



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 3, 2022

Subject: Appeal of Martinez Refinery Renewable Fuels Project (County File No. CDLP20-02046)

RECOMMENDATION(S):

1. OPEN the public hearing on an appeal of a Planning Commission decision to approve a land use permit for the Martinez Refinery Renewable Fuels Project at 150 Solano Way in the Pacheco area. (Permit No. CDLP20-02046), RECEIVE testimony, and CLOSE the public hearing.
2. CERTIFY that the Environmental Impact Report (EIR) for the Martinez Refinery Renewable Fuels Project (State Clearinghouse #2021020289) was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before project approval, and reflects the County's independent judgment and analysis.
3. CERTIFY the EIR prepared for the Martinez Refinery Renewable Fuels Project.
4. ADOPT the CEQA findings for the Project.
5. ADOPT the Mitigation Monitoring and Reporting Program for the Project.
6. ADOPT the statement of overriding considerations for the Project.
7. DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
8. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, CA, is the custodian of the documents and other material which constitute

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **05/03/2022** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, 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: May 3, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Joseph Lawlor

cc:

the record of proceedings upon which the decision of the Board of Supervisors is based.

9. DENY the appeal of Asian Pacific Environmental Network, Biofuel Watch, Center for Biological Diversity, Communities for a Better Environment, Richmond City Councilmembers Claudia Jimenez, Eduardo Martinez and Gayle McLaughlin, Friends of the Earth, Interfaith Climate Action Network of Contra Costa County, Natural Resources Defense Council, Rodeo Citizens Association, San Francisco Baykeeper, The Climate Center, Sunflower Alliance, and 350 Contra Costa County.

10. APPROVE the Martinez Refinery Renewable Fuels Project. (Permit No. CDLP20-02046).

11. APPROVE the findings in support of the Project.

12. APPROVE the Project conditions of approval.

13. APPROVE the attached Community Benefits Agreement.

FISCAL IMPACT:

The applicant has paid the necessary application deposit, and is obligated to pay supplemental fees to cover all additional costs associated with the application process.

BACKGROUND:

See attachment "Exhibit A" for Background Section.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors affirms the appeal, the County Planning Commission's decision to approve the land use permit for the proposed project will be reversed and the land use permit would be denied.

CLERK'S ADDENDUM

Speakers: Anne Alexander, Natural Resources Defense Council, Connie Cho, Citizens for a Better Environment, and Greg (Appellents); Steve Konig; Greg Karras, (Applicant); Julia McGee, Marathon; Donald Horgan, Marathon; Jason Steinberg, Clyde; Mayim Wiens; James Kimball, USW Local 5-Marathon; Jackie Garcia, 350 Contra Costa; Gary Hughes, Biofuelwatch; Jan Warren, Interfaith Climate Action Network; Charles Davidson; Janet Callaghan, Rodeo; Jesse Peralez, Carpenters Local xx; Lisa Jackson, 350 Contra Costa; Mike Cordy, Rodeo; Emily Hopkins, ICAN; O.G. Strogatz, 350 Contra Costa Action; Janet Pygeorge, Rodeo Citizens Association; Caller 6770; Name Not Given; Bill Whitney; Tom Hanson, IBEW Local 32; Woody Hastings, Climate Center; Marti Roach; Ken Miller, Iron Workers Local 378; Nick Weathers, Northwest Regional Many Helmets to Hardhats; Cynthia Mahoney, M.D.; Clair Brown; Lisa Chang, M.D.; Chuck Leonard Plumbers & Steamfitters Local 342; Fernando C. Laborers Local 324; Andrew Meredith, State Building & Construction Trades Council of California; Stephanie; Liz Ritchie, Timothy Jeffries, Boilermakers Local 549; Theresa Foglio-Ramirez.

Written commentary received on this matter attached.

CLOSED the hearing; CERTIFIED that the Environmental Impact Report (EIR) for the Martinez Refinery Renewable Fuels Project (State Clearinghouse #2021020289) was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before project approval, and reflects the County's independent judgment and analysis; CERTIFIED the EIR prepared for the Martinez Refinery Renewable Fuels Project; ADOPTED the CEQA findings for the Project; ADOPTED the Mitigation Monitoring and Reporting Program for the Project; ADOPTED the statement of overriding considerations for the Project; DIRECTED the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk; SPECIFIED that the Department of Conservation and Development, located at 30 Muir Road, Martinez, CA, is the custodian of the documents and other material which constitute the record of proceedings upon which the decision of the Board of Supervisors is based; DENIED the appeal of Asian Pacific Environmental Network, Biofuel Watch, Center for Biological Diversity, Communities for a Better Environment, Richmond City Councilmembers Claudia Jimenez, Eduardo Martinez and Gayle McLaughlin, Friends of the Earth, Interfaith Climate Action Network of Contra Costa County, Natural Resources Defense Council, Rodeo Citizens

Association, San Francisco Baykeeper, The Climate Center, Sunflower Alliance, and 350 Contra Costa County; APPROVED the Martinez Refinery Renewable Fuels Project. (Permit No. CDLP20-02046); APPROVED the findings in support of the Project; APPROVED the Project conditions of approval; APPROVED the Community Benefits Agreement; DIRECTED the addition of a Condition of Approval:

The owner/operator shall ensure that refinery does not process more than 48,000 barrels of renewable feedstock per day combined, based on a rolling 365 day average. To determine compliance with the above condition(s), the owner/operator shall maintain the following records and provide all of the data necessary to evaluate compliance, including, but not necessarily limited to, the following information: On a daily basis, type and amount of renewable feedstock processed. These records shall be kept on-site for at least 5 years. All records shall be recorded in an BAAQMD approved log and made available for inspection by County staff upon request. These recordkeeping Requirements shall not replace the recordkeeping Requirements contained in any applicable BAAQMD Regulations.

and DIRECTED the addition of a Condition of Approval : Applicant shall use its best good faith efforts to investigate and use organic waste from local sources as feedstock at the facility.

Representative of Marathon verbally confirmed agreement with the Community Benefit Agreement and the additional Conditions of Approval.

ATTACHMENTS

EXHIBIT A - BACKGROUND SECTION

EXHIBIT B - FINDINGS & COA

EXHIBIT C - MAPS

EXHIBIT D - DRAFT CBA

EXHIBIT E - DEIR (LINK)

EXHIBIT F - FEIR and MMRP (LINK)

EXHIBIT G - PROJECT PLANS

EXHIBIT H - APPEAL LETTER

EXHIBIT I - PRESENTATION