map of Subdivision SD13-09325 filed May 12, 2014, in Book 520 of maps at Page 26, Official Records of Contra Costa County, State of California, are ACCEPTED AS COMPLETE.

BE IT FURTHER RESOLVED that Parcels A, B, C, D, E, F, G, H, I, J, K, L, M, N, O and P for the hereinafter described private roads, as shown and dedicated for private use on the Final Map of Subdivision SD13-09325 filed August 6, 2014, in Book 521 of maps at Page 9, Official Records of Contra Costa County, State of California, have been COMPLETED and are NOT ACCEPTED, at this time.

Road Name: Poinsettia Street from Rowan Drive to Alpine Blue Drive Length (miles): 0.19

Road/ROW Width: 36'/46'

Road Name: Sonsilla Lane from Poinsettia Street to Parcel J Length (miles): 0.04
Road/ROW Width: 36'/46'

Road Name: Alpine Blue Drive from Poinsettia Street to Parcel I Length (miles): 0.05
Road/ROW Width: 36'/46'

BE IT FURTHER RESOLVED that upon acceptance by the Board of Supervisors, the San Ramon City Council shall accept the improvements for maintenance and ownership in accordance with the Dougherty Valley Memorandum of Understanding.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the \$18,000.00 cash deposit (Auditor's Deposit Permit No. 654114, dated March 13, 2014) made by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, and the performance/maintenance surety bond rider for \$256,650.00, Bond No. PB00579800022 issued by Philadelphia Indemnity Insurance Company be RETAINED pursuant to the requirements of Section 94 4.406 of the Ordinance Code until release by this Board.

Contact: Jocelyn A. B. LaRocque, 925-313-2315

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

cc: Design/Construction, Records, Maintenance Division, Mapping, Engineering Services, Originator, J. A.B. LaRocque, Public Works, Finance Division, City of San Ramon, C. Low, T - 12-10-2015, Shapell Homes, 6800 Koll Ctr. Pkwy. Ste 320, Pton, 94588, Philadelphia Indemnity One Bala Plaza Ste 100 Bala Cynwyd, PA 19004

Decrease PENALTY RIDER

50 9325
PERFORMANCE BOND

BOND NO. PB00579800022

To be attached and form a part of Bond No. PB00579800022 dated the 20th day of May, 2014, executed by Philadelphia Indemnity Insurance Company as surety, on behalf of Shapell Industries Inc. as current principal of record, and in favor of County of Contra Costa, as Obligee, and in the amount of One Million Seven Hundred Eleven Thousand Dollars and 00/100 (\$1,711,000.00).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Philadelphia Indemnity Insurance Company hereby consents that effective from the 3rd day of November, 2014, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE Decreased:

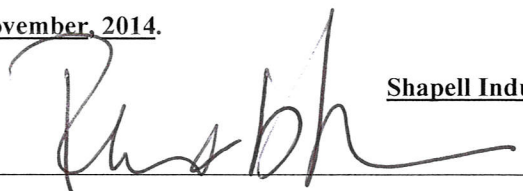
FROM: One Million Seven Hundred Eleven Thousand Dollars and 00/100 (\$1,711,000.00)

TO: Two Hundred Fifty Six Thousand Six Hundred Fifty Dollars and 00/100 (\$256,650.00)

The Decrease of said bond penalty shall be effective as of the 3rd day of November, 2014, and does hereby agree that the continuity of protection under said bond subject to changes in penalty shall not be impaired hereby, provided that the aggregate liability of the above mentioned bond shall not exceed the amount of liability assumed by it at the time the act and/or acts of default were committed and in no event shall such liability be cumulative.

Signed, sealed and dated this 4th day of November, 2014.

BY: _____


Shapell Industries Inc.
PRINCIPAL

Philadelphia Indemnity Insurance Company
SURETY

BY: _____


Daniel P. Dunigan, ATTORNEY-IN-FACT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of PENNSYLVANIA

County of CHESTER

On NOVEMBER 4, 2014

Date

before me,

ARLENE OSTROFF

NOTARY PUBLIC

Name and Title of Notary

personally appeared DANIEL P. DUNIGAN

Name and or Names of Signer(s)

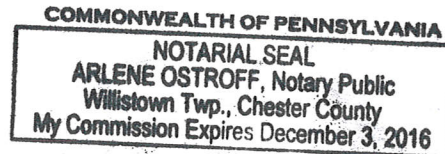
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Notary Public Signature



Place Notary Public Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to the persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document _____

Document Date _____ Number of Pages: _____

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer – Title(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☒ Attorney-in-Fact
- ☐ Trustee
- ☐ Other: _____

Signer is representing _____

PHILADELPHIA INDEMNITY INSURANCE COMPANY

RIGHT THUMBPRINT
OF SIGNER
Top of thumb

- ☐ Individual
- ☐ Corporate Officer – Title(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Other: _____

Signer is representing _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb

PHILADELPHIA INDEMNITY INSURANCE COMPANY

231 St. Asaph's Rd., Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Joseph W. Kolok, James L. Hahn, Daniel P. Dunigan, Richard J. Decker, Brian C. Block & William F. Simkiss of the The Simkiss Agency, Inc., Paoli, PA**

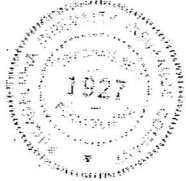
Its true and lawful Attorney(s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$7,500,000.00**.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **PHILADELPHIA INDEMNITY INSURANCE COMPANY** at a meeting duly called the 1st day of July, 2011.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

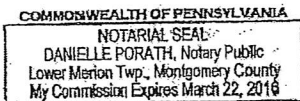
IN TESTIMONY WHEREOF, **PHILADELPHIA INDEMNITY INSURANCE COMPANY** HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 7TH DAY OF FEBRUARY 2013.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 7th day of February 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public:

residing at:

Bala Cynwyd, PA

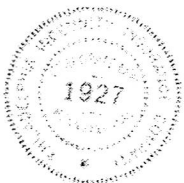
(Notary Seal)

My commission expires:

March 22, 2016

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 4TH day of NOVEMBER, 2014.



Craig P. Keller, Executive Vice President, Chief Financial Officer & Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

PHILADELPHIA INDEMNITY INSURANCE COMPANY
Statutory Statements of Admitted Assets, Liabilities and Capital and Surplus

Admitted Assets

	<u>As of December 31,</u>	
	<u>2013</u>	<u>2012</u>
Bonds, at statement value (market value \$5,687,336,332 and \$5,554,079,175)	\$ 5,603,006,398	\$ 5,148,801,438
Common stocks, at fair value (cost \$3,594,300 and \$6,228,900)	3,594,300	6,228,900
Other invested assets	26,678,075	-
Cash, cash equivalents and short-term investments	2,440,431	81,992,739
Receivable for sold securities	-	126,883
Cash and invested assets	5,635,719,204	5,237,149,960
Premiums receivable, agents' balances and other receivables	626,336,508	527,610,866
Reinsurance receivable on paid losses	26,175,896	28,657,053
Accrued investment income	61,467,019	57,334,128
Receivable from affiliates	2,947,843	7,831,835
Net deferred tax asset	162,476,407	160,215,214
Federal income taxes receivable	10,908,926	28,147,210
Guaranty funds receivable	29,240	323,335
Total admitted assets	<u>\$ 6,526,061,043</u>	<u>\$ 6,047,269,601</u>

Liabilities and Capital and Surplus

Liabilities:

Unpaid loss and loss adjustment expenses	\$ 2,895,803,181	\$ 2,653,172,627
Unearned premiums	1,164,576,407	1,077,599,587
Reinsurance payable on paid loss and loss adjustment expenses	3,621,130	7,839,717
Ceded reinsurance premiums payable	63,155,239	59,827,255
Commissions payable, contingent commissions and other similar charges	204,448,194	178,129,692
Accrued expenses and other liabilities	31,505,102	29,154,215
Payable to affiliates	4,695,153	5,445,626
Provision for reinsurance	1,322,899	1,397,979
Payable for policyholders' dividends	220,233	-
Payable for purchased securities	-	17,524,284
Total liabilities	<u>\$ 4,369,347,538</u>	<u>\$ 4,030,090,982</u>

Capital:

Common stock, par value of \$10 per share; 1,000,000 shares authorized, 359,995 shares issued and outstanding	<u>3,599,950</u>	<u>3,599,950</u>
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Surplus:

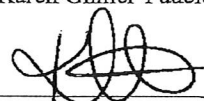
Gross paid-in and contributed surplus	386,970,317	386,970,317
Unassigned surplus	1,766,143,238	1,626,608,352
Total surplus	<u>2,153,113,555</u>	<u>2,013,578,669</u>
Total capital and surplus	<u>2,156,713,505</u>	<u>2,017,178,619</u>
Total liabilities and capital and surplus	<u>\$ 6,526,061,043</u>	<u>\$ 6,047,269,601</u>

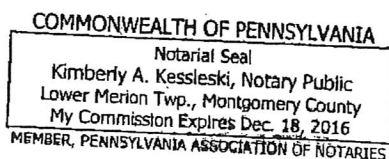
The undersigned, being duly sworn, says: That she is the Executive Vice President and Chief Financial Officer of Philadelphia Indemnity Insurance Company; that said Company is a corporation duly organized in the state of Pennsylvania, and licensed and engaged in the State of Pennsylvania and has duly complied with all the requirements of the laws of the said State applicable of the said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress. And that to the best of her knowledge and belief the above statement is a full, true and correct statement of

Attest:


 Karen Gilmer-Pauciello, EVP & CFO

Sworn to before me this 5th day of June 2014.


 Kimberly Kessleski, Notary



CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

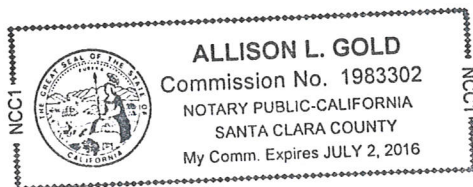
State of California

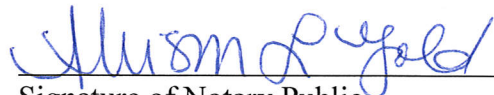
County of Alameda

On **November 11, 2014**, before me, **Allison L. Gold**, Notary Public personally appeared **Robert D. Moore** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.




Signature of Notary Public

Title or Type of Document: **Decrease Penalty Rider**

Effective 1/1/08



Contra
Costa
County

To: Board of Supervisors
From: Sharon Offord Hymes, Risk Manager
Date: February 3, 2015

Subject: Final Settlement of Claim, Kathryn Alexander v. County of Contra Costa

RECOMMENDATION(S):

RECEIVE this report concerning the final settlement of Kathryn Alexander vs. County of Contra Costa; and AUTHORIZE payment from the Workers' Compensation Internal Service Fund in an amount not to exceed \$125,000, less permanent disability payments.

FISCAL IMPACT:

Workers' Compensation Internal Service Fund payment of \$125,000.

BACKGROUND:

Attorney W. R. Thomas, defense counsel for the County, has advised the County Administrator that within authorization an agreement has been reached settling the workers' compensation claim of Kathryn Alexander vs. County of Contra Costa. The Board's January 19, 2015 closed session vote was: Supervisors Gioia, Andersen, Piepho, Mitchoff and Glover - Yes. This action is taken so that the terms of this final settlement and the earlier January 19, 2015 closed session vote of this Board authorizing its negotiated settlement are known publicly.

CONSEQUENCE OF NEGATIVE ACTION:

Case will not be settled.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Sharon Hymes-Offord
925.335.1450

By: Stacey M. Boyd, Deputy

cc:

CHILDREN'S IMPACT STATEMENT:

None.



Contra Costa County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: claims

RECOMMENDATION(S):

DENY claims filed by Enterprise Rent-A-Car Claim No. 05824904, Allstate Insurance as Subrogate of Tammy Sizemore, Roque Gonzalez and Livier Garcia, Michael Walling, Bobbi Crew, CSAA NCNU LB, and Luis Duenas.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

*

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Joellen Balbas
925.335.1906

cc:



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: February 3, 2015

Subject: Resolution recognizing Dianne Wilson as the 2015 Moraga Business Person of the Year

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: Lauri, 925 957-8860

cc:

ATTACHMENTS

Resolution No.
2015/30

*The Board of Supervisors of
Contra Costa County, California*

In the matter of:

Resolution No. 2015/30

recognizing Dianne Wilson as the 2015 Moraga Business Person of the Year.

Whereas, Dianne Wilson began her career as the marketing director 14 years ago at Moraga Royale, a lovely assisted senior living facility in the Town of Moraga; and

Whereas, when Dianne started working there the occupancy rate was 78% and she built the census to 100% occupancy almost single handedly, and was thereafter asked to become the Executive Director; and

Whereas, through Dianne's leadership the Moraga Royale continues to have a wait list with an average wait time of about eight months; and

Whereas, Dianne is in charge of a staff of 45 and a resident population of 90 people between the ages of 68 – 102, 92% who came from the three Lamorinda towns. Dianne created the Memory Unit known as Royal Care, and applied for a Hospice Program, assuring that residents can pass on with dignity, knowing they are loved and never alone; and

Whereas, Dianne actively supports the Moraga business community and local events through her direction and insight for senior citizens in the area; her work shows exemplary leadership, compassion, and a high moral standard.

Now, therefore, be it resolved that the Board of Supervisors of Contra Costa County does hereby thank Dianne Wilson for her dedication and compassion she shows to Moraga and the surrounding communities.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

District II Supervisor

MARY N. PIEPHO

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Recognizing February as American Heart Month

RECOMMENDATION(S):

Adopt Resolution No. 2015/ recognizing February as American Heart Month.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

February is American Heart Month. This resolution will encourage all residents of Contra Costa County to learn the risks of cardiovascular disease, to stay fit through exercise and good nutrition, to know the signs of Stroke, Heart Attack and Sudden Cardiac Arrest, to learn critical lifesaving skills such as CPR and AED use, to call 9-1-1, to Act in Time when a cardiovascular emergency occurs and encourage all communities to become HeartSafe Communities.

CONSEQUENCE OF NEGATIVE ACTION:

None.

CHILDREN'S IMPACT STATEMENT:

Sudden cardiac arrest strikes persons of all ages.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: Patricia Frost, 646-4690

cc: T Scott, C Rucker, Leticia Andreas

ATTACHMENTS

Resolution No.
2015/42

*The Board of Supervisors of
Contra Costa County, California*

In the matter of:

Resolution No. 2015/42

Recognizing February as American Heart Month

WHEREAS, the month of February has been proclaimed by the President as “American Heart Month.”
WHEREAS, over 400,000 Americans die from heart disease each year, more than breast cancer, lung cancer, prostate cancer and AIDS combined; and
WHEREAS, over 92% of those suffering sudden cardiac arrest die before reaching the hospital; and
WHEREAS, chances of survival are increased dramatically if cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) resources are available and utilized within the first three to seven minutes after sudden cardiac arrest; and
WHEREAS, the goal of American Heart Month is to raise awareness of heart disease, prevention and treatment; and
WHEREAS, it is appropriate to increase awareness of how to prevent cardiovascular disease and the appropriate intervention should an individual suffer from cardiovascular disease; and
WHEREAS, it is appropriate to increase awareness of the value of CPR training and encourage placement of AEDs in public places; and
WHEREAS, the American Heart Association and the Contra Costa County Emergency Medical Services Agency advocate the “Chain of Survival,” which represents the five crucial links of the emergency treatment of sudden cardiac arrest. The links are:
Early Access to Care * Early CPR * Early Defibrillation *
Effective Advanced Life Support * Integrated Post Cardiac Arrest Care
WHEREAS, Contra Costa County Emergency Medical Services is committed to strengthening the links in the chain of survival in the County; and supports widespread CPR training, and public access defibrillation (PAD) and HeartSafe Community programs; and
WHEREAS, Contra Costa County communities are working to make where their citizens live, work, shop and play HeartSafe:
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors designates February as American Heart Month, encouraging all residents of Contra Costa County to learn the risks of cardiovascular disease, to stay fit through exercise and good nutrition, to know the signs of Stroke, Heart Attack and Sudden Cardiac Arrest, to learn critical lifesaving skills such as CPR and AED use, to call 9-1-1, to Act in Time when a cardiovascular emergency occurs and encouraging each community to become a HeartSafe Community.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

District II Supervisor

MARY N. PIEPHO

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: February 3, 2015

Subject: Resolution recognizing Dick Burkhalter as the 2014 Orinda Volunteer of the year

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: Laur, 925 957-8860

cc:

ATTACHMENTS

Resolution No.
2015/43

*The Board of Supervisors of
Contra Costa County, California*

In the matter of:

Resolution No. 2015/43

honoring Dick Burkhalter as the 2014 Orinda Volunteer of the Year.

Dick Burkhalter has selflessly volunteered to help the community on many fronts, from his numerous Rotary Club activities to Orinda Community Foundation work, to driving seniors in the Orinda Association's *Seniors Around Town* program; and

Whereas, Dick has always been "hands on," generously taking the initiative, and always ready to pitch in and help where needed; and

Whereas, Dick has been active with the Orinda Rotary since 1990, he has also served with the Orinda Community Foundation, Grandfather's Club of America, Lamorinda Village Formation Committee, Orinda Association *Seniors Around Town*, Soccer 4 All, Orinda Chamber of Commerce, Orinda Public Works Aesthetic Review Committee and Shingletown Lions Club; and

Whereas, Dick has traveled extensively on behalf of Orinda Rotary supporting various international projects including Polio Plus and Project Smile, raising funds to repair cleft palates in children; and

Whereas, Dick and his family moved to Orinda in 1970 to enjoy the great public schools, and since then he has been giving back to the community in so many different ways.

that the Board of Supervisors of Contra Costa County does hereby thank Dick Burkhalter for his dedication and commitment to the community of Orinda and for helping improve lives all over the world.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

District II Supervisor

MARY N. PIEPHO

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa,

By: _____, Deputy



AIR-20571

Consent

BOARD OF SUPERVISORS

Appointments & Resignations

Meeting Date: 02/03/2015

Time (Duration):

APPOINTMENT TO THE DIABLO MUNICIPAL ADVISORY COUNCIL

Submitted For: Mary N. Piepho, District III Supervisor

Department: Board of Supervisors District III

Noticed Public Hearing: No

Official Body: Board of Supervisors

Presenter/Phone, if applicable:

Audio-Visual Needs:

Handling Instructions:

District: District III

Contact, Phone: LEA
CASTLEBERRY
(925) 252-4500

Information

Recommendation(s):

APPOINT the following individuals to the Diablo Municipal Advisory Council as recommended by Supervisor Mary Nejedly Piepho:

Kathy Torru
P.O. Box 911
Diablo, CA 94528
Term Expiration: December 31, 2018

Jeff Mini
P.O. Box 598
Diablo, CA 94528
Term Expiration: December 31, 2018

Don Hoffman
P.O. Box 745
Diablo, CA 94528
Term Expiration: December 31, 2018

Ray Brant
P.O. Box 728

Diablo, CA 94528

Term Expiration: December 31, 2016

Vince Chow

P.O. Box 395

Diablo, CA 94528

Term Expiration: December 31, 2016

Fiscal Impact:

None.

Background:

Established on December 19, 2006 via Resolution No. 2006/791, the purpose of the Council is to advise the Board of Supervisors on discretionary land use matters affecting the Diablo community, such as land use designations, general plan amendments, environmental impact reports, negative declarations, zoning-variance applications and building permit applications for additions or remodeling projects which would affect the exterior dimensions of the residence and for which noticed public hearings are required or could be required by the County's Planning Agency.

The Council shall also represent the community before the County Planning Commission, the Zoning Administrator and the County Board of Supervisors on such land use, planning and zoning matters. The Council will advise in accordance with the policies and of the General Plan, including sections 3-129 and 3-138. It is understood that the Board of Supervisors is the final decision making authority and that the Council shall serve solely in an advisory capacity. In addition, the Council may: Advise the Board of Supervisors on local government services as requested by the Board; provide input and reports to the Board, county staff, or any other county hearing body on issues of concern to the community; server as liason between the community and the County Supervisor representing Diablo. Except as specified above, the Council may not represent the Diablo community to any state, county, city, special district, or school district, agency or commission, or any other organization on any matter concerning the community.

The Council consists of 5 members, each of whom shall be a current elected member of the Diablo Community Services District Board of Directors.

Pursuant Resolution 2007/166, this board order appoints the elected Diablo CSD members as the Diablo MAC members.

Budget Information

Information about available funds

Budgeted: ☐

Funds Available: ☐

Adjustment: ☐

Amount Available:

Unbudgeted: ☐

Funds NOT Available: ☐

Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

No file(s) attached.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Accept Resignation from Advisory Council on Aging

RECOMMENDATION(S):

ACCEPT resignation of Nell Ryan, DECLARE a vacancy in Local Committee, Danville-Alamo Seat on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Employment and Human Services Director.

FISCAL IMPACT:

None

BACKGROUND:

Nell Ryan was appointed to the Advisory Council on Aging for the term April 9, 2013 through September 30, 2016. The Advisory Council on Aging provides a means for county-wide planning, cooperation and coordination for individuals and groups interested in improving and developing services and opportunities for the older residents of this county. The Council provides leadership and advocacy on behalf of older persons and serves as a channel of communication and information on aging.

CONSEQUENCE OF NEGATIVE ACTION:

The Advisory Council on Aging will be unable to fill this position.

CHILDREN'S IMPACT STATEMENT:

None

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 02/03/2015 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Earl Maciel 3-1648

cc:



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: February 3, 2015

Subject: APPOINTMENT TO THE COUNTY SERVICE AREA P-2A CITIZENS ADVISORY COMMITTEE

RECOMMENDATION(S):

REAPPOINT the following individuals to County Service Area P-2A Citizen Advisory Committee with a term expiring December 31, 2016, as recommended by Supervisor Mary Nejedly Piepho.

Appointee 1
Janet Smith
51 Live Oak Lane
Danville, CA 94506

Appointee 4
Ron Banducci
5251 Blackhawk Drive
Danville, CA 94506

Appointee 7
Richard Rezek
3750 Deer Trail Drive
Danville, CA 94506

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: LEA CASTLEBERRY
(925) 252-4500

By: June McHuen, Deputy

cc:

FISCAL IMPACT:

None.

BACKGROUND:

The advisory committee functions to advise the Board of Supervisors and the Sheriff's Department on the needs of the Blackhawk community for extended police services which shall include, but not limited to, enforcement of the State Vehicle Code, crime prevention, and litter control.

The terms for the appointees expired December 31, 2014. Applications were accepted and the recommendation to reappoint the above individuals was then determined.



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: February 3, 2015

Subject: REAPPOINTMENT TO THE BYRON-BRENTWOOD-KNIGHTSEN UNION CEMETERY DISTRICT

RECOMMENDATION(S):

REAPPOINT Sharon Marsh to the Trustee 1 seat on the Byron-Brentwood-Knightsen Union Cemetery District to a term expiring December 31, 2018, as recommended by Supervisor Mary Nejedly Piepho.

Trustee 1
Sharon Marsh
2615 Taylor Lane
Byron, CA 94514

FISCAL IMPACT:

None.

BACKGROUND:

The term for this appointment expired December 31, 2014. Applications were accepted and the recommendation reappoint the above individual was then determined.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: LEA CASTLEBERRY
(925) 252-4500

By: June McHuen, Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: February 3, 2015

Subject: REAPPOINTMENT TO DISCOVERY BAY P-6 CITIZEN ADVISORY COMMITTEE

RECOMMENDATION(S):

REAPPOINT the following individuals to the Discovery Bay P-6 Citizen Advisory Committee to a term expiring December 31, 2016, as recommended by Supervisor Mary Nejedly Piepho.

Appointee 2
Bob Mankin
3554 Keystone Loop
Discovery Bay, CA 94505

Appointee 4
Gaylin Zeigler
507 Half Moon Court
Discovery Bay, CA 94505

FISCAL IMPACT:

None.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: LEA CASTLEBERRY
(925) 252-4500

By: June McHuen, Deputy

cc:

BACKGROUND:

Established on June 23, 2009, the purpose of the DIsccovery Bay P-6 Citizen Advisory Committee is to make reports and recommendation to the Board of Supervisors on extended police services which include, but not limited to, enforcement of the State Vehicle Code where authorized by law, crime, prevention, and litter control.



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: Appointments to the Managed Care Commission

RECOMMENDATION(S):

REAPPOINT Kathleen Gage to the Member-at-Large Seat 3 for a term expiring on August 31, 2017 and APPOINT Toya Thomas-Cruz to the Member-at-Large Seat 2 for a term expiring on August 31, 2015 on the Managed Care Commission as recommended by the Commission.

FISCAL IMPACT:

None.

BACKGROUND:

At Large seat vacancies on the Managed Care Commission have been assigned for Family & Human Services Committee (F&HS) review since 2011. As a result of the transition of the Board of Supervisor's committees from 2014 to 2015, the Family and Human Services Committee will not be able to meet until March 2015. The Managed Care Commission has a meeting on February 4, 2015 and, if these appointments are not approved, the Commission will be unable to achieve a quorum and convene in February.

In recognition of the need to fill the pending vacancies expeditiously, I am forwarding nominations for reappointment to four seats directly to the Board of Supervisors for consideration, which deviates from the standard practice.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Dorothy Sansoe,
925-335-1009

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If the appointments are not approved, the Commission will be unable to achieve a quorum and convene a meeting.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Request Memo and Application - Gage

Request Memo and Application - Thomas-Cruz

PATRICIA TANQUARY, MPH, PhD
CHIEF EXECUTIVE OFFICER

JAMES R. TYSELL, M.D.
MEDICAL DIRECTOR



ADMINISTRATION

595 Center Avenue, Suite 100
Martinez, California 94553
Main Number (925) 313-6000
Member Call Center: (877) 661-6230
Provider Call Center: (877) 800-7423

Se Habla Español

Date: December 31, 2014

A Culture of Caring

To: Family and Human Services Committee, Contra Costa Board of Supervisors
Dorothy Sansoe, Senior Deputy, County Administrator

From: Deboran Everist, Staff contact for Managed Care Commission

RE: MANAGED CARE COMMISSION – REAPPOINTMENTS

The Managed Care Commission (MCC), in its continued efforts to recommend commissioners that are able to articulate concerns of health care recipients as well as represent the diverse population within our community, hereby makes the following recommendation for reappointment to the MCC.

<u>NOMINEE</u>	<u>SEAT</u>	<u>TERM EXPIRATION</u>
Kathleen Gage 32317 Ensenada Drive San Ramon, CA 94583	Member-at-Large 3	8/31/17

Kathleen's application is attached. The By-Laws, Article III: MEMBERSHIP states that (E.) The term of office is for three years.

The Managed Care Commission supports this recommendation and hopes to announce this appointment at their January 21, 2014 meeting. My contact information is:

Phone: 925-313-6004
Email: Deboran.Everist@hsd.cccounty.us

Thank you in advance for your kind consideration in this matter.





**Contra
Costa
County**

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:

Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Managed Care
PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

At-Large
PRINT EXACT SEAT NAME (if applicable)

- 1. Name:** Gage Kathleen
(Last Name) (First Name) (Middle Name)
- 2. Address:** 3217 Ensenada Dr San Ramon CA 94583
(No.) (Street) (Apt) (City) (State) (Zip Code)
- 3. Phones:** 925-803-1227 925-487-0575
(Home No.) (Work No.) (Cell No.)
- 4. Email Address:** krgage@comcast.net

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma ☐ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved: Master's, CA teaching credential

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) UC Santa Barbara	Political Science	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		90		
B) UC Berkeley	Political Science	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		92	BA	8/1971
C) University of Sussex, UK	American Studies	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			MA	9/1974
D) Other schools / training completed	Course Studied	Hours Completed	Certificate Awarded: Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			
University of San Francisco	secondary teaching credential program	34				

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

A) Dates (Month, Day, Year) From To <div>12/2006 1/2012</div>		Title <div>Benefits Analyst</div>	Duties Performed <div>see resume</div>
Total: Yrs. Mos. <div>5 1</div>		Employer's Name and Address <div>UC Berkeley University Health Services 2222 Bancroft Way Berkeley CA 94720-4200</div>	
Hrs. per week <div>40</div> . Volunteer <input type="checkbox"/>			
B) Dates (Month, Day, Year) From To <div>10/2004 11/2006</div>		Title <div>Teacher</div>	Duties Performed <div>see resume Teacher at Concord HS 6 months Summer School and Substitute Teacher, 2/05 - 11/06</div>
Total: Yrs. Mos. <div>2 1</div>		Employer's Name and Address <div>Concord High School Concord, CA also various school districts: SR Valley, Dublin, Alcalanes</div>	
Hrs. per week <div>FT/PT</div> . Volunteer <input type="checkbox"/>			
C) Dates (Month, Day, Year) From To <div>2/2004 12/2004</div>		Title <div></div>	Duties Performed <div>see resume Left position to attend graduate school for teaching credential</div>
Total: Yrs. Mos. <div> 10</div>		Employer's Name and Address <div>Blue Shield of California 50 Beale St. San Francisco, CA</div>	
Hrs. per week <div>var.</div> . Volunteer <input type="checkbox"/>			
D) Dates (Month, Day, Year) From To <div>1/2003 9/2003</div>		Title <div>Health Care Analyst</div>	Duties Performed <div>contract position. se resume</div>
Total: Yrs. Mos. <div> 8</div>		Employer's Name and Address <div>Blue Shield of California 50 Beale St. San Francisco, CA</div>	
Hrs. per week <div>20+</div> . Volunteer <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

☐ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☒ Other San Ramon Library posting

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No ☒ Yes ☐

If Yes, please identify the nature of the relationship:

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations? No ☒ Yes ☐

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name:

Patricia Gale

Date:

11/19/2014

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at 651 Pine Street, Room 106, Martinez, CA 94553.
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

PATRICIA TANQUARY, MPH, PhD
CHIEF EXECUTIVE OFFICER

JAMES R. TYSELL, M.D.
MEDICAL DIRECTOR



A Culture of Caring

ADMINISTRATION

595 Center Avenue, Suite 100
Martinez, California 94553
Main Number (925) 313-6000
Member Call Center: (877) 661-6230
Provider Call Center: (877) 800-7423

Se Habla Español

Date: December 31, 2014

To: Family and Human Services Committee, Contra Costa County Board of Supervisors
Dorothy Sansoe, Senior Deputy, County Administrator

From: Deboran Everist, M.A.
Staff to CCHP's Managed Care Commission (925-313-6004) 

Subject: Appointment to the Managed Care Commission

The Managed Care Commission (MCC), in its continued efforts to recommend Commissioners who not only contribute valuable insight into the concerns of the MCC but also reflect the diversity of our community, hereby makes the following recommendation for appointment. This recommendation was adopted unanimously. An application for the new appointment is attached.

Appoint Toya Thomas-Cruz to the current vacant seat Member-at-Large #2.

The Chair of the MCC would like to respectfully seat this Commissioner at the January 21, 2015 regularly scheduled meeting of the Managed Care Commission.

Thank you.

Attachment





Contra
Costa
County



For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:

Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Managed Care Commission

AT- Large 1 seat

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name:	Thomas-Cruz (Last Name)	Toya (First Name)	Chanita (Middle Name)
2. Address:	7052 Alder Creek RD (No.)	Vallejo (City)	CA 94591 (State) (Zip Code)
3. Phones:	707-315-6052 (Home No.)		
4. Email Address:	tctcruz@yahoo.com		

5. **EDUCATION:** Check appropriate box if you possess one of the following:

High School Diploma ☒ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved MA, MS

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) San Francisco State University	MA/ Economics	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		58	MA	2007
B) Saint Mary's College, Moraga CA	MS/Health Care Administration	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	60		MS	2003
C) California State Hayward, University	BS/ Business Administration	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	220		BS	2000
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> <div>10/2009 4/2012</div> <p>Total: <u>Yrs.</u> <u>Mos.</u> <div>2 6</div> <p>Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p> </p></p>	<p>Title Health Care Administrator</p> <p>Employer's Name and Address Continuum Care RCFE, Santa Rosa, CA 95403</p>	<p>Duties Performed Manage day to day operations of an Assisted Living facility. Managed census and Medical Records for Medicare and Private Pay clients. Ensure facility has sufficient revenue base, manage staff and organizational requirements. Audit facility for compliance with State and Federal Guidelines.</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> <div>4/2008 9/2009</div> <p>Total: <u>Yrs.</u> <u>Mos.</u> <div>1 5</div> <p>Hrs. per week <u>30</u> . Volunteer <input type="checkbox"/></p> </p></p>	<p>Title Business & Project Manager Grant Writer</p> <p>Employer's Name and Address Experience Unlimited 4071 Port Chicago Highway, Suite 250</p>	<p>Duties Performed Coordinated funding activities for a nonprofit group. Presented Powerpoint presentations and generated statistical reports outlining program performance and planning utilizing computer spreadsheets and analysis. I generated community support for business operation programs, and coordinated in-kind donations and financial contributions.</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u> <div>8/2002 8/2005</div> <p>Total: <u>Yrs.</u> <u>Mos.</u> <div>3 </div> <p>Hrs. per week <u>12</u> . Volunteer <input checked="" type="checkbox"/></p> </p></p>	<p>Title Appointed Commissioner</p> <p>Employer's Name and Address The City of Vallejo, Commission on Aging 555 Santa Clara Street, Vallejo, CA</p>	<p>Duties Performed I developed policy recommendations for the City of Vallejo's City Council for Senior Health Services. I organized community events in conjunction with other agencies. I chaired the Health Care Commission for the Committee. I collaborated with non profit organizations and local public health groups to improve senior health services.</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u> <div>03/2000 6/2006</div> <p>Total: <u>Yrs.</u> <u>Mos.</u> <div>6 3</div> <p>Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p> </p></p>	<p>Title Registry & Training Specialist</p> <p>Employer's Name and Address Contra Costa County Public Authority 1330 Arnold Drive, Martinez, CA 94553</p>	<p>Duties Performed Coordinated Registry Services for IHSS consumers, and eligible public health patients. I coordinated services for IHSS clients to have access to registry provider services. I also managed the training and vendor services for the West county and Central County residents. I presented ongoing trainings and presentations to IHSS consumers and providers.</p>

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

☒ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☐ Other

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No ☒ Yes ☐

If Yes, please identify the nature of the relationship:

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations? No ☒ Yes ☐

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name:



Date:

11-8-13

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: 651 Pine Street, Room 106, Martinez, CA 94553.
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

THIS FORM IS A PUBLIC DOCUMENT

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for
Special Districts, Agencies and Authorities Governed by the Board Adopted Resolution
no. 2011/55 on 2/08/2011 as follows:**

IN THE MATTER OF ADOPTING A POLICY MAKING FAMILY MEMBERS OF THE BOARD OF SUPERVISORS INELIGIBLE FOR APPOINTMENT TO BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY

WHEREAS the Board of Supervisors wishes to avoid the reality or appearance of improper influence or favoritism;
NOW, THEREFORE, BE IT RESOLVED THAT the following policy is hereby adopted:

I. SCOPE: This policy applies to appointments to any seats on boards, committees or commissions for which the Contra Costa County Board of Supervisors is the appointing authority.

II. POLICY: A person will not be eligible for appointment if he/she is related to a Board of Supervisors' Member in any of the following relationships:

1. Mother, father, son, and daughter;
2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
4. First cousin;
5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;
7. Registered domestic partner, pursuant to California Family Code section 297.
8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
9. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

TOYA THOMAS-Cruz
7052 Alder Creek RD
Vallejo, CA 94591
707-315-6052
tctcruz@yahoo.com

SUMMARY

- Professional with over fifteen years of experience in public health programs and Project Management. Extensive education and training in: health care delivery models, contract negotiations, quality management utilizing: pivot charts, regression analysis and statistical programs.
- Develop and improve the organization and operation of health Programs
- Conceive and implement policies and procedures
- Coordinate with hospital staff to and collectively achieve specific goals and objectives while enforcing time constraints.
- Envision and bring ideas to reality from conception to completion
- Prepare reports for management and advisory board detailing concepts, proposals, and plans
- Develop rapport and coordinate efforts with diverse groups of people and community organizations
- Communicate, mediate, moderate, and facilitate
- Motivate others to meet goals and objectives
- Manage Electronic Medical Records, verify documentation and follow up with providers when necessary for further clarity.

SKILLS

Microsoft Word, Microsoft Excel, Microsoft PowerPoint, SharePoint, Outlook, LOTUS Notes, Microsoft Project & Waterfall

EDUCATION

M.A. Economics, Health Policy, San Francisco State University, San Francisco, CA, August 2007 – Graduated

M. S. Health Care Administration- Saint Mary's College, Moraga CA, June 2003 – Graduated

B.S. Business Administration HR option, California State University, Hayward, 2000 – Graduated

EXPERIENCE

EMPLOYER: Nelson Staffing CLIENT: Sutter Health Oakland CA – Contractor

June 2012- December 2012 *Contract ended*

Clinical Coordinator Administration/Project Manager

- Analyzed clinical coordination needs for SMU Nursing Students and Faculty in the BSN, ABSN and ELMS programs.
- Facilitate project requirements pertaining to clinical rotations for hospital rotations.
- Implemented planned timelines according to hospital needs and prearranged pre-clinical requirements and deliverables.
- Administrate correspondence materials with hospitals pertaining to student and faculty requirements.
- Manage budgets, expense reports, check requests and purchase orders for department utilizing excel and Lawson software.

Environment: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Visio, Microsoft Project

EMPLOYER: Continuum Care Health facility Santa Rosa CA – FTE

September 2010- April 2012 *Laid off*

Administrator/Manager

- Manage company enrollment process to ensure facility has sufficient revenue base.
- Implemented project management for Meaningful Use campaign.
- Evaluate Electronic Health Records for accuracy and completeness according to federal and state guidelines.
- Develop new client and contract base, resulting in increased sales revenue by 80% in a recession economy.
- Manage day to day operations of Health Care facility.
- Evaluate company performance by analyzing organization compared to published quality data standards.
- Inform residents of Medicare requirements for health services; follow up with physicians and nurses regarding resident health records.
- Manage Resident Health Records for required documentation.
- Facilitate staff trainings on HIPPA and various mandatory topics according to state and federal guidelines.

Environment: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Visio, Microsoft Project

December 2009 - September 2010 - Actively seeking employment

EMPLOYER: Experience Unlimited Concord CA - Non-taxable/FTE

April 2008- December 2009 *Left to find taxable employment*

Project Manager /Board Member

- Managed project and coordinated funding activities for nonprofit group.
- Presented power point presentations to board and special interest groups.
- Generated community support for business service programs.
- Managed grant program through computer program designed with Microsoft Access.

Environment: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Visio, Microsoft Project

November 2007 - April 2008 - Actively seeking employment

EMPLOYER: Nelson Staffing CLIENT: Alta Bates Sutter Hospital Oakland CA - Contractor

July 2006 - November 2007 *Contract ended*

Utilization Review EHR Project Manager

- Managed organizational transition and implementation of new Electronic Medical Records system for the Carol Ann Read Breast Health Center.
- Review Health Care patient files and for Utilization Review comparing health records with physician documentation, reviewing queries, and verify Insurance Authorization for specified procedures.
- Audit files for documentation and proper CPT and ICD-9 codes that corroborate the health record for appropriate documentation according to Medicaid and third party payer guidelines.
- Print daily computer reports from Sutter HIS system for patient group.
- Conduct utilization review for patient charts to meet reimbursement protocols.

Environment: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Visio, Microsoft Project

EMPLOYER: Contra Costa County, IHSS Public Authority Martinez CA - FTE

January 2000- June 2006

Registry & Training Project Manager

- Managed overall production of west county activities, delegate to 8 direct reports, established goals, developed and executed policies.
- Supervised and trained employees: assigned and distributed work, administered policies developed and implemented reporting requirements and procedures.
- Submit monthly statistical reports on Registry and health services for upper management and advisory board.
- Recommended in-service training and seminars on quality management and customer service for agency to improve service and correct deficiencies in patient care.
- Developed and implement multimillion dollar provider contracts for company.
- Create and administer both provider and consumer surveys for programs 8,000 members to assess and improve registry service.
- Manage electronic medical records with Care Tracker health system and Statewide Medicaid computer data base for 8,000 members.

Contra Costa County, IHSS, Regional Medical Center Martinez CA April 2001 - May 2002 Health Coordinator

- Managed project for pilot health program with county health services and the Regional Medical Center. Coordinate out-patient care for IHSS/ Regional Medical center clients.
- Administer Contra Costa County Health Plan to IHSS providers.
- Manage the day to day operations of 2 million dollar health program for West County's Home Care Provider Registry.
- Supervised the achievement of a two-year contract with area community colleges for IHSS.
- Managed multi-site operation for region with 5 direct reports.
- Coordinated health services with interdisciplinary health and social service group while ensuring compliance with state and federal guidelines.

Environment: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Visio, Microsoft Project

CONTRA COSTA COUNTY

**In-Home Supportive Services
Public Authority**



May 23, 2005

Toya Thomas-Cruz
IHSS Public Authority
1330 Arnold Drive Suite 143
Martinez, CA 944553

Dear Toya,

Thank you very much for participating in the recent Consumer – Provider training session on Employee – Employer Relations. The planning team envisioned that each scenario would generate questions about time sheets, eligibility, authorized hours, Worker's Compensation and more. They wanted "experts" from the other components of the IHSS system to be present to give authoritative answers. You gave answers that were accurate and useful in a style that was helpful. And we appreciate it.

The scores and comments on the evaluation forms tell us that people learned a lot. Advisory Committee members were very pleased with the format and outcomes of each session. Everyone gained information and we all had a good time.

At the May Advisory Committee meeting, the members made a decision to repeat the sessions in the fall and then design similar scenarios on other topics to present in 2006.

Again, thanks for taking time from your very busy schedule to help make this endeavor so rewarding.

Sincerely,

A handwritten signature in cursive script that reads "Fran Smith".

Fran Smith
Program Manager

Cc: John Cottrell
Enc: Evaluation summaries



ANTHONY J. INTINTOLI, JR.
MAYOR

555 SANTA CLARA STREET • P.O. BOX 3068 • VALLEJO • CALIFORNIA • 94590-5934 • (707) 648-4377

February 2, 2005

Toya Thomas-Cruz
355 De Anza Drive
Vallejo, CA 94589

Dear Toya:

The Vallejo City Council recognizes that the strength of local government lies in the membership of its various boards and commissions. Your willingness to serve the citizens of Vallejo is greatly appreciated by me and the other members of the City Council.

We would like to thank you for your service to the community as a Commissioner on the Commission on Aging.

A Certificate of Appreciation is enclosed in recognition of your service to the City.

Sincerely,

ANTHONY J. INTINTOLI, JR.
Mayor, City of Vallejo

AJI/jma

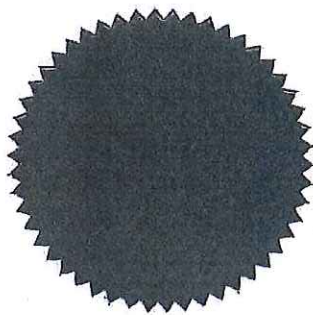
Enc.

Certificate of Completion

This certificate is to attest that **TOYA THOMAS-CRUZ** successfully completed **IHSS POLICY DESK TRAINING** with the Staff Development Division of Contra Costa Employment and Human Services.

Ken O'Day
Ken O'Day Staff Development Specialist

Dennis Bozanich
Dennis Bozanich Staff Development Supervisor



**STATE OF CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING**

*This is to certify that pursuant to the provisions of
the Health and Safety Code, Section 1569.23 and 1569.616*

TOYA C THOMAS

*has successfully completed the
Residential-Elderly Administrator Certification Program.*

Standard Certificate

December 17, 2011

Sacramento, California

Toya C Thomas
Administrator Certification Program

Expires: 4/12/2013 Certificate #: 5588554740

Criminal record checks are still required per section 87564 of licensing regulations.

Mrs. Toya Thomas-Cruz
7052 Alder Creek RD
Vallejo, CA 94591

Office of the Clerk of the Board
651 Pine Street, RM 106
Martinez, CA 94553



94553031253 0000





**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: Appropriation Transfer for Approved FY 14-15 Venture Capital Projects

RECOMMENDATION(S):

Approve Appropriation Adjustment No. 5031 transferring \$1,002,805 in appropriations to Conservation and Development (0280), District Attorney (0242), Health Services (0853), Human Resources (0035), Public Defender (0243), Probation (0308), Employment & Human Services (0501) for fiscal year 2014-15 Venture Capital Projects.

FISCAL IMPACT:

Project funds are budgeted in the General Fund Contingency for FY 2014-15 (100% General Fund)

BACKGROUND:

The Board of Supervisors adopted a Budget Policy in 2006, which included a resource intended to improve departmental operations. Per this policy, in FY 2014-15 funding was made available for technology projects to be used to increase efficiencies and economies in departments that did not have resources available within their normal operating budgets for such expense. Requests for these funds were submitted with the Departments' baseline budgets. Departments included requests of \$1,368,577 and the County Administrator was able to approve \$1,002,805.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Laura Strobel (925)
335-1091

cc:

BACKGROUND: (CONT'D)

width="612" />

CONSEQUENCE OF NEGATIVE ACTION:

Departments will not receive the resources needed to fund the aforementioned projects.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

AP# 5031

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C-27

AUDITOR-CONTROLLER USE ONLY:

FINAL APPROVAL NEEDED BY:

- ☒ BOARD OF SUPERVISORS
☐ COUNTY ADMINISTRATOR
☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: County - Various		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
0990	6301	Appropriations for Contingencies	1,002,805.00	
1351	2251	Computer Software Cost		40,000.00
2900	2132	Minor Computer Equipment		150,000.00
3003	2132	Minor Computer Equipment		37,150.00
3003	2131	Minor Furniture/Equipment		62,615.00
5101	2132	Minor Computer Equipment		19,770.00
5101	2310	Non-County Professional/Specialized Services		40,000.00
5101	2251	Computer Software Cost		46,000.00
1417	2251	Computer Software Cost		300,000.00
6979	4951	Office Equipment & Furniture		35,000.00
2653	2310	Non-County Professional/Specialized Services		122,270.00
2805	2132	Minor Computer Equipment		150,000.00
			1,002,805.00	1,002,805.00

<p style="text-align: center;">APPROVED</p> <p>AUDITOR – CONTROLLER By: <u>Marie Rulloda</u> Date <u>12/23/14</u></p> <p>COUNTY ADMINISTRATOR By: <u>Durco</u> Date <u>12/30/14</u></p> <p>BOARD OF SUPERVISORS</p> <p>YES: NO:</p> <p>By: _____ Date _____</p>	<p>EXPLANATION OF REQUEST</p> <p>Transfer appropriations approved for FY 2014-15 Venture Capital Projects.</p> <p>PREPARED BY: <u>Laura Strobel</u> TITLE: <u>Principal Analyst-County Administration</u> DATE: <u>12/18/14</u></p> <p style="text-align: right;">APPROPRIATION <u>APOO5031</u> ADJ. JOURNAL NO.</p>
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**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: EHSD, Workforce Services Bureau, CalWORKs Subsidized Expanded Employment Program

RECOMMENDATION(S):

APPROVE Appropriation and Revenue Adjustment No. 5034 authorizing revenue and expenses in the net amount of \$2,114,080 for the California Work Opportunity and Responsibility to Kids (CalWORKs) Expanded Subsidized Employment Program (County Fiscal Letter, CFL 14/15-18).

FISCAL IMPACT:

100% State in the amount of \$2,114,080. No net County cost increase.

BACKGROUND:

The previously authorized Expanded Subsidized Employment Program provides subsidized employment of 20 to 40 hours per week for a maximum of six months. Employment & Human Services will work with county, public, non-profit and private-sector employers to make employment slots available to eligible Welfare-to-Work participants, focusing specifically on participants who are limited English proficient, challenged by domestic violence, veterans, have a criminal or arrest history, disabled, pregnant and parenting youth, and those participants completing the family stabilization component of the Welfare-to-Work program. Employers are reimbursed no less than \$9 but not to exceed \$20 per hour, with a bonus opportunity if the employer continues to employ the participant following the subsidy period.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Candace Flint, 313-1753

cc:

CONSEQUENCE OF NEGATIVE ACTION:


Appropriation will not be properly allocated.

CHILDREN'S IMPACT STATEMENT:

Does not apply.

ATTACHMENTS

Appropriation Adjustment #5034

CONTRA COSTA COUNTY APPROPRIATION ADJUSTMENT T/C 27		AUDITOR-CONTROLLER USE ONLY FINAL APPROVAL NEEDED BY:			
		<input checked="checked" type="checkbox"/> BOARD OF SUPERVISORS <input type="checkbox"/> COUNTY ADMINISTRATOR <input type="checkbox"/> AUDITOR CONTROLLER			
ACCOUNT CODING		DEPARTMENT : DEPT. 0504, EHSD, WORKFORCE SERVICES			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
5453	1013	TEMPORARY SALARIES			377,036
5453	1042	FICA/MEDICARE			26,392
5453	2310	NON CNTY PROF SPCLZD SVCS			1,710,652
			TOTALS		0 2,114,080
APPROVED AUDITOR-CONTROLLER: BY: <u>Maria Rutledge</u> DATE <u>1/8/15</u> COUNTY ADMINISTRATOR: BY: <u>David Sanchez</u> DATE <u>2/27/15</u> BOARD OF SUPERVISORS: YES: NO: BY: _____ DATE _____		EXPLANATION OF REQUEST To appropriate additional expenditures for EHSD-Workforce Services Bureau in FY 14/15 for the California Work Opportunity and Responsibility to Kids (CalWORKs) Expanded Subsidized Employment Allocation (CFL 14/15-18). No County general purpose revenue will result from these adjustments. <div style="text-align: center;">  Ralph McGee EHS, Interim Chief Financial Officer 12/22/2014 SIGNATURE TITLE DATE APPROPRIATION APOC <u>5034</u> ADJ. JOURNAL NO. </div>			

CONTRA COSTA COUNTY ESTIMATED REVENUE ADJUSTMENT/ ALLOCATION ADJUSTMENT			AUDITOR-CONTROLLER USE ONLY	
			FINAL APPROVAL NEEDED BY:	
			<input checked="" type="checkbox"/> BOARD OF SUPERVISORS	
			<input type="checkbox"/> COUNTY ADMINISTRATOR	
			<input type="checkbox"/> AUDITOR-CONTROLLER	
ACCOUNT CODING		DEPARTMENT : DEPT. 0504, EHSD, WORKFORCE SERVICES		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
5453	9258	ADMIN STATE - OTHER	2,114,080	
TOTALS			2,114,080 00	0 00

<p>APPROVED</p> <p>AUDITOR-CONTROLLER: <u>Mari Rullada</u> DATE <u>1/8/15</u></p> <p>COUNTY ADMINISTRATOR: <u>Dorothy Jensen</u> DATE <u>1/27/15</u></p> <p>BOARD OF SUPERVISORS:</p> <p>YES:</p> <p>NO:</p> <p>BY: _____ DATE ____/____/____</p>	<p>EXPLANATION OF REQUEST:</p> <p>To appropriate additional revenue for EHSD-Workforce Services Bureau in FY 14/15 for the California Work Opportunity and Responsibility to Kids (CalWORKs) Expanded Subsidized Employment Allocation (CFL 14/15-18). No County general purpose revenue will result from these adjustments.</p> <div style="margin-top: 100px;"> Ralph McGee EHS, Interim Chief Financial Officer SIGNATURE TITLE </div> <div style="text-align: right;"> DATE 12/22/2014 REVENUE ADJ. RAOO JOURNAL NO. <u>5034</u> </div>
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**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Appropriation Adjustment - Housing Support Program (HSP) - EHSD, Workforce Services Bureau

RECOMMENDATION(S):

APPROVE and AUTHORIZE Appropriation and Revenue Adjustment No. 5035 in the amount of \$1,085,850 to accept new funding from the California Department of Social Services for the California Work Opportunity and Responsibility to Kids (CalWORKs) Housing Support Program as authorized per Senate Bill 855 (Chapter 29, Statutes of 2014). The allocation for FY 14/15 is \$1,085,850.

FISCAL IMPACT:

100% State Funding totalling \$1,085,850. No County Share.

BACKGROUND:

The California Legislature and the Governor appropriated \$20 million from the General Fund to address homeless and housing instability in the CalWORKs program as part of the 2014-15 State budget. Contra Costa was awarded \$1,085,850 in Housing Support Program (HSP) funds to serve families receiving CalWORKs who are homeless or at imminent risk of homelessness. The program offers housing search and placement assistance, linkage to services, and 1 to 6 months of rental assistance to qualifying households. The Housing Support Program will be overseen by Employment & Human Services in partnership with the Contra Costa Health Program and community partners. This money will be used to support projects that use evidence-based models. The objective is to promote housing stability for families in the CalWORKs program.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Candace Flint, 313-1753

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Services not provided.

CHILDREN'S IMPACT STATEMENT:

Does not apply.

ATTACHMENTS

Allocation Letter

Appropriation Adjustment #5035



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

October 10, 2014

Ms. Kathy Gallagher, Director
Contra Costa County Employment & Human Services Department
40 Douglas Drive
Martinez, CA 94553

Dear Ms. Kathy Gallagher:

We are pleased to inform you of your county's final allocation for the California Work Opportunity and Responsibility to Kids (CalWORKs) Housing Support Program (HSP) authorized per Senate Bill 855 (Chapter 29, Statutes of 2014) for Fiscal Year (FY) 2014-15 is \$1,085,850.

Due to the limited funding available in FY 2014-15, the California Department of Social Services is requiring counties to expend HSP funds on only those CalWORKs families who are homeless, as defined in the certification letter, as opposed to those clients who are not homeless but experiencing housing instability.

As with all allocations, counties that receive HSP awards will be required to claim all costs on a quarterly basis by performing time studies and utilizing HSP identified Program Codes:

- 895 – CalWORKs Housing Support Federal
- 894 – CalWORKs Housing Support Non-Federal
- 893 – CalWORKs Housing Support Safety Net

If you have any questions regarding claiming instructions, please contact the Fiscal Systems Bureau at fiscal.systems@dss.ca.gov.


If you have any questions regarding this HSP, please contact Kären Dickerson, Chief, CalWORKs Employment and Eligibility Branch, at (916) 651-6562.

Sincerely,

Original Document Signed By:

BRIAN DOUGHERTY, Chief
Financial Management and Contracts Branch

Attachment

CONTRA COSTA COUNTY APPROPRIATION ADJUSTMENT T/C 27		AUDITOR-CONTROLLER USE ONLY FINAL APPROVAL NEEDED BY: <input checked="" type="checkbox"/> BOARD OF SUPERVISORS <input type="checkbox"/> COUNTY ADMINISTRATOR <input type="checkbox"/> AUDITOR CONTROLLER		
ACCOUNT CODING		DEPARTMENT : DEPT. 0504, EHSD, WORKFORCE SERVICES		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
5452	2340	OTHER INTRDPTMTAL CHARGES		1,085,850
TOTALS			0	1,085,850
APPROVED AUDITOR-CONTROLLER: BY: <u>Maria Rullone</u> DATE <u>1/8/15</u> COUNTY ADMINISTRATOR: BY: <u>Dorothy Sanchez</u> DATE <u>1/27/15</u> BOARD OF SUPERVISORS: YES: NO:		EXPLANATION OF REQUEST <p>To appropriate new expenditures in EHSD-Workforce Services Bureau in FY 14/15 for the California Work Opportunity and Responsibility to Kids (CalWORKs) Housing Support Program Award Letter dated 9/5/2014. No County general purpose revenue will result from this adjustment.</p> <div style="text-align: center;">  Ralph McGee EHS, Interim Chief Financial Officer 12/22/2014 SIGNATURE TITLE DATE </div> <div style="text-align: right; margin-top: 20px;"> APPROPRIATION APOD <u>5035</u> ADJ. JOURNAL NO. </div>		
BY: _____ DATE _____				

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C 24

AUDITOR-CONTROLLER USE ONLY
FINAL APPROVAL NEEDED BY:

- ☒ BOARD OF SUPERVISORS
☐ COUNTY ADMINISTRATOR
☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT : DEPT. 0604, EHSD,WORKFORCE SERVICES			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
5452	9258	ADMIN STATE - OTHER	1,085,850		
TOTALS			1,085,850	00	0 00

APPROVED

AUDITOR-CONTROLLER:

BY: Mani Rullo DATE 1/8/15

COUNTY ADMINISTRATOR:

BY: Donna Sinner DATE 1/27/15

BOARD OF SUPERVISORS:

YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST:

To appropriate new revenue in EHSD-Workforce Services Bureau in FY 14/15 for the California Work Opportunity and Responsibility to Kids (CalWORKs) Housing Support Program Award Letter dated 9/5/2014. No County general purpose revenue will result from this adjustment.

Ralph McGee
Ralph McGee EHS, Interim Chief Financial Officer 12/22/2014
SIGNATURE TITLE DATE
REVENUE ADJ. RAOO 5035
JOURNAL NO.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Appropriation Adjustment, CalWORKs MH and SA Program

RECOMMENDATION(S):

Employment and Human Services (0504) : APPROVE and AUTHORIZE Appropriation and Revenue Adjustment No. 5038 to decrease expenditures and revenues by \$256,207 in the CalWORKs Mental Health and Substance Abuse Program based on current State allocations.

FISCAL IMPACT:

100% State: Decrease in total expenditures and in total revenues of \$256,207. No impact to County cost.

BACKGROUND:

The annual allocation for FY 14/15 (County Fiscal Letter 14/15-2) requires a decrease in budgeted expenditures and revenue. This program provides funding for Mental Health and Substance Abuse services, including case management and treatment, to CalWORKs program participants in need of these services to obtain or retain employment. The Department was aware of this decrease in allocations far enough in advance to make necessary budget adjustments without significant impact.

CONSEQUENCE OF NEGATIVE ACTION:

Appropriations will not be properly allocated.

CHILDREN'S IMPACT STATEMENT:

Does not apply.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

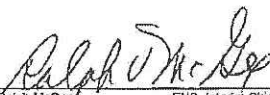
By: Stacey M. Boyd, Deputy


Contact: Candace Flint, 313-1763

cc:

ATTACHMENTS

Appropriation Adjustment #5038

CONTRA COSTA COUNTY APPROPRIATION ADJUSTMENT T/C 27		AUDITOR-CONTROLLER USE ONLY FINAL APPROVAL, NEEDED BY:			
		<input checked="" type="checkbox"/> BOARD OF SUPERVISORS <input type="checkbox"/> COUNTY ADMINISTRATOR <input type="checkbox"/> AUDITOR CONTROLLER			
ACCOUNT CODING		DEPARTMENT : DEPT. 0604, EHSD, WORKFORCE SERVICES			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE	
5460	2340	OTHER INTRDPTMTAL CHARGES	256,207		
			TOTALS	256,207	0
APPROVED AUDITOR-CONTROLLER: BY: <u>Maria Sandoval</u> DATE <u>1/8/15</u> COUNTY ADMINISTRATOR: BY: <u>Steve Jones</u> DATE <u>1/27/15</u> BOARD OF SUPERVISORS: YES: NO: BY: _____ DATE _____		EXPLANATION OF REQUEST To decrease expenditure appropriation for EHSD-Workforce Services Bureau in FY 14/15 for the California Work Opportunity and Responsibility to Kids (CalWORKs) Mental Health and Substance Abuse Program Allocation (CFL 14/15-02). No County general purpose revenue will result from this adjustment. <div style="text-align: right; margin-top: 20px;">  Ralph McGee EHS, Interim Chief Financial Officer 12/22/2014 SIGNATURE TITLE DATE APPROPRIATION AFOO <u>5038</u> ADJ. JOURNAL NO. </div>			

CONTRA COSTA COUNTY ESTIMATED REVENUE ADJUSTMENT/ ALLOCATION ADJUSTMENT T/C 24			AUDITOR-CONTROLLER USE ONLY FINAL APPROVAL NEEDED BY: <input checked="checked" type="checkbox"/> BOARD OF SUPERVISORS <input type="checkbox"/> COUNTY ADMINISTRATOR <input type="checkbox"/> AUDITOR-CONTROLLER		
ACCOUNT CODING		DEPARTMENT : DEPT. 0504, EHSD, WORKFORCE SERVICES			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>	
5460	9258	ADMIN STATE - OTHER			256,207
TOTALS			0 00		256,207 00
APPROVED AUDITOR-CONTROLLER: BY: <u>Maria Bullock</u> DATE <u>1/18/15</u> COUNTY ADMINISTRATOR: BY: <u>Dorey Sanchez</u> DATE <u>1/27/15</u> BOARD OF SUPERVISORS: YES: NO:			EXPLANATION OF REQUEST: To decrease revenue appropriation for EHSD-Workforce Services Bureau in FY 14/15 for the California Work Opportunity and Responsibility to Kids (CalWORKs) Mental Health and Substance Abuse Program Allocation (CFL 14/15-02). No County general purpose revenue will result from this adjustment.		
BY: _____ DATE _____			<div style="text-align: center;">  Ralph McGee EHS, Interim Chief Financial Officer 12/22/2014 SIGNATURE TITLE DATE </div> <div style="text-align: center; margin-top: 10px;"> REVENUE ADJ. RAOO <u>5038</u> JOURNAL NO. </div>		



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Add Positions: Three (3) Social Service Program Assistant positions in Employment & Human Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21555 to add three (3) Social Services Program Assistant (X0SA) (represented) positions, and allocate 255 1384 (\$4,254 - \$5,171) in the Children and Families Services Bureau of the Employment and Human Services Department.

FISCAL IMPACT:

Upon approval of these positions will result increase Annual Salary by \$287,050. This will also result in additional retirement cost by \$102,850. These positions will be funded 45% Federal, 55% State Realignment Revenue. Approval of these positions will not increase NCC.

BACKGROUND:

Employment and Human Services Department/Children & Family Services has determined the need to add additional staff, in order to ensure the Department meets it's legal obligation to assist and provide services to children, and their families, including foster care families. From 2009-2014 the case loads for Social Services Program Assistants, assigned to Children and Family Services has increased by 24%. The number of cases was a result of an increase

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Michelle Fregoso
925-313-1568

BACKGROUND: (CONT'D)

in children entering foster care, and children remaining in foster care placements past their 18th birthday (AB12 laws). Probation cases in the last year increased by 51%, from 79 in 2013 to 120 in 2014. In addition, foster youth are now eligible for Medi-Cal up to the age 26. Social Services Program Assistants perform services such as determining eligibility and grant benefits for Foster Care and related benefits programs including KinGap, Adoption Assistance and ongoing MediCal for children transitioning home; all of which are Child Welfare mandated services required to meet the "reasonable efforts" findings in court hearings.

CONSEQUENCE OF NEGATIVE ACTION:

Not hiring these positions will continue to result increased work for the SSPA's who are responsible for the initial determination and on-going management of cases. When the SSPA's have high caseloads the department is at risk of not providing mandated services.

CHILDREN'S IMPACT STATEMENT:

These positions impact a child's ability to receive services in a timely matter through foster care payments issued to the providers. The staff in these positions also manage the child's Medi-Cal needs for therapeutic and medical interventions which affects the ability to maintain stable placements for our dependent children.

ATTACHMENTS

P-300 #21555

POSITION ADJUSTMENT REQUEST

NO. 21555
DATE 11/12/2014

Department Employment and Human Services Dept. Department No./
Budget Unit No. 0502 Org No. 5216 Agency No. A19
Action Requested: Add Three (3) Social Service Program Assistant (X0SA) (represented) positions in the Children and Families Services Bureau of the Employment and Human Services Department. [ASSIST 31403]

Proposed Effective Date: 12/3/2014

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$287,050.00

Net County Cost \$0.00

Total this FY \$143,525.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 45% Federal, 55% State Realignment Revenue

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Michelle Fregoso

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Kevin J. Corrigan

11/13/2014

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/5/2014

ADD three (3) Social Services Program Assistant (X0SA) (represented) positions, and allocate 255 1384 (\$4,254 - \$5,171) in the Children and Families Services Bureau of the Employment and Human Services Department.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ ____ (Date)

Otilia Parra

12/5/2014

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/18/2014

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: _____

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 12/18/2014

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____
6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
 - ☐ a. Competitive examination(s)
 - ☐ b. Existing employment list(s) Which one(s)? _____
 - ☐ c. Direct appointment of:
 - ☐ 1. Merit System employee who will be placed on leave from current job
 - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Interim Director, Conservation & Development Department
Date: February 3, 2015

Subject: Reclassify One Information System Administrator III to Information System Program Analyst III

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21576 to reclassify one (1) Information System Administrator III (LFTA) position #12278 at salary plan and grade ZB5 1644 (\$5,503 - \$6,689) (represented) and its incumbent to Information Systems Programmer Analyst III (LPTB) (represented) at salary plan and grade ZA5 1694 (\$5,782 - \$7028) (represented) in the Department of Conservation and Development (DCD).

FISCAL IMPACT:

No impact to the General Fund. Upon approval, this action has an annual net cost of \$8,500, which will be funded 100% by Land Development Funds.

BACKGROUND:

The Department of Conservation and Development (DCD) is requesting the reclassification of position # 12278 and its incumbent from Information System Administrator III (ISA III) to Information Systems Programmer Analyst III (ISPA III) (represented). The incumbent is the sole person in the County holding the ISA III class. Furthermore, incumbent's duties have evolved over the last few years and now include a more prominent role in the Department's Accela operations and programming functions. Accela is the core building and planning database that the Department uses for its daily operations. The Human Resources Department has determined that the incumbent's class of ISA III is no longer the correct class and the ISPA III class is the more appropriate class given incumbent's current duties.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Victoria Mejia (925)
674-7726

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board of Supervisors elect not to approve the request for reclassification, the incumbent will not be classified or compensated appropriately.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

P300 21576_Reclass ISA III to ISPA III in DCD

POSITION ADJUSTMENT REQUEST

NO. 21576
DATE 12/1/2014

Department Conservation & Development Department No./
Budget Unit No. 0280 Org No. 2653 Agency No. 38

Action Requested: Reclassify one (1) Information System Administrator III (LFTA)(represented) at salary level ZB5 1644 (\$5,503 - \$6,689) position #12278 and incumbent, Ms. Eileen Koo, to full time Information Systems Programmer Analyst III (LPTB) (represented) at salary level ZA5 1694 (\$5,782 - \$7028)

Proposed Effective Date: 12/1/2014

Classification Questionnaire attached: Yes ☒ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$0.00

Net County Cost \$0.00

Total this FY \$0.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT costs offset by land development fees

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

VM for JK

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

BR for JE

12/5/2014

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Reclassify one (1) Information System Administrator III (LFTA) position #12278 at salary plan and grade ZB5 1644 (\$5,503 - \$6,689) (represented) and its incumbent to Information Systems Programmer Analyst III (LPTB) (represented) at salary plan and grade ZA5 1694 (\$5,782 - \$7028) (represented) in the Department of Conservation and Development (DCD).

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.

☒ 12/1/2014(Date)

Marta Goc

1/22/2015

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 1/27/2015

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: _____

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/27/2015

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____
6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
 - ☐ a. Competitive examination(s)
 - ☐ b. Existing employment list(s) Which one(s)? _____
 - ☐ c. Direct appointment of:
 - ☐ 1. Merit System employee who will be placed on leave from current job
 - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services
Date: February 3, 2015

Subject: Add one Pharmacist I position in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Resolution No. 21605 to add one (1) permanent full-time Pharmacist I (VYWA) position (\$7,813-\$9,045) in the Contra Costa Health Plan division of the Health Services Department.

FISCAL IMPACT:

The additional costs associated with this action will be \$172,690 annually with benefits. The costs will be offset by CCHP Enterprise Fund III (100%).

BACKGROUND:

The Health Services Department is requesting the additional Pharmacist I in its Health Plan division due to increased mandated requirements. The California Department of Health Care Services (DHCS) is implementing a new requirement that all Health plans meet a 24-hour turn around time for all prior authorizations for medication. We are currently only meeting this requirement 60 percent of the time. The risk to CCHP is that if we fail to meet the deadline, prior authorization requests can be deemed approved whether or not we agree. If we deny all requests not reached within this 24-hour period, our denial rate will significantly increase, rework by our staff and providers is necessary, and members are upset. This could be avoided in cases where reaching the physician for more information might result in an approval. With an additional Pharmacist on staff the Department could be in compliance with this new DHCS requirement.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Kristen Cunningham,
957-5267

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved and without additional staff, Contra Costa Health Plan's Pharmacy unit will not be able to meet the mandated requirements of the Plan.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

P-300 #21605

POSITION ADJUSTMENT REQUEST

NO. 21605
DATE 1/20/2015

Department HEALTH SERVICES-CCHP

Department No./

Budget Unit No. 0860 Org No. 6105 Agency No. A18

Action Requested: Add one permanent full-time (40/40) Pharmacist I position in the Contra Costa Health Plan division of the Health Services Department

Proposed Effective Date: 2/4/2015

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$172,690.00

Net County Cost \$0.00

Total this FY \$71,954.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Annual cost of \$172,690.09 CCHP Enterprise Fund III(100%)

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Kristen Cunningham

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/26/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from Human Resources review under delegated authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 1/26/2015

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as requested by Department

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/26/2015

No. _____

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____
6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
 - ☐ a. Competitive examination(s)
 - ☐ b. Existing employment list(s) Which one(s)? _____
 - ☐ c. Direct appointment of:
 - ☐ 1. Merit System employee who will be placed on leave from current job
 - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services
Date: February 3, 2015

Subject: Add and cancel positions in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21603 to add two (2) permanent full-time Mental Health Community Support Worker II positions (VQVB) at salary level QT5-0968 (\$2,817 - \$3,425) and cancel vacant permanent full-time Community Health Worker II positions #15709 and #15811 (VKVB) at salary level QT5-1043 (\$3,035 - \$3,689) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, this action has an annual cost savings of approximately \$39,563.00.

BACKGROUND:

The Health Services Department is requesting to add two Mental Health Community Support Worker II positions assigned to the new George and Cynthia Miller Wellness Center in Martinez. Incumbents in these positions function as members of a team providing peer support to families of seriously emotionally disturbed children and adolescents, seriously mentally ill young adults, adults and older adults and/or their families, individually, in groups and in crisis situations. The Department has determined that these positions are more appropriate to better serve the needs of the patients in the Wellness Center than the vacant Community Health Worker II positions. Upon approval, this action has an annual cost savings of approximately \$39,563.00.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Jo-Anne Linares, (925)
957-5240

By: June McHuen, Deputy

cc: ,

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the George and Cynthia Miller Wellness Center will not have adequate peer support staff to serve their mental health clients, parents, children, and families, which may directly impact patient care.

CHILDREN'S IMPACT STATEMENT:

N/A

ATTACHMENTS

P-300 #21603

POSITION ADJUSTMENT REQUEST

NO. 21603
DATE 1/9/2015

Department Health Services

Department No./

Budget Unit No. 0540 Org No. 6417 Agency No. A18

Action Requested: Add two permanent full-time Mental Health Community Support Worker II positions and cancel vacant Community Health Worker II positions #15709 and #15811 in the Health Services Department.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost (\$39,563.00)

Net County Cost \$0.00

Total this FY (\$16,485.00)

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Jo-Anne Linares

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/13/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from Human Resources review under authority delegated by the Board of Supervisors

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/13/2015

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as requested by Department

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: 2600 Stanwell Drive, Concord – Lease for Employment and Human Services.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a lease agreement with Balco Properties, LTD, LLC, for a term of 12 years for approximately 16,709 square feet of office space located at 2600 Stanwell Drive, Concord, at an initial monthly rent of \$22,975 for occupancy by the Employment and Human Services Department, under the terms and conditions set forth in the lease agreement. (WLP859)

FISCAL IMPACT:

80% Federal/State Funds, 20% General Fund.

BACKGROUND:

The Employment and Human Services Department (EHSD) has maximized the utilization of all the buildings and spaces it currently occupies. EHSD needs additional office and training space for its Staff Development Division and Work Force Development Bureau in Central County. The new lease on Stanwell Drive will provide adequate space for future growth of these functions. This lease will also consolidate Staff Development from Hercules and Pleasant Hill into an adequately-sized central training facility, and will consolidate work that processes mail and electronic benefits applications into a single location, while eliminating the need for modular buildings in Pittsburg.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: Dave Silva (925)
313-2132

CONSEQUENCE OF NEGATIVE ACTION:

If this lease is not approved, EHSD will not be able to consolidate Staff Development and Work Force Development functions into one facility and forgo its consolidation, thereby aggravating operational impacts of having these functions split while increasing costs by having these functions in multiple locations in the County.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Lease

Work Letter

LEASE

EMPLOYMENT AND HUMAN SERVICES DEPARTMENT 2600 STANWELL DRIVE, CONCORD, CALIFORNIA

This lease is dated _____, 2015 (the “**Effective Date**”), and is between BALCO PROPERTIES, LTD., LLC, a California limited liability company (the “**Lessor**”), and the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (the “**County**”).

Recitals

- A. Lessor is the owner of real property located at 2600 Stanwell Drive, Concord, California (the “**Property**”), which is more particularly described in Exhibit A-1- Legal Description. The Property has been improved with a 2-story building (the “**Building**”).
- B. Lessor desires to lease to County and County desires to lease from Lessor that portion of the Building known as Suite 210 and Suite 220, which, together, consist of approximately 16,709 square feet of floor space (the “**Premises**”). In addition, Lessor desires to grant to County a right of first refusal to lease that portion of the Building known as Suite 200, which consists of approximately 7,972 square feet of floor space (the “**Expansion Space**”). The locations of the Premises and the Expansion Space are shown on Exhibit A-2 – Floor Plan.
- C. Simultaneous with the execution of this lease, Lessor and County are entering into a work letter that sets forth how tenant improvements in the Premises are to be constructed, who will undertake the construction of the tenant improvements, who will pay for the construction of the tenant improvements, and the time schedule for completion of the construction of the tenant improvements (the “**Work Letter**”). The Work Letter is a part of this lease.

The parties therefore agree as follows:

Agreement

- 1. Lease of Premises. In consideration of the rents and subject to the terms herein set forth, Lessor hereby leases to the County and the County hereby leases from Lessor, the Premises.
- 2. Term. The “**Term**” of this lease is comprised of an Initial Term and, at County’s election, a Renewal Term, each as defined below.
 - a. Initial Term. The “**Initial Term**” is twelve years, which begins on the Commencement Date, as defined in the Work Letter.

b. Renewal Term.

The County has two options (each a “**Renewal Option**”) to renew this lease for a term of five years each (each, a “**Renewal Term**”) upon all the terms and conditions set forth herein.

- i. The County will provide Lessor with written notice of its election to renew the lease at least nine months prior to the end of the Term. But if the County fails to provide such notice, its right to renew the lease will not expire until fifteen working days after the County’s receipt of Lessor’s written demand that the County exercise or forfeit the option to renew.
- ii. Upon the commencement of a Renewal Term, all references to the Term of this lease will be deemed to mean the Term as extended pursuant to this Section.
- iii. If the County exercises the First Renewal Option, the County is entitled to a Renewal Bonus in accordance with Section 7 – Renewal Bonus. No real estate commission will be due for the renewal of the Lease by County.
- iv. The County’s right to renew this Lease is personal to the County and may not be exercised by or assigned to any person or entity that is not governed by the Contra Costa County Board of Supervisors. The County may not exercise its right to renew this Lease if, at the time the County exercises the renewal option, the County is in material default of this Lease after expiration of applicable cure periods.

3. Termination Option. In addition to the County’s right to terminate this lease pursuant to Section 13 of the Work Letter, the County may terminate the lease at the end of the sixth year by providing a written notice of its election to terminate (a “**Termination Notice**”) at least six months prior to the end of the sixth year. If the County elects to terminate the lease, County shall pay Lessor a Termination Fee. The “**Termination Fee**” is equal to the sum of three months of rent, plus the unamortized value of (i) the Real Estate Commission paid to the County and Collier’s pursuant to Section 8 – Real Estate Commission, (ii) the Moving Allowance paid to the County pursuant to Section 6 – Moving Allowance, and (iii) the Tenant Improvements, as defined in the Work Letter, with each component of the Termination Fee being amortized over a six-year term. Upon request, Lessor must provide the County with evidence satisfactory to the County of the cost of the Tenant Improvements.

4. Expansion - Right of First Refusal. During the first two years of this lease, the County has a right of first refusal to lease the Expansion Space from Lessor.

- a. Exercise of Right. If Lessor receives a written offer from a third party offering to lease the Expansion Space (which offer may be in the form of a letter of intent), and the offer is acceptable to Lessor, Lessor will give the County written notice of its

receipt of the offer (the “**ROFR Notice**”). The County will then have ten business days after its receipt of the ROFR Notice to elect, or decline, to lease the Expansion Space under the terms of this lease. If the County fails to elect to lease the Expansion Space within the ten-day response period, or if the County declines to lease the Expansion Space, the County’s right of first refusal to lease the Expansion Space will cease and forever terminate.

b. Work Letter. If the County elects to lease the Expansion Space, Lessor and the County will enter into a work letter that (i) is substantially similar to the Work Letter, and (ii) sets forth how tenant improvements in the Expansion Space are to be constructed, who will construct the tenant improvements, who will pay for the tenant improvements and the time table for completing the construction of the tenant improvements. The work letter applicable to the Expansion Space is the “Supplemental Work Letter.”

c. Effect on Premises and Rent. Upon acceptance of the Expansion Space in accordance with the Supplemental Work Letter, all references to the Premises will be deemed to mean the Premises as expanded by the addition of the Expansion Space pursuant to this Section. In addition, the monthly rent payable by the County will be adjusted in accordance with Section 5 – Rent.

d. Term. The Term is unaffected by the County’s election pursuant to this Section.

5. Rent. The County shall pay rent to Lessor monthly in advance beginning on the Commencement Date. Rent is payable on the first day of each month during the Initial Term and, if applicable, the Renewal Term.

a. Calculation. Monthly rent is calculated by multiplying the number of square feet in the Premises by the rent-per-square-foot set forth below and rounding the result to the nearest \$5.00.

b. Initial Term.

<u>Months</u>	<u>Rent-Per-Square-Foot</u>	<u>Mo. Rent Without Expansion Space</u>
1-48	\$1.375	\$ 22,975
49-96	\$1.475	\$ 24,645
97-144	\$1.575	\$ 26,315

c. Renewal Term.

First Renewal Term

<u>Months</u>	<u>Rent Per Square Foot</u>	<u>Mo. Rent Without Expansion Space</u>
1-60	\$1.625	\$ 27,150

Second Renewal Term

<u>Months</u>	<u>Rent Per Square Foot</u>	<u>Mo. Rent Without Expansion Space</u>
1-60	\$1.675	\$27,990

- d. Fractional Month. Rent for any fractional month is to be prorated and computed on a daily basis with each day's rent equal to one-thirtieth (1/30) of the monthly rent.
- e. Late Payment. The County acknowledges that the late payment of Rent by the County will cause Lessor to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting expenses, and late charges that may be imposed on Lessor by a lender. Accordingly, if Rent is not received by Lessor within ten days after written notice from Lessor to the County that the unpaid Rent is due, then without any requirement for any further notice to the County, the County shall immediately pay to Lessor a one-time late charge equal to 5% of the unpaid Rent. The parties agree that such late charge represents a fair and reasonable estimate of the costs Lessor will incur by reason of such late payment. Acceptance of the late charge by Lessor does not constitute a waiver of the County's default or breach with respect to the overdue amount or prevent the exercise of any other rights and remedies granted hereunder. In addition, any monetary payment due Lessor hereunder, other than late charges, that is not paid within ten days following written notice from Lessor to the County that such payment is due, will bear interest from its due date, as to scheduled payments, or the 31st day after it was due, as to non-scheduled payments. Interest is to be computed at the lesser of 5% per annum and the maximum rate allowed by law.
6. Moving Allowance. Lessor shall pay the County a "**Moving Allowance**." The Moving Allowance is calculated by multiplying the number of square feet in the Premises by \$3.00 and rounding the result to the nearest \$1,000. The Moving Allowance applicable to the Premises, excluding the Expansion Space, is equal to Fifty Thousand Dollars (\$50,000) and is due within fifteen days following the Commencement Date. The Moving Allowance applicable to the Expansion Space is equal to Twenty-Four Thousand Dollars (\$24,000) and is due within fifteen days following the County's occupancy of the Expansion Space.

7. Renewal Bonus. Each time the County exercises a Renewal Option, Lessor shall pay the County a “**Renewal Bonus.**” The Renewal Bonus is calculated by multiplying the number of square feet in the Premises by \$6.00 and rounding the result to the nearest \$1,000. The Renewal Bonus is due on the first day of the Renewal Term.
8. Real Estate Commission. Lessor shall pay the County a “**Real Estate Commission.**” The Real Estate Commission is equal to 2.5% of the rent payable during the Initial Term. The Real Estate Commission that is due to the County prior to the County’s election to lease the Expansion Space is Eighty-Eight Thousand Seven Hundred Twenty-Two Dollars (\$88,722) and is due within fifteen days following the Commencement Date. If the County elects to lease the Expansion Space, Lessor shall pay the County an additional Real Estate Commission, based on the rent payable for the Expansion Space for the remainder of the Initial Term. The Real Estate Commission applicable to the Expansion Space is due within fifteen days following the County’s occupancy of the Expansion Space.

In negotiating this lease, Lessor is represented by Collier’s International (“**Collier’s**”) and the County represents itself. Lessor recognizes and acknowledges that the County is entitled to the Real Estate Commission.

The County warrants to Lessor that County’s contact with Lessor in connection with this lease has been directly with Collier’s. Lessor warrants that no other broker or finder, other than Collier’s and the County, can properly claim a right to a leasing commission or a finder’s fee based upon contacts with the County with respect to the Premises. Lessor and County shall indemnify, defend, protect and hold each other harmless from and against any loss, cost or expense, including, but not limited to, attorneys’ fees and costs, or the payment of a real estate commission to any party, other than Collier’s and County, resulting from any claim for a fee or commission by any broker or finder, in connection with the Premises and this lease.

9. Common Area Improvements. Not later than the end of the twelve-month period that begins on the Commencement Date (the “**Compliance Period**”), Lessor shall do all of the following at a cost of not less than One Hundred Thousand Dollars (\$100,000): (i) Repaint and re-carpet the interior common areas of the Building, including the lobby, (ii) upgrade the Building elevator so that the elevator complies with the requirements of the Americans with Disabilities Act, (iii) upgrade the front entrance to the Building so that it complies with the requirements of the Americans with Disabilities Act, (iv) resurface and re-stripe the parking lot adjacent to the Building, and (v) upgrade the landscaping, which will include replacing dead trees, bushes and grass (together, the “**Common Area Improvements**”). Lessor shall provide the County with evidence of its compliance with this Section 9 no later than thirty days after the end of the Compliance Period. If Lessor fails to comply with this Section 9, the County may offset the monthly rent payable under this lease by an amount equal to the shortfall, if any, between One Hundred Thousand Dollars (\$100,000) and the amount Lessor spent on Common Area Improvements during the Compliance Period. If a shortfall does occur, the County shall offset monthly rent in

approximately equal monthly installments over a twelve-month period. In no event may the offset taken exceed the amount of the shortfall.

10. Parking. Lessor shall provide the County, at no cost, with 100 parking spaces in the parking lot on a non-exclusive and first-come, first-served basis. But if the County elects to lease the Expansion Space, Lessor shall provide the County, at no cost, with an additional 32 parking spaces in the parking lot on a non-exclusive and first-come, first-served basis. In no event may Lessor give exclusive parking privileges to any other tenant of the Building.
11. Use. The County may use the Premises for the purpose of conducting various functions of the County and for any other purpose permitted by law.
12. Full Service Lease. Subject to Section 13 - Additional Rent, this is a full service lease. Lessor shall pay all of the Building's operating costs, including, but not limited to, all maintenance and repairs, real estate taxes, and building insurance. Lessor shall pay for all utilities, including but not limited to, gas and electric service, water, and sewer. In addition, Lessor shall pay for all pest control, janitorial and refuse collection services provided to the Premises.
 - a. Janitorial Services. Janitorial services are to be provided to the Premises Monday through Friday, with the exception of generally recognized holidays. Minimum janitorial services to be provided by Lessor are set forth on Exhibit C – Janitorial Specifications.
 - b. Fire Extinguishers; Smoke Detectors; Strobe Alarms. At no cost to the County, Lessor shall provide fire extinguishers, smoke detectors, and strobe alarms in the Premises as required by current laws, regulations, and the Fire Marshall. Lessor shall maintain, repair and replace the fire extinguishers, smoke detectors, and strobe alarms as needed.
 - c. Parking; Exterior and Interior Lighting; Landscaping. At no cost to the County, Lessor shall maintain the parking lot, parking garage, exterior and interior lighting system, and landscaping in good order, condition and repair.
 - d. Additional Services. If at any time during the Term, the County's Public Works Director or his or her designee (the "**County Representative**") determines that the Premises are in need of maintenance, construction, remodeling or similar service that is beyond Lessor's responsibilities under this lease, following receipt of a written request from the County Representative, Lessor shall perform such service at an agreed-upon cost to the County. In performing the service, Lessor shall consult with the County's Representative and use either licensed insured contractors or employees of Lessor. Lessor shall obtain the County Representative's prior written approval of the scope, terms, and cost of any contracts. The County Representative may, by giving Lessor thirty days prior written notice, change the

level of service, terminate any or all service, or require that a service be performed by a different contractor.

13. Additional Rent. In addition to the rent set forth above, in each year after the First Year, County shall pay Lessor County's Proportionate Share of the Tax Increase. County is not obligated to pay for any other operating expenses incurred or paid by Lessor during the Term.

"First Year" means the twelve-month period beginning July 1, 2015, and ending June 30, 2016.

"Proportionate Share" means the ratio, expressed as a percentage, of the square feet of the Premises to the total square footage of the Building. Excluding the Expansion Space, County's Proportionate Share of the Building is 35.8%. Including the Expansion Space, County's proportionate Share of the Building is 52.9%.

"Real Property Taxes" means and includes all taxes and assessments (amortized over the longest period available to Lessor) levied or assessed upon the Building and the real property upon which it is situated, any state or local business taxes or fees measured by or assessed upon gross rentals or receipts, and other governmental charges, general and special, including, without limitation, assessments for public improvements or benefits, that are, during the Term of this Lease, assessed, levied, and imposed by any governmental authority upon the Building. Real Property Taxes do not include any late fees or penalties, any municipal, county, state or federal net income, estate, succession, inheritance, sales, use or franchise taxes of Lessor or documentary transfer taxes, or tax increases of any kind in connection with the transfer, sale or change in ownership of all or part of the Building during the first five Tax Years of this Lease.

"Tax Increase" means the amount by which Real Property Taxes due for any Tax Year exceed the Real Property Taxes due in the First Year.

"Tax Year" means each twelve-month period after the First Year.

County will pay its proportionate share of any tax increases in connection with the transfer, sale or change of ownership of the Building beginning at the start of the sixth Tax Year of this Lease.

Lessor shall invoice County for any Tax Increase due within ninety days after the end of each Tax Year during the Term. County shall pay the amount so invoiced within fifteen days of receipt of the invoice. County has the right, exercisable upon reasonable prior written notice to Lessor, to inspect Lessor's books and records relating to the amounts charged to County pursuant to this Section 13. County shall cause any such inspection to occur within ninety days of receipt of the annual invoice.

14. Interior Maintenance. The County shall keep and maintain the interior of the Premises in good order, condition and repair. Lessor shall repair any damage to the interior caused

by Lessor's failure to maintain the exterior in good repair, including damage to the interior caused by roof leaks, window leaks, and/or interior and exterior wall leaks.

- a. Locks and Keys; Alarm. The County shall maintain all locks and key systems used in the Premises. The County may install and maintain an interior alarm system.
 - b. Special Events. If the County requires janitorial services following a special event, the County is responsible for the cost of such services. If the County requires the use of the heating, ventilating, and air-conditioning ("HVAC") systems outside their normal operating hours, the County is responsible for the cost of the HVAC incurred by such use. Normal operating hours are Monday through Friday between the hours of 7:00 am and 7:00 pm, excluding County holidays.
 - c. CASp Inspection Disclosure. As of the Effective Date, many parts of the Building (but not the Premises) have undergone inspection by a Certified Access Specialist (CASp) who determined that the Building does not meet all applicable construction-related accessibility standards pursuant to California Civil Code §55.51 et seq. As of the Effective Date, the Premises have not undergone inspection by a Certified Access Specialist (CASp) and the Premises may not comply with all applicable construction-related accessibility standards pursuant to California Civil Code §55.51 et seq. and the Americans with Disabilities Act. Landlord is providing the foregoing disclosure in accordance with California Civil Code Section §1938.
15. Maintenance – Building Operating Systems. At no cost to County, Lessor shall repair and maintain the electrical, lighting, water and plumbing systems, and HVAC systems (together, such systems and equipment are the "Operating Systems") in good order, condition and repair. Lessor shall obtain and maintain all permits related to the Operating Systems.

If one or more Operating Systems fail, the County Representative, will notify Lessor of such failure and Lessor shall use commercially reasonable efforts to correct the problem. The County Representative's notice of an Operating System failure may be delivered to Lessor by telephone or email as follows:

Contact:	Balco Properties
Phone Number:	(510) 763-2911
Email Address:	Mollie.westphall@balcoproperties.com

If Lessor fails to respond within twenty-four hours and fails to diligently pursue the repair of the problem within seventy-two hours after the County Representative's notice, County may attempt to correct the problem. Lessor shall reimburse County for any out-of-pocket costs actually incurred by County in repairing, or attempting to repair, an Operating System upon receipt of County's invoice.

16. Perilous Conditions. If the County Representative becomes aware of a condition on the Premises that, in his or her opinion, substantially and significantly threatens the health

and safety of County employees and/or invitees (a “**Perilous Condition**”), the County Representative will immediately notify Lessor of such Perilous Condition and Lessor shall use best efforts to immediately eliminate the Perilous Condition. The County Representative’s notice of a Perilous Condition may be delivered to Lessor by telephone or email as follows:

Contact: Balco Properties
Phone Number: (510) 763-2911
Email Address: Mollie.westphal@balcoproperties.com

Lessor shall immediately address any condition reasonably constituting an emergency, whether Lessor learns of the condition through County or otherwise.

If Lessor fails to address a Perilous Condition within twenty-four hours after the County Representative’s notice or to immediately address an emergency situation, the County may attempt to resolve the Perilous Condition or emergency situation. Lessor shall reimburse County for any out-of-pocket costs actually incurred by the County in addressing the Perilous Condition or emergency situation promptly upon receipt of County’s invoice.

17. Quiet Enjoyment. Lessor shall warrant and defend County in the quiet enjoyment and possession of the Premises during the Term.
18. Subordination, Non-Disturbance and Attornment. If at any time Lessor has a loan that is secured by a lien of a mortgage or deed of trust encumbering the Building, Lessor shall cause the lender(s) holding such lien to execute and deliver to County a properly executed Subordination, Non-Disturbance and Attornment Agreement that is in substantial conformity with Exhibit B hereto.
19. Assignment and Sublease. The County may not, without the prior written consent of the Lessor, which consent will not be unreasonably withheld or delayed, assign this Lease or sublease the Premises.
20. Alterations; Fixtures and Signs. County may at its sole cost and expense (i) make any lawful and proper minor alterations to the Premises and (ii) attach fixtures and signs (“**County Fixtures**”) in or upon the Premises. The County may erect an exterior monument sign that identifies the County as a tenant of the Building. The sign is to be situated facing Stanwell Drive in a location that is mutually acceptable to Lessor and the County. The sign may not be larger than 4’ x 4’. All alterations and County Fixtures are subject to Lessor’s prior written approval and reasonable conditions, and must comply with existing code requirements. The County is responsible obtaining any necessary approvals from the City of Concord. Any County Fixtures will remain the property of the County and may be removed from the Premises by the County at any time during the Term.

21. Fixture Installation. During the construction of the Tenant Improvements and prior to the Commencement Date, the County may install fixtures, telephones, alarm systems, and other items required to prepare the Premises for County's occupancy and may store furniture, supplies and equipment on the Premises, provided such work and storage can be effected without unduly interfering with Lessor's completion of the Tenant Improvements, final building inspection, or receipt of an occupancy permit. Such work and storage do not constitute occupancy of the Premises.
22. Insurance.
- a. Liability Insurance. Throughout the Term, County shall maintain in full force and effect, at its sole expense, a general self-insurance program covering bodily injury (including death), personal injury, and property damage, including loss of use. County shall provide Lessor with a letter of self-insurance affirming the existence of the aforementioned self-insurance program.
 - b. Self-Insurance Exclusion. County's self-insurance policy does not provide coverage for the negligence, willful misconduct, or other intentional acts, errors or omissions of Lessor, its officers, agents, or employees.
23. Surrender of Premises. On the last day of the Term, or earlier termination of this lease, the County shall peaceably and quietly leave and surrender to Lessor the Premises, along with appurtenances and fixtures at the Premises (except County Fixtures), all in good condition, ordinary wear and tear, damage by casualty, condemnation, acts of God and Lessor's failure to make repairs required of Lessor excepted. The County is not responsible for painting the Premises or for repairing or replacing any floor coverings in the Premises upon the expiration or earlier termination of this lease.
24. Waste, Nuisance. County may not commit, or suffer to be committed, any waste upon the Premises, or any nuisance or other act or thing that may disturb the quiet enjoyment of any other occupant of the Building.
25. Destruction. If damage occurs that causes a partial destruction of the Premises during the Term from any cause and repairs can be made within one hundred twenty days from the date of the damage under the applicable laws and regulations of governmental authorities, Lessor shall repair the damage promptly. Such partial destruction will not void this lease, except that the County will be entitled to a proportionate reduction in rent while such repairs are being made. The proportionate reduction in rent will be calculated by multiplying the monthly rent due under this lease by a fraction, the numerator of which is the number of square feet that are unusable by the County and the denominator of which is the total number of square feet in the Premises.

If repairs cannot be made within one hundred twenty days, County will have the option to terminate the Lease by so notifying the Lessor within thirty days after Lessor reasonably determines, and notifies County in writing of, the estimated time to complete such repairs. As soon as practicable after such damage, Lessor shall diligently and in good

faith determine the estimated time to complete such repairs and immediately notify County in writing. If the County does not terminate this Lease, Lessor shall make the repairs within a reasonable time and Rent will be proportionately reduced as provided in the previous paragraph.

This lease will terminate in the event of a total destruction of the Building or the Premises.

26. Hazardous Material. Lessor warrants to the County that Lessor does not have any knowledge of the presence of Hazardous Material (as defined below) or contamination of the Building or Premises in violation of environmental laws. Lessor shall defend, save, protect and hold the County harmless from any loss arising out of the presence of any Hazardous Material on the Premises that was not brought to the Premises by or at the request of the County, or its agents, contractors, invitees or employees. Lessor acknowledges and agrees that the County has no obligation to clean up or remediate, or contribute to the cost of cleanup or remediation, of any Hazardous Material unless such Hazardous Material is released, discharged or spilled on or about the Premises by the County or any of its agents, employees, contractors, invitees or other representatives. The obligations of this Section shall survive the expiration or earlier termination of this Lease.

“**Hazardous Material**” means any substance, material or waste, including lead based paint, asbestos and petroleum (including crude oil or any fraction thereof), that is or becomes designated as a hazardous substance, hazardous waste, hazardous material, toxic substance, or toxic material under any federal, state or local law, regulation, or ordinance.

27. Indemnification.

- a. County. The County shall defend, indemnify and hold Lessor harmless from the County's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys' fees, caused by the willful misconduct or the negligent acts, errors, or omissions of the County, its officers, agents or employees in using the Premises pursuant to this Lease, or the County's performance under this Lease, except to the extent caused or contributed to by (i) the structural, mechanical, or other failure of the Building, and/or (ii) the negligent acts, errors, or omissions of Lessor, its officers, agents, or employees.
- b. Lessor. Lessor shall defend, indemnify and hold the County harmless from Lessor's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys' fees, caused by the willful misconduct or the negligent acts, errors or omissions of Lessor, its officers, agents, employees, with respect to the Premises, or Lessor's performance under this lease, or the Lessor's performance, delivery or supervision of services at the Building, or by the structural, mechanical or other failure of the Building, except to the extent

caused or contributed to by the negligent acts, errors, or omissions of the County, its officers, agents, or employees.

28. Default.

The occurrence of any of the following events is a default under this lease:

a. County.

- i. The County's failure to pay rent within ten business days after receipt of a written notice of failure (a "Notice") from Lessor to the County; provided, however, that the County will have additional time if its failure to pay rent is due to circumstances beyond its reasonable control, including, without limitation, failure of the County's Board of Supervisors to adopt a budget. In no event may such additional time exceed seventy-five days after receipt of a Notice.
- ii. The County's failure to comply with any other material term or provision of this Lease if such failure is not remedied within thirty days after receipt of a Notice from Lessor to the County specifying the nature of the breach in reasonably sufficient detail; provided, however, if such default cannot reasonably be remedied within such thirty day period, then a default will not be deemed to occur until the occurrence of the County's failure to comply within the period of time that may be reasonably required to remedy the default, up to an aggregate of ninety days, provided the County commences curing such default within thirty days and thereafter diligently proceeds to cure such default.

b. Lessor.

- i. Lessor's failure to complete the Tenant Improvements in accordance with the Construction Schedule attached to the Work Letter.
- ii. Lessor's failure to perform any other obligation under this Lease if such failure is not remedied within thirty days after receipt of a Notice from County to Lessor specifying the nature of the breach.

29. Remedies.

- a. Lessor. Upon the occurrence of a default by the County, Lessor may, after giving the County written notice of the default and in accordance with due process of law, reenter and repossess the Premises and remove all persons and property from the Premises, and pursue any other remedy available at law.

- b. County. Upon the occurrence of a default by Lessor and after any applicable cure period, the County may (i) terminate this lease by giving written notice to Lessor and quit the Premises with no further cost or obligation to the County; (ii) complete, at Lessor's expense, the performance of any required Lessor obligation under this Lease; or (iii) pursue any other remedy available at law.
- i. Termination under this section is effective on the date the notice is deemed effective in accordance with Section 30 – Notices.
- ii. If the County elects to complete the Tenant Improvements or repair or correct any other Lessor default, the County may, at its sole discretion, elect to either deduct the cost thereof from Rent due to Lessor, or invoice Lessor for the cost of repair, which invoice Lessor shall pay in full promptly upon receipt.
30. Notices. Except as provided in Section 14 - Maintenance – Building Operating Systems and Section 15 - Perilous Conditions, any notice required or permitted under this lease must be in writing and delivered by hand, or sent by facsimile with written transmission confirmation, overnight delivery service or registered or certified mail, postage prepaid and directed as follows:

To Lessor: Balco Properties, Ltd., LLC
1624 Franklin Street, Suite 310
Oakland, CA 94612
Facsimile: (510) 763-2922

To County: Contra Costa County
Public Works Department – Real Estate Division
255 Glacier Drive
Martinez, CA 94553
Facsimile: (925) 646-0288

Either party may at any time designate in writing a substitute address for that set forth above and thereafter notices are to be directed to such substituted address. If sent in accordance with this Section, all notices will be deemed effective (i) on the date delivered, if delivered by hand, (ii) upon confirmed facsimile transmission, (iii) the next business day, if sent by overnight courier and (iv) three days after being deposited in the United States Postal System.

31. Successors and Assigns. This lease binds and inures to the benefit of the heirs, successors, and assigns of the parties hereto.
32. Holding Over. Any holding over after the Term of this Lease is a tenancy from month to month and is subject to the terms of this Lease, except the County will pay Rent equal to 110% of the Rent for the period immediately preceding the holdover.

33. Time is of the Essence. In fulfilling all terms and conditions of this lease, time is of the essence.
34. Governing Law. The laws of the State of California govern all matters arising out of this Lease.
35. Severability. In the event that any provision herein contained is held to be invalid or unenforceable in any respect, the validity and enforceability of the remaining provisions of this lease will not in any way be affected or impaired.
36. Lessor's Representation and Warranties. Lessor represents and warrants to the County that Lessor is the owner of the Building, and that the Building is presently zoned to permit its use for the purposes contemplated by this lease. In addition, Lessor represents and warrants that the individuals signing this lease on behalf of Lessor are authorized to do so.

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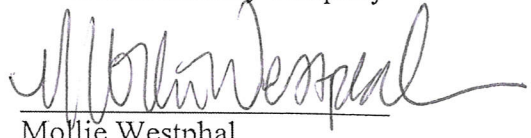
37. Entire Agreement; Construction; Modification. Neither party has relied on any promise or representation not contained in this lease, or the Work Letter. All previous conversations, negotiations, and understandings are of no further force or effect. This lease is not to be construed as if it had been prepared by one of the parties, but rather as if both parties have prepared it. This lease may be modified only by a writing signed by both parties.

The parties are executing this lease on the date set forth in the introductory paragraph.

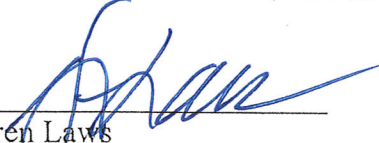
COUNTY OF CONTRA COSTA, a
political subdivision of the State of
California

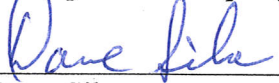
By: _____
Julia R. Bueren
Public Works Director


BALCO PROPERTIES, LTD, LLC, a
California limited liability company

By: 
Mollie Westphal
President

RECOMMENDED FOR APPROVAL:
JULIA R. BUEREN, Public Works Director

By: 
Karen Laws
Principal Real Property Agent

By: 
Dave Silva
Supervisor Real Property Agent

By: 
Graham Westphal
Title: Manager

APPROVED AS TO FORM:
SHARON L. ANDERSON, County Counsel

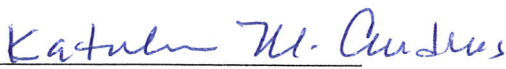
By: 
Kathleen M. Andrus
Deputy County Counsel

EXHIBIT A -1
LEGAL DESCRIPTION

EXHIBIT A-1

LEGAL DESCRIPTION

The property referred to in this Environmental Indemnity is situated in the County of Contra Costa, State of California, and is legally described as follows:

CITY OF CONCORD

PARCEL A AND B OF PARCEL MAP MSC 19-74 FILED NOVEMBER 10, 1976, IN BOOK 50 OF PARCEL MAPS, PAGE 4, CONTRA COSTA COUNTY RECORDS.

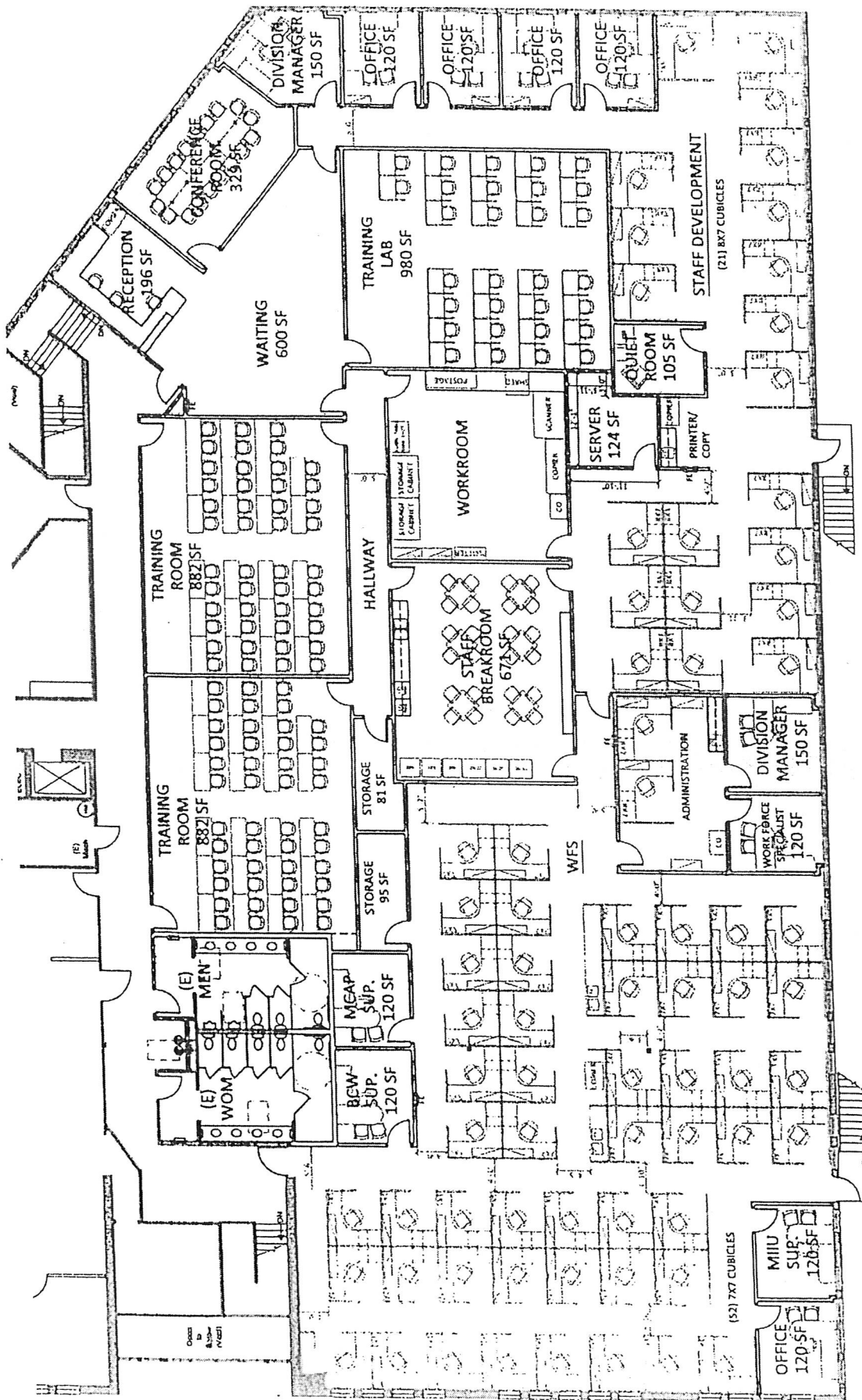
EXCEPTING THEREFROM:

AN UNDIVIDED 1/2 INTEREST IN AND TO ALL OIL, GAS, CASINGHEAD GASOLINE AND HYDROCARBONS AND MINERAL SUBSTANCES BELOW A POINT 500 FEET BELOW THE SURFACE OF SAID REAL PROPERTY, TOGETHER WITH THE RIGHT TO TAKE, REMOVE, MINE AND DISPOSE OF SAID OIL, GAS, CASINGHEAD GASOLINE AND OTHER HYDROCARBONS AND MINERALS AS RESERVED IN THE DEED FROM JOHN D. BISSO, ELEANOR, M. BISSO AND LOUIS A BISSO, EACH TO AN UNDIVIDED 1/6 INTEREST; AND GEORGE BISSO, EDITH I. B. FIRPO, LOUISE MINNS AND ROSE CAPERTON, EACH AS TO AN UNDIVIDED 1/8 INTEREST AND RECORDED SEPTEMBER 1, 1971, IN BOOK 6468, OF OFFICIAL RECORDS, AT PAGE 805, CONTRA COSTA COUNTY RECORDS.

APN# 112-270-007-1

EXHIBIT A -2
FLOOR PLAN

EXHIBIT A -2 FLOOR PLAN



project name		revision draw	
CCC - EMPLOYMENT AND HUMAN SERVICES		project number	201434.00
drawing		file name	FILENAME
WFS AND STAFF DEVELOPMENT - SPACE PLAN		scale	1" = 10'
mwa architects		drawn	CIA
		checked	FIA
		issue date	11/24/14
		amended draw	FILE

EXHIBIT B

Recorded at the request of:
Contra Costa County

Return to:
Contra Costa County
Public Works Department
255 Glacier Drive
Martinez, CA 94553

Assessor's Parcel No. 112-270-007-1

Subordination, Non-Disturbance and Attornment Agreement

This agreement is dated _____, 201_, and is between the County of Contra Costa, a political subdivision of the State of California (the "**Tenant**"), _____, a _____, its successors and assigns (the "**Lender**"), having its principal place of business at _____.

Recitals

- A. Pursuant to a lease dated _____, 2015, (the "**Lease**") between the Tenant and Balco Properties, Ltd, LLC, a California limited liability company (the "**Landlord**"), which Lease has not been recorded, Landlord is leasing to the Tenant certain space in the building located at 2600 Stanwell Drive, Concord, California more fully described in Exhibit A attached hereto and made a part hereof (the "**Property**").
- B. Lender has previously made a loan (the "**Loan**") to Landlord that is secured, in part, by the lien of a mortgage or deed of trust executed and delivered by Landlord to Lender encumbering the Property (the "**Mortgage**") and an assignment of all leases of and rents from the Property.
- C. This agreement is being executed by the parties in accordance with the requirements of Section 17. Subordination, Non-Disturbance and Attornment of the Lease.

NOW, THEREFORE, in consideration of the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. Tenant hereby represents, acknowledges and agrees as follows:
 - (a) The term of the Lease commences on _____ and

will terminate on _____.

- (b) The current monthly rent payment under the Lease is set forth in Section 5. Rent of the Lease. No advance rents have been prepaid.
 - (c) The improvements described in the Lease have not been completed or accepted by Tenant.
 - (d) Tenant has not sublet any portion of the leased premises or assigned any of its rights under the Lease.
 - (e) Upon its execution, the Lease will be in full force and effect.
 - (f) All rent payments will be paid as provided under the Lease until Tenant has been otherwise notified by Lender or its successors and assigns.
 - (g) If Lender provides Tenant with Lender's address for notification purposes, Tenant will deliver to Lender a copy of all notices Tenant delivers to or receives from Landlord.
 - (h) Tenant will not look to Lender or its successors or assigns for the return of the security deposit, if any, under the Lease, except to the extent that such funds are delivered to Lender.
2. The Lease and all terms thereof, including, without limitation, any options to purchase, rights of first refusal, and any similar rights, are subject and subordinate to the Mortgage, and to all amendments, modifications, replacements and extensions thereof, to the full extent of the principal, interest, fees, expenses and all other amounts secured thereby.
3. If Lender elects to foreclose the Mortgage, Lender will not join Tenant in summary or foreclosure proceedings unless required by applicable law (and then only to the extent so required) as long as Tenant has not amended the Lease without Lender's prior written consent and is not in default under the Lease.
4. In the event that Lender succeeds to the interest of Landlord under the Lease, there exists no default by Tenant under the Lease, and Tenant has not amended the Lease without Lender's prior written consent, Lender agrees not to disturb or otherwise interfere with Tenant's possession of the leased premises for the unexpired term of the Lease, provided that Lender is not:
- (a) Liable for any act or omission of Landlord or any prior landlord under the Lease;
 - (b) Subject to any offsets or defenses that Tenant might have against Landlord or any prior landlord;

- (c) Bound by any rent that Tenant might have paid for more than the current month to Landlord;
 - (d) Bound by any amendment or modification of the Lease made without Lender's prior written consent; or
 - (e) Liable for any security deposit Tenant might have paid to Landlord, except to the extent Lender has actually received said security deposit.
5. Upon Lender's succeeding to Landlord's interest under the Lease, Tenant covenants and agrees to attorn to Lender or a purchaser at a foreclosure or trustee's sale, to recognize such successor landlord as Tenant's landlord under the Lease, and to be bound by and perform all of the obligations and conditions imposed on Tenant by the Lease. If requested by Lender or any subsequent owner, Tenant shall execute a new lease with Lender, for a term equal to the remaining term of the Lease and otherwise containing the same provisions and covenants of the Lease.
6. Prior to terminating the Lease due to a default by Landlord thereunder, Tenant agrees to notify Lender of such default and give Lender the opportunity to cure such default within thirty days of Lender's receipt of such notice (or, if such default cannot reasonably be cured within such thirty day period, Lender will have such longer time as may be necessary to cure the default provided that Lender commences the cure within such period and diligently pursues the cure thereafter).

[Remainder of Page Intentionally Left Blank]

7. This agreement binds and inures to the benefit of the respective heirs, personal representatives, successors and assigns of the parties hereto.

COUNTY

COUNTY OF CONTRA COSTA, a
political subdivision of the State of
California

By _____
Julia R. Bueren
Public Works Director

Address:

Contra Costa County
Public Works Department
255 Glacier Drive
Martinez, CA 94553
Facsimile: (925) 646-0288
Attention: Real Estate Divison

LENDER

Name of Lender, a

By _____
Name
Title

By _____
Name
Title

Address:

[Attach Notary Forms]

EXHIBIT C

JANITORIAL SPECIFICATIONS

2600 Stanwell Drive, Concord

DAILY SERVICES

1. Dust all desk tops, low file cabinet tops, lamps, and other furniture surfaces.
2. Empty all trash containers throughout the Premises, and replace trash container liners as necessary.
3. Vacuum or spot-vacuum carpets as necessary around entry, doors and heavy traffic areas. Spot-clean carpets as needed.
4. Remove spots and finger marks from glass on entry doors.
5. Replace burned out tubes and light bulbs.

WEEKLY SERVICES

1. Vacuum all carpets thoroughly throughout the Premises.
2. Dust counter tops, cabinets, tables, low-wall partitions, window sills, and telephones. Remove cobwebs.
3. Dust building completely, including mini blinds, if any, and window coverings.
4. Mop all vinyl floor areas weekly and strip, wax and buff when necessary.
5. Clean entry doors and all door hardware.

MONTHLY SERVICES

1. Dust and clean A/C diffusers, air vents and exhaust fans.
2. Dust vertical surfaces (furniture fronts, walls, etc.)
3. Dust all window blinds; damp-wipe window sills.

ONCE YEARLY, IN JUNE

1. Shampoo all carpets.

ONCE YEARLY, IN APRIL

1. Wash windows and glass on both sides.
2. Clean all ventilation grills.
3. Wash and clean all light fixtures, inside and outside.

MISCELLANEOUS

Security: Lock all doors and windows, turn off lights, set night lights and alarm systems before leaving the Premises.

WORK LETTER

EMPLOYMENT AND HUMAN SERVICES DEPARTMENT

2600 STANWELL DRIVE, SUITES 210 AND 220, CONCORD

Date: _____, 2015

This work letter ("**Work Letter**") is part of the lease executed concurrently herewith between BALCO PROPERTIES, LTD, LLC, a California limited liability company, as landlord ("**Lessor**"), and the COUNTY OF CONTRA COSTA, as tenant ("**County**"), under which the County is leasing Suite 210 and Suite 220 in the building located at 2600 Stanwell Drive, Concord, California (the "**Building**"), as more particularly described in the lease.

Lessor and County mutually agree as follows:

1. Terms. All capitalized terms not defined herein have the meanings ascribed to them in the lease. The provisions of this Work Letter supplement the lease and are specifically subject to the provisions of the lease. If there is a conflict between the provisions of the lease and the provisions of this Work Letter, the provisions of the lease control. Whenever the approval of County is required hereunder, approval is required of the Director of Public Works or her designee.
2. Scheduled Completion Date. Lessor covenants and agrees that it will cause the Substantial Completion Date, as defined below, to occur no later than August 1, 2015 (the "**Scheduled Completion Date**").
3. Base Building Work. Lessor, at Lessor's cost and expense, has constructed the Building shell and core (collectively, the "**Base Building Work**"). The Base Building Work includes, but is not limited to, the following elements of the Building: (a) concrete floors (with floor coverings), (b) finished perimeter walls (including windows, window frames, window blinds, and doors), (c) finished ceilings, including lights and light fixtures, (d) finished restrooms, (e) closets for telephone and electrical systems (but not the telephone systems themselves), (f) Building mechanical, electrical, and plumbing systems within the Building core only, (g) interior core and stairwell walls, (h) fire suppression sprinkler system, (i) all improvements necessary for the Building to satisfy the provisions of the Americans with Disabilities Act, including, without limitation, washrooms, drinking fountains, and the parking area, (j) all code-required items relating to the other elements of the Base Building Work, such as exit signs, speakers, fire doors, and any other life-safety support system, and (k) dry wall and tape interior columns.
4. Tenant Improvements. Subject to the conditions set forth below, Lessor shall remove all prior data cabling from the Premises, and construct and install all the improvements to

the Premises that are described on Schedule 1 – Tenant Improvements attached hereto and incorporated herein (the “**Tenant Improvements**”) at its sole cost and expense. Lessor shall construct the Tenant Improvements in accordance with the Construction Schedule attached hereto as Schedule 2 – Construction Schedule and the Final Plans, as defined below.

5. Design and Construction.

Lessor shall provide all architectural and engineering services necessary to construct the Tenant Improvements. Lessor shall hire and pay for the services of MWA Architects, Inc. (“**Lessor’s Architect**”) to provide architectural services for the design and construction of Tenant Improvements. Lessor shall cause Lessor’s Architect to assist and support County with furniture and equipment plans, as requested by County.

6. Plans.

- a. Except as otherwise provided in this Section 6, prior to the execution of the lease, Lessor and County approved in writing space plans for the build-out of the Tenant Improvements that were prepared by Lessor’s Architect (the “**Space Plans**”). A copy of the Space Plans is attached hereto as Schedule 3 – Space Plans.
- b. If Lessor and County enter into the lease prior to reaching agreement on the Space Plans, Lessor and County shall cooperate in good faith to finalize the Space Plans without delay. County shall fully cooperate by providing Lessor, Lessor’s Architect, and Lessor’s engineers and contractors with timely information and approvals of plans, drawings, and specifications. Upon agreement by Lessor and County on the Space Plans, a true and correct copy will be attached to this Work Letter as Schedule 3.

7. Modifications to the Plans.

- a. Lessor and County acknowledge that the Space Plans may not depict certain structural elements of the Building and/or various elements of the Building systems that may necessitate modifications to the Space Plans and specifications for the Tenant Improvements (collectively “**Structural Modifications**”). Furthermore, any final plans and specifications for the construction of the Tenant Improvements may require modification based on the demands of Applicable Laws and Restrictions. “**Applicable Laws and Restrictions**” means all Federal, State, and local laws (including, without limitation, the Americans with Disabilities Act and California State Labor Codes 1720 - 1861), building codes, ordinances, regulations, applicable to the Premises and the Tenant Improvements that are in place and in effect at the time of the execution of the lease. Within sixty days after the date of the lease, Lessor shall cause final plans and specifications to be prepared in substantial conformity with the Space Plans, taking into account (i) Structural Modifications, (ii) the requirements of the Applicable Laws and Restrictions, (iii) other modifications resulting from

physical constraints of the Premises, and (iv) modifications requested by County and consented to by Lessor, which consent may not be unreasonably withheld (the “**Final Plans**”). Once completed, the Final Plans will be attached to this Work Letter as Schedule 4.

- b. Any and all modifications of, or amendments to, the Space Plans and the Final Plans (including all working drawings and other supplements thereto, but excluding immaterial field changes and Structural Modifications), are subject to the prior written approval of the County. Material "or equal" items or substitute items provided for in the specifications forming part of the Final Plans are subject to the prior written approval of the County, which approval may not be unreasonably withheld or delayed. Samples of such “or equal” or substitute materials, together with any additional supplemental information that may be necessary for County's review, are to be submitted to County in a timely manner.
 - c. If there are any modifications to the Space Plans or the Final Plans due to the requirements of any Applicable Laws and Restrictions, the Lessor is solely responsible for the cost of such modifications. If there are any modifications to the Final Plans by the County or the County requires Lessor to perform any changes in the work to be performed by Lessor under this Work Letter, the County will be solely responsible for the cost of such modifications and changes.
8. County's Right to Terminate. County may terminate the lease and this Work Letter by delivering a written termination notice to Lessor upon the occurrence of any of the following events:
- a. A permit required for construction of the Tenant Improvements is not issued on or before May 1, 2015.
 - b. Lessor fails to execute a construction contract with a general contractor on or before March 1, 2015 for the construction of the Tenant Improvements.
 - c. Lessor fails to cause construction of the Tenant Improvements to commence on or before June 1, 2015.
 - d. The Substantial Completion Date does not occur on or before the Scheduled Completion Date (as the same may be adjusted for County Delays in accordance with this Work Letter) and Lessor fails to Substantially Complete the Tenant Improvements on or before the day that is sixty (60) days after written notice by County to Lessor of its intent to terminate pursuant to this section.
9. County's Work. The installation of (i) a telephone system, (ii) a data communication system, (iii) an alarm system, as more particularly described on the Final Plans, (iv) the installation of County's furniture and equipment, and (v) such other work determined by County and Lessor that County desires to complete is, together, the “**County's Work**.”

- a. The County and Lessor shall together coordinate the installation of the County's Work and the Tenant Improvements that are required to be completed prior to the installation of the County's Work.
 - b. The County's Work may be performed by County through contractors selected by County and approved by Lessor, which approval may not be unreasonably withheld or delayed. Upon a timely request by County, Lessor shall perform the County's Work through contractors selected by Lessor and approved by County. If any portion of the County's Work is completed by Lessor, upon completion of such work, Lessor shall submit an invoice to County for the actual cost of the work. The County shall then reimburse Lessor for the cost of the work.
 - c. If the County performs all or any portion of the County's Work, Lessor shall allow County prompt and reasonable access to the Premises, provided, in Lessor's reasonable opinion, the County's Work can be performed without undue interference with the completion of the Tenant Improvements.
 - d. Lessor shall furnish water, electricity, adequate elevator service and HVAC to the Building during the performance of any of County's Work during normal working hours, without charge to County.
10. Inspections. The County and its representatives may enter the Premises at all reasonable times and with reasonable notice to Lessor for the purpose of inspecting the progress of construction of the Tenant Improvements.
 11. Compliance with Laws; Standards of Performance. Lessor, at its expense, shall (i) obtain all approvals, permits and other consents required to commence, perform and complete the Tenant Improvements, and (ii) cause the Tenant Improvements to be constructed in accordance with the following performance standards: the Tenant Improvements are to be constructed by qualified, well-trained, adequately supervised workers, in a good and workmanlike manner, free from design, material and workmanship defects in accordance with the Final Plans, all Applicable Laws and Restrictions (the "**Performance Standards**"). Lessor hereby warrants that all Tenant Improvements shall be constructed in accordance with the Performance Standards. Notwithstanding anything to the contrary in the lease or this Work Letter, County's acceptance of possession of the Premises does not waive this warranty and Lessor shall promptly remedy all violations of the warranty at its sole cost and expense.
 12. Completion Notice; Inspection; Substantial Completion Date.
 - a. When Lessor deems the Tenant Improvements to be Substantially Complete, as defined below, Lessor shall tender delivery to County by delivering a "**Completion Notice**" in substantial conformity with Schedule 5. For purposes of this Work Letter, the term "**Substantially Complete**" means (i) construction of the Tenant Improvements has been substantially completed in accordance with the Performance

Standards, (ii) there is no incomplete or defective work that unreasonably interferes with County's use of the Premises, (iii) all necessary government approvals for legal occupancy of the Premises have been obtained (including, if applicable, a Certificate of Occupancy), and (v) all Operating Systems are operational and available for use by County in the Premises.

- b. Upon receipt of the Completion Notice, representatives of the County, representatives of Lessor, and the Lessor's Architect will inspect the Premises for the purpose of establishing that the Tenant Improvements are Substantially Complete. Once the County and the Architect accept that the Tenant Improvements appear to substantially conform to the Performance Standards, which acceptance shall not be unreasonably withheld, both shall so indicate by countersigning the Completion Notice. The Premises will be deemed delivered to the County on the day that both the County and the Architect have countersigned the Completion Notice (the "**Commencement Date**" and the "**Substantial Completion Date**").

- 13. Delay. The Commencement Date will be delayed by one day for each day of delay in the design, or completion, of the Tenant Improvements that is caused by a Lessor Delay, if the Commencement Date occurs after August 1, 2015. The Commencement Date will not be delayed due to a County Delay. No Lessor Delay or County Delay will be deemed to have occurred unless and until the party claiming the delay provides written notice to the other party specifying the action or inaction that constitutes a Lessor Delay or County Delay, as applicable. If such action, inaction or event is not cured within one day after receipt of the notice, then a Lessor Delay or County Delay, as set forth in the notice, will be deemed to have occurred commencing as of the date the notice is received and continuing for the number days the design or completion of the Tenant Improvements is in fact delayed as a direct result of such action, inaction or event.

- a. County Delay. A "County Delay" means any actual delay in the design and/or completion of the Tenant Improvements that is caused solely by any of the following: (i) changes in the Final Plans requested by County, (ii) the County not furnishing information or giving any approvals or authorizations within the time limits set forth in this Work Letter, or if no time is set forth for such performance in this Work Letter, then a reasonable time therefor but in no event to exceed five (5) business days, and (iii) the acts or failures to act, whether willful, negligent, or otherwise, of County, its agents, or contractors, to the extent contrary to the terms hereof.
- b. Lessor Delay. A "Lessor Delay" means any actual delay in the design and/or completion of the Tenant Improvements that is caused solely by any of the following: (i) Lessor not responding to requests for authorization or approval within the time period provided for a response to such request or, if no such time is stated, beyond a reasonable time therefor but in no event to exceed five (5) business days, and (ii) the acts or failures to act, whether willful, negligent, or otherwise, of Lessor, its agents, or contractors, to the extent contrary to the terms hereof.

14. Punch List. County has forty-five days after the Substantial Completion Date to provide Lessor with a final written list of any items that are defective, incomplete, or do not conform to the Performance Standards (the "**Punch List**"). County may augment the Punch List at any time, but no later than the forty-fifth day after the Substantial Completion Date. County's failure to specify any item on the Punch List, however, does not waive Lessor's obligation to construct the Tenant Improvements in accordance with this Work Letter. Lessor shall remedy all items on the Punch List as soon as practicable and in any event within thirty days after Lessor receives the Punch List. If Lessor fails to remedy all items on the Punch List within the thirty-day period (except as to items, if any, that the Lessor determines will require more than thirty days to complete), then County may, upon twenty days prior notice to Lessor, complete any Punch List items and deduct the cost of such work from the County's Rent.
15. Construction Period Insurance.
- a. Throughout the performance of the Tenant Improvements and the County's Work, if the County's Work is performed by Lessor, Lessor shall carry and shall cause all contractors and their subcontractors to carry the insurance set forth below covering all occurrences in or about the Building, and the County shall be named as a party assured, together with the Lessor, contractor or subcontractor, as the case may be:
 - i. Workers' compensation insurance in statutory limits;
 - ii. Lessor: Commercial general liability insurance, including contractual liability, owners and contractors protective liability for a period of one year after the Substantial Completion Date, with limits of not less than \$2,000,000 per person and \$2,000,000 per occurrence;
 - iii. Contractors and Subcontractors: Commercial general liability insurance, including contractual liability, owners and contractors protective liability for a period of one year after the Substantial Completion Date, with limits of not less than \$1,000,000 per person and \$1,000,000 per occurrence;
 - iv. Comprehensive automobile liability in minimum limits of \$500,000 for bodily injury or death to one person and \$1,000,000 for bodily injury or death in any one occurrence and \$500,000 per occurrence for property damage;
 - v. Employer's liability insurance in minimum limits of \$1,000,000 per occurrence for bodily injury or disease; and

- vi. Excess liability insurance over the insurance required by subsections (ii), (iii), (iv), and (v) of this section with combined, minimum coverage of \$2,000,000.
 - b. All insurance required by this Section 14 may be carried in whole or in part under a blanket policy (or policies). Lessor agrees to require each contractor and subcontractor to furnish Lessor with evidence reasonably satisfactory to Lessor of the maintenance of the required insurance coverage, with assurances that it will not be cancelled without fifteen days advance written notice to Lessor, and, in the case of blanket insurance, setting forth that the Building and the work with respect thereto is covered by the blanket policy and specifying the amount of coverage relating thereto. Upon the request of the County Representative, Lessor shall provide to the County Representative evidence of the maintenance of the required insurance coverage that is reasonably satisfactory to the County Representative.
16. Pre-Move-In Cleaning. Lessor shall clean the Premises immediately prior to County moving into the Premises.

[The remainder of this page is left blank]

17. Time of the Essence. Time is of the essence in fulfilling all terms and conditions of this Work Letter.

The parties are executing this Work Letter as of the date hereinabove set forth.

COUNTY

COUNTY OF CONTRA COSTA, a
political subdivision of the State of
California

By: _____
Julia R. Bueren
Public Works Director

RECOMMENDED FOR APPROVAL:
JULIA R. BUEREN, Public Works Director

By: _____
Karen Laws
Principal Real Property Agent

By: _____
David Silva
Supervisor Real Property Agent

APPROVED AS TO FORM:
SHARON L. ANDERSON, COUNTY COUNSEL

By: _____
Kathleen M. Andrus
Deputy County Counsel

LESSOR

BALCO PROPERTIES, LTD, LLC, a
limited liability company

By: _____
Mollie Westphal
President

By: _____
Graham Westphal
Title: Manager

SCHEDULE 1

TENANT IMPROVEMENTS

2600 Stanwell Drive, Suite 210 and 220, Concord

Lessor shall pay for and provide the following items in the leased Premises, except as noted otherwise:

- All electrical wiring and outlets for County's furniture including workstation, private offices, conference rooms, break rooms, printers/copiers, TV and computer monitors, display boards, mailrooms, storerooms, as noted on the Final Plans.
- A minimum of twelve (12) existing hard-walled (with acoustical batt sound insulation in the walls and with acoustical batt sound installation above the T-bar ceiling) for private offices with solid-core doors for managers/supervisors and quiet rooms. Each private office may have a side light next to door with blinds, as noted on the Final Plans.
- Two Training Rooms (with acoustical batt sound insulation in the walls and with acoustical batt sound installation above the T-bar ceiling) including all electrical, data cabling and outlets as noted on the Final Plans. The Training Rooms may also need WIFI wiring and outlets as noted on the Final Plans. Any bracing on walls for holding TV monitors or electronic display boards, and any electrical necessary for cameras installed in the Training Rooms.
- One Training Lab room (with acoustical batt sound insulation in the walls and with acoustical batt sound installation above the T-bar ceiling) including all electrical, data cabling and outlets as noted on the Final Plans. The Training Lab may also need WIFI wiring and outlets as noted on the Final Plans. Any bracing on walls for holding TV monitors or electronic display boards, and any electrical necessary for cameras installed in the Training Lab.
- A minimum (1) existing hard-walled (with acoustical batt sound insulation in the walls and with acoustical batt sound installation above the T-bar ceiling) for a conference room for up to 20 or more people each with a solid-core door.
- One (1) existing large break room that will seat 32 or more people and will accommodate a minimum of 3 refrigerators, 6 microwave ovens, 3 vending machines, and 2 water line coffee makers, as noted on the Final Plans. Lessor shall install all cabinetry, sinks, garbage disposal, water lines, exhaust fans, and sewer connections as detailed on the Final Plans. All electrical outlets for the break rooms will meet specific requirements of refrigerators and microwave equipment installed by County. The break room will be plumbed with running water. Insta-hot devices will be installed below each sink for hot water. All refrigerators, microwave ovens, vending machines, and other break room appliances will be provided and paid by County.

- The Premises must meet all federal, state, and local requirements, including provisions for ADA.
- The entire interior of the Premises will be re-painted with colors determined by County. Any new carpet and linoleum will be in colors and patterns as determined by County, as noted on the Final Plans.
- All cabling services necessary to complete Tenant Improvements. Lessor shall hire and pay for the services of E3 (the "Cable Contractor"), and Cable Contractor will design drawings for all cabling to the Premises. All Systemax Category 6 ("CAT 6") plenum rated cabling and face-plates that support 568B, 1000Base-TX/1000Base-T/IEEE 802.3ab, and POE+/IEEE 802.3 at standards are required throughout the entire leased space for computer network connections, as shown on the Final Plans. The Cabling Contractor will provide as built drawings for all data cabling. The Lessor's cabling contractor must be certified by the manufacturer to install, test, and warranty the product installed. One telephone and three data cable runs and jacks will be required to each workstation, private office, and conference rooms, and office face plate, network printer, copiers, flat screen monitors, and any other computer-related network device and run back to the telecommunications and data room. Lessor's cable contractor will terminate all telecom/data jacks as required in the telecommunications and data room, and provide cable ends to end test results. The Cable Contractor will provide two dedicated quad NEMA5-20 outlets, one at the end of the data rack and one for County's Alarm Division. All cabling to be terminated on Systemax iPatch 360 panel with a single controller, and allow 2U of Rackspace between patch panels, and place a 1U wire manager below each patch panel.
- Direct, securable access to the Main Point of Entry ("MPOE") for communication service to the Building.
- A separate air conditioning supply system in the telecommunications and data (Server) room as noted on the Final Plans, with a minimum 3-ton capacity unit, and that operates 24 hours per day, 7 days per week ("24/7"). 24/7 alarm monitoring service for the telecommunications and data room is required in the event of air conditioning failure, including a High-Low temperature alarm.
- An AT&T-approved pathway to curb-side for the MPOE.
- The telecommunications and data room will include ¾" fire-rated painted plywood on three walls and an electrical duplex receptacle per wall.
- The telecommunications and data room will hold a total of four (4) 19" two poster racks and one (1) four poster rack with a depth of 39". All earthquake bracing and ladder racking to be provided by Lessor.
- Monitored Entry Security system, which will include 24/7 monitoring of alarms from the HVAC system and the UPS.

- Key card access control system for all exterior and interior doors as noted on the Final Plans. All electrical wiring for each key card access door will be installed per the Final Plans. Any required door hardware to be coordinated with County's Representative per the Final Plans.
- Emergency doors shall be fail-safe and have internal hinges.
- Outside air intake emergency push-button shut-off capability for the HVAC system shall be tested and verified.
- All electrical wiring at all WIFI AP access points in each Conference Rooms, 120 VAC outlets as needed, break rooms, conference rooms and reception areas as per the Final Plans. All copiers/printers and display monitors will be provided by County. All copier locations to have 20 amp dedicated circuits.
- Clean all finishes on counters, walls, ceilings, doors, window treatments and floors, and repair or replace as needed prior to occupancy.
- Coordinate all keying and door hardware requirements with County's Representative per the Final Plans.

The above items shall be included on the Final Plans, including the construction documents, to be submitted for building permits and Fire District approvals.

SCHEDULE 2

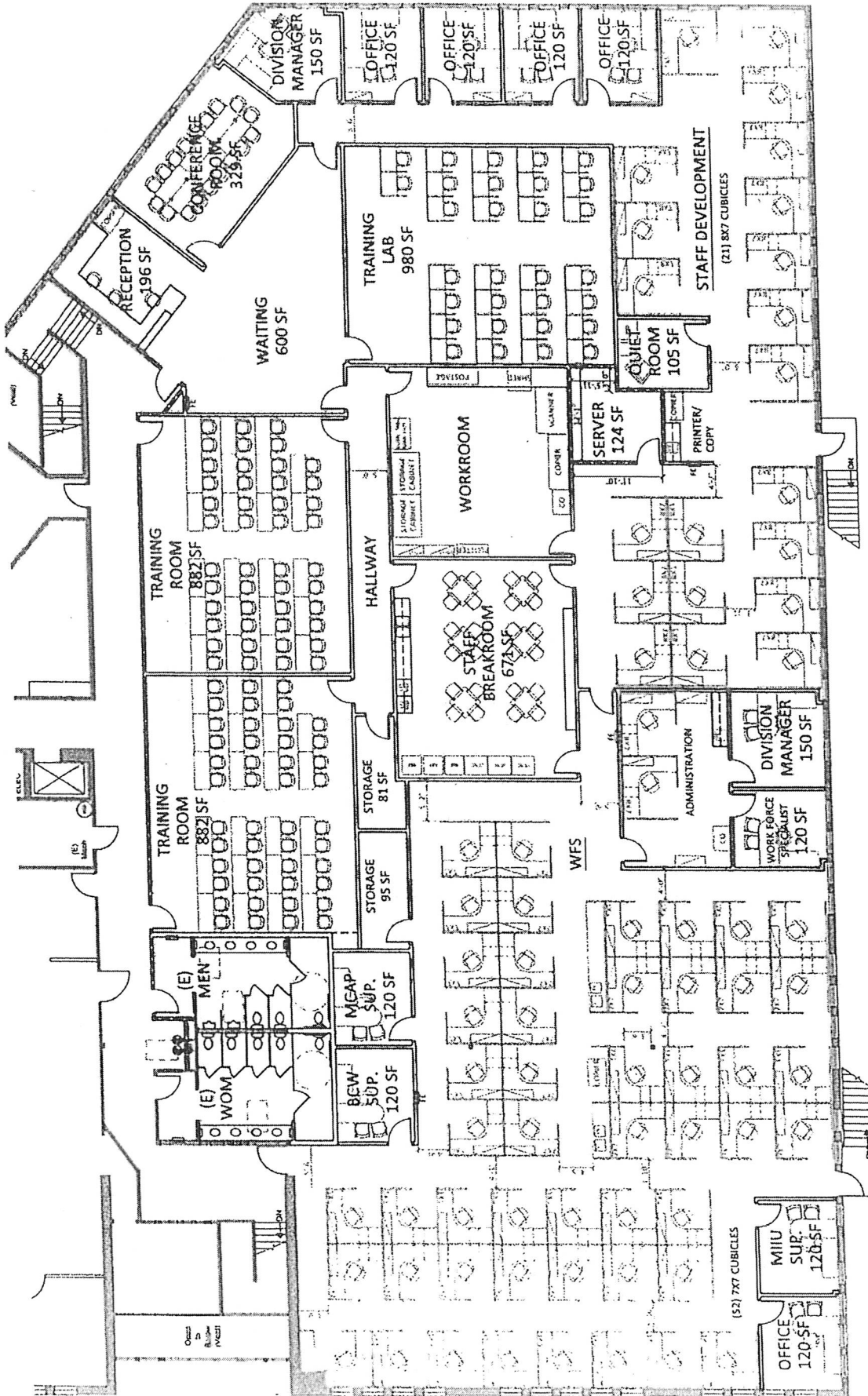
CONSTRUCTION SCHEDULE

SCHEDULE 3

SPACE PLANS

SCHEDULE 3

SPACE PLANS



project name		project number		revision draw	
CCC - EMPLOYMENT AND HUMAN SERVICES		201434.00			
drawing		file name		SP-8	
WFS AND STAFF DEVELOPMENT - SPACE PLAN		FILENAME			
scale	drawn	checked	issue date	amended draw	
			11/14/14	F11 F	

SCHEDULE 4

FINAL PLANS

SCHEDULE 5
FORM OF COMPLETION NOTICE

To: Contra Costa County
From: Balco Properties, LTD, LLC, a California limited liability company
Date: _____, 2015
Re: 2600 Stanwell Drive, Suites 210 and 220, Concord - Completion Notice

This notice is provided in compliance with Section 11 - Completion Notice; Inspection; Substantial Completion Date of that certain Work Letter dated _____, 2015, between Balco Properties, Ltd and Contra Costa County (the "**Work Letter**"). All terms not otherwise defined herein have the meaning ascribed to them in the Work Letter.

Tender by Lessor

The undersigned, a duly authorized representative of Lessor, hereby represents that (s)he has inspected the Tenant Improvements and determined them to be Substantially Complete. Lessor hereby tenders the Premises for delivery to County.

Balco Properties, Ltd, LLC, a California limited
liability company

By: _____
Julie Mitchell
Senior Real Property Manager

Certification by Architect

_____, Lessor's licensed architect, hereby represents that he has inspected the Tenant Improvements and determined them to be Substantially Complete.

MWA Architects, Inc., architect

Date: _____

By: _____
Emmanuelle Ichaye, FAIA

Acceptance by Contra Costa County

The undersigned, a duly authorized representative of Contra Costa County, hereby represents that the County has caused the Tenant Improvements to be inspected and that they appear to be Substantially Complete.

Contra Costa County

Date: _____

By: _____
Bill Perry
Project Manager



**Contra
Costa
County**

To: Board of Supervisors
From: Philip F. Kader, County Probation Officer
Date: February 3, 2015

Subject: 2015/2016 Proud Parenting Program Grant

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Probation Officer, or designee, to apply for, accept and execute a grant contract with the California Board of State and Community Corrections in an amount not to exceed \$119,285 to continue facilitation of Proud Parenting Programs for young fathers and mothers involved in the criminal justice system for the period July 1, 2015 through June 30, 2016.

FISCAL IMPACT:

\$119,285 with a possible additional two year non-competitive application. (10% Match required, to be funded by STAND! for Families Free of Violence)

BACKGROUND:

The Proud Fathers Program provides parent education, parent-child activities, and case management for young fathers and fathers-to-be who are at risk of committing child abuse due to their histories of domestic violence or child abuse, involvement in the criminal justice system, or other risk factors. The program relies on three strategies for improving parent skills and parent-child relationships: 1. Parenting education through an evidence-based parent education curriculum. 2. Referrals to case management to guide parents toward self-sufficiency and stability. 3.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Danielle Fokkema,
925-313-4195

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

Supervised parent-child activities and excursions, where parents can practice the skills they may have learned. The Probation Department has received this grant for the last three years. The program served youth in the Orin Allen Youth Rehabilitation Facility, Youthful Offender Treatment Program as well as youth on Probation in the community.

CONSEQUENCE OF NEGATIVE ACTION:

If the application is not submitted, parenting services will not be provided by STAND! For Families Free of Violence for youth under Probation Supervision.

CHILDREN'S IMPACT STATEMENT:

Services provided as funded by this application will improve the quality of life for youth in the juvenile justice system and their children and provide a service to which they might not otherwise have access.



**Contra
Costa
County**

To: Board of Supervisors
From: Philip F. Kader, County Probation Officer
Date: February 3, 2015

Subject: FY 2015/2016 Evidence-Based Practices Training Project

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Probation Officer, or designee, to apply for and accept funding under Evidence-Based Practices (EBP) Training Project from the Board of State and Community Corrections (BSCC) in an amount not to exceed \$20,000 to enhance evidence-based practices at John A. Davis Juvenile Hall for the period May 1, 2015 through June 30, 2016.

FISCAL IMPACT:

\$20,000 for fourteen months; 10% County match requirement.

BACKGROUND:

The Board of State and Community Corrections (BSCC) is the Designated State Administrative Agency for the Juvenile Accountability Block Grant Program (JABG). To support California's Title II Three-Year plan, the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) approved \$250,000 in discretionary JABG funding to further develop evidenced based practices (EBP) statewide. Categorized as a large-sized county, Contra Costa County may apply for a maximum of \$20,000. The goal of this application is to receive funds to enhance evidence-based Probation programs at the Juvenile Hall. Funds received will increase capacity within the Probation Department to implement evidence-based practices that target youth detained in Juvenile Hall.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Todd Billeci,
925-313-4149

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Probation Department will have less resources available to enhance evidence-based practices at Juvenile Hall.

CHILDREN'S IMPACT STATEMENT:

This funding will positively impact youth in Juvenile Hall by enhancing evidence-based programming.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Grant Agreement #28-360 with State of California, Emergency Medical Services Authority

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Grant Agreement #28-360 from the State of California, Emergency Medical Services Authority (EMS), to pay the County in an amount not to exceed \$47,883, for County's EMS Federal Block Grant Support Quality Improvement Project from January 1, 2015 through September 30, 2015.

FISCAL IMPACT:

Approval of this agreement will result in an amount not to exceed \$47,883 for the County's EMS Federal Block Grant Support Quality Improvement Project through September 30, 2015. No County match required.

BACKGROUND:

The Emergency Medical Services (EMS) Authority provides statewide coordination and leadership for the planning, development, and implementation of the local EMS systems throughout California and sets standards for the training and scope of practice of various levels of EMS personnel. The EMS Authority will provide funding to the County's EMS Division through the federal Preventative Health and Health Services Block Grant (PHHSBG), to support special project capabilities

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Patricia Frost (925)
313-9554

BACKGROUND: (CONT'D)

related to the Health Information Exchange (HIE), Quality Improvement, and transformation to the National Information System (NEMESIS) Version 3. Currently County's EMS uses approximately thirteen different data systems, each consisting of multiple databases, to provide information about EMS system activities. The goal of the County is to improve the quality of patient care through development of system improvement and data collection, thereby continuing to build on HIE infrastructure capabilities through September 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the County will not receive funding to support the County's EMS Federal Block Grant Support Quality Improvement Project.

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services
Date: February 3, 2015

Subject: 2015 - 2017 Low Income Weatherization Program services funding

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract with California Department of Community Services and Development, including a modified indemnification language, to pay County an amount not to exceed \$40,000 for Low Income Home Weatherization Program for a term January 1, 2015 through January 31, 2017.

FISCAL IMPACT:

100% State funds
California Department of Community Services and Development
Pension costs: \$1,019
County match: \$0
State: 15K-6003 / CCC: 39-805-8

BACKGROUND:

Contra Costa County has received funding from the State Department of Community Services and Development for 20 years wherein the county provides energy bill assistance payments

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: CSB, 925-681-6304

cc: Jagjit Bhambra, Sam Mendoza, Cassandra Youngblood

BACKGROUND: (CONT'D)

and weatherization services to county residents who are income-eligible to receive said services. The funding sources include Low Income Home Energy Assistance Program (LIHEAP), the Energy Crisis Intervention Program (ECIP), and the Department of Energy (DOE).

The county receives the money via the Employment & Human Services Department (EHSD). EHSD, in turn, partners with the county Department of Conservation and Development to provide energy saving home improvements to low-income families throughout unincorporated Contra Costa County, as well as the County's nineteen cities.

The energy savings measures may provide homes with hot water heaters, furnaces, refrigerators, microwaves, doors, windows, fluorescent light bulbs, weather stripping, ceiling fans, and attic insulation. Homes receive a blower door test (a diagnostic tool to locate and correct air infiltration), and homes with gas appliances receive a combustion appliance safety test that checks for carbon monoxide gas leakage. Homes with gas appliances are provided with a carbon monoxide alarm.

The program uses income based eligibility. The income levels are based on the Federal Fiscal Year 2014 Poverty Guidelines. Once eligibility is determined, clients with no hot water, no heat, or are in danger of having their power shut off are served as emergencies. Service is then based on clients with the lowest income, highest energy burden and families with at least one resident who is considered vulnerable population.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County may not receive funding to operate the weatherization program.

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department, Community Services Bureau energy program supports one Contra Costa County community outcome - Outcome #4: "Families that are Safe, Stable and Nurturing." This outcome is supported by the provision of home energy assistance to keep households warm in winter and to increase household energy efficiency.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Healthy and Active Before 5 Collaborative Grant

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to apply for and accept grant funding from the Contra Costa County Healthy and Active Before 5 Collaborative, in an amount not to exceed \$500, to support the purchase of non-disposable dishes for use in Contra Costa County Head Start Centers thereby reducing the environmental impact of paper products, for the period January 1, 2015 through June 30, 2015.

FISCAL IMPACT:

County to receive an amount not to exceed \$500 from the Healthy and Active Before 5 Collaborative grant. (No County match)

BACKGROUND:

The Healthy and Active Before 5 Collaborative provides mini-grants to organizations that lie within the boundaries of Contra Costa County. The proposed program must serve children ages 0-5 years. The grant proposal must address one or more of the following: 1) Healthy Beverages for Children, 2) Breastfeeding Accommodation, 3) Healthy Food and Beverage, 4) Movement and Play Policy, 5) Reducing Unhealthy Marketing to Children, or, 6) Tap Water Promotion.

The Employment and Human Services Department, Community Services Bureau, will use funds to purchase non-disposable dishes for use at Head Start Centers to reduce the environmental impact of paper products.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: CSB, 925-681-6347

cc: Joanne Sanchez-Rosa, Cassandra Youngblood

CONSEQUENCE OF NEGATIVE ACTION:

Without funding, the EHSD Community Services Bureau would not be able to provide the proposed grant service.

CHILDREN'S IMPACT STATEMENT:

The grant funding will support one of the community outcomes established in the Children's Report Card, 5) "Communities that are Safe and Provide a High Quality of Life for Children and Families" by reducing the environmental impact of paper products.

ATTACHMENTS

HAB45 grant application

For HAB45 use:		Award #
Check #	Date	

Mini-grant Application

We understand that organizational policy change isn't always easy. That's why *Healthy and Active Before 5* will provide a \$500 check to the first 15 *Leadership Council* agencies which pass new healthy policies and provide HAB45 with the documentation outlined below.

The mini-grant money may be spent on items which either support the implementation of your new healthy organizational policy/policies, or support the goals of the *HAB45 Action Plan* in other ways. For instance, you might want to buy reusable water pitchers for your meetings, a comfortable chair for a new breastfeeding space, or perhaps indoor play props appropriate for children age 0-5. You choose what would be most helpful to your agency.

To qualify your agency must pass one or more of our HAB45 policies: 1) *Healthy Beverages for Children*; 2) *Breastfeeding Accommodation*; 3) *Healthy Food and Beverage*; 4) *Movement and Play Policy*; 5) *Reducing Unhealthy Marketing to Children*; or 6) *Tap Water Promotion*. Only one mini-grant prize will be awarded per policy, while supplies last. Agencies that have previously been awarded a mini-grant are encouraged to re-apply, if they update and old or adopt a new and different policy.

Your application will be reviewed by the *HAB45 Executive Committee*. We will contact you if we have any questions.

Questions? Please contact Tonya Love at (925) 265-6507 or healthyandactiveb45@gmail.com.

To submit, email your application to mail to healthyandactiveb45@gmail.com or mail a hard copy to *Healthy & Active Before 5* at 1035 Detroit Ave - Ste 200, Concord CA 94518.

Your Name: Joanne Sanchez-Rosa

Phone: 925-681-6347

Email: Joanne.Sanchez-Rosa@ehsd.cccounty.us

1. Please attach a copy of each new *Healthy & Active Before 5* policy approved by your agency. (Required!) Date(s) approved: November 1, 2014

2. Please describe how you will spend your mini-grant funds (250 words max.)

Community Services Bureau is committed to promoting healthy habits and a healthy environment and seeks to model the behavior we wish to encourage to the children and families we serve in our Head Start, Early Head Start and Child Development programs. If awarded the \$500 mini-grant, CSB will use funds towards purchasing non-disposable dishes for use in our program to teach our children about respecting the environment. The reduction of paper and plastic ware can greatly lower our carbon footprint on the environment and reduce high costs associated with using paper products as we serve approximately 3,000 meals per day.

Agency:	Employment and Human Services Department, Community Services Bureau
Taxpayer ID#:	94-6000509



Healthy + Active
Before 5

Mailing Address:	1470 Civic Court, Suite 200 Concord, CA 94520
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3. What will be the impact of your policy? *(Please, fill in your estimate or best guess.)*

We believe this policy will impact 1,245 children and 175 adults per year.

4. Any additional comments? *(Use other side if necessary.)*





Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: 2015 Food Services Agreement with the Catholic Council for the Spanish Speaking of the Diocese of Stockton

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract with the Catholic Council for the Spanish Speaking of the Diocese of Stockton to pay the county an amount not to exceed \$28,000, to provide food services to the childcare program at El Concilio Preschool for the period February 1, 2015 through October 31, 2015.

FISCAL IMPACT:

No net County costs.

El Concilio Preschool has agreed to reimburse the County, up to the limits of the California Child and Adult Food Program, for all food service expenses related to this contract. The County will provide breakfast and lunch to 20 children at the rate of \$7.25 per day per child.

BACKGROUND:

El Concilio is a Migrant Head Start program operating through San Joaquin County's program. The preschool provides services to migrant children for only a limited number

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: CSB (925) 681-6344

cc: Ingrid Persson, Cassandra Youngblood

BACKGROUND: (CONT'D)

of months each year. The Community Services Bureau would provide meals that meet the HS performance Standards and USDA meal guidelines. At some point in the future the Community Services Bureau may operate the program in the months the school is closed to ensure continuity of care for those families.

The Center, located adjacent to Community Services Bureau's (CSB) Los Nogales Center serves the migrant farm-worker families of Contra Costa County. Both Head Start programs have similar missions and similar client needs. The San Joaquin agency has just taken over the E Concilio program and is unable to provide services to the families due to a lack of facility space to provide nutritious meals to the children. CSB has offered to assist with this unmet need for the following reasons:

- The same community is served;
- The continuity of services – the migrant program operates a limited amount per year. CSB would like to continue serving those families since they qualify for our program;
- Besides our program, El Concilio is the only publicly funded program to provide these services to families. It is a great need.
- Assisting with the nutrition program is one way that the two programs can partner.

Additional collaboration discussions are underway.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County will be unable to provide food services to its childcare partner.

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.

ATTACHMENTS

Food Service Agreement

STANDARD AGREEMENT FOR FOOD SERVICE / VENDING

This Agreement is entered into on this first day of **February 2015** by and between **The Catholic Council for the Spanish Speaking of the Diocese of Stockton dba. El Concilio Preschool**, hereinafter referred to as the Agency and **Contra Costa County** through and by its **Employment & Human Services Department, Community Services Bureau** hereinafter referred to as the Vendor.

THE VENDOR AGREES TO:

1. Prepare and supply the meals, inclusive of milk, to **El Concilio Pre-School at their Nogales site at 321 Orchard Drive #B, Brentwood, CA 94513, by 8:00 a.m. each day of Vendor operation, Monday through Friday** in accordance with the number of meals requested and at the cost(s) per meal listed below. **FY 2014-2015** rates noted below.

For preschool children ages 18 to 36 months:

Breakfast	<u>\$3.00</u> each	Lunch	<u>\$4.25</u> each
Supplement/Snack	<u>\$n/a</u> each	Supper	<u>\$ n/a</u> each

2. Provide the Agency the menu for each month at least **five** days prior to the beginning of the month to which the menu applies.
3. Assure that each meal provided to the Agency under this contract meets the minimum nutritional requirements as defined by the California Child and Adult Care Food Program.
4. Maintain on a daily basis an accurate count of the number of meals by meal type, prepared for the Agency. Meal count documentation must include the number of meals requested by the Agency.
5. Allow the Agency to increase or decrease the number of meal orders, as needed when the request is made within **three business days** of the scheduled delivery time.
6. Present to the Agency an invoice accompanied by reports **no later than the 20th day of each month** that itemizes the previous month's delivery. The Vendor agrees to forfeit payment for meals that are not ready within one (1) hour of the agreed upon delivery time, are spoiled or unwholesome at the time of delivery, are short of components, or do not otherwise meet the meal requirements contained in this agreement.

7. Provide the Agency with a copy of current health certifications for the food service facility in which it prepares meals. The Vendor shall ensure that all health and sanitation requirement of the California Retail Food Facilities Law, and chapter 4 of the California Health and Safety Code, are met all times.
8. Not subcontract for the total meal, with or without milk, or for the assembly of the meal.
9. As required by the State Drug-Free workplace Act of 1990 (Government Code § 8350 et. seq.) and the Federal Drug-Free Workplace Act of 1988, and implementing regulations, Vendor certifies that it will continue to provide a drug-free workplace.

THE AGENCY AGREES TO:

1. Notify Vendor of necessary increases or decreases in number of meal orders within **three business days** of the scheduled delivery time. Errors in meal order counts made by the Agency shall be the responsibility of the Agency, and Agency shall pay Vendor for all meals ordered even if Agency erroneously ordered an excess number of meals.
2. Ensure that an Agency representative is available at each delivery site, at the specified time on each specified delivery day to receive, inspect and sign for the requested number of meals. This individual will verify the temperature, quality, and quantity of each meal service delivery. The Agency assures the Vendor that this individual will be trained in health and sanitation practices.
3. Provide personnel to serve meals, clean the serving and eating areas, and assemble transport carts and auxiliary items for pick-up/delivery by the Vendor no later than **twenty-four hours** following the delivery of such carts.
4. Notify the Vendor within **ten days** of receipt of the next month's proposed menu of any changes, additions, or deletions that will be required in the menu request.
5. As required by the State Drug-Free workplace Act of 1990 (Government Code § 8350 et. seq.) and the Federal Drug-Free Workplace Act of 1988, and implementing regulations, Agency certifies that it will continue to provide a drug-free workplace.
6. Pay the Vendor by the **thirtieth day of each month** the full amount as presented in the monthly itemized invoice. The Agency agrees to notify the Vendor within 48 hours of receipt of any discrepancy in the invoice.
7. Agency shall defend, indemnify, save and hold harmless Vendor and it's officers and employees from any and all claims, costs and liability for any damages,

sickness, death or injury to person(s) or property, including without limitation all consequential damages, from any cause whatsoever arising directly or indirectly from or connected with the operations or services of Agency or its agents, servants, employees or subcontractors hereunder, save and except claims or litigation arising through the sole negligence or sole willful misconduct of Vendor or its officers or employees. Agency will reimburse Vendor for any expenditures, including reasonable attorney fees, Vendor may make by reason of the matters that are the subject of this indemnification, and if requested by Vendor, will defend any claims or litigation to which this indemnification provision applies at the sole cost and expense of Agency.

TERMS OF THE AGREEMENT

The effective date of this Contract amendment is **February 1, 2015**. It terminates on **October 31, 2015**. This contract may be terminated by either party, in its sole discretion, upon thirty-day advance written notice thereof to the other, and may be cancelled immediately by written mutual consent.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATES INDICATED BELOW:

<p align="center">CONTRA COSTA COUNTY COUNTY ADMINISTRATOR'S OFFICE</p> <p>By: _____ Designee</p>	<p align="center">COUNTY COUNSEL Approved as to Form:</p> <p>By: _____ Deputy</p>
<p align="center">CONTRA COSTA COUNTY EMPLOYMENT & HUMAN SERVICES DEPARTMENT</p> <p>By: _____ Director / Designee</p> <p>_____</p> <p>Title</p> <p>(925) _____</p> <p>Telephone</p> <p>_____</p> <p>Date</p>	<p align="center">THE CATHOLIC COUNCIL FOR THE SPANISH SPEAKING OF THE DIOCESE OF STOCKTON DBA. EL CONCILIO PRESCHOOL</p> <p>By: _____ Official Signature</p> <p>_____</p> <p>Title</p> <p>_____</p> <p>Telephone</p> <p>_____</p> <p>Date</p>

Contra Costa County Board of Supervisors Approval via Board Order
(attached)



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: February 3, 2015

Subject: Department of Water Resources Flood Emergency Response Project Grant, West and Central County areas (100% State)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a Grant Agreement with the California Department of Water Resources for a Flood Emergency Project Grant in the amount of \$570,000 for flood readiness planning for a period of three years from the date of execution of the Grant Agreement.

FISCAL IMPACT:

\$570,000 will be received through a grant from the Department of Water Resources to implement new flood safety plans. The grant agreement term is for three (3) years from the date of execution.

BACKGROUND:

Contra Cost County Public Works applied to the Department of Water Resources (DWR) for a grant for the planning and implementations of the Contra Costa County Flood Emergency Response Program. DWR funded \$570,000 for Contra Costa County's Delta Flood Readiness activities. The Office of Emergency Services is a sub grantee of this DWR grant.

Flood is ranked number 4 in the county's natural hazards local mitigation plan and therefore will greatly benefit from the grant projects as follows:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Sandra Brown,
925-335-1553

cc:

BACKGROUND: (CONT'D)

- Develop new or update existing local maintaining agency flood safety plans.
- Develop an emergency operations plan flood safety annex for the Emergency Operations Center.
- All plans will contain flood contingency maps to include evacuation routes and rally points.
- Develop and distribute Bethel Island Municipal Improvement District public outreach campaign materials regarding flood safety.

CONSEQUENCE OF NEGATIVE ACTION:

The Office of the Sheriff would not have the funds to develop or revise new flood safety plans.

CHILDREN'S IMPACT STATEMENT:

No impact.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Amend Contract with Child Abuse Prevention Council

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Child Abuse Prevention Council to decrease the payment limit by \$40.00 to a new payment limit of \$1,358,786 for continued child abuse prevention services, for the period July 1, 2013 through June 30, 2015.

FISCAL IMPACT:

\$1,358,786.00: 2% State Family Preservation (70% State, 30% County), 4% Child Welfare Redesign (100% State), 6.5% Keller Landfill Grant, 4.5% Promoting Safe and Stable Families (100% Federal, CFDA #93.556), 52% CWS Basic (70% State, 30% County), and 31% Substance Abuse/HIV Allocation (CFDA #93.658), 18% Fed, 56% State, 26% County).

BACKGROUND:

An additional Full-Time Equivalent (FTE) Caretaker Liaison has been added to the contract. However, since Contractor has been understaffed in the early stages of this contract,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Earl Maciel 3-1648

cc:

BACKGROUND: (CONT'D)

the net budget impact of this additional FTE is a \$40 reduction in the contract payment limit.

Contractor will direct and coordinate ongoing activities aimed at mobilizing community resources and educating professionals and citizens to reduce the incidents of child abuse.

CONSEQUENCE OF NEGATIVE ACTION:

Contractor will be paid more than value of services.

CHILDREN'S IMPACT STATEMENT:

This contract supports all of the community outcomes established in the Children's Report Card: 1) "Children Ready for and Succeeding in School"; 2) "Children and Youth Healthy and Preparing for Productive Adulthood"; 3) "Families that are Economically Self Sufficient"; 4) "Families that are Safe, Stable and Nurturing"; and 5) "Communities that are Safe and Provide a High Quality of Life for Children and Families," by providing services to prevent child abuse and thus maintain the family.



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: APPROVE a purchase order amendment with Walnut Creek Ford

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order amendment with Walnut Creek Ford to increase the payment limit by \$175,000 to a new payment limit of \$600,000 and extend the termination date from January 31, 2015 to January 31, 2016, for vehicle parts and accessories, Countywide.

FISCAL IMPACT:

This cost is to be funded through the Public Works Fleet ISF budget. (100% Fleet Internal Service Fund)

BACKGROUND:

Public Works Fleet Services is responsible for maintaining County vehicles. To do so, Fleet Services buys parts, accessories and warranty service from local automotive dealers. Because the County's fleet is comprised of mostly Ford vehicles, Fleet purchases a substantial amount of items from Ford dealers. As bid on BidSync No. 1112-004, four local Ford dealers were awarded this commodity, with Walnut Creek Ford being the primary vendor and Future Ford the secondary one. The original bid was for a period of one year with four possible one-year extensions. This request is for the third of the four possible one-year extensions with Walnut Creek Ford.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Stan Burton,
925-313-7077

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the purchase of Ford parts and accessories through Walnut Creek Ford will discontinue.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: APPROVE a purchase order amendment with Future Ford

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order amendment with Future Ford to increase the payment limit by \$40,000 to a new payment limit of \$120,000 and extend the termination date from January 31, 2015 to January 31, 2016, for vehicle parts and accessories, Countywide.

FISCAL IMPACT:

This cost is to be funded through the Public Works Fleet ISF budget. (100% Internal Service Fund - Fleet)

BACKGROUND:

Public Works Fleet Services is responsible for maintaining County vehicles. To do so, Fleet Services buys parts, accessories and warranty service from local automotive dealers. Because the County's fleet is comprised of mostly Ford vehicles, Fleet purchases a substantial amount of items from Ford dealers. As bid on BidSync No. 1112-004, four local Ford dealers were awarded this commodity, with Walnut Creek Ford being the primary vendor and Future Ford the secondary one. The original bid was for a period of one year with four possible one-year extensions. This request is for the third of the four possible one-year extensions with Future Ford.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Stan Burton,
925-313-7077

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the purchase of Ford parts and accessories through Future Ford will discontinue.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: APPROVE a contract with Prime Mechanical Service, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Prime Mechanical Service, Inc., in an amount not to exceed \$500,000 to provide heating, air conditioning and ventilation services for the period December 1, 2014 through November 30, 2017, Countywide.

FISCAL IMPACT:

This cost is to be funded through the Facilities Services 14/15, 15/16 and 16/17 maintenance budget. (100% General Fund)

BACKGROUND:

Public Works Facilities Services is responsible for maintaining the heating, air conditioning and ventilation systems at all County facilities. The County does not currently have enough staff to complete the amount of maintenance required. As bid on BidSync No. 1409-104, Prime Mechanical Service, Inc., was one of the lowest responsible and responsive vendors and will become a secondary vendor for scheduled heating, air conditioning and ventilation maintenance and emergency repairs. This request is for a three-year contract.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, heating, air conditioning and ventilation services with Prime Mechanical Service, Inc. will discontinue.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Stan Burton,
925-313-7077

cc:

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-323-24 with Careerstaff Unlimited, Inc. (dba Therapists Unlimited)

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-323-24 with Careerstaff Unlimited, Inc. (dba Therapists Unlimited), a corporation, in an amount not to exceed \$220,000, to provide temporary occupational, physical and speech therapists, pharmacists and pharmacy technicians, medical social workers, ultrasound technologists and other ancillary classifications at Contra Costa Regional Medical Center (CCRMC) for the period from January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I. (No rate increase)

BACKGROUND:

In February 2013, the County Administrator approved and the Purchasing Services Manager executed Contract #26-323-21 (as amended by Amendment Agreements #26-323-22 and #26-323-23) with Careerstaff Unlimited, Inc. (dba Therapists Unlimited) for the provision of temporary occupational, physical and speech therapists, pharmacists and pharmacy technicians, medical social workers, ultrasound technologists and other ancillary classifications for the period from January 1,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 925-370-5101

cc: K Cyr, C Rucker

BACKGROUND: (CONT'D)

2014 through December 31, 2014.

Approval of Contract #26-323-24 will allow Contractor to continue providing occupational, physical and speech therapists, pharmacists and pharmacy technicians, medical social workers, ultrasound technologists and other ancillary classifications through December 31, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients at CCRMC will not have access to Contractor's services, which may result in a reduction in the overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Amend Contract with Aspiranet

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Aspiranet, a Non-Profit Corporation, to increase the payment limit by \$28,084.00 to a new payment limit of \$228,084.00 for continued receiving center services, with no change in the contract term of July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

\$228,084: 70% State 30% County

BACKGROUND:

This amendment will add \$28,084 to the contract for unanticipated expenses. Contractor was selected through competitive bid process, Request for Proposal 1136. The Receiving Center serves as the hub of the Employment and Human Services Department (EHSD) emergency shelter system. It provides temporary care to children who have been taken into protective custody and children and youth who are transitioning into foster placements. The Receiving Center offers a homelike setting and is designed to promote stability in placement, focus on the needs of the individual child, minimize move, and supports permanency at the early stages of EHSD intervention.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Earl Maciel 3-1648

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Contractor will not be fairly compensated for services provided.

CHILDREN'S IMPACT STATEMENT:

This contract supports all five community outcomes: 1) "Children Ready for and Succeeding in School"; 2)"Children and Youth Healthy and Preparing for Productive Adulthood"; 3)"Families that are Economically Self-Sufficient"; 4)"Families that are Safe, Stable and Nurturing"; and 5) "Communities that are Safe and Provide a High Quality of Life for Children and Families” by providing a homelike environment for children entering the Child Welfare system.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Contract with STAND! For Families Free of Violence

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, in an amount not to exceed \$108,072 to provide services for the Encourage Arrest Policies and Enforcement of Protection Orders Project for the period January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

\$108,072: 100% Federal Department of Justice grant (CFDA 16.590), no County costs.

BACKGROUND:

The Zero Tolerance for Domestic Violence Initiative (ZTDVI) received funds from the Department of Justice, Office on Violence against Women, Community-Defined Solutions to Violence Against Women Project. The ZTDVI is engaging the Contractor to assist in carrying out activities consistent with the funding application.

The primary purpose of the Zero Tolerance for Domestic Violence, Community-Defined Solutions to Violence Against Women Project is to develop and strengthen effective responses to violence against women.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Earl Maciel 3-1648

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Valuable services to assist in the prevention of violence against women will not be offered to citizens of Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

None



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Contract with STAND! For Families Free of Violence

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, a Non-Profit Corporation, in an amount not to exceed \$507,529.00 to provide Phase II Lethality Assessment Program Implementation for Domestic Violence Homicide Prevention for the period December 5, 2014 through September 30, 2016.

FISCAL IMPACT:

\$507,529: 100% Federal Department of Justice Grant (CFDA #16.590). No County costs.

BACKGROUND:

The Zero Tolerance for Domestic Violence Initiative (ZTDVI) applied for and received funds from the US Department of Justice, Office on Violence against Women (OVW), Domestic Violence Homicide Prevention Demonstration ("Project") in 2013. The Project will be implemented in two phases – an assessment phase ("Phase I") and an implementation phase ("Phase II"). OVW completed Phase I in September, 2014 and selected ZTDVI as one of four sites to participate in Phase II of the Project and implement the Lethality Assessment Program (LAP), a recognized promising practice. ZTDVI is engaging the Contractor to assist in carrying out activities consistent with the funding application.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Earl Maciel 3-1648

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Valuable services will not be provided.

CHILDREN'S IMPACT STATEMENT:

None



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Amendment #26-744-1 with the Regents of the University of California, on behalf of its University of California, San Francisco School of Medicine

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-744-1 with the Regents of the University of California, on behalf of its University of California, San Francisco School of Medicine, effective November 15, 2014, amending Contract #26-744 to increase the payment limit by \$70,000, from \$35,000 to \$105,000 with no change in the original term of May 1, 2013 through June 30, 2016.

FISCAL IMPACT:

This amendment is funded 100% Enterprise I Funds. (No Rate increase)

BACKGROUND:

On August 6, 2013, the Board of Supervisors approved Contract #26-744 with the Regents of the University of California, on behalf of its University of California, San Francisco

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Goldstein, MD,
370-5525

cc: D Morgan, C Rucker

BACKGROUND: (CONT'D)

School of Medicine, for the period from May 1, 2013 through June 30, 2016, for the provision of a residency training program in family medicine at Contra Costa Regional Medical Center and Contra Costa Health Centers.

Approval of Contract Amendment Agreement #26-744-1 will allow the Contractor to provide additional residency training programs in family medicine at Contra Costa Regional Medical Center and Contra Costa Health Centers, through June 30, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, County residents will not receive the services of this residency training program at Contra Costa Regional Medical Center and Contra Costa Health Centers.

CHILDREN'S IMPACT STATEMENT:

Not applicable



Contra
Costa
County

To: Board of Supervisors
From: Sharon Offord Hymes, Risk Manager
Date: February 3, 2015

Subject: Contract with Contra Costa County Schools Insurance Group (CCCSIG)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Risk Manager to execute a contract with Contra Costa County Schools Insurance Group (CCCSIG) in an amount not to exceed \$198,500 to perform medical billing reviews for the period effective January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

100% funded by the Workers' Compensation Internal Service Fund

BACKGROUND:

The Contra Costa County Schools Insurance Group (CCCSIG) and the Contra Costa County Risk Management Division created a joint partnership public entities in 2003. This was so that CCCSIG could provide workers' compensation medical bill review services for Risk Management at lower annual review costs than the County's previous private provider. This contract allows the County to continue to receive the same services.

CONSEQUENCE OF NEGATIVE ACTION:

The County would not be able to maintain compliance of the California Department of Industrial Relations.

CHILDREN'S IMPACT STATEMENT:

None.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Sharon Hymes-Offord
925.335.1450

By: June McHuen, Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: February 3, 2015

Subject: Flood Safety Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with Michael Baker International in an amount not to exceed \$570,000 for flood safety services for the period February 1, 2015 through January 31, 2017.

FISCAL IMPACT:

\$570,000 will be received through a grant from the Department of Water Resources to implement new flood safety plans.

BACKGROUND:

Contra Cost County Public Works applied to the Department of Water Resources (DWR) for a grant for the planning and implementations of the Contra Costa County Flood Emergency Response Program. DWR funded \$570,000 for Contra Costa County's Delta Flood Readiness activities. The Office of Emergency Services is a sub grantee of this DWR grant. Flood is ranked number 4 in the county's natural hazards local mitigation plan and therefore will greatly benefit from the grant projects as follows:

- Develop new or update existing local maintaining agency flood safety plans.
- Develop an emergency operations plan flood

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Sandra Brown,
925-335-1553

cc:

BACKGROUND: (CONT'D)

safety annex for the Emergency Operations Center.

- All plans will contain flood contingency maps to include evacuation routes and rally points.
- Develop and distribute Bethel Island Municipal Improvement District public outreach campaign materials regarding flood safety.

CONSEQUENCE OF NEGATIVE ACTION:

The Office of the Sheriff would not have the funds to develop or revise new flood safety plans.

CHILDREN'S IMPACT STATEMENT:

N/A



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: Amend Contract with Northwoods Consulting Partners

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute an Amended and Restated Software License and Support Agreement with Northwoods Consulting Partners, Inc. in an amount not to exceed \$1,089,814 for the continued license and support of the document management software, and for software customization services for the period February 1, 2015 through January 31, 2016.

FISCAL IMPACT:

\$1,089,814: 100% Administrative Overhead (10% County; 45% State; 45% Federal)

BACKGROUND:

The Employment and Human Services Department (EHSD) entered into three contracts with Northwoods Consulting Partners, Inc. in December 2012 for the license, implementation, and support of Northwoods' document management system, Compass Pilot. The document management system provides functionality for on-line storage, retrieval, and transfer of critical documents required to determine and verify eligibility to all benefit programs administered by EHSD and meet

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Earl Maciel 3-1648

cc:

BACKGROUND: (CONT'D)

State-mandated case management requirements. The three original agreements (implementation, software support, and software licensing) have been amended several times and the implementation agreement is expired. A separate support contract was entered into in 2014 to acquire additional help-desk services for the weekend to support staff's processing of a significant increase in applications resulting from implementation of the Affordable Care Act. The Amended and Restated Software License and Support Agreement consolidates the terms and conditions of the license and support agreements as amended, incorporates the terms of Contract #19-893 for extended help desk services, and makes changes to license acquisitions, discount rates, and invoicing methodology. The Amended and Restated Software License and Support Agreement provides for support of the software for the annual support period of February 1, 2015 through January 31, 2016, and is necessary to meet contractual obligations for EHSD staff's continued access to the system to perform critical and daily tasks and to receive basic software support for business continuity. In addition, the Amended and Restated Software License and Support Agreement provides for extended help desk services, licenses for new employees, system enhancements, and consultation services, including services necessary to support other technical initiatives for which Compass Pilot document images, data, and functionality are key components.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the Amended and Restated Software License and Support Agreement will preclude systems access and support, and will disrupt daily operations, processing and review of eligibility, clients' receipt of benefits, and overall customer service. Not only would document management be negatively impacted but business processes and tasks that are largely driven by the use of Compass Pilot and CalWIN, the system used for the administration of benefits, would be disrupted. System enhancements and services that would improve efficiency and experience in using the system and initiatives dependent upon Compass Pilot data, images, and functionality would be delayed.

CHILDREN'S IMPACT STATEMENT:

None



**Contra
Costa
County**

To: Board of Supervisors
From: Glenn E. Howell, Animal Services Director
Date: February 3, 2015

Subject: Animal Services Rolling Cat Cages

RECOMMENDATION(S):

APPROVE AND AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Animal Services Department, a purchase order with Tri Star Vet in an amount not to exceed \$139,928.08 to procure specialized stainless steel stackable rolling cat cages.

FISCAL IMPACT:

The purchase is 100% funded by donations to the Animal Services Department. No additional County costs are anticipated.

BACKGROUND:

The standards of care for animal housing within the Animal Shelter industry have dramatically increased and have been redefined over the last 10 years. One standard that was changed was the required space necessary for feline housing to prevent stress related diseases. The need for improved housing was also due to the animals' length of stay in a Shelter which has tripled over time. Severe confinement over an extended period of time has been shown to be the main cause of diseases in a shelter environment. The old feline housing at the Animal Services Department was outdated and considered, by current standards, to be inhumane. Presently we have a portion of the feline housing that has been here since the 1960s. It must be changed. In addition, the new, larger cages are mobile and easier to handle making the care of the animals more easily facilitated by Shelter staff.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Kathy O'Connell
925-335-8370

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Contra Costa County Animal Services Department will be operating the shelter with below-standard feline cages, causing stress related diseases within the Shelter.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra
Costa
County

To: Board of Supervisors
From: Glenn E. Howell, Animal Services Director
Date: February 3, 2015

Subject: Mobile Adoption Vehicle Resolution

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, on behalf of the Animal Services Department, to execute a purchase order with La Boit Specialty Vehicles in an amount not to exceed \$170,000.00, to procure a mobile adoption vehicle, per Bid No. 1411-110.

FISCAL IMPACT:

Cost is to be charged directly to the Animal Services Department and will be 100% funded by donations to the Animal Services Department. No additional County costs are anticipated under this Resolution.

BACKGROUND:

A modern mobile adoption vehicle is long overdue. It will enhance our exposure at our weekly mobile adoption events, make for a great marketing tool, and most importantly improve our efforts to place animals into loving homes. The old adoption van is noisy and uncomfortable for animals and very unsettling for many dogs during transport. A new adoption van will be quiet and comfortable for the animals during transport. It will afford us the opportunity for the first time to bring cats to mobile adoption events. It has viewing areas that are comfortable not just for the animals, but for the public as well.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

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RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Kathy O'Connell
925-335-8370

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Failure to allow procurement of the Mobile Adoption Van impedes Animal Services' ability to increase and expand our mobile adoption events and increase public access to adoptable animals.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-788 with Peyman Keyashian, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-788 with Peyman Keyashian, M.D., a sole proprietor, in an amount not to exceed \$400,000, to provide anesthesiology services at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC) for the period from January 19, 2015 through January 31, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I.

BACKGROUND:

For a number of years, the County has contracted with Medical, Dental, and Mental Health Specialists to provide specialized professional services that are not otherwise available in its Hospital and Health Centers. Under Contract #26-788, the Contractor will provide anesthesiology services at CCRMC, including but not limited to, consultation, training, medical procedures, and on-call coverage for the General and Obstetric Units, for the period from January 19, 2015 through January 31, 2016.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: David Goldstein, M.D.,
925-370-5525

By: June McHuen, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring anesthesiology services at CCRMC will not have access to Contractor's services, which may result in a reduction in the overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-756-1 with Cypress Meadows Antioch, LLC

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-756-1, with Cypress Meadows Antioch, LLC, a Limited Liability Corporation, in an amount not to exceed \$153,096, to provide residential board and care services for post medical, surgical, and/or custodial care patients who have been discharged from Contra Costa Regional Medical Center from November 1, 2014, through October 31, 2015.

FISCAL IMPACT:

This Contract is funded 100% by County General Fund. (Rate increase)

BACKGROUND:

In March 2014, the County Administrator approved and the Purchasing Services Manager executed Contract #26-756 with Cypress Meadows of Antioch, LLC for the provision of residential board and care services for post medical, surgical, and/or custodial care patients who have been discharged from Contra Costa Regional Medical Center and would otherwise not have appropriate follow up care from November 1, 2013 through October 31, 2014.

Approval of Contract #26-756-1 will allow Contractor to continue providing services at an increased level of care through October 31, 2015.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
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Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 925-370-5101

cc: K Cyr, C Rucker

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients will not have access to Contractor's services, which may result in a reduction in the levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: February 3, 2015

Subject: Clerk-Recorder Imaging and Information Systems

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Clerk-Recorder, or designee, to execute a contract amendment with AtPac, Inc., effective February 3, 2015, to increase the payment limit by \$17,644 to a new payment limit of \$1,672,852 to provide 32 CQCS RT and 32 CQCS-W Cyberscience software licenses, with no change to the original term.

FISCAL IMPACT:

There is no impact on the County General Fund. The original contract and this amendment are funded by dedicated Modernization Trust Fund monies (Budgetary Org. 2451). The cost of this contract amendment will increase the contract payment limit by \$17,644, from \$1,655,208 to \$1,672,852.

BACKGROUND:

The Clerk-Recorder contracts with AtPac, Inc. for a custom software system that provides the core functions of recording documents, providing certified copies of records, issuing marriage licenses, imaging and indexing records for permanent preservation/archive, maintaining multiple database systems for redundancy and back-up and several other vital functions the division provides to the public. County departments are granted access to the Recorder's system data when the required software license is obtained for each user. This amendment will allow the Assessor's Office to increase the number of users accessing the Recorder's system data to facilitate business processes.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Barbara Dunmore
335-7919

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board of Supervisors elect not to approve the recommendation, the Assessor's access to the Recorder's system data will be limited to its existing users.

CHILDREN'S IMPACT STATEMENT:

None.

ATTACHMENTS



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Novation Contract #74-190-15 with Mental Health Management I, Inc. (dba Canyon Manor)

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-190-15 with Mental Health Management I, Inc. (dba Canyon Manor), a non-profit corporation, in an amount not to exceed \$217,095, to provide mental health subacute care and treatment services, for the period from July 1, 2014 through June 30, 2015. This Contract includes a six-month automatic extension through December 31, 2015, in an amount not to exceed \$108,548.

FISCAL IMPACT:

This Contract is funded 100% by Mental Health Realignment. (Rate increase)

BACKGROUND:

This Contract meets the social needs of County's population in that it provides long-term care for adults with serious mental illness who require skilled nursing inpatient psychiatric care.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Cynthia Belon 957-5201

cc: D Morgan, C Rucker

BACKGROUND: (CONT'D)

In January 14, 2014, the Board of Supervisors approved Novation Contract #74-190-14 with Mental Health Management I, Inc. (dba Canyon Manor), for the period from July 1, 2013 through June 30, 2014, which included a six-month automatic extension through December 31, 2014, for the provision of mental health subacute care and treatment services.

Approval of Novation Contract #74-190-15 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County will not receive any mental health subacute care and treatment services provided by this Contractor.

CHILDREN'S IMPACT STATEMENT:

Not Applicable



Contra
Costa
County

To: Board of Supervisors
From: Philip F. Kader, County Probation Officer
Date: February 3, 2015

Subject: Purchase Order with Bay Cities Produce Co. Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Probation Department, a purchase order with Bay Cities Produce Co., Inc. in an amount not to exceed \$150,000, for purchase of whole and processed fresh fruits and vegetables at Juvenile Hall and Orin Allen Youth Rehabilitation Facility, for the period January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

The annual cost of \$150,000 is included in the Probation Department's annual budget and costs are partially offset by the National School Lunch Program.

BACKGROUND:

The Probation Department is required to provide residents detained at the Juvenile Hall and Orin Allen Youth Rehabilitation Facility with three meals and a snack each day. These meals must conform to the guidelines of Title 15 article 9 section 1461 CCR. In addition to the state mandated guidelines, breakfast and lunch must meet the requirements of the Hunger Free Kids Act of 2010 to qualify for reimbursement through the National School Lunch Program.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Danielle Fokkema,
925-313-4195

By: June McHuen, Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Department will be unable to supply fresh fruits and vegetables to the two juvenile facilities and will not be in compliance with California Code of Regulations Title 15 Minimum Standards for Juvenile Facilities.

CHILDREN'S IMPACT STATEMENT:

This action supports one of the community outcomes established in the Children's Report Card: 1) "Children and Youth Healthy and Preparing for Productive Adulthood".



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Thermo Fisher Scientific, Inc. Purchase Order Amendment

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent on behalf of the Health Services Department to execute an amendment to Purchase Order #F51317 with Fisher Scientific, Inc., to add \$150,000 for a new total of \$450,000, for various clinical and pathology laboratory reagents, small equipment, supplies and test kits for Contra Costa Regional Medical Center (CCRMC) and the Contra Costa Health Centers, with no change in the original term of May 2, 2014 through April 30, 2015.

FISCAL IMPACT:

100% funding is included in Enterprise Fund I Budget.

BACKGROUND:

These reagents, small equipment, supplies, test kits, controls, etc. are used for patient's specimen testing and are specific to the analyzer used for testing. Among the tests conducted are those for diabetes, kidney function, liver, hepatitis, iron deficiency, cardiovascular disease, cancer, and many others.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved the lab will not be able to perform patient testing. This will impact patient safety and care.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker, Crystal Grayson

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Abbott Laboratories, Inc. Purchase Order Amendment

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to Purchase Order #F43992 with Abbott Laboratories, Inc., to add \$40,000 for a new total of \$120,000 for reagents and supplies needed for the IStat Handheld Analyzer for Contra Costa Regional Medical Center (CCRMC) and the Contra Costa Health Centers, with no change in the original term from September 1, 2012 through August 31, 2015.

FISCAL IMPACT:

100% funding is included in Enterprise Fund I Budget.

BACKGROUND:

Abbott Laboratories Inc., has been CCRMC's primary supplier of single use cartridges for the lactic acid test. The Integrated Nurses Leadership Program Cohort on Sepsis Mortality Reduction Project has requested a 10 minute turnaround time for lactic acid results ordered on patients with possible sepsis. The IStat Analyzer with the single use cartridge can perform testing in 3 minutes.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved then CCRMC Clinical Laboratory will not be able to result the lactic acid test ordered by our medical staff in a timely manner thus affecting patient care.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

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David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker, Crystal Grayson

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: ZEBRA TECHNOLOGIES PURCHASE ORDER AMENDMENT

RECOMMENDATION(S):

Approval and authorize the Purchasing Agent, on behalf of Health Services Department, to execute an amendment to Purchase Order #F46963 with Zebra Technologies to add \$140,000 to a new total of \$540,000, to provide patient wrist bands and labeling at Contra Costa Regional Medical Center, with no change in the original term of June 5, 2013 through June 4, 2015.

FISCAL IMPACT:

100% Funding is included in the Enterprise Fund I Budget.

BACKGROUND:

Zebra Technologies provides the labels and wrist bands used to identify patients at Contra Costa Regional Medical Center and Contra Costa Health Centers. This is essential to patient identification and safety. Zebra Technologies is a Novation Group Purchasing vendor, thereby ensuring that the County has secured the best prices for these products.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, the risk of misidentifying patients would increase, which could result in harm to patients.

CHILDREN'S IMPACT STATEMENT:

None.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker, Crystal Grayson



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: BIOMERIEUX INC. BLANKET PURCHASE ORDER

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute purchase order with Biomerieux Inc., in the amount of \$135,000 for reagents and supplies for the Pathology and Clinical Laboratory at the Contra Costa Regional Medical Center, for the period from January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

100% funding is included in the Enterprise Fund I Budget.

BACKGROUND:

Biomerieux, Inc. sells reagents and supplies that are specific for use with the Mini Vidas and Vitek II equipment. These reagents and supplies are needed for various blood and body fluid culture sensitivity tests done at the Pathology and Clinical Laboratory at the Contra Costa Regional Medical Center.

CONSEQUENCE OF NEGATIVE ACTION:

N/A

CHILDREN'S IMPACT STATEMENT:

The CCRMC Clinical Laboratory will not be able to perform patient testing without the requested supplies and reagents.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
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Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker, Crystal Grayson



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: BECKMAN COULTER, INC BLANKET PURCHASE ORDER

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Beckman Coulter, Inc. in the amount of \$280,000 for reagents and supplies needed to conduct urinalysis testing on patients seen at the Contra Costa Regional Medical Center (CCRMC) and the Contra Costa Health Centers for the period February 1, 2015 through January 31, 2021.

FISCAL IMPACT:

100% funding is included in the Enterprise Fund I Budget.

BACKGROUND:

Beckman Coulter is the laboratory's prime source of reagents and supplies used for urinalysis testing done on the Uricell 2000 Urinalysis Analyzer.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, the laboratory will not have the reagents and supplies needed to properly care for patients seen at the CCRMC and the Contra Costa Health Centers.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker, Crystal Grayson



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: American Medical Systems, Inc. Purchase Order

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of Health Services Department, to execute a purchase order with American Medical Systems, Inc. in the amount of \$250,000 for supplies and implants for the gynecological and urological surgery units at Contra Costa Regional Medical Center, for the period January 1, 2015 through December 31, 2017.

FISCAL IMPACT:

100% funding is included in Enterprise Fund I Budget.

BACKGROUND:

American Medical System's mini-arc is a single incision sling used for stress incontinence and mid-urethral support for incontinence. Anterior elevate and vault suspension biologic dermis is used for rectocele and vaginal apex support. American Medical Systems is the only vendor that sells these specialty women's health products.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, the Contra Costa Regional Medical Center's Gynecology and Urology Units would not have needed surgical supplies.

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COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Federal D. Glover, District V Supervisor

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David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker, Crystal Grayson

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Renewal of Sanofi Pasteur, Inc. Blanket Purchase Order

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Sanofi Pasteur, Inc., in an amount not to exceed \$150,000, for vaccines and injectable medications at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

100% funding is included in the Enterprise Fund I budget.

BACKGROUND:

Sanofi Pasteur, Inc. furnishes pharmaceuticals for patient care provided in the hospital and the clinics.

These vaccines and other injectable medications are essential in patient care. We have been purchasing vaccines and other injectable medications from Sanofi Pasteur since 2007. This is a renewal of blanket purchase order #48783, which expired on December 31, 2014.

☒ APPROVE

☐ OTHER

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COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker, Crystal Grayson

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase order is not approved, we will not be able to provide needed vaccines and other pharmaceutical products to our patient population at CCRMC and Health Centers. As part of our responsibility as a health care organization, we must provide needed vaccinations to our patient population in order to prevent disease, as well as prevent the spread of disease.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: February 3, 2015

Subject: Correct the January 6, 2015 Board Order Item C. 42, with Election Systems & Software LLC

RECOMMENDATION(S):

RATIFY the County Clerk-Recorder's, or designee's, execution of a contract amendment with Election Systems & Software, LLC, which increased the payment limit by \$532,964 to a new payment limit of \$1,583,223 and extended the contract termination date from December 31, 2014 to December 31, 2016, for continued hardware and software maintenance services and support.

FISCAL IMPACT:

None.

BACKGROUND:

The Board approved this contract amendment on January 6, 2015 and the contract was executed. The Board Order, however, inadvertently misstated the new contract payment limit that was accurately reflected in the contract amendment. Today's recommendation would rectify the error and provide the necessary authorization for the contract.

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board of Supervisors elect not to approve the recommendation, proper authority will not have been granted for the contract amendment.

CHILDREN'S IMPACT STATEMENT:

None.

☒ APPROVE

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☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF
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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact:
925-335-7808

By: , Deputy

cc:



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Amendment #22-852-14 with Greater Richmond Inter-Faith Program

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #22-852-14 with Greater Richmond Inter-Faith Program, a non-profit corporation, effective January 1, 2015, to amend Contract #22-852-13, to increase the payment limit by \$36,477, from \$337,388 to a new payment limit of \$373,865, with no change in the original term of September 1, 2014 through August 31, 2015.

FISCAL IMPACT:

This amendment is funded 51% by Federally Qualified Health Centers, 13% Targeted Case Management; 13% Public Health Administration funds; and 23% from County of Alameda, as grantee of Federal Funds.

BACKGROUND:

This Contract meets the social needs of County's population by providing direct consultation, technical assistance and implementation of health education activities at various high schools.

On September 9, 2014, the Board of Supervisors approved Contract #22-852-13 with Greater Richmond Inter-Faith Program for the period from September 1, 2014 through August 31, 2015, for the provision of consultation

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☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

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RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Supervisor
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Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Wendel Brunner, MD,
313-6712

By: June McHuen, Deputy

cc: T Scott, C Rucker

BACKGROUND: (CONT'D)

and technical assistance to Health Services Department's Clinic Service to School-based Health Centers program.

Approval of Contract Amendment Agreement #22-852-14 will allow the Contractor to provide additional infectious disease consulting services to the School-based Health Centers Program, through August 31, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, additional infectious disease consultation to school-based health center programs will not be provided to coordinate health education activities at various high schools throughout Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-938-22 with David H.C. Raphael, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County Contract #26-938-22 with David H.C. Raphael, M.D., a self-employed individual, in an amount not to exceed \$1,200,000, for the provision of general surgery services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2015 through December 31, 2017.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise I Budget. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services. (Rate increase)

BACKGROUND:

On February 4, 2014, the Board of Supervisors approved Contract #26-938-21 with David H.C. Raphael, M.D., to provide general surgery services including consultation, training, on-call, medical and/or surgical procedures, for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC), for the period from January 1, 2014 through December 31, 2014.

Approval of Contract #26-938-22



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 02/03/2015



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Goldstein, MD,
370-5101

cc: T Scott, C Rucker

BACKGROUND: (CONT'D)

will allow the Contractor to continue to provide professional general surgery services, including, clinic coverage, consultation, training and medical and/or surgical procedures, through December 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring professional general surgery services at CCRMC will not have access to Contractor's professional services, which may result in a reduction in the overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Novation Contract #74-468-1 with Rainbow Community Center of Contra Costa County

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-468-1 with Rainbow Community Center of Contra Costa County, a non-profit corporation, in an amount not to exceed \$486,496, to provide specialized behavioral health treatment services to members of the lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ-2S) community and their families, for the period from July 1, 2014 through June 30, 2015. This Contract includes a six-month automatic extension through December 31, 2015, in an amount not to exceed \$243,248.

FISCAL IMPACT:

This Contract is funded 16% by Federal Financial Participation; 84% Mental Health Service Act (MHSA).

BACKGROUND:

On February 25, 2014, the Board of Supervisors approved Contract #74-468 with Rainbow Community Center of Contra Costa County to provide specialized behavioral health treatment services to members of the lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ-2S) community and their families for the period from

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Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Cynthia Belon 957-5201

cc: E Suisala, C Rucker

BACKGROUND: (CONT'D)

July 1, 2013 through June 30, 2014, which include a six-month automatic extension through December 31, 2014.

Approval of Novation Contract #74-468-1, replaces the automatic extension under the prior Contract and allows the Contractor to continue providing specialized behavioral services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, clients will not receive specialized behavioral health services provided by Rainbow Community Center of Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Novation Contract #74-058-20 with Seneca Family of Agencies

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-058-20 with Seneca Family of Agencies, a non-profit corporation, in an amount not to exceed \$7,661,820, to provide mobile crisis response and school- and community-based children's specialty mental health services for the period from July 1, 2014 through June 30, 2015. This Contract includes a six-month automatic extension through December 31, 2015, in an amount not to exceed \$3,830,910.

FISCAL IMPACT:

This Contract is funded 42% by Federal Financial Participation, 41% Mental Health Realignment, 13% Mt. Diablo Unified School District, 4% Mental Health Services Act. (No rate increase)

BACKGROUND:

On December 10, 2013, the Board of Supervisors approved Novation Contract #74-058-19 with Seneca Family of Agencies for the provision of mobile crisis response and children's specialty mental health services, for the period July 1, 2013 through June 30, 2014, which included a six-month automatic extension through December 31, 2014.

☒ APPROVE

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Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

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Federal D. Glover, District V
Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

cc: E Suisala, C Rucker

BACKGROUND: (CONT'D)

Approval of Novation Contract #74-058-20 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing mobile crisis response and school- and community-based children's specialty mental health services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, SED children throughout the County will not have access to Contractor's mobile crisis, and school- and community-based mental health services possibly resulting in the need for higher levels of care.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Novation Contract #24-429-57 with Ujima Family Recovery Services

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-429-57 with Ujima Family Recovery Services, a non-profit corporation, in an amount not to exceed \$1,692,084, to provide residential and outpatient treatment for pregnant and parenting women and their small children, for the period from July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

This Contract is funded 84% by Federal Perinatal Set-Aside and 16% by Drug Medi-Cal funds.

BACKGROUND:

This Contract meets the social needs of County's population by providing family-centered alcohol and drug treatment services to pregnant and parenting women and their children, in order to prevent perinatal substance abuse and improve birth outcomes.

On January 14, 2014, the Board of Supervisors approved Contract #24-429-56 with Ujima Family Recovery Services for the period from July 1, 2013 through June 30, 2014, which included a six-month automatic extension through December 31, 2014, to provide residential and outpatient treatment for pregnant and parenting women and their small children

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RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
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Mary N. Piepho, District III
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Supervisor

Federal D. Glover, District V
Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Cynthia Belon 957-5201

cc: E Suisala, C Rucker

BACKGROUND: (CONT'D)

Approval of Contract #24-429-57 will replace the automatic extension under the prior contract and allow the Contractor to continue providing services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this Contract is not approved, pregnant and parenting women will not receive the alcohol and drug treatment services they need which may result in perinatal substance abuse and additional risk to their babies.

CHILDREN'S IMPACT STATEMENT:

This Alcohol and Drug Abuse program supports the Board of Supervisors' "Families that are Safe, Stable, and Nurturing" community outcome by providing parenting education, stability, and safety for mothers (and their children) and pregnant women who are alcohol and drug dependent, while they are in substance abuse treatment. Expected outcomes include delivery of drug-free babies, decreased use of alcohol, tobacco and other drugs, reduction in the number of relapses, and creation of a sober social network.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Novation Contract #74-106-17 with Adolescent Treatment Centers, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-106-17 with Adolescent Treatment Centers, Inc., a non-profit corporation, in an amount not to exceed \$358,838, to provide mental health services for Seriously Emotionally Disturbed (SED) dually-diagnosed adolescents at its Thunder Road Facility, for the period from July 1, 2014 through June 30, 2015. This Contract includes a six-month automatic extension through December 31, 2015, in an amount not to exceed \$179,419.

FISCAL IMPACT:

This Contract is funded 50% by Federal Financial Participation and 50% by Realignment. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing mental health services to adolescents with emotional and behavioral problems to improve school performance, reduce unsafe behavioral practices, and reduce the need for out-of-home placements.

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☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
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Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Cynthia Belon 957-5201

cc: E Suisala, C Rucker

BACKGROUND: (CONT'D)

On September 24, 2013, the Board of Supervisors approved Novation Contract #74-106-16 with Adolescent Treatment Centers, Inc, for the period from July 1, 2013 through June 30, 2014, which included a six-month automatic extension through December 31, 2014, for the provision of day rehabilitation and mental health services for SED Dually-Diagnosed adolescents at its Thunder Road Facility.

Approval of Novation Contract #74-106-17 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, SED dually-diagnosed adolescents' access reduced to mental health services that are provided at Contractor's Thunder Road Facility and may require higher and more costly levels of treatment.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: February 3, 2015

Subject: 3M Gogent, Inc., Modbile Indentification Software Contract

RECOMMENDATION(S):

APPROVE and AUTHORIZE THE Sheriff-Coroner, or designee, to execute a Software and Services Agreement with 3M Cogent, Inc., in an amount not to exceed, \$657,000 for the purchase of mobile identification devices, software, implementation services, and support of the software, for the period from January 1, 2015 through December 31, 2018.

FISCAL IMPACT:

No County Cost. \$657,000 from CAL ID Funds.

BACKGROUND:

The California Identification System (Cal-ID) is the automated system maintained by the California Department of Justice (DOJ) for retaining fingerprint files and identifying latent fingerprints. Cal-ID funds are collected from the fees from each vehicle registered - two dollars for non-commercial vehicles and four dollars from commercial vehicles - and are used to fund programs that enhance the capacity of the state and local law enforcement to provide mobile Automated Fingerprint Identification Systems (AFIS) that allow identification of individuals involved in motor vehicle crimes.

The California Department of Justice has established the Remote Access Network (RAN), which is a uniform statewide

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Clerks Notes:

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Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Sandra Brown, 335-1553

cc:

BACKGROUND: (CONT'D)

network of equipment and procedures allowing local law enforcement agencies direct access to the Cal-ID System. The Contra Costa County local RAN board determines the placement of RAN equipment within the County, and coordinates the acceptance, delivery, and installation of RAN equipment. Acting as the local RAN board, mobile fingerprint identification hardware has been distributed to local law enforcement agencies within the County pursuant to the criteria specified in the Penal Code.

Under the proposed contract, additional mobile fingerprint devices, software, implementation services, and software support will be purchased so that local law enforcement agencies can connect to the Cal-ID system while in the field.

The 3M Cogent Mobile Identification (Mobile ID) solution provides a system that manages the transactions of mobile fingerprint captures from the field. The system will manage searches of the local Automated Fingerprint Identification System (AFIS) as well as the California Department of Justices' (Cal-DOJ) AFIS and Federal Bureau of Investigations' (FBI) Repository for Individuals of Special Concern (RISC) databases. The mobile identification devices and software bring the power of a full-scale AFIS to officers' hands while in the field for all agencies within Contra Costa, to provide fast, accurate identity verification, arrest records, and warrant information on subjects contacted in the field.

CONSEQUENCE OF NEGATIVE ACTION:

If the Office of the Sheriff is not allowed to contract with 3M Cogent for the Mobile ID hardware and software, officers will not have access to quick, accurate and up to date information on subjects while out in the field. This may lead to the release of subjects in the field that should be put into custody.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-789 with Hugo E. Altamirano, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-789 with Hugo E. Altamirano, Inc. a professional corporation, in an amount not to exceed \$400,000, to provide anesthesiology services at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC) for the period from January 19, 2015 through January 31, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I.

BACKGROUND:

For a number of years, the County has contracted with Dental, Medical and Mental Health Specialists to provide specialized services that are not otherwise available in its Hospital and Health Centers. Under Contract #26-789 the Contractor will provide anesthesiology services at CCRMC, including but not limited to; consultation, training, administrative services, medical procedures, on-call, and coverage for the General and Obstetrics Units for the period from January 19, 2015 through January 31, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: David Goldstein, M.D.,
925-370-5525

By: June McHuen, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring anesthesiology services at CCRMC will not have access to Contractor's services, which may result in a reduction in the overall level of services to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-971-21 with Ramon Berguer, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-971-21 with Ramon Berguer, M.D., a self-employed individual, in an amount not to exceed \$1,200,000, for the provision of general surgery services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2015 through December 31, 2017.

FISCAL IMPACT:

This Contract is funded by Enterprise Fund I. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services. (Rate increase)

BACKGROUND:

For a number of years the County has contracted with Medical, Dental, and Mental Health Specialists to provide specialized professional services.

On January 14, 2014, the Board of Supervisors approved Contract #26-971-20 with Ramon Berguer, M.D., to provide general surgery services including consultation, training, on-call, medical and/or surgical procedures, for patients at Contra Costa Regional Medical

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: David Goldstein, M.D.,
370-5525

By: June McHuen, Deputy

cc: T Scott, C Rucker

BACKGROUND: (CONT'D)

Center and Contra Costa Health Centers (CCRMC), for the period from January 1, 2014 through December 31, 2014.

Approval of Contract #26-971-21 will allow the Contractor to continue to provide general surgery services, through December 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring professional general surgery services at CCRMC will not have access to Contractor's services, which may result in a reduction in the overall level of services to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Novation Contract #24-213-51 with Desarollo Familiar, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-213-51 with Desarollo Familiar, Inc., a non-profit corporation, in an amount not to exceed \$263,380, to provide mental health services in West County for the period from July 1, 2014 through June 30, 2015. This Contract includes a six-month automatic extension through December 31, 2015, in an amount not to exceed \$131,690.

FISCAL IMPACT:

This Contract is funded 18% by Federal Medi-Cal, 40% by Substance Abuse/Mental Health Services Administration (SAMHSA) Grant and 42% by Mental Health Realignment. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing information and referrals, consultation and education, and outpatient mental health services for Spanish-speaking, mentally ill clients in West Contra Costa County at Familias Unidas Counseling Center.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

cc: D Morgan, C Rucker

BACKGROUND: (CONT'D)

On December 17, 2013, the Board of Supervisors approved Contract #24-213-50 with Desarrollo Familiar, Inc., for the period from July 1, 2013 through June 30, 2014, which included a six-month automatic extension through December 31, 2014, for the provision of mental health services in West County.

Approval of Novation Contract #24-213-51 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, a significant number of County's mentally ill, Spanish-speaking adult clients in West County will experience reduced access to the information, referrals, consultation, education, and outpatient mental health services that they need.

CHILDREN'S IMPACT STATEMENT:

Not Applicable



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-904-28 with Stephen D. Weiss, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-904-28 with Stephen D. Weiss, M.D., a self-employed individual, in an amount not to exceed \$1,640,000, for the provision of general surgery services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2015 through December 31, 2017.

FISCAL IMPACT:

This Contract is funded by Enterprise Fund I. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services. (Rate increase)

BACKGROUND:

For a number of years the County has contracted with Medical, Dental and Mental Health Specialists to provide specialized professional services, which are not otherwise available.

On January 7, 2014, the Board of Supervisors approved Contract #26-904-27 with Stephen D. Weiss, M.D., to provide general surgery services including consultation, training, on-call, medical and/or surgical procedures, for patients



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
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OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V
Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Goldstein, MD,
370-5101

BACKGROUND: (CONT'D)

at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC), for the period from January 1, 2014 through December 31, 2014.

Approval of Contract #26-904-28, will allow the Contractor to continue to provide general surgery services, through December 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's professional services, which may result in a reduction in overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Novation Contract #74-463-2 with Bi-Bett Corporation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-463-2 with Bi-Bett Corporation, a non-profit corporation, in an amount not to exceed \$129,590, to provide transitional housing services for homeless adult males who have recently completed substance use treatment, including referrals from County's Assembly Bill (AB) 109 program, for the period from July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

This Contract is funded 100% by AB 109. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing specialized transitional housing services for homeless adult males referred from County's AB 109 Program and from substance use disorder treatment programs. Contractor's program is designed to help residents maintain sobriety and other gains achieved in treatment while they participate

☒ APPROVE

☐ OTHER

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

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Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

cc: D Morgan, C Rucker

BACKGROUND: (CONT'D)

in employment and self-sufficiency services designed to support their transition to permanent housing and productive community engagement.

In February 11, 2014, the Board of Supervisors approved Contract approved Novation Contract #74-463-1 with Bi-Bett Corporation for the provision of transitional housing services for homeless adult males who have recently completed substance use treatment, including referrals from County's AB 109 program, for the period January 1, 2014 through June 30, 2014. This Contract included a six-month automatic extension through December 31, 2014.

Approval of Novation Contract #74-463-2 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County clients who are in need of transitional housing services will not have access to Contractor's services possibly resulting in substance use relapse or recidivism.

CHILDREN'S IMPACT STATEMENT:

Not Applicable



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-715-3 with Walnut Creek Surgical Associates, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-715-3 with Walnut Creek Surgical Associates, Inc., a corporation, in an amount not to exceed \$1,350,000, for the provision of general surgery services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2015 through December 31, 2017.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services. (Rate increase)

BACKGROUND:

For a number of years the County has contracted with Medical, Dental and Mental Health Specialists to provide specialized services that are not otherwise available.

On January 7, 2014, the Board of Supervisors approved Contract #26-715-2 with Walnut Creek Surgical Association, to provide general surgery services including consultation, training, on-call, medical and/or surgical procedures, for patients

☒ APPROVE

☐ OTHER

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Goldstein, MD,
370-5101

BACKGROUND: (CONT'D)

at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC), for the period from January 1, 2014 through December 31, 2014.

Approval of Contract #26-715-3 will allow the Contractor to continue to provide professional general surgery services through December 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring professional general surgery services at CCRMC will not have access to Contractor's services, which may result in a reduction in the overall level of services to the community.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Contract #26-847-21 with Michael S. Baker, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-847-21 with Michael S. Baker, M.D., a self-employed individual, in an amount not to exceed \$345,000, to provide general surgery services at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2015 through December 31, 2017.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I. (No rate increase)

BACKGROUND:

On February 11, 2014, the Board of Supervisors approved Contract #26-847-20 with Michael Baker, M.D., for the period from January 1, 2014 through December 31, 2014, for the provision of general surgery services for Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC).

Approval of Contract #26-847-21 will allow Contractor to continue providing general surgery services, including acting as the medical director of General Surgery at CCRMC, through December 31, 2017.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Goldstein, MD,
370-5525

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring professional general surgery services at CCRMC will not have access to Contractor's services, which may result in a reduction in the overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Amendment Agreement #23-299-12 with the City of El Cerrito for its Fire Department

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #23-299-12 with the City of El Cerrito, for its Fire Department, a public agency, effective July 1, 2014, to amend Contract #23-299-10 (as amended by Amendment Agreement #23-299-11), to increase the Contract Payment Limit by \$23,843 from \$328,630 to a new total payment limit of \$352,473, with no change in the original term of July 1, 2012 through June 30, 2015.

FISCAL IMPACT:

There is no County General Fund impact. All payments are funded under CSA EM-1 (Measure H). (No rate increase).

BACKGROUND:

County Service Area EM-1 was established in 1989 to provide enhanced emergency medical services, including rapid paramedic-staffed ambulance response, to the residents of Contra Costa County.

On July 10, 2012, the Board of Supervisors approved Contract #23-299-10 (as amended by Contract Amendment Agreement #23-299-11), with the City of El Cerrito to provide first responder fire paramedic services by

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Patricia Frost (313-9554)

cc: J Pigg, C Rucker

BACKGROUND: (CONT'D)

the El Cerrito Fire Department, within the City of El Cerrito and the Kensington Fire Protection District, for the period from July 1, 2012 through June 30, 2015, which included mutual indemnification to hold both parties harmless for any claims arising out of the performance of the contract.

On May 14, 2013, the Board of Supervisors authorized the County's Health Services Emergency Medical Services Division approval of CSA EM-1 fire agency funding, based on a population-based funding formula, to partially offset cost to the fire agencies providing first responder Paramedic services in Zone B. The transition to the population-based funding formula requires adjustment of the total payment limit of the current Contract.

Approval of Contract Amendment Agreement #23-299-12 will allow the Contractor to provide additional First Responder Paramedic Program services, through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the County will not be able to reimburse Contractor for the cost of additional prehospital emergency medical first responder services within the City of El Cerrito for its Fire Department, until patient care is assumed by County's emergency ambulance contractor.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Amendment Agreement #23-367-10 with Contra Costa County Fire Protection District

RECOMMENDATION(S):

Acting as the Contra Costa County Board of Supervisors and the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Health Services Director and the Contra Costa County Fire Protection District Chief, or designees, to execute Contract Amendment Agreement #23-367-10, effective July 1, 2014 to amend Contract #23-367-8 (as amended by Contract Amendment Agreement #23-367-9), to increase the Contract Payment Limit by \$315,553 from \$3,796,736 to a new total payment limit of \$4,112,290, with no change in the original term of July 1, 2012 through June 30, 2015.

FISCAL IMPACT:

There is no County General Fund impact. All payments are funded under County Service Area (CSA) EM-1 (Measure H). (No rate increase)

BACKGROUND:

County Service Area EM-1 was established in 1989 to provide enhanced emergency medical services, including rapid paramedic-staffed ambulance response, to the residents of Contra Costa County.

On July 10, 2012, the Board of Supervisors approved Contract #23-367-8 (as amended by Contract Amendment Agreement

☒ APPROVE

☐ OTHER

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Patricia Frost, 313-9554

cc: J Pigg, C Rucker

BACKGROUND: (CONT'D)

#23-367-9), with Contra Costa County Fire Protection District, to provide prehospital emergency medical first responder services of its First Responder Paramedic Program, for the period from July 1, 2012 through June 30, 2015, which included mutual indemnification to hold both parties harmless for any claims arising out of the performance of the contract.

On May 14, 2013, the Board of Supervisors authorized the County's Health Services Emergency Medical Services Division approval of CSA EM-1 fire agency funding, based on a population-based funding formula, to partially offset cost to the fire agencies providing first responder Paramedic services in Zone B. The transition to the population-based funding formula requires adjustment of the total payment limit of the current Contract.

Approval of Contract Amendment Agreement #23-367-10 will allow the Contractor to provide additional First Responder Paramedic Program, through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, County will not be able to reimburse Contractor for the cost of additional prehospital emergency medical first responder services within Contra Costa County Fire Protection District, until patient care is assumed by County's emergency ambulance contractor.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Amendment Agreement #23-389-9 with the City of Pinole for its Fire Department

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #23-389-9 with the City of Pinole for its Fire Department, a public Agency, effective July 1, 2014 to amend Contract #23-389-7 (as amended by Contract Amendment Agreement #23-389-8), to increase the Contract Payment Limit by \$15,439 from \$219,086 to a new total payment limit of \$234,525, with no change in the original term of July 1, 2012 through June 30, 2015.

FISCAL IMPACT:

There is no County General Fund impact. All payments are funded under CSA EM 1 (Measure H). (No rate increase)

BACKGROUND:

County Service Area EM-1 was established in 1989 to provide enhanced emergency medical services, including rapid paramedic-staffed ambulance response, to the residents of Contra Costa County.

On July 10, 2012, the Board of Supervisors approved Contract #23-389-7 (as amended by Contract Amendment Agreement #23-389-8), with the City of Pinole for the period from July 1, 2012 through June 30, 2015, for

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Patricia Frost (313-9554)

cc: J Pigg, C Rucker

BACKGROUND: (CONT'D)

the provision of first responder fire paramedic services by the Pinole Fire Department within the City of Pinole which included mutual indemnification to hold both parties harmless for any claims arising out of the performance of the contract.

On May 14, 2013, the Board of Supervisors authorized the County's Health Services Emergency Medical Services Division approval of CSA EM-1 fire agency funding, based on a population-based funding formula, to partially offset cost to the to fire agencies providing first responder Paramedic services in Zone B. The transition to the population-based funding formula requires adjustment of the total payment limit of the current Contract.

Approval of Contract Amendment Agreement #23-389-9 will allow the Contractor to provide additional First Responder Paramedic Program services, through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, County will not be able to reimburse Contractor for the cost of additional prehospital emergency medical first responder services within the City of Pinole, until patient care is assumed by County's emergency ambulance contractor.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Amendment Agreement #23-392-7 with the Rodeo-Hercules Fire Protection District

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #23-392-7 with the Rodeo-Hercules Fire Protection District, a public Agency, effective July 1, 2014 to amend Contract #23-392-5 (as amended by Contract Amendment Agreement #23-692-6), to increase the Contract Payment Limit by \$15,439 from \$219,086 to a new total payment limit of \$234,525, with no change in the original term of July 1, 2012 through June 30, 2015.

FISCAL IMPACT:

There is no County General Fund impact. All payments are funded under CSA EM?1 (Measure H). (No rate increase).

BACKGROUND:

County Service Area EM-1 was established in 1989 to provide enhanced emergency medical services, including rapid paramedic-staffed ambulance response, to the residents of Contra Costa County.

On July 10, 2012, the Board of Supervisors approved Contract #23-392-5 (as amended by Contract Amendment Agreement #23-392-6) with Rodeo-Hercules Fire Protection

☒ APPROVE

☐ OTHER

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Patricia Frost (313-9554)

cc: J Pigg, C Rucker

BACKGROUND: (CONT'D)

District for the period from July 1, 2012 through June 30, 2015, for the provision of first responder fire paramedic services, for the Rodeo-Hercules Fire Protection District, which included mutual indemnification to hold harmless both parties for any claims arising out of the performance of the contract.

On May 14, 2013, the Board of Supervisors authorized the County's Health Services Emergency Medical Services Division approval of CSA EM-1 fire agency funding, based on a population-based funding formula, to partially offset cost to the to fire agencies providing first responder Paramedic services in Zone B. The transition to the population-based funding formula requires adjustment of the total payment limit of the current Contract.

Approval of Contract Amendment Agreement #23-392-7 will allow the Contractor to provide additional First Responder Paramedic Program services, through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, County will not be able to reimburse Contractor for the cost of additional prehospital emergency medical first responder services within the Rodeo-Hercules Fire Protection District, until patient care is assumed by County's emergency ambulance contractor.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Office of the Sheriff
Date: February 3, 2015

Subject: Purchase Order - Producers Dairy Products, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase order with Producers Dairy Products Inc., in an amount not to exceed \$175,000 for the purchase of dairy products as needed for the Martinez and Marsh Creek detention facilities for the period January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

\$175,000. 100% County General Fund; Budgeted in fiscal year 2014/15.

BACKGROUND:

The vendor is a General Services Department-selected vendor providing the dairy products and other related products needed by Martinez Detention Facility and Marsh Creek Detention Facility to support the feeding program requirements of the inmate population.

CONSEQUENCE OF NEGATIVE ACTION:

The Sheriff's Office would be unable to acquire dairy products from Producer's Dairy Products for the Martinez and Marsh Creek Detention facilities.

CHILDREN'S IMPACT STATEMENT:

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Liz Arbuckle, 335-1529

cc: Liz Arbuckle, Heike Anderson, Tim Ewell



**Contra
Costa
County**

To: Board of Supervisors
From: David O. Livingston, Office of the Sheriff
Date: February 3, 2015

Subject: Purchase Order - Producers Dairy Products, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase order with Producers Dairy Products Inc., in an amount not to exceed \$200,000 for the purchase of dairy products as needed for the West County Detention Facility for the period January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

\$200,000. 100% County General Fund; Budgeted in fiscal year 2014/15.

BACKGROUND:

The vendor is a General Services Department-selected vendor providing the dairy products and other related products needed by West County Detention Facility to support the feeding program requirements of the inmate population.

CONSEQUENCE OF NEGATIVE ACTION:

The Sheriff's Office would be unable to acquire dairy products from Producers Dairy Products for the West County Detention Facility.

CHILDREN'S IMPACT STATEMENT:

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Liz Arbuckle, 335-1529

cc: Heike Anderson, Liz Arbuckle, Tim Ewell



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 3, 2015

Subject: APPROVAL OF CONTRACT FOR PROFESSIONAL SERVICES

RECOMMENDATION(S):

APPROVE AND AUTHORIZE the County Counsel, or designee, to execute, on behalf of the County, a contract with Baker & O'Brien, Inc., in an amount not to exceed \$700,000 to provide refining industry analyses in connection with refinery property tax appeals, for the period from January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

The cost of this contract is paid through property tax administration fees, approximately half of which come from the general fund.

BACKGROUND:

Baker and O'Brien, Inc. is a consultant for refinery industry analyses, and provides the County with specialized consulting services with respect to the refining industry and refineries in defending actual and anticipated assessment appeals, which challenge the valuations of the taxable property of refineries in Contra Costa County. These appeals typically place several billion dollars of valuation in issue. Assistance is required because valuations of refineries are highly technical, requiring specialized knowledge that only industry experts have. The Assessor concurs with and supports this recommendation.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Rebecca J. Hooley, Deputy County Counsel, 925 335-1854

By: June McHuen, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

If the contract is not approved, there is a greatly increased possibility of very significant but presently unquantifiable impacts due to adverse decisions by the Assessment Appeals Board on large refinery valuation disputes.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: Ed Woo, Chief Information Officer
Date: February 3, 2015

Subject: Contract with CSI Telecommunications, Inc., for Telecommunications Engineering Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Information Officer, or designee, to execute a contract with CSI Telecommunications, Inc., in an amount not to exceed \$200,000 to provide Federal Communications Commission radio licensing and microwave frequency coordination as needed; for the period February 1, 2015 through January 31, 2016.

FISCAL IMPACT:

\$200,000 maximum (100% User Fees). The entire cost is budgeted under Org. 4295 and recovered through DoIT's billing process.

BACKGROUND:

The Department of Information Technology Microwave Division is responsible for maintaining the County's Microwave System, including frequency coordination and licensing.

In accordance with Administrative Bullentin No 611.0, County Departments are required to obtain Board approval for single item purchases over \$100,000. The County Administrator's Office has reviewed this request and recommends approval.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Ed Woo 925-383-2688

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board elect to not approve the contract, DoIT will be unable to ensure the integrity of the County's Microwave System. Proper maintenance of the system is essential for many reasons including homeland security and public safety.

CHILDREN'S IMPACT STATEMENT:

No impact.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: 2014-15 Fairgrounds Center Childcare Services Operation, Amendment #2

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, California, including modified indemnification language, to increase the payment limit by \$105,170 to a new limit of \$1,237,440 to provide childcare services at Fairgrounds Children's Center with no change to the term July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

\$316,918 Federal funds / CFDA # 93.600
Administration for Children and Families

\$815,352 State funds
California Department of Education / Child Development

BACKGROUND:

On September 25, 2007 the Board approved the award of the operation of childcare services at the County-owned facility,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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Candace Andersen, District II Supervisor
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Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: CSB (925) 681-6347

cc: Joanne Sanchez-Rosa, Ressie Dayco, Cassandra Youngblood

BACKGROUND: (CONT'D)

Fairgrounds Children's Center, as a result of a Request for Proposal (RFP). First Baptist Church of Pittsburg was the successful respondent to the RFP. The first nine (9) months of the contract was approved by the Board on the above date, and the contract has been renewed annually since. The Board approved the contract for the 2014-15 program year on June 24, 2014.

Contra Costa County receives funds from the Administration for Children and Families (ACF) to provide Head Start program services to program eligible County residents. County also receives funds from the California Department of Education (CDE) Child Development program for State Preschool and General Childcare and Development program services. The State requires an indemnification clause with County subcontractors wherein the subcontractor holds harmless the State and its officers for any losses.

The board approved a contract amendment to add 5 childcare slots to the Head Start Enhancement program on September 9, 2014. This board order seeks approval to amend the contract to pass through the increased daily rate provided by the State Department of Education to the County via the State Preschool contracts. The daily rate has been increased from \$19.53 to \$20.50 per Child Day of Enrollment for State Preschool and from \$29.41 to \$30.88 for General Childcare and Development. The number of slots per program remain unchanged.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: 2014-15 Antioch Kids' Clubs Inc. childcare services contract amendment #1

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract amendment with Kids' Clubs Inc., including a modified indemnification language, to decrease the payment limit by \$253,369 to a new amount not to exceed \$1,137,857 to provide State Preschool, Pre-kindergarten Family Literacy, and Head Start services with no change to term July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

88.6% State funds California Department of Education
11.4 % Federal Administration for Children and Families

BACKGROUND:

Contra Costa County receives funds California Department of Education (CDE) to provide State Preschool and Pre-kindergarten Family Literacy services to program-eligible County residents. The County also receives funds from Administration for Children and Families for Head Start services. In order to provide a wider distribution of services to County residents, the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: CSB (925) 681-6347

cc: Joanne Sanchez-Rosa, Ressie Dayco, Cassandra Youngblood

BACKGROUND: (CONT'D)

Department contracts with a number of community-based organizations. The board approved the 2014-15 contract on June 24, 2014.

This board order seeks approval to amend the contract in two ways. The first action is to pass through the increased daily rate provided by the State Department of Education to the County via the State Preschool contracts. The daily rate has been increased from \$19.53 to \$20.50 per Child Day of Enrollment for State Preschool and from \$29.41 to \$30.88 for General Childcare and Development. The second action is to decrease the number of slots for the State Preschool Part-Day program effective December 1, 2014. The Contractor had its direct contract with the California Department of Education increased; due to limited capacity, the Contractor elected to reduce the number of slots allocated to County-funded childcare programs from 192 to 48 slots, effective December 1, 2014.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County will be unable to meet childcare needs in this geographic area and fulfill State Preschool program goals.

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department, Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: February 3, 2015

Subject: Purchase Order - Waxie Sanitary Supply

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase order with Waxie Sanitary Supply, in an amount not to exceed \$180,000 for the purchase of miscellaneous janitorial supplies as needed within the County's detention facilities for the period January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

\$180,000. 100% General Fund; Budgeted in fiscal year 2014/15.

BACKGROUND:

Detention purchases janitorial supplies for over 2000 inmates. Items include over 100 cases a week of toilet paper, paper towels, hand soap, gloves & other cleaning chemicals and supplies. Waxie Sanitary Supply serves as a secondary supplier to Clean Source and is a GSD-select vendor. Pricing as per national IPA Janitorial and Sanitation Supplies Agreement #1004849.

CONSEQUENCE OF NEGATIVE ACTION:

The Sheriff's Office would be unable to acquire janitorial supplies on an as needed basis through Waxie Sanitary.

CHILDREN'S IMPACT STATEMENT:

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Liz Arbuckle,
925-335-1529

cc: Liz Arbuckle, Heike Anderson, Tim Ewell



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 3, 2015

Subject: 2014-15 Richmond Elementary School, Inc. childcare services contract amendment

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract amendment with Richmond Elementary School, Inc. including modified indemnification language, to increase the payment limit by \$9,498 to new amount not to exceed \$200,736 to provide State Preschool services with no change to term July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

100% State funds
California Department of Education

BACKGROUND:

Contra Costa County receives funds from California Department of Education to provide State Preschool services to program eligible County residents. In order to provide a wider distribution of services to County residents, the Department contracts with a number of community-based organizations. Approval of this contract will allow the provision of childcare services for 48 children enrolled in Richmond College Prep

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
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Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: CSB (925) 681-6347

cc: Joanne Sanchez-Rosa, Ressie Dayco, Cassandra Youngblood

BACKGROUND: (CONT'D)

preschool programs.

This amendment is to pass through the increased daily rate provided by the State Department of Education to the County via the State Preschool contracts. The daily rate has been increased from \$19.53 to \$20.50 per Child Day of Enrollment. The total number of 48 childcare slots remains unchanged.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: Disposal of Surplus Property

RECOMMENDATION(S):

DECLARE as surplus and AUTHORIZE the Purchasing Agent, or designee, to dispose of fully depreciated vehicles and equipment no longer needed for public use, as recommended by the Public Works Director, Countywide.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Section 1108-2.212 of the County Ordinance Code authorizes the Purchasing Agent to dispose of any personal property belonging to Contra Costa County and found by the Board of Supervisors not to be required for public use. The property for disposal is either obsolete, worn out, beyond economical repair, or damaged beyond repair.

CONSEQUENCE OF NEGATIVE ACTION:

Public Works would not be able to dispose of surplus vehicles and equipment.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: Daniel Lesnick,
(925)313-2376

cc:

ATTACHMENTS

Surplus Vehicles and
Equip

ATTACHMENT TO BOARD ORDER February 3, 2015

[illegible]



Contra
Costa
County

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: February 3, 2015

Subject: Refund Overpayment of Transfer Tax

RECOMMENDATION(S):

APPROVE the refund of overpayment of documentary transfer tax totaling \$15,323; and AUTHORIZE the County Auditor-Controller to issue refunds to specified parties, as recommended by the Clerk-Recorder.

FISCAL IMPACT:

\$15,323.00 reduction to the County General Fund. \$14,509 is from the 2012-2013 fiscal year and \$814 is from the 2013-2014 fiscal year.

BACKGROUND:

One overpayment was due to a miscalculation regarding the value of the property in question and the other overpayment was due to the County Clerk-Recorder receiving duplicate payment for documentary transfer tax. The following parties overpaid documentary transfer tax in the amounts listed below:

Placer Title Company 1333 N. California Blvd., Suite 100 Walnut Creek, CA 94596	Series #2013-0191611	\$ 814
Loja Pleasant Hill, LLC. 351 California St. #900 San Francisco, CA 94104	Series #2013-0060986	\$14,509

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: 925-335-7917

cc:

BACKGROUND: (CONT'D)

>

CONSEQUENCE OF NEGATIVE ACTION:

Failure to reimburse the parties would cause them to pay more than legally required for documentary transfer tax.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 3, 2015

Subject: APPROVE and AUTHORIZE Advertisement of Roof Replacement at 2099 Arnold Industrial Way, Concord (WH286B)

RECOMMENDATION(S):

1. APPROVE the design and bid documents, including the plans and specifications, for the Roof Replacement at 2099 Arnold Industrial Way, Concord project.
2. DETERMINE that the project is a California Environmental Quality Act (CEQA) Class 1a Categorical Exemption; DIRECT the Director of Conservation and Development, or designee, to promptly file a Notice of Exemption with the County Clerk; and DIRECT the Public Works Director, or designee, to arrange for payment of the \$25 handling fee to the County Clerk for filing the Notice of Exemption and the \$25 handling fee to the Department of Conservation and Development for processing costs.
3. AUTHORIZE the Public Works Director, or designee, to solicit bids to be received on or about March 12, 2015 and issue bid addenda, as needed, for clarification of the bid documents, provided the involved changes do not significantly increase the construction cost estimate.
4. DIRECT the Clerk of the Board to publish, at least 14 calendar days before the bid opening date, the Notice to Contractors in accordance with Public Contract Code Section 22037, inviting bids for this project.
5. DIRECT the Public Works Director, or designee, to



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Ramesh Kanzaria, (925)
313-2000

By: Stacey M. Boyd, Deputy

RECOMMENDATION(S): (CONT'D)

send notices by email or fax and by U.S. Mail to the construction trade journals specified in Public Contract Code Section 22036 at least 15 calendar days before the bid opening.

FISCAL IMPACT:

Funding for this project is provided by the General Fund.

BACKGROUND:

Plans and specifications for the project have been prepared for the Public Works Department by LCA Architects and filed with the Clerk of the Board by the Public Works Director. The construction cost estimate is \$300,000 and the general prevailing wage rates are on file with the Clerk of the Board of Supervisors and will be the minimum rates paid on this project.

The roof at the facility was identified in the Facilities Life-Cycle Investment Program report as being in poor condition and in need of replacement. The roof has begun leaking in a few spots. The project scope includes the removal and replacement of existing roofing, flashing, drains and skylights.

CONSEQUENCE OF NEGATIVE ACTION:

If the project is not approved, the roof will continue to deteriorate and develop more leaks, causing damage to the building interior, resulting in costly repairs in the future.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: Amendment to the Bylaws of the Arts and Culture Commission of Contra Costa County

RECOMMENDATION(S):

ADOPT revised bylaws form the Arts and Culture Commission of Contra Costa County, as recommended by the Commission.

FISCAL IMPACT:

No fiscal impact from this change.

BACKGROUND:

The Arts and Culture Commission of Contra Costa County (AC5) current has a total of eight members, one member from each supervisorial district and three at-large members. Do to an on-going issue with AC5's ability meeting the quorum requirements, the Commission looked for ways to improve the ability to meet regularly. Due to the recent resignation of an At-Large member, a seat on the commission has become vacant and available for conversion. On November 19, 2014, AC5 voted unanimously to convert this newly vacant position from At-Large to Alternate.

Under the new membership, with five district representatives and two alternates, AC5 will now how a quorum of four instead of five. The Alternate will attend meetings and participate in all discussions, but will only be allowed to cast a vote in the absence of another appointed member.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III Supervisor
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Federal D. Glover, District V
Supervisor

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ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: Dorothy Sansoe,
925-335-1009

cc:

CONSEQUENCE OF NEGATIVE ACTION:

AC5 will continue to have problems meeting regularly due to the lack of a quorum.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Revised Bylaws - Clean Version

Revised Bylaws - Marked Up Version

**BY-LAWS OF THE
ARTS AND CULTURE COMMISSION
OF
CONTRA COSTA COUNTY**

1. STATEMENT OF PURPOSE

The function of the Arts and Culture Commission of Contra Costa County (AC5) is to advise the Board of Supervisors on matters and issues relevant to Arts and Culture, to advance the arts in a way that promotes communication, education, appreciation and collaboration throughout Contra Costa County; to preserve, celebrate, and share the arts and culture of the many diverse ethnic groups who live in Contra Costa County; to create partnerships with business and government; to increase communications and understanding between all citizens through art; and to create District Alliances in each Supervisorial District. Most importantly, the Commission will promote arts and culture as a vital element in the quality of life for all of the citizens of Contra Costa County.

2. LOCATION OF MEETINGS

Regularly scheduled meetings of the AC5 will be held at any location designated by a majority of the Commission.

3. MEMBERSHIP ON THE AC5

The AC5 will have eight members. Each Supervisor will appoint one member to represent his or her district. Two members will serve at-large and will be appointed by the Board of Supervisors. One member will be an Alternate and will sit and vote for any absent member.

4. TERM OF COMMISSIONERS

Staggered terms are four years in length, ending June 30. Upon expiration of their term, Commissioners may continue to serve until a successor is appointed. There are no term limits.

5. OFFICERS

The officers are Chair, Vice-chair, and immediate past Chair.

6. ELECTION OF OFFICERS

A three-member nominating committee, appointed by the Chair, will develop a slate of officers to be presented and elected by the Commission at the June meeting. If an office becomes vacant at any time, a new officer is elected in the same way. The Vice-Chair assumes the role of chair for the remainder of the term if the chair is unable to continue.

7. DUTIES OF OFFICERS

Chairperson

1. The Chair calls and presides over meetings of the AC5.
2. The Chair and the Executive Director, with input from the Commissioners, prepare the meeting agenda.
3. The Chair may delegate his/her duties to the Vice-Chair.

Vice-Chair

1. The Vice-Chair assumes the duties of the Chair in his/her absence.

2. The Vice-Chair assumes the duties of the Chair for the remainder of the term if the Chair is unable to continue.

8. TERMS OF OFFICE

Each officer serves a term of one year, beginning in July and ending the following June.

9. THE STANDING COMMITTEES

Communications Committee

The Communications Committee will develop plans to increase public visibility of both AC5 and the arts in Contra Costa County. Functions include public relations, marketing and media relations.

Public Art Committee

The public Art committee will oversee the Art Passages program and other public art projects as directed by the Commission.

Executive Committee

The Executive Committee is comprised of the Commission Chair, Vice Chair, and immediate past Chair. The committee will review and make recommendations concerning Commission staff, personnel matters, finance and budget, and Commission governance issues.

10. CONDUCT OF MEETINGS

All meetings of the AC5 and its committees shall be held in accordance with *The Ralph M. Brown Act* and *The Better Government Ordinance*.

12. QUORUM

A majority of the total number of authorized seats on the AC5 or on a committee must be present to constitute a quorum for meetings. If all authorized seats are not filled, this does not change the quorum requirement. With eight authorized seats, a quorum for AC5 is 5 commissioners.

13. AMENDING THE BY-LAWS

Any proposed changes to these By-laws shall be presented in writing at a regularly scheduled AC5 meeting. The proposed changes to these By-laws will be referred to the Executive Committee for review and recommendation to the AC5. The proposed changes to these By-laws shall be presented in writing at the next regularly scheduled meeting of AC5. The proposed changes may be adopted at the next regularly scheduled meeting by a two-thirds vote of the members present.

Adopted: 5/8/96

Amended: 8/14/96, 9/23/02, 10/09/02, 02/08/06, 10/2/07, 4/23/13, 2/3/15

**BY-LAWS OF THE
ARTS AND CULTURE COMMISSION
OF
CONTRA COSTA COUNTY**

1. STATEMENT OF PURPOSE

The function of the Arts and Culture Commission of Contra Costa County (AC5) is to advise the Board of Supervisors on matters and issues relevant to Arts and Culture, to advance the arts in a way that promotes communication, education, appreciation and collaboration throughout Contra Costa County; to preserve, celebrate, and share the arts and culture of the many diverse ethnic groups who live in Contra Costa County; to create partnerships with business and government; to increase communications and understanding between all citizens through art; and to create District Alliances in each Supervisorial District. Most importantly, the Commission will promote arts and culture as a vital element in the quality of life for all of the citizens of Contra Costa County.

2. LOCATION OF MEETINGS

Regularly scheduled meetings of the AC5 will be held at any location designated by a majority of the Commission.

3. MEMBERSHIP ON THE AC5

The AC5 will have eight members. Each Supervisor will appoint one member to represent his or her district. Two members will serve at-large and will be appointed by the Board of Supervisors. One member will be an Alternate and will sit and vote for any absent member.

4. TERM OF COMMISSIONERS

Staggered terms are four years in length, ending June 30. Upon expiration of their term, Commissioners may continue to serve until a successor is appointed. There are no term limits.

5. OFFICERS

The officers are Chair, Vice-chair, and immediate past Chair.

6. ELECTION OF OFFICERS

A three-member nominating committee, appointed by the Chair, will develop a slate of officers to be presented and elected by the Commission at the June meeting. If an office becomes vacant at any time, a new officer is elected in the same way. The Vice-Chair assumes the role of chair for the remainder of the term if the chair is unable to continue.

7. DUTIES OF OFFICERS

Chairperson

1. The Chair calls and presides over meetings of the AC5.
2. The Chair and the Executive Director, with input from the Commissioners, prepare the meeting agenda.
3. The Chair may delegate his/her duties to the Vice-Chair.

Vice-Chair

1. The Vice-Chair assumes the duties of the Chair in his/her absence.

2. The Vice-Chair assumes the duties of the Chair for the remainder of the term if the Chair is unable to continue.

8. TERMS OF OFFICE

Each officer serves a term of one year, beginning in July and ending the following June.

9. THE STANDING COMMITTEES

Communications Committee

The Communications Committee will develop plans to increase public visibility of both AC5 and the arts in Contra Costa County. Functions include public relations, marketing and media relations.

Public Art Committee

The public Art committee will oversee the Art Passages program and other public art projects as directed by the Commission.

Executive Committee

The Executive Committee is comprised of the Commission Chair, Vice Chair, and immediate past Chair. The committee will review and make recommendations concerning Commission staff, personnel matters, finance and budget, and Commission governance issues.

10. CONDUCT OF MEETINGS

All meetings of the AC5 and its committees shall be held in accordance with *The Ralph M. Brown Act* and *The Better Government Ordinance*.

12. QUORUM

A majority of the total number of authorized seats on the AC5 or on a committee must be present to constitute a quorum for meetings. If all authorized seats are not filled, this does not change the quorum requirement. With eight authorized seats, a quorum for AC5 is 5 commissioners.

13. AMENDING THE BY-LAWS

Any proposed changes to these By-laws shall be presented in writing at a regularly scheduled AC5 meeting. The proposed changes to these By-laws will be referred to the Executive Committee for review and recommendation to the AC5. The proposed changes to these By-laws shall be presented in writing at the next regularly scheduled meeting of AC5. The proposed changes may be adopted at the next regularly scheduled meeting by a two-thirds vote of the members present.

Adopted: 5/8/96

Amended: 8/14/96, 9/23/02, 10/09/02, 02/08/06, 10/2/07, 4/23/13, 2/3/15



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: APPROVE Notice of Intention to Purchase Real Property from Palm Plaza Development.

RECOMMENDATION(S):

APPROVE the attached Notice of Intention to Purchase Real Property ("NOI") in San Pablo known as Lot 1 of Subdivision 9331 recorded October 30, 2014 in Book 521 of Maps at Page 41, Contra Costa County Clerk-Recorder's office, for the sum of \$850,000, pursuant to Government Code Section 25350. Project No.: WLP 847

SET Tuesday, March 3rd at 9:00 a.m. or thereafter, in the Board's Chambers, County Administration Building, 651 Pine Street, Martinez, California, as the date and time for the Board to meet to consummate the purchase.

DIRECT the Real Estate Division of the Public Works Department to publish the attached NOI in the Contra Costa Times pursuant to Government Code Section 6063.

FISCAL IMPACT:

100% Hospital Enterprise Fund.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

Contact: Carmen Piña-Sandoval
(925) 313-2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

BACKGROUND:

In 2010, Contra Costa County (County) purchased a portion of property from the former City of San Pablo Redevelopment Agency, and then built the West County Health Center (WCHC) and a parking garage. In 2011, the City of San Pablo adopted a plan to develop the remainder of the properties. The plan divided the site into several Lots. Lot 1 is adjacent to the WCHC and fronts San Pablo Avenue. Lot 1 is approximately 40,783 square feet (.93-acres) in size.

Health Services Department staff has determined that Lot 1 is a suitable site for future Health Services Department facilities.

CONSEQUENCE OF NEGATIVE ACTION:

The County would not be able to move forward with the acquisition.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Notice of Intention

PUBLICATION REQUEST

TO: Real Estate Division
Attn: Real Estate Clerk

FROM: Carmen Piña-Sandoval
Name

Real Estate
Division

(925) 313-2012

PROJECT NAME: San Pablo Lot 1 Property Acquisition

PROJECT NO. WLP 847

BOS MTG. DATE: February 3, 2015

REQUESTED PUBLICATION DATE(S): February 12, 19 & 26, 2015

REQUESTED PUBLISHING PAPER(S):

Contra Costa Times

REQUIRED ATTACHMENTS:

- Board Order
- Documents to be published

Do not type below this line – Publication language on following page

RP TECHNICAL ASST. _____

BOS APPROVED ON _____

SUBMITTED FOR PUBLICATION ON _____

PUBLICATION CONFIRMATION SENT TO:

- ✓ Finance
- ✓ Requesting Division
- ✓ Chief Clerk BOS

**CONTRA COSTA COUNTY
PUBLIC WORKS DEPARTMENT
255 Glacier Drive
Martinez, CA 94553**

NOTICE OF INTENTION TO PURCHASE REAL PROPERTY

The Board of Supervisors of Contra Costa County declares its intention to purchase from Palm Plaza Development at a price of \$850,000.00, the real property site containing approximately 40,783 square feet of land known as Lot 1 of Subdivision 9331, San Pablo, CA, recorded October 30, 2014 in Book 521 of Maps at Page 41, Contra Costa County Clerk-Recorder's office. The Board Order dated February 3, 2015 declares that the Board will meet on March 3, 2015 at 9:00 or thereafter, in its Chambers, County Administration Building, 651 Pine Street, Martinez, California, to consummate the purchase.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: _____
David Twa, Clerk of the Board of Supervisors and County Administrator

By _____, Deputy

Publication Dates:



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: CLERK'S CERTIFICATE TO INITIATIVE PETITION OF REFERENDUM OF ORDINANCE NO. 2014-10

RECOMMENDATION(S):

ACCEPT the Clerk-Recorder's certificate of signature verification results for referendum petition on Ordinance No. 2014-10, which would have adjusted the salaries of the Board of Supervisors members, as recommended by the County Administrator.

FISCAL IMPACT:

The estimated cost associated with the 2014 salary ordinance was \$235,000, \$66,876 of which was pension cost.

BACKGROUND:

On November 4, 2014, the Board of Supervisors adopted Ordinance No. 2014-10, which amended the County Ordinance Code to adjust salary of members of the Board of Supervisors to an annual amount equivalent to seventy percent of Superior Court judges' salaries and provided that, prospectively, Supervisors' salaries would be adjusted as necessary to maintain a base salary equivalent to seventy percent of judges' salaries. Judge's salaries are linked to the salary increases of State employees. The Supervisors' salaries had not been raised since 2007 and were the lowest in the State for urban counties, and the second lowest for counties in the Bay Area.

On January 2, 2015, a coalition of labor organizations filed a referendum petition, calling on the Supervisors to rescind the salary increase and, effectively, suspending the ordinance that was to have taken effect on January 3, 2015. The County Registrar of Voters advised that the petition must contain 25,407 valid signatures in order to be deemed sufficient. The petition filed on January 2 is estimated to contain approximately 39,000 signatures but the number of valid signatures would be determined by the Elections office.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: JULIE DiMAGGIO ENEA
925.335.1077

By: Stacey M. Boyd, Deputy

cc:

BACKGROUND: (CONT'D)

The County Clerk has examined the petition and verified the signatures by examining the records of registration in this county, and has determined that the required number of qualified electors have signed the petition. The County Clerk certifies that the attached report regarding the signatures is true and correct.

During the interval in which signatures were being verified, the Board of Supervisors, on January 20, 2015, took action to repeal the salary ordinance (No. 2014-10) in recognition of the public expression through the petition process and to minimize the expenditure of time and resources to verify the petition signatures or hold an election on the matter.

CONSEQUENCE OF NEGATIVE ACTION:

Not applicable.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Clerk-Recorder Certification of Referendum to Overturn County Ordinance No. 2014-10

Contra Costa County
Clerk-Recorder-Elections Department

Administration
925.335.7899
925.335.7893 fax

Elections Division
925.335.7800
925.335.7836 fax

555 Escobar Street
Martinez, CA 94553



Joseph E. Canciamilla
County Clerk-Recorder
and Registrar of Voters

Deborah Cooper
Deputy County Clerk-Recorder

Scott Konopasek
Assistant County Registrar

I, Joseph E. Canciamilla, County Clerk of the County of Contra Costa, State of California, hereby certify that

REFERENDUM TO OVERTURN COUNTY ORDINANCE NO. 2014-10

was delivered to this office on **January 2, 2015** and that said petition consists of **4,394** pages.

Each section contains signatures purporting to be the signatures of qualified electors of this county;

That attached to this petition at the time it was filed was an affidavit purporting to be the affidavit of the person who solicited the signatures and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

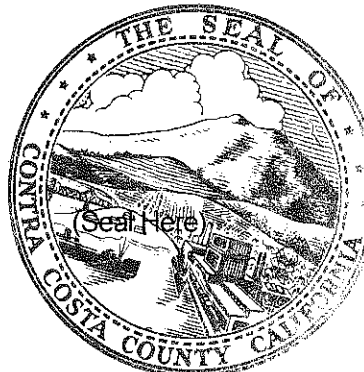
That under the provisions of Elections Code § 9146 and 9114, I caused the verification 100 percent of signatures by examining the records of registration in this County, current and in effect at the respective purportive dates of such signing, to determine what number of qualified electors signed the petition. Verification concluded when the number of valid signatures required to qualify the petition, **25,407**, was attained. From that examination, I have determined the following facts regarding this petition:

- | | |
|--|---------------|
| 1. The number of signatures filed by the proponent (raw count): | 39,263 |
| 2. The number of signatures checked of those filed: | 31,496 |
| 3. The number of signatures not checked : | 7767 |
| 4. The number of signatures checked and were found SUFFICIENT : | 25,440 |
| 5. The number of signatures checked and found insufficient : | 6,056 |
| a. The number of duplicate signatures: | 394 |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 22nd day of January, 2015.

Joseph E. Canciamilla
County Clerk-Recorder
Contra Costa County, California

Gwenddy Saxon
Deputy





Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: February 3, 2015

Subject: 2014 ANNUAL REPORT FROM THE KNIGHTSEN TOWN ADVISORY COUNCIL

RECOMMENDATION(S):

RECEIVE and ACCEPT the 2014 Annual Report submitted by the Knightsen Town Advisory Council, as recommended by Supervisor Mary Nejedly Piepho.

FISCAL IMPACT:

None.

BACKGROUND:

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, on the second Tuesday of December.

The attached reports fulfill this requirement for the Knightsen Town Advisory Council.

CONSEQUENCE OF NEGATIVE ACTION:

The Knightsen Town Advisory Council will not be in compliance with the requirement set forth in Resolution No. 2002/377.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: LEA CASTLEBERRY
(925) 252-4500

By: Stephanie L. Mello, Deputy

cc:

ATTACHMENTS

2014 Knightsen TAC Overview

2015 Knightsen TAC

Objectives

Knightsen TAC

Submitted by:
Linda Weekes, Chair

Activities and Accomplishments

The primary goal of the Knightsen TAC in 2014 was to continue to be the connection between the residents of Knightsen with the County.

We successfully scheduled several guest speakers who brought timely and pertinent information to the folk of our community. Presentation included the following topics:

July: John Wiggins, CCC Environmental Health regarding an update on Alternative Septic Systems
August: Cece Sellgren, CCC Public Works regarding the County's Long Term Trash Reduction Plan

During 2014 the Knightsen TAC activities and efforts included:

- A successful Community Clean-Up Day held on June 14, 2014. The Brentwood Disposal Company brought multiple dumpsters and the event was free of charge to Knightsen residents. It was a wonderful opportunity for a community clean up and the Knightsen TAC members and community volunteers assisted residents.
- Knightsen TAC continued to send a representative to the monthly Code Enforcement meetings held at the Supervisor's office to discuss and set code enforcement priorities for the Knightsen community.
- Continued discussion regarding the reflective address signs throughout the community
- Began discussion set-up of a Neighborhood Watch Program in the Knightsen community
- Continued to promote and expand the Knightsen Heart Safe Communities Program
- Participated in the Second Annual Knightsen Holiday Parade

Members in 2014

- Chair Linda Weekes
- Vice Chair Al Simas
- Councilmember Juliana Wyman
- Councilmember Angie Stoken (resigned in June)
- Councilmember Greg Williams

Attendance in 2014

January- All present

February- All present

March- Councilmember Stoken absent

April- All present

May- Councilmember Williams absent

June- Meeting Cancelled

July- Meeting Cancelled

August- All present

September- All present

October- All present

November- No meeting – combined w/December meeting

December- All present

Knightsen TAC Objectives for 2015

The Knightsen TAC's priorities for 2015 will be to continue to be to provide the Knightsen community with the opportunity to communicate with the various County Departments.

We will work to schedule pertinent and informative speaker presentations at the monthly meetings.

We will continue to work on:

- 1.) Reflective Address Signs
- 2.) Neighborhood Watch Program
- 3.) Code Enforcement Priorities
- 4.) Traffic Concerns
- 5.) Heart Safe Communities Program

The Knightsen TAC is scheduled to meet on the 4th Tuesday of the month at 7:00p.m. at the Knightsen Garden Club.



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: February 3, 2015

Subject: 2014 ANNUAL REPORT FROM THE BYRON MUNICIPAL ADVISORY COUNCIL

RECOMMENDATION(S):

RECEIVE and ACCEPT the 2014 Annual Report submitted by the Byron Municipal Advisory Council, as recommended by Supervisor Mary Nejedly Piepho.

FISCAL IMPACT:

None.

BACKGROUND:

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, on the second Tuesday of December.

CONSEQUENCE OF NEGATIVE ACTION:

The Byron Municipal Advisory Council will not be in compliance with the requirement set forth in Resolution No. 2002/377.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: LEA CASTLEBERRY
(925) 252-4500

By: June McHuen, Deputy

cc:

ATTACHMENTS

2014 Byron MAC
Overview

2015 Byron MAC
Objective

Byron MAC
Submitted by:
Linnea Juarez, Chair

Activities and Accomplishments

The primary goal of the Byron MAC in 2014 was to continue to be the connection between the residents of Byron with the County.

During the 2014 Byron MAC meetings the following presentations were made to the community.

- Public Works staff regarding traffic items
- Public Works staff regarding the Camino Diablo/Byron Highway intersection project.

During 2014 the Byron MAC activities and efforts included:

- A successful Community Clean-Up Day held on July 12, 2013. The Brentwood Disposal company brought multiple dumpsters and the event was free of charge to Byron residents. It was a wonderful opportunity for a community clean up and the Byron MAC members and community volunteers, lead by Council member Lopez, assisted several elderly property owners clean up their residences.
- Byron MAC continued to send a representative to the monthly Code Enforcement meetings held at the Supervisor's office to discuss and set code enforcement priorities for the Byron community. Significant improvement in enforcement and compliance was completed throughout the year.
- The Byron MAC discussed concerns with the Public Works Department regarding the Camino Diablo and J-4 intersection and submitted comments regarding future projects in this area.
- Continued to cleanup weeds around the Byron Community Sign

Members in 2014

- Chair Linnea Juarez
- Vice Chair Steve Larsen
- Council member Dennis Lopez
- Council member Al Beltran (resigned in July)
- Councilmember Father Ron Schmit
-

Attendance in 2014

January- Councilmember Beltran and Schmit Absent

February- All present

March- Chair Juarez and Councilmember Beltran Absent

April- Meeting Cancelled

May- Councilmembers Schmit and Beltran Absent

June- Councilmember Beltran Absent

July-All present (Councilmember Beltran resigned)

August- Councilmember Schmit resigned

September- All present

October- All present

November- All present

December- No meeting – combined with November meeting

Byron MAC Work Plan and Objectives for 2015

The Byron MAC's priorities for 2015 will continue to be to provide the Byron community with the opportunity to communicate with the various County Departments.

We will work to schedule pertinent and informative speaker presentations at the monthly meetings.

We will continue to work on:

- 1.) Heart Safe Community Designation
- 2.) Code Enforcement Priorities
- 3.) Traffic/Pedestrian Concerns
- 4.) Park Dedications Funds
- 5.) Illegal Dumping
- 6.) Promote Community Identity
- 7.) Annual Clean-Up Day

The Byron MAC is scheduled to meet on the 3rd Thursday of the month at 6:00p.m. at Excelsior Middle School.



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: February 3, 2015

Subject: 2014 ANNUAL REPORT FROM THE BETHEL ISLAND MUNICIPAL ADVISORY COUNCIL

RECOMMENDATION(S):

RECEIVE and ACCEPT 2014 Annual Report submitted by the Bethel Island Municipal Advisory Council, as recommended by Supervisor Mary Nejedly Piepho.

FISCAL IMPACT:

None.

BACKGROUND:

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, on the second Tuesday of December.

CONSEQUENCE OF NEGATIVE ACTION:

The Bethel Island Municipal Advisory Council will not be in compliance with the requirement set forth in Resolution No. 2002/377.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: LEA CASTLEBERRY
(925) 252-4500

By: June McHuen, Deputy

cc:

ATTACHMENTS

2014 Bethel Island MAC Overview

2015 Bethel Island MAC

Objectives

Bethel Island MAC

Submitted by:

Pam Allen, Chair

Prepared by:

Field Representative Lea Castleberry

Activities and Accomplishments

The primary goal of the Bethel Island MAC was to continue to be the connection between the residents of Bethel Island with the County.

We successfully scheduled several monthly guest speakers who brought timely and pertinent information to the folk of our community.

Presentation included the following topics:

February: Ironhouse Sanitary District Update

September: Public Works Staff Update on CSA M-28 and an
Representative from SDC Delta Coves LLC provided an
update on the Delta Coves project
Communities

October: CCC Code Enforcement Update

During 2014 the Bethel Island MAC activities and efforts included:

- A successful Community Clean-Up Day held on September 27, 2014. The Brentwood Disposal Company brought multiple dumpsters and the event was free of charge to Bethel Island residents.
- Continued to work on installation of "Dry Hydrants"
- Continued to meet with County Code Enforcement staff to establish a list of enforcement priorities for the community.
- Contributed to the Community Park project for the installation of a Celebration archway
- Worked on the renaming the middle section of Stone Road
- Continued to promote and expand the Heart Safe Communities program

Members in 2014

- Chair Pam Allen
- Vice Chair Jim Montgomery
- Council member Ken Quick
- Council member Belinda Bittner
- Council member Bob Cameron

Attendance in 2014

January- Chair Allen and Councilmember Quick Absent

February-Councilmember Quick Absent

March- All Members Present

April- All Members Present

May-All Members Present

June- All Members Present

July-Meeting Cancelled

August- All Members Present

September- Vice Chair Montgomery and Councilmember Bittner Absent

October- Chair Allen and Vice Chair Montgomery

November- Meeting Cancelled

December- Meeting Cancelled

Bethel Island MAC Objectives for 2015

The Bethel Island MAC priorities for 2015 will be to continue to be to provide the Bethel Island community with the opportunity to communicate with the various County Departments.

We will work to schedule pertinent and informative speaker presentations at the monthly meetings.

We will continue to work on items including:

- 1.) Reflective Address Signs
- 2.) Code Enforcement Priorities
- 3.) Dry Hydrants
- 4.) Outreach to the local mobile home parks
- 5.) Heart Safe Communities Program
- 6.) Renaming the Middle portion of Stone Road

The Bethel Island MAC is scheduled to meet on the 2nd Tuesday of the month at 6:00p.m. at the Bethel Island Municipal Improvement District Office located at 3085 Stone Road.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: Unpaid Student Training Agreement #72-074 with Regents of the University of California, on behalf of University of California San Francisco

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Unpaid Student Training Agreement #72-074 with Regents of the University of California, on behalf of University of California San Francisco, an educational institution, to provide supervised field instruction in County's Public Health Division to physical therapy students, from January 1, 2015 through December 31, 2020.

FISCAL IMPACT:

None

BACKGROUND:

The purpose of this agreement is to provide Regents of the University of California, on behalf of University of California San Francisco, physical therapy students with the opportunity to integrate academic knowledge with applied skills at progressively higher levels of performance and responsibility. Supervised fieldwork experience for students is considered to be an

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 02/03/2015

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Wendel Brunner, M.D.,
313-6712

By: June McHuen, Deputy

BACKGROUND: (CONT'D)

integral part of both educational and professional preparation. The Health Services Department can provide the requisite field education, while at the same time, benefitting from the students' services to patients.

Approval of Unpaid Student Training Agreement #72-074 will allow Regents of the University of California, on behalf of University of California San Francisco students to receive supervised fieldwork instruction experience, in County's Public Health Division, through December 31, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the students will not receive supervised fieldwork instruction experience in County's Public Health Division.

CHILDREN'S IMPACT STATEMENT:

Not Applicable



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 3, 2015

Subject: 2014 Annual Report for the Emergency Medical Care Committee

RECOMMENDATION(S):

Receive the 2014 Annual Report by the Contra Costa County Emergency Medical Care Committee (EMCC).

FISCAL IMPACT:

No fiscal impact, information report only.

BACKGROUND:

On December 13, 2011, the Board of Supervisors adopted Resolution No. 2011/497, which requires that each advisory body shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, in December.

The Contra Costa County Board of Supervisors established the Contra Costa County EMCC (Resolutions 68/404, 77/637, 79/640 and by Board Order on February 24, 1998) in accordance with the California Health and Safety Code Division 2.5, Ch. 4, Article 3, to act in an advisory capacity to the Board and the County Health Services Director on matters relating to emergency medical services in the County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Patricia Frost, 646-4690

cc: T Scott, C Rucker, Leticia Andreas

CONSEQUENCE OF NEGATIVE ACTION:

The 2014 Annual EMCC Report will not be approved.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Report



EMERGENCY MEDICAL CARE COMMITTEE CONTRA COSTA COUNTY

Chair

John Speakman

District II

1st Vice Chair

Gary Napper

Public Managers' Association

2nd Vice Chair

Kacey Hansen

Trauma Center, CC Contract

Executive Committee

Ross Fay

*Air Medical Transportation
Provider*

Executive Committee

Andy Swartzell

*Contra Costa Fire Chiefs'
Association*

January 9, 2015

Clerk of the Board

Contra Costa County

651 Pine Street, 1st Floor

Martinez, CA 94553

To Whom It May Concern:

The Contra Costa County Emergency Medical Care Committee (EMCC) Annual Report for 2014 is being submitted to the Board of Supervisors as required by Contra Costa Board of Supervisors' Resolution No. 2011/497. The Emergency Medical Care Committee approved this report at its December 3, 2014 meeting.

If you have any questions or require additional information, please call me at (925) 646-4690, or email at leticia.andreas@hsd.cccounty.us.

Sincerely,

Leticia Andreas

EMS Secretary

Staff to EMCC

Enc.



Emergency Medical Care Committee 2014 Annual Report

Annual Report for 2014

Advisory Body Name: Emergency Medical Care Committee (EMCC)

Advisory Body Meeting Time/Location: 4:00 p.m. - 5:30 p.m. on the second Wednesday of March, June, September, and December, unless otherwise noted. Meetings are held at the Contra Costa County Schools Insurance Group in Pleasant Hill.

Chair: Darrell Lee (11/2013-9/2014); John Speakman (9/2014-present)

Staff person: Leticia Andreas (9/2013–present), Health Services, Emergency Medical Services

Reporting Period: January 1, 2014 – December 31, 2014

I. Activities:

The EMCC, over the four (4) regular meetings in the past year, plus two (2) special meetings, was involved in or kept its membership informed about the following:

- Approval of Paramedics to use new pain medication Fentanyl as a safer and shorter acting drug.
- Major revision on spinal immobilization to improve comfort and safety.
- Notable modifications to protocols, training and quality reviews to improve effectiveness of cardiac arrest implemented countywide.
- Annual Quality Improvement (QI) Report presented by EMS staff, outlining how the system is performing and evaluated. EMS is working with all its providers in two key areas: patient events and system wide data. The focus is on system performance and patient safety.
- Involvement in drafting and finalizing contingency plans in case of a closure of Doctors Medical Center. Participation leader at Doctors Medical Center community public hearing in June.
- Hospital Offload Times: 9 out of 10 times patients will only wait 15 minutes at Contra Costa Regional Medical Center for offloading; in general all hospitals are at 19 minutes or less. Over 70% of California's population is affected by ambulance delays.
- Laura's Law Presentation by the Assisted Outpatient Treatment (AOT) Workgroup: The purpose of Laura's Law is a permanent care program for the severe mentally ill, and with it reductions to the amounts of hospitalization and EMS involvement. Laura's Law passed California legislature in 2002, but also needs to be passed by each county supervisor in order to be funded.
- Educational efforts are geared towards high quality Cardiopulmonary Resuscitation (CPR) on an ongoing basis, focusing on the rate and speed of compressions. EMS staff provides education to fire and ambulance providers via a developed curriculum.
- EMS provided seven (7) ambulances as mutual aid to the Napa earthquake.
- Approval of EMS' hospital preparedness grant for \$366,000 by the state.
- Submission of a grant by EMS to expand placement of AEDs in police vehicles and the community.
- Coordination of medical health operational response to Ebola with County Public Health.
- Presentation of EBOLA EMS System Preparedness, and informing members of CDC, State Department, and TSA programs and guidelines.

II. Accomplishments

- Approval of EMCC 2013 Annual Report
- Active participation in finalization of Fitch EMS System Modernization Study
- Active participation in EMS Ambulance Request for Proposal (RFP)
- Cardiac Arrest Recognitions of Contra Costa Fire dispatcher and two (2) nurses from Juvenile Hall for providing CPR instructions and implementations resulting in saving two lives
- Recognition of San Ramon Valley HeartSafe Community Committee for ten (10) years of service
- Lifeline EMS Bronze Level Recognition Award presented by the American Heart and American Stroke Association to Contra Costa EMS
- Active participation and involvement in drafting a contingency plan for the closure of Doctors Medical Center
- Submittal and acceptance of the finalized EMS Modernization Study to the Board of Supervisors
- Letter of Support from the EMCC Executive Committee to the Board of Supervisors, to endorse the work of the Assisted Outpatient Treatment (AOT) Workgroup to adopt Laura's Law in Contra Costa County.
- Successful completion of the Request for Proposal (RFP) Workshop
- Successful statewide operational area tabletop and functional disaster exercise

- Successful training of all Contra Costa County EMS providers in the 9-1-1 system on high quality Cardiopulmonary Resuscitation (CPR) Quality Initiative.
- Election of a new 2nd Vice Chair in December 2014.

III. Attendance/Representation

The EMCC is a multidisciplinary committee with membership consisting of representation of specific EMS stakeholder groups and organizations plus one consumer member and one alternate nominated by each Board of Supervisor member. There are 40 filled member seats on the EMCC. 12 seats are unfilled. A quorum was achieved at each of the six EMCC meetings in the past year.

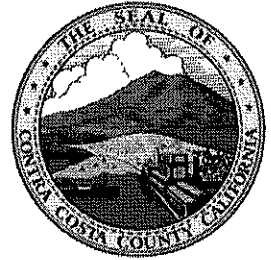
IV. Training/Certification

Each EMCC representative and alternate representative was given a copy of the Advisory Body Handbook and copies of the “The Brown Act and Better Government Ordinance - What you Need to Know as a Commission, Board or Committee Member” and “Ethics Orientation for County Officials” videotapes during their two-year term. Responsibilities of County Boards were discussed including the responsibility to view the videotapes and submit signed certifications. Certification forms have been received from 20 of 24 of the representatives and 9 of the 16 alternates. The one (1) certificate received in 2014 is attached.

V. Proposed Work Plan/Objectives for Next Year

Report to the local EMS Agency and to the Board of Supervisors as appropriate its observations and recommendations relative to its review of:

- Emergency Ambulance Request for Proposal EOA I, II, and V
- Medical Health Disaster Preparedness Coalition building
- Medical Reserve Corp capability
- Application of technology and opportunities for Health Information Exchange between EMS providers and EMS System stakeholders
- Update of the county ambulance ordinance
- The 2014 EMS System Plan, Trauma, Stroke, STEMI and EMS for Children Programs
- EMS System impacts due to changing economics and health care reform
- EMS System impacts of potential closure of Doctors Medical Center
- EMS System performance
- Innovative models of EMS service delivery
- Non-emergency ambulance disaster response
- EMS System patient safety and quality initiatives
- Improvement in transparency of EMS System productivity and performance
- Partnerships with cities, law enforcement and citizens supporting capabilities in disasters
- Contra Costa’s high performance STEMI, Trauma, Cardiac Arrest and Stroke Systems
- EMS System Performance Report
- Community education and outreach, e.g., *HeartSafe*, Child Injury Prevention
- Appropriate use of 9-1-1, CPR Anytime, and Automatic External Defibrillator (AED) programs through partnerships with Law Enforcement, CERT, Fire First Responders and Community Coalitions.
- Review and update of EMCC Bylaws - last reviewed in 11/15/2006



Training Certification for Member of County Advisory Body

By signing below, I certify that on 1/28/14, I watched the entire training tape: **"The Brown Act and Better Government Ordinance—What You Need to Know as a Commission, Board, or Committee Member."**

By signing below, I certify that on _____, I watched the entire training tape: **"Ethics Orientation for County Officials."**

JASON SAMPSON
(Name of Member of Advisory Body)

1/28/14
(Date)

Return this Certification to the chair or staff of your advisory body. Your Certification that you have completed these training activities will be included in your advisory body's annual report to the Contra Costa County Board of Supervisors. The chair or staff to your advisory body must keep all certifications on file.



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 3, 2015

Subject: APPROVE and AUTHORIZE Advertisement of the North Richmond Pump Station Diversion Project (WJ7246)

RECOMMENDATION(S):

1. APPROVE the design and bid documents, including the plans and specifications, for the North Richmond Pump Station Diversion Project.
2. On September 9, 2014, the Board of Supervisors determined that the project is a California Environmental Quality Act (CEQA) Class 15301(b) Categorical Exemption and a Notice of Exemption has been filed.
3. AUTHORIZE the Public Works Director, or designee, to solicit bids to be received on or about March 10, 2015 and issue bid addenda, as needed, for clarification of the bid documents, provided the involved changes do not significantly increase the construction cost estimate.
4. DIRECT the Clerk of the Board to publish, at least 14 calendar days before the bid opening date, the Notice to Contractors in accordance with Public Contract Code Section 22037, inviting bids for this project.
5. DIRECT the Public Works Director, or designee, to send notices by email or fax and by U.S. Mail to the construction trade journals specified in Public Contract Code Section 22036 at least 15 calendar days before the bid opening.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Ramesh Kanzaria, (925)
313-2000

By: June McHuen, Deputy

FISCAL IMPACT:

63% Environmental Protection Agency grant funds and 37% Stormwater Utility Area 17 Assessments.

BACKGROUND:

The purpose of the project is to participate in a pilot project to divert storm water to a sanitary district treatment plant to determine the feasibility of treating storm water at a wastewater treatment plant before it is discharged into a receiving water body. The project will divert storm water from the existing North Richmond Pump Station to a West County Wastewater District sewer main on Gertrude Avenue. The diversion will be conducted on a temporary basis. Inside the existing pump station, two new pumps will be installed (currently estimated at 250 gallons/minute capacity) into the wet well of the existing pump station, automated level sensors will be installed to operate the new pumps, and a new circuit breaker and control panel will be installed. Installation of the new pumps will also help rehabilitate the pump station which is in need of repair.

Plans and specifications for the project have been prepared for the Public Works Department by LCA Architects and filed with the Clerk of the Board by the Public Works Director. The construction cost estimate is \$345,000 and the general prevailing wage rates are on file with the Clerk of the Board of Supervisors and will be the minimum rates paid on this project.

CONSEQUENCE OF NEGATIVE ACTION:

If the project is not approved, the County and Cities in the County will not meet the requirements of their stormwater permit issued by the Regional Water Quality Control Board. In addition, the existing pump station will continue to deteriorate and will ultimately be unable to protect the community from flooding.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: Annual Report from the Contra Costa Commission on Women

RECOMMENDATION(S):

Accept the 2014 Annual Report from the Contra Costa Commission for Women.

FISCAL IMPACT:

None.

BACKGROUND:

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, on the second Tuesday in December.

The annual report for the Contra Costa County Commission for Women covering the period of January 2013 through December 2014, is attached, outlining accomplishments achieved and proposed actions and goals for 2014/15.

CONSEQUENCE OF NEGATIVE ACTION:

The Board and the public will not have this information,.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 02/03/2015



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Dorothy Sansoe,
925-335-1009

cc:

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

2014 Annual Report

The Contra Costa Commission for Women's mission is to improve the economic status, social welfare and overall quality of life of women in Contra Costa County.

The activities for the Commission over the past year include:

1. NACW – National Association of Commissions for Women

The CCCW, as a member, co-sponsored a national conference. One Commissioner serves on the board of directors. The NACW is the only voice of advocacy on a national level for women's commissions.

2. ACCW – Association of California Commissions for Women

The CCCW is a member of the ACCW and have attended the quarterly meetings at Mt. St. Mary's in LA and in San Jose, CA (the two other meetings were by phone). The ACCW meetings are where California Women's Commissions share their projects and ideas and report on the status of women across the state. The CCCW is also co-sponsoring the first-ever ACCW state conference which will be in the Fall of 2015 in Sacramento in celebration of the 50th Anniversary of the State Commission. One Commissioner represents the CCCW as the Northern California rep.

3. 2014 Women's Policy Summit

Cosponsored the 2014 Women's Policy Summit with the California Center for Research on Women and Families, held from January 17th-19th in Sacramento. We will also cosponsor the 2015 Women's Policy Summit, held on January 14th, in Sacramento.

4. Social Media/Public Relations Update

The Commission continued working on updating and improving the website, and up until September 2014, had a dedicated subcommittee focused on maintaining, expanding, and improving our social media presence through newsletters, Facebook, and the newspapers and local news stations.

5. Why Women in Leadership? Panel Discussion

The Commission Planned and hosted two networking and panel events at JFK University discussing women in the workplace. The first, hosted in May, was focused on **non-traditional careers** and included the following panel members:

Darlene Gayler – VP, Gayler Construction

Rae Jones – Nautical Captain

Utuma Belfrey – Founder and CEO, Sustainable Futures

Chuck Carpenter – Safety Officer and Compliance, Richmond Build

Camille Finan - Carpenter & Owner of Divine Kitchens

Donna Rayon-Terrell – Retired Firefighter/Fire Inspector/Captain, Contra Costa County

The second panel, hosted in September, was focused on **professional presence** and included the following panel members:

D'Ann Hayes, Marketing & Promotional Specialist and Owner, Ink It Up Designs
Carrie LaShell, AICI FLC, Certified Image Consultant and Owner, Such Savvy Style

Maureen Viano, SVP, Professional Services and Career Coach, Lee Hecht Harrison

Both panels were well attended and we received great feedback and interest for future panels.

6. 12th Women's Hall of Fame Awards Dinner

This established event recognizes women who have made a difference towards equality, innovation, service and achievement in commerce, the environment, health, and community outreach throughout Contra Costa County. Over 250 attendees honored the following eight inductees at the dinner held on March 20, 2014 at the Crowne Plaza, in Concord, CA:

- Women Contributing to the Arts – Honorees,
Edy Schwartz, Moraga & Lauren Jonas, Walnut Creek
- Women Creating Community – Honorees
Rita Xavier, San Pablo & Sister Ann Weltz, Concord
- Women Demonstrating Leadership – Honorees
Linda Fodrini-Johnson, Walnut Creek & Betty Geishirt Cantrell, Richmond
- Women Working for Justice – Honoree, Nati Flores, Antioch
- Women Improving Health Care – Honoree, Janet Frazier, Oakley

7. Grant Funding

The Friends of the Commission gave a \$500 grant toward a scholarship for young, at-risk girls to attend a weekend-long leadership seminar.

8. Annual Retreat

The Commission met on August 9, 2014 to discuss our Long- and Short-Term plans for the year. We brainstormed the following topics of what we'd like to accomplish over the next three years (2015-2017)

- Leadership/Professional Development
- Girls
- Collaborations
- Disadvantaged Women
- Trafficking
- Domestic Violence (physical, mental, emotional)
- Ecology: Water
- Health & Safety, Wellness
- Education
- Economic

After a vote was taken, it was decided that for our short term projects, the CCCW would focus on:

- ✓ Leadership/Professional Development
- ✓ Girls
- ✓ Economic Development

I. Leadership/Professional Development

- Women in Leadership Panels (2x a year)-Round Table Conference
- Form a Council of Women(?) Leaders (Private & Public)

It was also decided that the **Women in Leadership** series would be renamed and going forward, will be known as **Women in the Workforce** Panels.

They will continue to be offered 2x a year-Fall (September) & Spring (May)

- Topics for **fiscal year 2014-2015:**
 1. **Professional Presence – Thursday, September 25, 2014**
6:30pm – 9:00 pm @ JFKU
 - Already set and being marketed
 2. **Women in Power** – (Julianna's proposed date: Thursday, May 21 – need to decide am or pm)
 - Possible Panelists include:
 - Ann Notarangelo
 - Mary Jo Rossi
 - D.D. Felton
- Topics for **fiscal year 2015-2016:**
 1. Reentering the Workforce (September 2015)
 2. Building Your Network (May 2016)

Other Potential “Women in the Workforce” Topics:

1. Entrepreneurship
2. Finding Mentors and/or Sponsorships
3. Career Development
4. Generational Differences
5. How to Develop your career
6. Overcoming the Over qualification argument
7. Healthy Retirement

II. Girls

- Life Management Skills Workshop
- Support bullying legislation (Bonilla/Frazier)
- Provide resources/support to teachers re: bullying
- Workshop: Financial literacy for young women
- Career women, STEM, STEAM (Talk with middle school and high school girls)
- Cookie project in South County

Since the CCWC has already begun work on the **Cookie Project**, it was decided that we would continue our focus on girls through the Cookie Project program.

Cookie Project Details:

The Cookie Project is a high school curriculum that teaches students about pay inequality. We delivered a presentation to 250 female high school seniors through Sorropitmists' Get Real Academy.

We had two school districts, Pittsburg and Liberty, committed to teach the curriculum and facilitate a discussion with high school girls around pay equity in 2015. We also have an instructor at Hillview JH interested in the curriculum.

III. Economic

- Women's Equity Luncheon
- Workshop: Financial Literacy
- Cookie Project in South County (See above)

*Knowing the outside commitments all of the commissioners have, it was decided that our final areas of focus for 2015-2017 would be the Cookie Project and continuing our Women in Leadership series covering all of our categories of interest.

Other Goals for 2015-2017

- Survey women in the county/community needs assessment
- Working with each Supervisor & doing a "Meet & Greet"
- Discuss our goals for the fiscal year
- Ask them what they would like to see done, or what they see the needs of the women are?
- Farmer's Market/Festivals
- Booths to recruit women to the commission
- Interns
- Project Management: Basecamp.com

Collaboration Opportunities 2015-2017:

1. Teen Basic (2 day training) (Oakland/EBMUD) (Joey)
2. She's All That (San Ramon) Feb/March(?) (Deborah)
3. Sister to Sister AAUW-OML (Moraga) (Kirsten)
4. Get Real Academy (Concord) March (Phyllis)
5. WISE/ALAS (Argentina)

6. Girls, Inc. (Richmond) (Joey)

9. Attendance/Representation

As of December 31, 2014, the Commission has 8 out of a potential twenty-five member board, with 15 at-large vacancies and 2 district representative vacancies. There is a quorum at each meeting. The Commission expects to continue strong recruiting efforts next year, and to add more members to reach the maximum of twenty-five commission members.

The Contra Costa Commission for Women is committed to working with the Board of Supervisors in 2015 for the betterment of women and girls in Contra Costa County.

10. Training/Certification

We have not received any training or certification. We have been given a DVD for the commissioners to view to meet the required training, and also a copy of the County Advisory Board Handbook. In the past, when we had a budget from the County, we attended Women's conferences sponsored by other commissions and the State. New Commissioners have been strongly encouraged to attend the trainings offered by the County.

All Commissioners have completed the Brown Act Training in 2014.

11. Goals 2014/2015

As noted above, below are our two flagship goals for 2014/2015:

Cookie Project:

Raising awareness of the pay gap between men and women in schools and the community through an interactive curriculum and program, with support and materials from the National Association of Commissions for Women.

Women in the Workplace

The Contra Costa Commission for Women has been inspired by the San Francisco Commission and its Gender Equality Principles Initiative to host a series of panel discussions. The Gender Equality Principles Initiative (GEP), a partnership between the San Francisco Department on the Status of Women, Calvert Investments, and Verité; it is a groundbreaking project undertaken to help businesses achieve greater gender equality and build more productive workplaces and it provides organizations with a self-assessment tool and a comprehensive resource library designed to improve gender equity from the factory floor to the boardroom.

The Commission would like to support this effort by encouraging organizations in our county to adopt the principles. Our mission is to raise awareness in Contra Costa County of the gender inequalities experienced by women socially and in the workplace. Our plan to host regular roundtable and panel discussions is intended to encourage and empower women as well as provide a call to action to

organizations to close the leadership and gender pay gap. With that in mind we plan to discuss issues such as

- Employment and compensation
- Work-life balance and career development
- Health, safety, and freedom from violence
- Management and governance
- Business, supply chain, and marketing practices
- Civic and community engagement
- Leadership, transparency and accountability
- Alternative careers
- Professional Development
- Financial Literacy

On October 24, 2013 the Contra Costa Commission for Women hosted its first Women in Leadership Panel Discussion: Why Women in Leadership. It was a great success! Our panel of leaders from top employers in Contra Costa County discussed the importance of having women in leadership roles and what women and employers can do to help emerging leaders to get there.

Continuing to monitor and support legislation that will improve the socio and economic status of women.

Partnerships/Collaborations

12. Challenges 2014

No County support person - The Commission's assigned support person, has provided the Commission with no support at all, including forcing us to find our own storage space for our awards, banners, etc. that belong to the Commission. In addition, we are still having issues with meeting locations.

Communication from the BOS to the Commission - The Commission desires to have open dialogue through our district representatives to each member of the BOS to know when there are questions or issues. Furthermore, when a member of the BOS makes an appointment or a change to the Commission, we would like to be notified prior to it being implemented.

Note: Despite these challenges, the Women's Commission continues to be a functioning and productive body.

Sponsored by the Contra Costa County Board of Supervisors
www.womenscommission.com



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: Transfer of Crockett Co-Generation Plant Property Taxes to Various Crockett Community Projects

RECOMMENDATION(S):

APPROVE and AUTHORIZE the allocation of \$213,286 from the Crockett Co-Generation Property Tax Allocation for four projects as recommended by the Crockett Community Foundation and Supervisor Glover.

FISCAL IMPACT:

100% General Fund.

BACKGROUND:

In September 1995, the Board of Supervisors appointed the Crockett Community Foundation as the advisory council to the Board regarding expenditures from the Community Benefits Program funded from property tax assessments on the Crockett Co-Generation Plant.

On December 4, 2014, by the attached Resolution 2014-2, the Crockett Community Foundation recommended that \$213,286 in property taxes obtained from the Crockett Co-Generation Plant be allocated to the Crockett Community Foundation as follows:

1. \$21,500 for the benefit of the Crockett Library to continue to provide six additional hours of operation and special library programs;
- 2.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Laura Strobel (925)
335-1091

cc:

BACKGROUND: (CONT'D)

\$51,403 for the benefit of the Crockett Recreation Department for capital improvements and maintenance at the Crockett Community Center, swimming pool, park facility, and utilities and landscaping at the Veteran's Hall;

- \$65,240 for the benefit of the Crockett Carquinez Fire Department for capital equipment and facility projects;
- \$75,143 for the benefit of the Crockett Sanitary Department for capital improvements in wastewater collection and treatment.

This request for the release of funds was forwarded to the County Administrator's Office for approval and processing.

CONSEQUENCE OF NEGATIVE ACTION:

If the action is not approved, the community benefit plan developed by the Crockett Community Foundation for the allocation of return-to-source funds would be disrupted, resulting in a decreased amount of public services in Crockett.

CHILDREN'S IMPACT STATEMENT:

None.

ATTACHMENTS

Resolution No. 2014-2

RESOLUTION NO. 2014-2

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CROCKETT COMMUNITY FOUNDATION
RECOMMENDING THE ALLOCATION OF PROPERTY TAXES
TO SPECIFIC USES OF BENEFIT TO CROCKETT**

WHEREAS, the Crockett Community Foundation desires to allocate \$213,286 in Crockett Cogeneration Return-to-Source funds for projects and services of benefit to Crockett; and

WHEREAS, the Crockett Library has demonstrated the need to augment available funding for operating the Crockett Library, so as to continue to provide six (6) additional hours of operation and special library programs, purchase books and materials benefiting Crockett; and

WHEREAS, the Crockett Recreation Department has demonstrated the need to augment available funding for capital improvements and maintenance at the Crockett Community Center, swimming pool, park facility, along with utilities and landscaping at the Veteran's Hall; and

WHEREAS, the Crockett Carquinez Fire Department has demonstrated the need to augment available funding for capital equipment and projects at its facilities; and

WHEREAS, the Crockett Sanitary Department has demonstrated the need to augment available funding for capital improvements in wastewater collection and treatment; and

WHEREAS, each of these four agencies regularly relies on property taxes to fund a portion of its annual budget and is empowered by law and/or local voters to receive property tax revenues to provide public services in Crockett; and

WHEREAS, the Board of Supervisors of Contra Costa County did on September 19, 1995, appoint the Crockett Community Foundation as the advisory council to the Board of Supervisors regarding expenditures from the Community Benefits Program funded from new property tax increment of the Crockett Cogeneration Plant; and

WHEREAS, the Board of Supervisors of Contra Costa County did on December 12, 1995, commit 100% of new property tax increment of the Crockett Cogeneration Plant to Crockett programs, with 57% for new police services in Crockett and 43% for unspecified community benefits; and

WHEREAS, the Crockett Community Foundation has developed a five-year plan for the allocation of return-to-source funds for community benefits.

NOW, THEREFORE, BE IT RESOLVED THAT the Crockett Community Foundation recommends that Crockett Cogeneration FY 2014/2015 property taxes in the amount of \$213,286 be immediately allocated as follows:

1. Crockett Community Foundation: \$21,500, for benefit of the Crockett Library.
2. Crockett Community Foundation: \$51,403, for benefit of Crockett Recreation Dept.
3. Crockett Community Foundation: \$65,240, for benefit of the Crockett Carquinez Fire Department.
4. Crockett Community Foundation: \$75,143, for benefit of the Crockett Sanitary Dept.

BE IT FURTHER RESOLVED THAT the Secretary of the Crockett Community Foundation be directed to transmit this Resolution No. 2014-2 to the Board of Supervisors of Contra Costa County immediately.

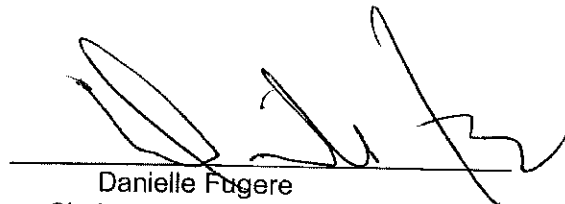
THE FOREGOING RESOLUTION was passed and adopted at the Regular Meeting of the Crockett Community Foundation held on December 4, 2014 by the following vote:

AYES: FUGIERE, KELCH, MULLEN-BROSNAN, RIESER, CASSESE
BLACK

NOES: Ø

ABSTAIN: KILKEN

ABSENT: Ø



Danielle Fugere
Chairperson of the Board

ATTEST:



Nancy Rieser, Secretary



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: CONTINUE Extension of Emergency Declaration Regarding Homelessness

RECOMMENDATION(S):

CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County.

FISCAL IMPACT:

None.

BACKGROUND:

Government Code Section 8630 required that, for a body that meets weekly, the need to continue the emergency declaration be reviewed at least every 14 days until the local emergency is terminated. In no event is the review to take place more than 21 days after the previous review.

On November 16, 1999, the Board of Supervisors declared a local emergency, pursuant to the provisions of Government Code Section 8630 on homelessness in Contra Costa County.

With the continuing high number of homeless individuals and insufficient funding available to assist in sheltering all homeless individuals and families, it is appropriate for the Board to continue the declaration of a local emergency regarding homelessness.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/03/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Lavonna Martin,
925-313-6736

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors would not be in compliance with Government Code Section 8630.

CHILDREN'S IMPACT STATEMENT:

None.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 3, 2015

Subject: EMPLOYEE RETIREMENT PLAN CONTRIBUTION RATES FOR 1/1/2015 THROUGH 6/30/2015 AND FY 2015/2016 FOR CCC FIRE PROTECTION & CENTRAL CC SANITARY DISTRICTS

RECOMMENDATION(S):

ADOPT Resolution No. 2015/50 as approved by the Retirement Board, which establishes retirement plan contribution rates for the period January 1, 2015 through June 30, 2016 for the Contra Costa County Fire Protection District and employer contribution rates to be effective for the period July 1, 2015 through June 30, 2016 for the Central Contra Costa Sanitary District.

FISCAL IMPACT:

See 'Background' below.

BACKGROUND:

The employer contribution rates for the Contra Costa County Fire Protection District for the current and next fiscal year are based on December 31, 2012 and December 31, 2013 Actuarial Valuation reports. Those reports only included employer contribution rates for the District for members in PEPRA Tiers limited to a 3% annual post-retirement cost-of-living adjustment (COLA). Since those reports were published, a new MOU was approved by the Board of Supervisors with a 2% COLA provision for those who become members on or after January 1, 2015.

Additionally, on December 30, 2014, the Central Contra Costa Sanitary District made a \$5 million prepayment towards their December 31, 2013 Unfunded Actuarial Accrued Liability (UAAL). The prepayment will be amortized over 18 years as a level percent of pay and will be used to reduce Central Contra Costa Sanitary District's UAAL contribution rate. The rate reduction for the District will be effective on July 1, 2015, which is the date that the contribution rates from the December 31, 2013 valuation become effective.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

Contact: Lisa Driscoll, County Finance
Director 335-1023

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Harjit S. Nahal, Assistant Auditor-Controller, Jeff Carmen, Fire Chief, Kurt Schneider, Deputy Chief Executive Officer

BACKGROUND: (CONT'D)

>

At its January 28, 2015 meeting the Retirement Board reviewed and accepted the actuary's calculations of the employer contribution requirements for the Contra Costa County Fire Protection District and Central Contra Costa Sanitary District. Copies of the Board memorandum is available from CCCERA upon request. Attached are the contribution rates effective January 1, 2015 for the Contra Costa County Fire Protection District and July 1, 2015 for the Central Contra Costa Sanitary District submitted for adoption by the County Board of Supervisors by the Contra Costa County Employees' Retirement Association.

Please note the following:

- The rates are the employer required rates without taking into consideration any employer subvention of employee contributions.
- The rates are before any increase in employee rate to pay a portion of the employer contribution. If an employee's rate needs to be increased to pay a portion of the employer contribution, both employee and employer rates would need to be adjusted accordingly.

CONSEQUENCE OF NEGATIVE ACTION:

Rates will not reflect those adopted by the Contra Costa County Employees Retirement Board.

ATTACHMENTS

Resolution No. 2015/50

Exhibit A and B

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/03/2015 by the following vote:

John Gioia
Candace Andersen
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2015/50

Subject: Approving Contribution Rates to be charged for members by the Contra Costa County Employees' Retirement Association

Pursuant to Government Code Section 31454 and on recommendation of the Board of the Contra Costa County Employees' Retirement Association, **BE IT RESOLVED** that the following employee and employer contribution requirements (Exhibits A and B) are approved to be effective for the period January 1, 2015 through June 30, 2015 for the Contra Costa County Fire Protection District and employer contribution requirements to be effective for the period July 1, 2015 through June 30, 2016 for the Central Contra Costa Sanitary District.

I. Employer Contribution Rates for Basic and Cost-of-Living Components and Non-refundability Discount Factors

A. For Central Contra Costa Sanitary District (31676.16 and Sec. 7522.20(a)) - See attached Exhibit A

B. For Contra Costa County Fire Protection District (Sec. 7522.25(d)) - See attached Exhibit B

II. Employee Contribution Rates for Basic and Cost of Living Components

A. For Safety Members Employed by Contra Costa County Fire Protection District (Sec. 7522.25(d)) - See attached Exhibit B

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Lisa Driscoll, County Finance Director
335-1023

ATTESTED: February 3, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

cc: Robert Campbell, Auditor-Controller, Harjit S. Nahal, Assistant Auditor-Controller, Jeff Carmen, Fire Chief, Kurt Schneider, Deputy Chief Executive Officer

Exhibit A

CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION GENERAL TIER 1 and GENERAL PEPRA TIER 4 EMPLOYER CONTRIBUTION RATES EFFECTIVE FOR JULY 1, 2015 THROUGH JUNE 30, 2016

BASIC Contribution Rates

Legacy Members*

(Tier 1)

PEPRA Members with 3% Maximum COLA**

(Tier 4)

COLA Contribution Rates

Legacy Members*

(Tier 1)

PEPRA Members with 3% Maximum COLA**

(Tier 4)

Refundability Factors

Legacy Members

(Tier 1)

PEPRA Members with 3% Maximum COLA

(Tier 4)

Cost Group #3 Central Contra Costa Sanitary District
41.11%
37.05%
18.20%
17.42%
0.9581
0.9650

* For members in Social Security, the rate should only be applied to monthly compensation in excess of \$116.67.

* The rate should only be applied to compensation up to the annual IRC 401(a)(17) compensation limit.

** The rate should be applied to all compensation (whether or not in Social Security) up to the applicable annual GC 7522.10(d) compensation limit.

Exhibit B
Cost Group #8 - PEPR Tier E
Contra Costa County Fire Protection District

Employer Contribution Rates
Expressed as a Percentage of Monthly Payroll*

Effective 1/1/15 - 6/30/15

	Basic	COLA	Total
Normal Cost	11.54%	3.05%	14.59%
UAAL	<u>26.63%</u>	<u>29.09%</u>	<u>55.72%</u>
Total Contributions	38.17%	32.14%	70.31%

Effective 7/1/15 - 6/30/16

	Basic	COLA	Total
Normal Cost	12.45%	3.28%	15.73%
UAAL	<u>21.90%</u>	<u>27.67%</u>	<u>49.57%</u>
Total Contributions	34.35%	30.95%	65.30%

Member Contribution Rates
Expressed as a Percentage of Monthly Payroll*

Effective 1/1/15 - 6/30/15

<u>Basic</u>	<u>COLA</u>	<u>Total</u>
11.66%	3.09%	14.75%

Effective 7/1/15 - 6/30/16

12.45%	3.28%	15.73%
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<p>*NOTE: The rate should be applied to all compensation (whether or not in Social Security) up to the applicable annual Gov. Code 7522.10(d) compensation limit.</p>
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