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NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project Final Environmental Impact Report

Prepared for the Port of Stockton

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Prepared for

Port of Stockton
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Executive Summary

This Final Environmental Impact Report (FEIR) was prepared in compliance with the California Environmental Quality Act (CEQA; California Public Resources Code [PRC] Division 13, Section 21000, et seq.) and CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.) to assist the Port of Stockton (Port) in considering the approval of the proposed NuStar Terminals Operations Partnership L.P. (NuStar) Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project (proposed Project) in accordance with 22 CCR 66265 et seq. Under the proposed Project, NuStar would connect its existing liquid bulk terminal, located at 2941 Navy Drive in Stockton, California, to Dock 10/11 at the Port to receive renewable diesel by vessel and update and renew the commercial terms in NuStar's lease with the Port consistent with the proposed Project.

The Port has principal responsibility for making a determination on the proposed Project through issuance of the lease and is the lead agency under CEQA (PRC 21151 et seq.) and the CEQA Guidelines for Implementation (14 CCR 15081 et seq.). Under Sections 15088 and 15132 of the CEQA Guidelines, an FEIR consists of the Draft Environmental Impact Report (DEIR); a list of commenters, as well as the verbal and written comments received on the DEIR; responses to comments on environmental issues received on the DEIR; and any information added to the document or any changes made to the text of the DEIR in response to comments. The FEIR contains an updated description of the proposed Project in Chapter 1; a copy of responses to all comments on environmental issues received on the DEIR in Chapter 2; and a description of all changes made to the DEIR in Chapter 3.

This FEIR will support the permitting process of all agencies whose discretionary approvals must be obtained for particular elements of the proposed Project. The FEIR is intended to provide decision-makers and the public with the most up-to-date information available regarding the proposed Project, required mitigation measures, and alternatives.

Proposed Project

The proposed Project consists of: 1) connecting the existing NuStar liquid bulk terminal at 2941 Navy Drive to Dock 10/11 at the Port in order to receive renewable diesel by vessel (Figure ES-1); and 2) updating and renewing the commercial terms in the NuStar lease with the Port consistent with the proposed Project. NuStar or a predecessor has been operating this terminal since 1984. The types of bulk petroleum and other products handled at the NuStar terminal include ethanol, gasoline, naphtha, diesel, renewable diesel, biofuels, and lubricants. NuStar currently receives products at its facility via pipeline, rail, and truck. Under the proposed Project, NuStar would add receipt by vessel to increase renewable diesel transported to its terminal facility at the Port. To accommodate the vessel service, NuStar is proposing to upgrade Dock 10/11 to meet state MOTEMS, and to install

approximately 3,400 feet of underground 12-inch piping from the dock to its existing terminal. Improvements at the terminal would include installation of approximately 3,050 feet of new terminal piping, new pumps, truck rack improvements, and piping to provide the ability to tie into the existing rail unloading system in the future, if needed. No construction would occur in the San Joaquin River/Stockton Deep Water Ship Channel as part of the proposed Project.

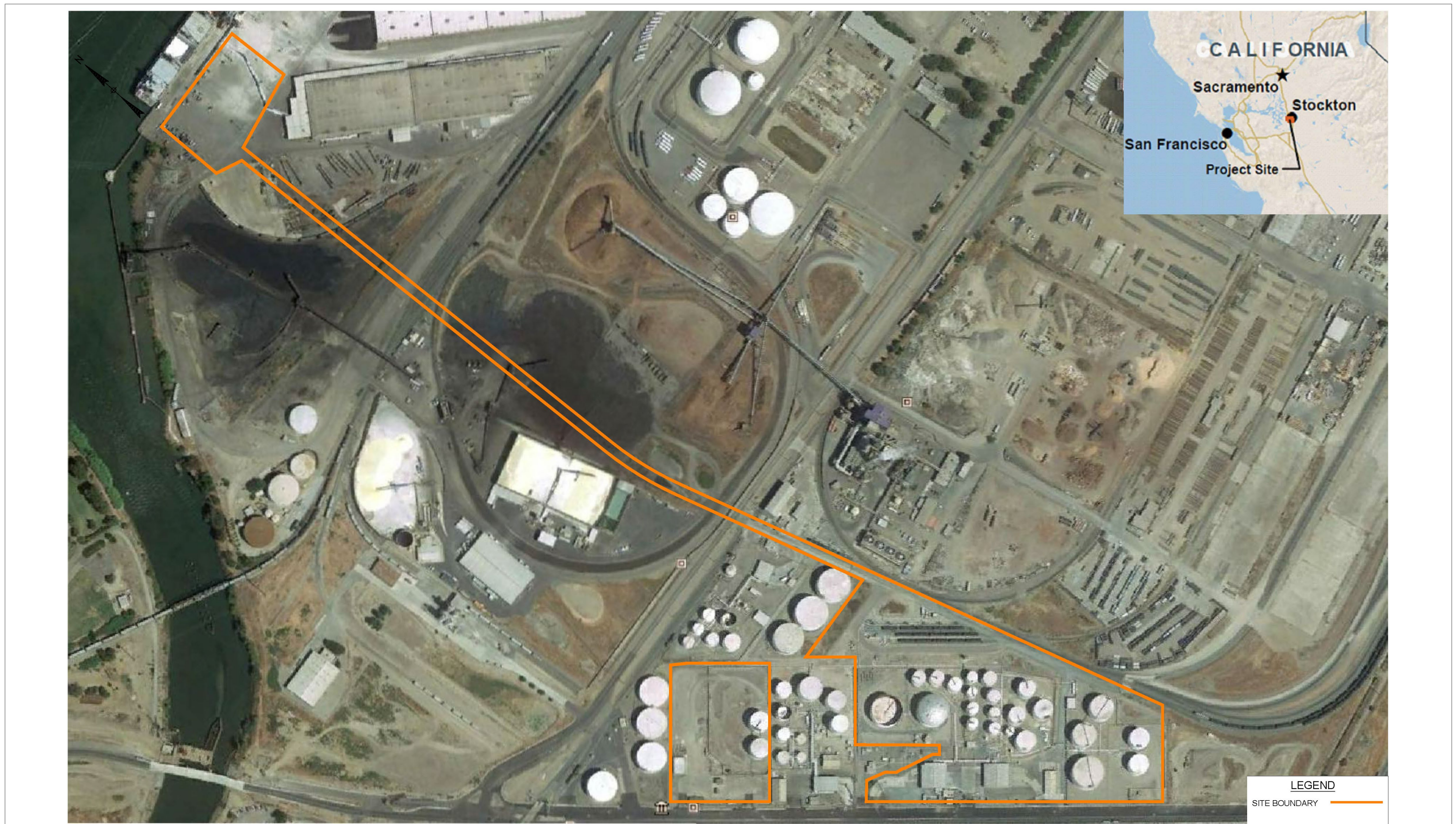
The Port prepared this FEIR using available technical information and incorporating potential alternatives to the proposed Project. As required by CEQA, the Port must evaluate the information in this FEIR, including the DEIR, all comments received during public review, proposed mitigation measures, and potentially feasible alternatives, before deciding whether to approve the proposed Project or an alternative.

Project Objectives

Pursuant to the CEQA Guidelines and 14 CCR 15124, a “statement of the objectives sought by the proposed project” must be provided as part of the project description in an EIR. The proposed Project’s goal is to connect NuStar’s existing facility to and upgrade an existing dock at the Port in order to receive renewable diesel by vessels, which will support broader California Low Carbon Fuel Standard goals for lower-emitting fuels.

To accomplish this goal, the following key project objectives must be accomplished:

- Upgrade the existing Dock 10/11 to meet MOTEMS consistent with state seismic and safety regulations in order to receive vessels
- Connect NuStar’s existing facilities at the Port to the Dock 10/11 improvements to enable receipt of renewable diesel arriving by vessel, increasing the amount of renewable diesel transported to NuStar’s existing terminal facility at the Port
- Update and renew the commercial terms in the NuStar lease with the Port consistent with the proposed Project
- Increase availability of renewable diesel to assist California in meeting greenhouse gas (GHG) abatement targets, decreasing reliance on imported fossil fuels



Source: NuStar 2019

Summary of Project Alternatives

The CEQA Guidelines (14 CCR 15126) require that an EIR consider a range of reasonable alternatives to the project or to the location of the project that would feasibly attain most of its basic objectives but would avoid or substantially lessen any of the significant effects of the project. The alternatives considered in the DEIR were the following:

- Alternative 1: No Project Alternative
- Alternative 2: Reduced Project Alternative

Alternative 1: No Project Alternative

The No Project Alternative, which is required by CEQA, represents what would reasonably be expected to occur in the foreseeable future if the proposed Project were not approved. Under this alternative, no new developments would be constructed at Dock 10/11; therefore, there would be no change to operations.

Alternative 2: Reduced Project Alternative

The Reduced Project Alternative includes full buildout of the project site, but with a reduced number of vessel calls. Under this alternative, a maximum of eight vessels would call at the terminal annually. Under the Reduced Project Alternative, throughput levels would not change as compared to the proposed Project because the total diesel output storage would remain nearly the same and the renewable diesel would be replaced with ultra-low-sulfur diesel fuel.

Comments Received

The DEIR was released and distributed on December 16, 2019, for a 45-day review period, which ended on January 29, 2020. Twenty-four copies of the DEIR were distributed to various government agencies, organizations, and repositories. The DEIR includes a full analysis and an Executive Summary that summarizes the proposed Project, alternatives, and findings. The DEIR is available at two publicly accessible repositories: the Port of Stockton (2201 West Washington Street, Stockton, California 95203); and the Cesar Chavez Central Library (605 North El Dorado Street, Stockton, California 95202); as well as online at <https://ceqanet.opr.ca.gov/2019060229/3>.

The Port received five comment letters on the DEIR from the following commenters:

- California Air Resources Board (ARB)
- California Department of Toxic Substances Control
- California State Lands Commission
- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- Delta Sierra Group of the Sierra Club

In addition, one email was received from ARB requesting clarification on the proposed project description.

All comments and responses to comments are presented in Chapter 2 of the FEIR.

Summary of Impacts and Mitigation Measures

Table ES-1 presents a summary of the environmental impacts of, proposed mitigation measures for, and residual impacts of the proposed Project. Full descriptions of the mitigation measures noted in Table ES-1 are provided following the table.

With incorporation of mitigation measures, the proposed Project would result in no project-level impacts or less-than-significant project-level impacts to the following resource areas: aesthetics; agriculture and forestry resources; air quality; biological resources; cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation; tribal cultural resources; utilities and service systems; and wildfire.

Summary of Cumulative Impacts

Implementation of the proposed Project, cumulatively combined with other related past, present, or probable future projects, may result in significant and unavoidable cumulative adverse impacts related to air quality and GHG emissions.

Table ES-1**Summary of Proposed Project Impacts and Proposed Mitigation Measures**

	Impact Determination	Mitigation Measures	Impact Determination after Mitigation
Air Quality			
AQ-1: Would the project's emissions conflict with or obstruct implementation of the applicable air quality plan?	Less-than-significant impact	None	Less-than-significant impact
AQ-2: Would the project's emissions result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less-than-significant impact	None	Less-than-significant impact
AQ-3: Would the project expose sensitive receptors to substantial pollutant concentrations?	Less-than-significant impact	None	Less-than-significant impact
AQ-4: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less-than-significant impact	None	Less-than-significant impact
Biological Resources			
BIO-1: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Potentially significant impact	MM-BIO-1	Less-than-significant impact
BIO-2: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	No impact	None	No impact
BIO-3: Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	No impact	None	No impact
BIO-4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No impact	None	No impact
BIO-5: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No impact	None	No impact

	Impact Determination	Mitigation Measures	Impact Determination after Mitigation
BIO-6: Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	Potentially significant impact	MM-BIO-1	Less-than-significant impact
Cultural Resources			
CHR-1: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	No impact	None	No impact
CHR-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Potentially significant impact	MM-CHR-1	Less-than-significant impact
CHR-3: Would the project disturb any human remains, including those interred outside of formal cemeteries?	Potentially significant impact	MM-CHR-1	Less-than-significant impact
Geology/Soils			
<p>GEO-1: Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> • Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? • Strong seismic ground shaking? • Seismic-related ground failure, including liquefaction? • Landslides? 	Less-than-significant impact	None	Less-than-significant impact
GEO-2: Would the project result in substantial soil erosion or the loss of topsoil?	No impact	None	No impact
GEO-3: Would the project be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	Less-than-significant impact	None	Less-than-significant impact
GEO-4: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Less-than-significant impact	None	Less-than-significant impact
GEO-5: Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	No impact	None	No impact
GEO-6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No impact	None	No impact

	Impact Determination	Mitigation Measures	Impact Determination after Mitigation
Greenhouse Gas Emissions			
GHG-1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less-than-significant impact	None	Less-than-significant impact
GHG-2: Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Significant impact	MM-GHG-1, 2, 3, 4, 5, and 6	Less-than-significant impact
Hazards and Hazardous Materials			
HAZ-1: Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less-than-significant impact	None	Less-than-significant impact
HAZ-2: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less-than-significant impact	None	Less-than-significant impact
HAZ-3: Would the project emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	No impact	None	No impact
HAZ-4: Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less-than-significant impact	None	Less-than-significant impact
HAZ-5: Would the project be located within an airport land use plan area or, where such a plan has not been adopted, be within 2 miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area?	No impact	None	No impact
HAZ-6: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less-than-significant impact	None	Less-than-significant impact
HAZ-7: Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No impact	None	No impact
Noise			
NV-1: Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less-than-significant impact	None	Less-than-significant impact
NV-2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	Less-than-significant impact	None	Less-than-significant impact

	Impact Determination	Mitigation Measures	Impact Determination after Mitigation
NV-3: Would the project result in, for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No impact	None	No impact
Transportation			
TT-1: Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less-than-significant impact	None	Less-than-significant impact
TT-2: Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	No impact	None	No impact
TT-3: Would the project substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less-than-significant impact	None	Less-than-significant impact
TT-4: Would the project result in inadequate emergency access?	Less-than-significant impact	None	Less-than-significant impact
Tribal Cultural Resources			
TCR-1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074?	Potentially significant impact	MM-CHR-1	Less-than-significant impact

The following mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) that will be considered by the Port as part of the FEIR approval process:

- **MM-BIO-1: Obtain Coverage under the SJMSCP or Conduct Nesting Bird Surveys.** To avoid impacts on potentially present special-status bird species, the proposed Project will obtain coverage under the SJMSCP. NuStar will submit an application for coverage to the San Joaquin Council of Governments (SJCOG) within 60 days of project construction. SJCOG will review the proposed Project, prepare a staff report, and submit the report to the SJMSCP Habitat Technical Advisory Committee, who determines whether the proposed Project will be covered under the SJMSCP. Assuming the proposed Project is approved for coverage, a SJCOG biologist will conduct a site visit to determine which incidental take minimization measures (ITMMs) included in the SJMSCP are applicable to the proposed Project. SJCOG will then execute a final summary of applicable ITMMs for the proposed Project. NuStar will implement all required ITMMs identified by the SJCOG.

If the proposed Project is not able to obtain coverage under the SJMSCP, NuStar will conduct nesting bird surveys and avoidance measures consistent with the California Department of Fish and Wildlife's (CDFW's) standard requirements. If equipment staging, site preparation, or other project-related construction work is scheduled to occur between February 1 and September 15, the nesting season of protected raptors and other avian species, a CDFW-approved biologist will conduct a pre-construction survey of the project area for active nests within 7 days prior to commencing project construction. The minimum survey area will be 250 feet for passerines, 500 feet for small raptors, and 1,000 feet for larger raptors. Surveys will be conducted during periods of peak activity (early morning or dusk) and be of sufficient duration to observe movement patterns. If a lapse in project-related work of 15 days or longer occurs, another survey will be performed before construction is re-initiated.

If any active bird nests are found, a buffer around the nest will be established by the biologist in coordination with CDFW. The buffer area will be fenced off from work activities and avoided until the young have fledged, as determined by the biologist. The biologist will monitor the active nest until the young have fledged for at least 2 hours per day when project activities are occurring to observe the behavior of the nesting birds. If the birds show signs of disruption to nesting activities (e.g., defensive flights/vocalizations directed toward project personnel, standing up from a brooding position, or flying away from the nest), the buffers will be expanded by the biologist until no further interruptions to nesting behavior are detectable.

- **MM-CHR-1: Stop Work in the Area If Prehistoric or Historical Archaeological Resources Are Encountered.** In the event that any artifact, or an unusual amount of bone, shell, or non-native stone, is encountered during construction, work would be immediately stopped and

relocated to another area. The contractor would stop construction within 10 meters (30 feet) of the exposure of these finds until a qualified archaeologist can be retained by the Port to evaluate the find (see 36 CFR 800.11.1 and 14 CCR 15064.5[f]). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology, such as obsidian or fused shale; a historic trash pit containing bottles and/or ceramics; or structural remains. Native American tribes and the Office of Historic Preservation would be notified of the find. Native American tribes consulted on the proposed Project to date include the Wilton Rancheria and the Buena Vista Tribe of Miwuk Indians. If the resources are found to be significant, they would be avoided or mitigated.

- **MM-GHG-1: Use of Tier 4 Engines During Construction.** All off-road diesel-powered heavy equipment exceeding 50 horsepower used to construct the proposed Project will be equipped with Tier 4 engines, except for specialized equipment or when Tier 4 engines are not available. In place of Tier 4 engines, off-road diesel-powered heavy equipment will incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
- **MM-GHG-2: Construction Idling Reductions.** NuStar will require construction contractors to minimize heavy-duty construction idling time to 2 minutes where feasible. Exceptions include vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or vehicles in a queue waiting for work.
- **MM-GHG-3: Construction Recycling.** NuStar will require construction contractors to recycle construction and demolition debris where feasible.
- **MM-GHG-4: Truck Idling Reductions.** NuStar will require trucks to minimize idling time to 2 minutes where available while on terminal. Truckers will be required to shut down trucks while waiting over 2 minutes while on the terminal or NuStar will implement programs, such as appointment systems in periods of congestion, to ensure trucks move efficiently through the terminal. Exceptions include vehicles in a queue waiting for work at the truck rack.
- **MM-GHG-5: Use of Clean Trucks.** NuStar will encourage the use of clean trucks (defined as model year 2017 or newer) to transport fuel. NuStar will also educate customers about the SJVAPCD Truck Replacement Program via direct mailings. NuStar will post a copy of the SJVAPCD Truck Replacement Program information currently available at <http://valleyair.org/grants/truck-replacement.htm> at the site.

- **MM-GHG-6: Energy/Waste Audit.** NuStar will develop a plan for reducing overall energy use at its terminal. The plan will incorporate the following measures at a minimum:
 - Replace less-efficient bulbs with energy-efficient light bulbs, where applicable.
 - Identify areas for waste reduction, including reductions in single use products in terminal buildings.

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ABBREVIATIONS

AB	Assembly Bill
ARB	California Air Resources Board
BAU	business-as-usual
BNSF	BNSF Railway
BPS	Best Performance Standard
CAAQS	California Ambient Air Quality Standards
CalEPA	California Environmental Protection Agency
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CAPP	Community Air Protection Program
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CI	carbon intensity
City	City of Stockton
CSLC	California State Lands Commission
DEIR	Draft Environmental Impact Report
DOT	U.S. Department of Transportation
DOT PHMSA	U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
DWSC	Deep Water Ship Channel
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report=
FRP	Facility Response Plan
GGRF	Greenhouse Gas Reduction Fund
GHG	greenhouse gas
HDD	horizontal directional drilling
hp	horsepower
HRA	health risk assessment
ITMM	incidental take minimization measures
LCFS	Low Carbon Fuel Standard

MCE	maximum considered earthquake
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MOTEMS	Marine Oil Terminal Engineering and Maintenance Standards
NAAQS	national ambient air quality standard
NO _x	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NuStar	NuStar Terminals Operations Partnership L.P.
O ₃	ozone
OSCP	Oil Spill Contingency Plan
PM	particulate matter
PM _{2.5}	PM less than 2.5 microns in diameter
PM ₁₀	PM less than 10 microns in diameter
Port	Port of Stockton
PRC	Public Resources Code
SB	Senate Bill
SJCOG	San Joaquin Council of Governments
SJMSCP	San Joaquin County Multi-Species Habitat Conservation and Open Space Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SPCC	Spill Prevention Control and Countermeasure Plan
TAC	toxic air contaminant
ULSD	ultra-low-sulfur diesel
UP	Union Pacific Railroad
USCG	U.S. Coast Guard

1 Introduction

1.1 Final Environmental Impact Report Purpose and Organization

This Final Environmental Impact Report (FEIR) was prepared in compliance with the California Environmental Quality Act (CEQA; Public Resources Code [PRC] Division 13, Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.) to assist the Port of Stockton (the Port) in considering the approval of the proposed NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project (proposed Project), located at 2941 Navy Drive, Stockton, California and Port Dock 10/11, in accordance with 22 CCR 66265 et seq. Under the proposed Project, NuStar Terminals Operations Partnership L.P. (NuStar) proposes to: 1) connect the existing NuStar terminal to Dock 10/11 to receive renewable diesel by vessel to increase the amount of renewable diesel transported to its terminal facility at the Port; and 2) update and renew the commercial terms in the NuStar lease with the Port consistent with the proposed Project.

1.1.1 FEIR Purpose

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the potential environmental impacts resulting from a project, as well as the mitigation measures or alternatives that would avoid or minimize identified significant impacts. The Port has the principal responsibility for approving the proposed Project and, as the CEQA lead agency, is responsible for the preparation and distribution of this FEIR pursuant to PRC 21067. The FEIR will be used by the Port and other responsible agencies in conjunction with all approvals necessary for the implementation of the proposed Project.

This document, in conjunction with the Draft Environmental Impact Report (DEIR), collectively constitutes the FEIR. As described in CEQA Guidelines Sections 15089, 15090, and 15132, the lead agency must prepare and consider the information contained in an FEIR before approving a project. Pursuant to CEQA Guidelines Section 15132, an FEIR comprises the following materials:

- The DEIR or a revision of the DEIR
- Comments and recommendations received on the DEIR
- A list of persons, organizations, and public agencies commenting on the DEIR

1.1.2 FEIR Organization

Chapter 1 presents background and introductory information for the proposed approval and implementation of the proposed Project. Chapter 2 presents information regarding the distribution of and comments received on the DEIR as well as the responses to all comments received during the public comment period. Chapter 3 presents a description of modifications to the DEIR.

1.2 Project Description

NuStar proposes to connect its existing liquid bulk terminal to Dock 10/11 in order to receive renewable diesel by vessel, and update and renew the commercial terms in NuStar's lease with the Port consistent with the proposed Project. NuStar currently operates a liquid bulk terminal at 2941 Navy Drive, Stockton, California, within the Port. NuStar or a predecessor has been operating this terminal since 1984. The types of bulk petroleum products handled at the NuStar terminal include ethanol, gasoline, naphtha, diesel, renewable diesel, biofuels, and lubricants. NuStar currently receives products at its facility via pipeline, rail, and truck. Under the proposed Project, NuStar would add delivery by vessel to increase renewable diesel transported to its terminal facility at the Port. To accommodate the vessel service, NuStar is proposing to upgrade Dock 10/11 to meet state MOTEMS, and to install approximately 3,400 feet of underground 12-inch piping from the dock to its existing terminal. Improvements at the terminal would include installation of approximately 3,050 feet of new terminal piping, new pumps, truck rack improvements, and piping to provide the ability to tie into the existing rail unloading system in the future, if needed. No construction would occur in the San Joaquin River/Stockton Deep Water Ship Channel (DWSC) as part of the proposed Project.

1.3 Environmental Setting

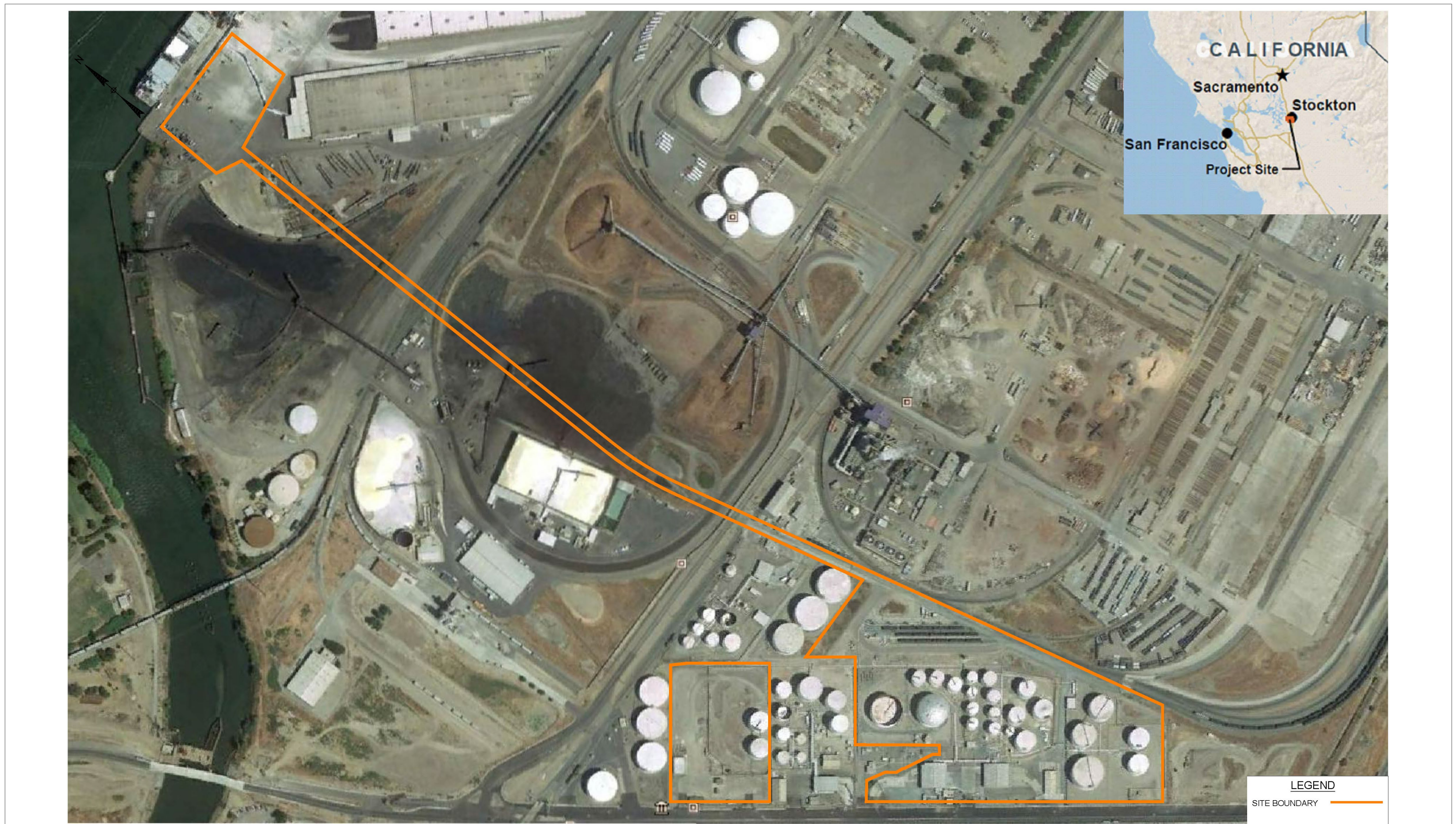
1.3.1 Regional Setting

The proposed Project is located within the City of Stockton's (City's) urban core, which is characterized by a mix of heavy industrial uses with limited landscape features, older residential neighborhoods, neighborhood commercial shopping centers, and a variety of other commercial and industrial parcels. In the area surrounding the project site, the Port leases property for a variety of industrial uses, characterized by the presence of storage tanks, maritime terminals, cement and grain silos, railroad facilities, large storage buildings, and stockpiles of various commodities. The City's *Envision Stockton 2040 General Plan* (2040 General Plan; City 2018) designates the project site for industrial use, and the zoning classification of the project site and surrounding parcels is Port or Industrial, General.

1.3.2 Project Setting

The existing approximately 17.9-acre NuStar terminal is located between Navy Drive and Stork Road, south of Washington Street. Existing rail facilities are located between the storage tanks at the terminal and Stork Road. The land use between Dock 10/11 (which is located along the San Joaquin River/Stockton DWSC) and the NuStar terminal is industrial (approximately 3,000 feet separates the facility from the dock). The existing Dock 10/11 at the Port is a ballasted, concrete marginal wharf, approximately 800 feet long by 100 feet wide, supported on square reinforced concrete piles, and includes a crane rail. The deck has approximately 8 inches of asphalt topping and 2 to 4 feet of base

material. A 13-foot-deep buttressed concrete berthing face runs along the entire length of the channel side of the wharf. Existing mooring hardware consists of bollards and cleats.



Source: NuStar 2019

1.3.3 Relationships to Other Projects

As previously described, NuStar currently operates a liquid bulk terminal at 2941 Navy Drive, that consists of 33 tanks and has a capacity of 878,000 barrels. The facility is currently served by pipeline, rail, and truck. There are eight truck loading bays at the north and south truck racks, and the rail operation area has three tracks with a combined 16 unloading locations. The terminal handles several commodities, including gasolines, diesel, ethanol, and aviation fuel. Apart from the proposed Project, NuStar has two additional on-terminal projects planned. NuStar is upgrading on-terminal pipelines and truck racks to accommodate new deliveries of ethanol (the ethanol deliveries were analyzed in the *Eco-Energy Liquid Bulk Receiving Terminal Project Final Environmental Impact Report*, completed by the Port in November 2017 and certified in April 2019 [Port 2019]). NuStar is also upgrading truck loading platforms and rail offloading to accommodate a domestically sourced renewable diesel service. Neither of these on-terminal infrastructure upgrade projects require modification to NuStar's existing lease or approval from the Port, but both projects require permits from the San Joaquin Valley Air Pollution Control District (SJVAPCD). Both serve different customers with separately stored products, have been separately designed and engineered, and are not dependent on the proposed Project, giving each of the projects independent utility. In its role as a responsible agency, SJVAPCD requested that the DEIR include a quantitative evaluation of the combined air quality effects of these projects as part of the cumulative impact analysis because of the proximity of the projects to the proposed Project (construction would occur at the NuStar terminal) and overlap timing (some elements of construction may overlap with the proposed Project). In light of SJVAPCD's expertise and role as a responsible agency, the Port agreed to their request to perform the quantitative evaluation. Therefore, the DEIR (Section 4) included a quantitative evaluation of these projects as part of the comprehensive cumulative analysis of all related projects.

1.3.4 Renewable Diesel and the Low Carbon Fuel Standard

In 2006, California adopted the Global Warming Solutions Act (also known as Assembly Bill [AB] 32), which aims to reduce greenhouse gas (GHG) emissions in California to 1990 levels by 2020. The California Air Resources Board (ARB) has developed several transportation-related measures to achieve state GHG reduction goals, including a clean fuels standard known as the Low Carbon Fuel Standard (LCFS). California's LCFS, adopted in 2009 and amended in 2018, is a performance-based standard requiring petroleum refiners and other fuel providers to reduce the carbon-intensity of transportation fuels used in California by at least 20% by 2030. Renewable diesel, ethanol, and biodiesel all serve as alternative fuels that reduce the levels of GHG emissions, depending on their source and production. The proposed Project would further facilitate California's goal of increasing supplies of low-carbon fuels.

Much like biodiesel, renewable diesel is made from non-petroleum resources such as natural fats, vegetable oils, and greases. However, unlike biodiesel, renewable diesel is processed similar to petroleum diesel, which makes it chemically the same as petroleum diesel. It burns more completely and therefore cleaner than biodiesel, and because it has the same chemical structure as petroleum diesel, renewable diesel can be used in engines that are designed to run on conventional diesel fuel without any blending (for example, biodiesel must be blended to a maximum of 20% biodiesel concentration with conventional diesel for use in conventional diesel-powered vehicles)

Renewable diesel burns more completely than biodiesel and petroleum diesel during the combustion process resulting in reduced tailpipe emissions. The California Environmental Protection Agency (CalEPA) found that renewable diesel has about 30% less particulate matter (PM) and 10% less nitrogen oxides (NO_x) emissions than ultra-low-sulfur diesel (ULSD; ARB 2015). In addition, renewable diesel does not contain benzene, which becomes an airborne carcinogen when burned in petroleum diesel. Carbon emission reductions, however, are more nuanced and depend on the feedstock used to produce the fuel. The California Energy Commission, which has measured the emissions of a wide variety of alternative fuels, says renewable diesel has 58 to 80% lower GHG emissions than petroleum diesel (EIA 2018). Carbon intensity (CI) is a measure of carbon by weight emitted per unit of energy consumed and is used to compare the net GHG impact of materials or activities. Lower CI values relate to lower GHG emissions, while higher CI values are related to higher emissions. CI can be used to compare how the sources of materials influence carbon emissions and also how different renewable fuels compare to each other. For example, renewable diesel made from animal tallow has a CI of 19.65, while renewable diesel made from domestic soybeans has a CI of 82.16. For comparison, ULSD has a CI of 94.71 and biodiesel made from domestic soybeans has a CI of 82.35 (ARB 2009).

1.3.5 Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS)

The Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) are building standards that apply to all marine oil terminals in California. MOTEMS establish minimum engineering, inspection, and maintenance criteria for marine oil terminals to protect public health, safety and the environment, and govern the upgrade and design of terminals to ensure better resistance to earthquakes and reduce the potential of oil spills. MOTEMS require each marine operator develop an audit to determine the level of compliance of the berthing and dock facility required to comply with MOTEMS. Depending on the results of the audit, terminal operators must determine what actions are required to meet MOTEMS and provide a schedule under which they will correct the deficiency. The MOTEMS that need to be addressed include the following:

- Audit and Inspection
- Structural Loading

- Seismic Analysis and Performance Based Structural Design
- Mooring and Berthing Analysis and Design
- Geotechnical Hazards and Foundations
- Structural Analysis and Design of Components
- Fire Prevention, Detection and Suppression
- Piping and Pipelines
- Electrical and Mechanical Connections

As part of MOTEMS compliance, NuStar has prepared the draft reports identified in Table 1. As shown, most of the draft reports have been submitted to the California State Lands Commission (CSLC) for review.

Table 1
MOTEMS Report Status

Deliverable	Draft Submitted
Division 1 Checklist	Yes
Oil Spill Contingency Plan (OSCP) Risk & Hazard Analysis	Pending
Division 2 Checklist	Yes
MOTEMS Baseline Inspection	Expected April 2020
Division 3 Checklist	Yes
Structural Basis of Design	Yes
Metoccean Report	Expected April 2020
Division 4 Checklist	Yes
MOTEMS Critical Systems Seismic Assessment	Yes
Seismic Assessment Report for Berth 11	Yes
Division 5 Checklist	Yes
Terminal Operating Limits	Yes
Mooring & Berthing Assessment	Yes
Division 6 Checklist	Yes
Geotechnical Report	Yes
Division 7 Checklist	Yes
Operational Load Assessment	Yes
Structural Drawing Set	Yes
Division 8 Checklist	Yes
MOTEMS Fire Hazard & Risk Assessment	Yes
MOTEMS Fire Protection Assessment	Yes
Commissioning Walkdown	Upon first vessel receipt
Division 9 Checklist	Yes

Deliverable	Draft Submitted
Seismic Pipe Stress Analysis Report	Yes
Mechanical Drawing Set	Yes
Division 10 Checklist	Yes
Division 11 Checklist	Yes
Illumination Survey	As part of commissioning walkdown
Electrical Drawing Set	Pending

Note:

The Metocean report is a report that addresses the combined environmental parameters such as wind, wave, and climate conditions found at a certain location.

As shown in Table 1, NuStar has submitted draft reports for all standards to CSLC except the following four reports:

- MOTEMS Baseline Inspection (expected April 2020)
- Metocean Report (expected April 2020)
- Oil Spill Contingency Plan (OSCP) Risk & Hazard Analysis
- Electrical Drawing Set

The OSCP Risk & Hazard Analysis and electrical drawing set would be submitted to CSLC for approval prior to commissioning. The commissioning walkdown would occur the first time a vessel is received. Multiple divisions of CSLC and representatives from several agencies would attend the walkdown to provide final approval or further compliance measures.

1.4 Project Overview

1.4.1 Project Objectives

Pursuant to the CEQA Guidelines and 14 CCR 15124, a “statement of the objectives sought by the proposed project” must be provided as part of the project description in an EIR. The proposed Project’s goal is to connect NuStar’s existing facility to and upgrade an existing dock at the Port in order to receive renewable diesel by vessels, which will support broader California LCFS goals for lower-emitting fuels.

To accomplish this goal, the following key project objectives must be accomplished:

- Upgrade the existing Dock 10/11 to meet MOTEMS consistent with state seismic and safety regulations in order to receive vessels
- Connect NuStar’s existing facilities at the Port to enable receipt of renewable diesel arriving by vessel, increasing the amount of renewable diesel transported to its existing terminal facility at the Port

- Update and renew the commercial terms in the NuStar lease with the Port consistent with the proposed Project
- Increase availability of renewable diesel to assist California in meeting GHG abatement targets, decreasing reliance on imported fossil fuels

1.4.2 California Environmental Quality Act Baseline

Section 15125 of the CEQA Guidelines requires that an EIR include a description of the physical environmental conditions in the vicinity of the proposed Project as they exist at the time the NOP is published, or if no NOP is published, at the time the environmental analysis is commenced, from both a local and regional perspective. These environmental conditions are referred to as the environmental setting. Further, Section 15125(a) of the CEQA Guidelines states that “the environmental setting normally constitutes the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” The CEQA baseline is the set of conditions that prevailed at the time the NOP was circulated, which was June 2019 for the proposed Project.

As previously described, NuStar currently operates a liquid bulk terminal which handles a number of commodities. The proposed Project only involves changes to the diesel product mix and operations at the NuStar facility; therefore, the level of ULSD and renewable diesel in 2018 was considered as the baseline. Because activity at a terminal can vary month by month over the course of a year due to normal market forces, throughput activity is generally calculated over the preceding 12 months or a calendar year, whichever is more indicative of normal operations. For the proposed Project, throughput activity for 2018 was used to characterize baseline activity. In 2018, the facility received and transferred 3.147 million barrels of ULSD and had 17,001 truck calls.

1.4.3 Proposed Project Construction

Proposed Project construction would consist of dock improvements, installation of a pipeline between the dock and the terminal, and terminal improvements (Figures 2 through 5). Construction is anticipated to occur over a period of 8 months, with work occurring concurrently at the three locations: at Dock 10/11, the proposed pipeline route, and the existing NuStar terminal. Staging of materials and construction equipment would be coordinated with the Port to minimize disruptions to existing operations at the Port and would generally be limited to areas within NuStar’s terminal and at Dock 10/11.

1.4.3.1 Dock Improvements

The proposed Project involves improvements for Dock 10/11 to meet MOTEMS standards. MOTEMS are building standards (California Building Code [CBC], Chapter 31F: Marine Oil Terminals) that apply to all marine oil terminals in California. MOTEMS establish minimum engineering, inspection, and maintenance criteria for marine oil terminals to protect public health, safety and the environment,

and govern the upgrade and design of terminals to ensure better resistance to earthquakes and reduce the potential of oil spills. Improvements at Dock 10/11 would include installation of mooring hooks, foam-filled fenders, new offloading hoses, emergency shutdown and shore isolation valve, fire detection and suppression equipment, instrumentation, a stripping pump, emergency power system for shore isolation valve and fire pump, oil-water separator, and an underground transfer manifold. The Port and/or NuStar would upgrade the Port's existing firewater system to provide the required coverage by state MOTEMS for the dock and vessel manifolds. This would include the replacement of the fire pump and installation of a new diesel generator for emergency backup power. No construction would occur in the San Joaquin River/Stockton DWSC as part of the proposed Project.



Source: NuStar 2019



Figure 3
NuStar Terminal Plan (Pipeline Alignment)

Final Environmental Impact Report
NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project



Source: NuStar 2019



Figure 4
NuStar Terminal Plan (Dock Improvements)
Final Environmental Impact Report
NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project

1.4.3.2 Pipeline Installation

NuStar would install approximately 3,400 feet of 12-inch piping between the transfer manifold at Dock 10/11 and NuStar's terminal, of which approximately 2,700 feet would be installed via horizontal directional drilling (HDD) and the remaining 700 feet trenched. Trenching would include excavation to an approximate depth of 4 feet, and the maximum depth of HDD would be approximately 50 feet. The HDD alignment and anticipated trenching areas are depicted on Figures 2 through 5.

The HDD entry point would be in the vicinity of the intersection of Port Road D and Port Road 8 and the entry point work area would be approximately 150 feet by 150 feet (0.52 acre), within which HDD equipment would be staged, including the drill rig, pump vacuum, mud tank and shaker, crane, pipe trailer, and trucks. Soil excavated from the entry pit would be stored on site and used to backfill the pit following installation of the pipe. Any concrete or asphalt removed during excavation of the entry pit would be disposed of off site and replaced following construction. Cuttings from HDD would be placed in roll-off bins for sampling prior to disposal at a licensed facility. If cuttings or other wastes are determined to be hazardous, they would be handled in accordance with state and federal hazardous waste standards. Progress of the drill would be monitored at all times and spill containment equipment maintained on site for immediate response in the unlikely event of a frac-out (surfacing of drilling fluid along the path of the drill). The exit point of the drill would be west of Stork Road at the northern end of NuStar's terminal. A temporary work area would also be needed at this location for the exit point of HDD and staging of the pipe string. The work area would be approximately 30 feet wide and 1,600 feet long, extending south along Stork Road. Three additional staging areas would be located as follows: 1) immediately northeast of the warehouse; 2) between the rail spurs and containment wall for Yard A; and 3) immediately southwest of Tank 3304. These areas would measure approximately 90 feet by 82 feet, 31 feet by 80 feet, and 10 feet by 50 feet, respectively. All temporary lane and road closures would be scheduled in coordination with the Port.

Trenching of the 12-inch pipeline would be required between the manifold vault at the dock and the HDD entry point (approximately 330 feet), and between the HDD exit point and the tanks. The trench would be approximately 3 feet wide and 4 feet deep, and excavated soil would be used as backfill. If asphalt or concrete is present, it would be disposed of at a licensed facility and replaced following pipeline installation.

The 12-inch pipeline would be tested hydrostatically before pulling through the HDD bore hole and also in its entire length after installation. Approximately 13,000 gallons of water would be required for the tests, which would be obtained from a hydrant within the Port. Following each test, the water from the hydrant would be discharged overland in a manner that would not cause erosion, at a location determined in coordination with the Port where it would infiltrate into the ground or evaporate.

1.4.3.3 Terminal Improvements

Improvements at the terminal tank farm would have minimal disruptions to existing operations because work would be planned and sequenced to limit downtime of truck racks. Tanks 8801, 30006, and 33007 would be pumped down, taken out of service, and isolated for cleaning. Any remaining product in the tanks would be removed using a vacuum truck or other pumping means and offloaded into another NuStar tank. Tank interiors would be washed down and rinse water would be transported and disposed of at an approved disposal facility. Solid waste generated from cleaning the tanks would be placed into 55-gallon drums and disposed of at a licensed facility, in compliance with hazardous waste handling requirements. New equipment at the terminal as part of the proposed Project would include the following:

- Installation of two 100-horsepower (hp) pumps at Tank 8801 and one 75-hp transfer pump at Tanks 30006 and 33007
- Installation of additional piping from Tank 8801 to the South Truck Loading Rack
- Installation of two new loading arms to Bays 5 and 6 dedicated to load-out of neat renewable diesel
- Truck rack improvements to Bays 7 and 8 to handle neat and blended renewable diesel
- Installation of piping to provide the ability to tie into the existing rail offloading system, if needed in the future.

These improvements are depicted on Figure 5.

1.4.3.4 Construction Duration and Equipment

Construction would commence following issuance of required permits, would take approximately 8 months to complete, and would typically occur between the hours of 7 am and 5 pm, Monday through Friday. It is estimated that the dock improvements would take 7 months to complete, the pipeline installation 2 months, and terminal improvements 6 months. Table 2 provides a summary of the various construction elements. All equipment would be diesel powered, ranging from 10 to 250 hp. Table 3 summarizes the off-site construction-related truck trips for the proposed Project.

Table 2
Construction Equipment and Duration Summary

Proposed Improvement	Construction Equipment			Construction Duration
	Equipment	Number	Hours per day	Days
Dock Improvements	Crane	2	4	70
	Tractor/loader/backhoe	1	8	2
	Forklift	1	4	70
	Backhoe	2	8	20
	Concrete saw	1	8	2
	Welders	1	8	90
Pipeline Installation (HDD and Trenching)	Cranes	2	4	40
	Forklifts	2	8	40
	HDD drill rig	1	8	40
	Loader/backhoe	1	8	5
Terminal Improvements	Cranes	1	4	50
	Forklifts	1	4	120
	Skid steer loader	1	8	10
	Backhoe	1	8	10
	Welders	3	8	80
Total Construction Duration				8 months

Table 3
Construction-related Truck Trips for Proposed Project

Proposed Improvement	Off-Site Truck Trips		
	Truck Type	Number of Round Trips During Entire Project	Round Trip (miles)
Dock Improvements	Roll-off bin trucks	6	60
	Supply trucks	10	15
Pipeline Installation (HDD and Trenching)	Roll-off bin trucks	15	100
	Supply trucks	15	270
Terminal Improvements	Supply trucks	15	15

1.4.4 Project Operations

Under proposed Project operations, the terminal would receive renewable diesel primarily by vessel. Up to 12 marine vessels could bring up to 1,728,000 barrels of renewable diesel to the dock per year. The renewable diesel would be transferred from the vessels to NuStar's terminal via the new 12-inch pipeline. Transfer operations would be carried out from an onshore transfer connection manifold. The transfer manifold would include manual manifold valves used to control cargo flow during transfer operations, as well as emergency motorized block valves that would serve both as MOTEMS emergency shutdown and shore isolation valves. The maximum amount of cargo per vessel would be 144,000 barrels, with a typical offload rate of 8,000 barrels per hour. The total pumping time per vessel would be 17.5 hours.

Product from vessels would be stored in Tanks 33007, 30006, and 8801 until it is ready for distribution to the Northern California market. Product would typically be stored in the tanks for an average of 1 month. All renewable diesel loaded at the truck loading rack would come from Tank 8801, used as a day tank, receiving renewable diesel pumped from Tanks 30006 and 33007 or directly from the vessel. When delivering to the local market, NuStar would pump renewable diesel from dedicated storage tanks through a pipeline connected to the existing on-site truck racks. Empty trucks would enter the terminal through the truck gates and be loaded with product at the truck racks. The destination of the trucks would be customers, fueling stations, and other recipients within an approximately 50-mile radius, 35 miles of which would be within the San Joaquin Valley Air Basin (SJVAB).

During product transfers, a minimum of one terminal operator would be present 24 hours a day, 7 days a week, to oversee operations. Outside of product transfer periods, the site would be staffed for security and facility maintenance by up to two employees working 12-hour shifts, Monday through Friday. Staffing needs would be met with existing employees and employee offices would continue to be in the existing support building.

The proposed Project would result in a change in diesel product mix at the NuStar terminal. As discussed above, while the proposed Project could result in 1,728,000 barrels of renewable diesel arriving annually by vessel to the dock, a portion of the renewable diesel would replace existing levels of ULSD. However, because the total renewable diesel products would increase as compared to existing levels of ULSD, this change in product mix would result in a net increase in vessel and truck calls. The proposed Project's maximum renewable diesel throughput, as compared to baseline ULSD levels, is presented in Table 4 to determine the net change in product throughput as a result of the proposed Project.

Table 4**Proposed Project Throughput (Renewable Diesel) Compared to Existing Levels**

	Baseline: Existing ULSD	Mix of ULSD and Renewable Diesel After Proposed Project	Net Difference Attributed to Proposed Project
Total Volume	3,147,000 barrels per year	3,931,000 barrels per year	784,000 barrels per year
Truck Calls	17,011	21,249	4,238
Vessel Calls	0	12	12

The proposed Project would neither increase NuStar's storage capacity at the terminal nor result in the storage of any products not currently allowed under its existing lease at the Port, which is valid until April 30, 2024, and has a 10-year option to extend until April 30, 2034.

The NuStar terminal has an existing Spill Prevention Control and Countermeasure (SPCC) Plan, revised March 25, 2015 (Technical Response Planning 2018). The existing SPCC Plan covers petroleum products, including renewable diesel, received via pipeline, railcar, and tanker truck, and shipped out via pipeline, truck, and railcar. The plan addresses spills occurring from tank overflow, truck and railcar product transfer, and pipeline leaks, and identifies site drainage, timing of inspections, tests and record keeping, and personnel training. The plan would be updated to include the modifications occurring at the dock, the pipeline between the dock and the terminal, and the modifications at the terminal. The transfer manifold at Dock 10/11 would be enclosed by concrete, providing secondary containment in the event of a spill. Additionally, water flowing from the manifold vault would pass through an oil-water separator, to be installed adjacent to the manifold.

In addition to the physical changes described above, the proposed Project also includes a lease renewal to incorporate use of Dock 10/11 and the pipeline and to renew the overall leasehold consistent with existing renewal options. There would be no additional construction or operations associated with the lease renewal.

1.5 Project Alternatives

CEQA's requirements for an EIR to evaluate alternatives specifically requires that an EIR present a range of reasonable alternatives to a proposed project, or to the location of a project, that could feasibly attain most of the basic project objectives but would avoid or substantially lessen any significant effects of a project. Therefore, alternatives generally have fewer environmental impacts than the proposed project by design. Pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, an EIR must also include an analysis of a No Project Alternative. Sections 1.5.1 and 1.5.2 present brief descriptions of the alternatives to the proposed Project that were carried forward for analysis in the DEIR.

1.5.1 *Alternative 1: No Project Alternative*

The No Project Alternative, which is required by CEQA, represents what would reasonably be expected to occur in the foreseeable future if the proposed Project were not approved. Under this alternative, no new developments would be constructed at Dock 10/11; therefore, there would be no change to operations.

1.5.2 *Alternative 2: Reduced Project Alternative*

The Reduced Project Alternative includes full buildout of the project site, but with a reduced number of vessel calls. Under this alternative, a maximum of eight vessels would call at the terminal annually. Under the Reduced Project Alternative, throughput levels would not change as compared to the proposed Project, because the total diesel output storage would remain nearly the same and the renewable diesel would be replaced with ULSD, as shown in Table 5.

Table 5
Alternative 2: Reduced Project Throughput

	Reduced Project Alternative: ULSD and Renewable Diesel
Total Volume	784,000 barrels per year
Truck Calls	4,238
Vessel Calls	8

1.5.3 *Comparison of Alternatives*

Table 6 provides a summary comparison of the potential environmental impacts after implementation of mitigation measures resulting from the proposed Project and alternatives relative to the topics analyzed in the DEIR. The No Project Alternative results in the least environmental impacts. However, the No Project Alternative does not meet any project objectives.

Table 7 presents a summary of the alternatives regarding their ability to meet the project objectives. As shown, only the proposed Project meets all the project objectives, because the Reduced Project Alternative would not support vessel calls and the Reduced Project Alternative does not meet the objective to provide a facility capable of accommodating domestically produced renewable diesel. The Reduced Project Alternative meets the remaining two objectives, but to a lesser extent than the proposed Project.

Table 6
Environmental Impacts of Alternatives

Resource Topic	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Reduced Project
Air Quality	Less than significant impact	No impact	Less than significant impact
Biological Resources	Less than significant impact	No Impact	Less than significant impact
Cultural Resources	Less than significant impact	No Impact	Less than significant impact
Geology and Soils	Less than significant impact	No Impact	Less than significant impact
Greenhouse Gas Emissions	Less than significant impact	No impact	Less than significant impact
Hazards and Hazardous Materials	Less than significant impact	No Impact	Less than significant impact
Noise	Less than significant impact	No Impact	Less than significant impact
Transportation	Less than significant impact	No Impact	Less than significant impact
Tribal Cultural Resources	Less than significant impact	No Impact	Less than significant impact

Table 7
Ability of Alternatives to Meet Project Objectives

Objective	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Project
The proposed Project's goal is to connect NuStar's existing facility to and upgrade an existing dock at the Port in order to receive renewable diesel by vessels, which will support broader California LCFS goals for lower-emitting fuels. To accomplish this goal, the following key project objectives must be accomplished:			
<ul style="list-style-type: none"> Upgrade the existing Dock 10/11 to meet MOTEMS consistent with state seismic and safety regulations in order to receive vessels 	Meets objective	Does not meet objective	Meets objective to lesser extent than the proposed Project
<ul style="list-style-type: none"> Connect NuStar's existing facilities at the Port to enable receipt of renewable diesel arriving by vessel, increasing the amount of renewable diesel transported to its existing terminal facility at the Port 	Meets objective	Does not meet objective	Meets objective to lesser extent than the proposed Project
<ul style="list-style-type: none"> Update and renew the commercial terms in the NuStar lease with the Port consistent with the proposed Project 	Meets objective	Does not meet objective	Meets objective to lesser extent than the proposed Project
<ul style="list-style-type: none"> Increase availability of renewable diesel to assist California in meeting GHG abatement targets, decreasing reliance on imported fossil fuels 	Meets objective	Does not meet objective	Meets objective to lesser extent than the proposed Project

1.6 Regulatory

1.6.1 *Incorporation by Reference*

As permitted in Section 15150 of the State CEQA Guidelines, an EIR may reference all or portions of another document that is a matter of public record or is generally available to the public. Information from the documents that have been incorporated by reference has been briefly summarized in the appropriate sections of this EIR, along with a description of how the public may obtain and review these documents. The documents that are incorporated by reference are available for review at the internet links provided in the following sections or during working hours from 8:00 a.m. to 5:00 p.m., Monday through Friday at the Port of Stockton 2201 West Washington Street, Stockton, CA 95201. Documents incorporated by reference are included as follows.

1.6.1.1 City of Stockton 2040 General Plan

This document is available online at: http://www.stocktongov.com/files/Adopted_Plan.pdf. This document is appropriate to incorporate by reference because it establishes the land use designations for the project site with which the proposed Project is consistent. Furthermore, the City's 2040 General Plan identifies the area surrounding the project site as Industrial/Port Use and specifically identifies the project site for commercial development on the western portion of the property and residential development on the eastern portion of the property. The 2040 General Plan also guides the maintenance, design, and operation of transportation resources in the City, including streets and highways, within the project area, and sets regional noise standards based on land use designations.

1.6.1.2 City of Stockton Municipal Code

This document is available online at: <https://qcode.us/codes/stockton/>. This document is appropriate to incorporate by reference because the City designates Landmarks and Historic Sites under the City Municipal Code, Title 16, Division 7, Chapter 16.220. Landmarks are artifacts, natural features, or structures notable for one or more of the following: archaeological interest; architectural craftsmanship, style, or type; association with a historic event or person; association with the heritage of the City, state, or nation; visual characteristics; relationship to another landmark; or integrity as a natural environment. Port resources have been identified as having significant historical or cultural significance. Title 16, Division 5, Chapter 16.130 of the City Municipal Code provides protection for heritage oaks in the City.

1.6.1.3 City of Stockton Climate Action Plan

This document is available online at:

http://www.stocktonca.gov/files/Climate_Action_Plan_August_2014.pdf. This document, approved in August 2014, is appropriate to incorporate by reference because the City's Climate Action Plan (CAP) provides goals and associated measures, in the sectors of energy use, transportation, land use, water,

solid waste, and off-road equipment. Consistent with SJVAPCD, the CAP relies on a goal of 29% reduction in GHG emissions from business-as-usual (BAU) by 2020. As described in the CAP, the City will revisit this plan in the future to examine whether there exist additional options to further reduce GHG emissions, and whether such options might be feasible in improved economic conditions beyond 2020. An update is not currently available.

2 DEIR Comments and Responses

2.1 Draft Environmental Impact Report Distribution

The DEIR was released and distributed on December 16, 2019, for a 45-day review period, which ended on January 29, 2020. Twenty-four copies of the DEIR were distributed to various government agencies, organizations, and repositories. The DEIR includes a full analysis and an Executive Summary that summarizes the proposed Project, alternatives, and findings. The DEIR is available at two publicly accessible repositories: the Port of Stockton (2201 West Washington Street, Stockton, California 95203); and the Cesar Chavez Central Library (605 North El Dorado Street, Stockton, California 95202); as well as online at <https://ceqanet.opr.ca.gov/2019060229/3>.

2.2 Comments on the Draft Environmental Impact Report

The Port received five comment letters on the DEIR from the following commenters:

- ARB
- California Department of Toxic Substances Control (DTSC)
- CSLC
- SJVAPCD
- Delta Sierra Group of the Sierra Club

In addition, one email was received from ARB requesting clarification on the proposed project description.

2.3 Response to Comments on the Draft Environmental Impact Report

In accordance with Section 15088 of the CEQA Guidelines, the Port has evaluated the comments on environmental issues received from interested parties and has prepared written responses to each comment pertinent to the adequacy of the environmental analyses contained in the DEIR. In addition, where appropriate, the basis for incorporating or not incorporating specific suggestions into the proposed Project is provided. In each case, the Port has expended a good-faith effort, supported by reasoned analysis, to respond to comments.

The comment letters are provided in the following pages. Each comment letter is followed by tabulated responses prepared by the Port for each comment received.

From: Cashman, Jason <jcashman@stocktonport.com>
Sent: Monday, January 13, 2020 11:11 AM
To: Katie Chamberlin
Subject: FW: NuStar MOTEMS Development and Vessel Service Project

See below.

Jason Cashman
Port of Stockton
Environmental and Regulatory Affairs Manager

On 1/10/20, 4:38 PM, "Armstrong, Stanley@ARB" <stanley.armstrong@arb.ca.gov> wrote:

[EXTERNAL MESSAGE]

Hi Jason,

ARB-A1 I'm reviewing the NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project DEIR. Based on our past correspondence, you mentioned that Dock 10/11 would be available to all tenants and Port's own cargos. Does the Port of Stockton foresee any additional tanker vessels, outside of what is proposed in the NuStar project, visiting Dock 10/11 in the future?

Thanks,
Stan

Stanley Armstrong
Air Pollution Specialist
Transportation & Toxics Division
916-440-8242

-----Original Message-----

From: Cashman, Jason <jcashman@stocktonport.com>
Sent: Wednesday, July 10, 2019 12:28 PM
To: Armstrong, Stanley@ARB <stanley.armstrong@arb.ca.gov>
Subject: Re: NuStar MOTEMS Development and Vessel Service Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stan,

I believe there is some confusion during our conversation and it may be on my end. The NuStar Project will result in 12 vessel calls at Dock 10/11. However, other Port tenant and Port operations will also have vessel calls at Dock 10/11. The Port does not give tenants exclusive rights to docks. All docks are available to all tenants and to Port's own cargos.

Please call me if you need further clarification.

Kind Regards,

Jason Cashman, Esq.
Enviromental & Regulatory Affairs Manager

On Jul 10, 2019, at 10:38 AM, Armstrong, Stanley@ARB
<stanley.armstrong@arb.ca.gov<mailto:stanley.armstrong@arb.ca.gov>> wrote:

Hi Jason,

Thank you for speaking with me this morning regarding the NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project (Project). According to the Notice of Preparation prepared for the Project dated June 2019, the Project would result in no more than 12 vessel calls to Dock 10/11 located within the Port of Stockton. I just want to confirm that there will be no additional calls to Dock 10/11 outside of what is already proposed under the Project.

Thanks,
Stan

<image001.png><https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fbit.ly%2FARBsocialmedia&data=02%7C01%7Cstanley.armstrong%40arb.ca.gov%7C816913ee29f4443c218c08d7056cac7d%7C9de5aaee778840b1a438c0ccc98c87cc%7C0%7C1%7C636983836625368842&sdata=1PqPB2zZv74n1Lzsddy0YgCEHxh6S9VNYTRxZ6%2Bt5To%3D&reserved=0>

Stanley Armstrong
Air Pollution Specialist
Transportation & Toxics Division
916-440-8242

January 29, 2020

Jason Cashman
Environmental and Regulatory Affairs Manager
Port of Stockton
2201 West Washington Street
Stockton, California 95203

Dear Jason Cashman:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019060229. The Project involves upgrading the Port of Stockton's Dock 10/11 to MOTEMS to support a new vessel service for renewable diesel imports. The Project consists of installing approximately 3,400 feet of underground 12-inch piping from the dock to its existing terminal. If approved, the number of vessels calling to Dock 10/11 would increase from zero to 12 per year, and annual truck trips would increase from 17,011 to 21,249. The Project is located in the City of Stockton, California, and the Port of Stockton (Port) is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, such as ports, can result in high volumes of rail, heavy-duty diesel truck and marine vessel traffic and operation of on-site equipment (e.g., forklifts, yard tractors, etc.) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change. CARB staff has reviewed the DEIR and is concerned about the air pollution impacts that would result should the Port approve the Project.

I. The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project, if approved, will expose nearby disadvantaged communities to elevated air pollution. Addressing the disproportionate impacts that air pollution has on disadvantaged communities is a pressing concern across the State, as evidenced by statutory requirements compelling California's public agencies to target these communities for clean air investment, pollution mitigation, and environmental regulation. The following three pieces of legislation need to be considered and included in the DEIR when developing a project like this in the Stockton community.

ARB-B1

Senate Bill 535 (De León, 2012)

Senate Bill 535 (De León, Chapter 830, 2012)¹ recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality and requires funds to be spent to benefit disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen).² According to CalEnviroScreen, Stockton communities near the Project score within the top 1 percent of California census tracts; therefore, CARB urges the Port to ensure that the Project does not adversely impact neighboring disadvantaged communities.

Senate Bill 1000 (Leyva, 2016)

Senate Bill 1000 (SB 1000) (Leyva, Chapter 587, Statutes of 2016)³ amended Planning and Zoning Law. SB 1000 requires local governments that have identified disadvantaged communities to incorporate the addition of an environmental justice element into their general plans upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities, such as the Stockton communities that surround the Project site. Since the City of Stockton (City) has not yet adopted an environmental justice element, it is imperative that the Port consult with the City to determine how it can best integrate air quality elements into its Project that reduce local disadvantaged communities' exposure to the Project's pollutants. This will ensure that the Port is acting in a manner consistent with the City's efforts in developing policies for its environmental justice element.

¹ Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding § 39711, § 39713, § 39715, § 39721 and § 39723.

² "CalEnviroScreen 3.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.

³ Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code, § 65302.

Assembly Bill 617 (Garcia, 2017)

The State of California has emphasized protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017).⁴ AB 617 requires new community-focused and community-driven actions to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In response to AB 617, CARB established the Community Air Protection Program with the goal of reducing exposure in communities heavily impacted by air pollution. This Project falls within the boundaries of the Southwest Stockton community, which is one of three statewide communities chosen for inclusion in the second year of the Community Air Protection Program.

Southwest Stockton was selected for both community air monitoring and the development of an emissions reduction program due to its high cumulative exposure burden, the presence of a significant number of sensitive populations (children, elderly, and individuals with pre-existing conditions), and the socioeconomic challenges experienced by its residents. The average overall CalEnviroScreen score for the Southwest Stockton community is in the top 1 percent, indicating that the area is home to some of the most vulnerable neighborhoods in the State. The air pollution levels in Southwest Stockton routinely exceed State and federal air quality standards. Additionally, the community was prioritized by the San Joaquin Valley's AB 617 Environmental Justice Steering Committee.⁵

Health-harming emissions, including particulate matter, toxic air contaminants, and diesel emissions generated during the construction and operation of the Project may negatively impact the community, which is already disproportionately impacted by air pollution from existing freight facilities and other stationary sources of air pollution. Part of the AB 617 process requires CARB and the San Joaquin Valley Air Pollution Control District (SJVAPCD) to create a highly-resolved inventory of air pollution sources within this community. CARB will be more than happy to share this community emissions inventory with the Port of Stockton to aid in the EIR process.

⁴ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

⁵ California Air Resources Board (2018). 2018 Community Recommendations Staff Report. Sacramento, California: Community Air Protection Program. <https://ww2.arb.ca.gov/resources/documents/2018-community-recommendations-staff-report>.

II. The DEIR Does Not Adequately Analyze the Project's Potential Health Risk Impacts

ARB-B2 | The DEIR did not conduct a health risk assessment (HRA), or any other qualitative analysis to evaluate the Project's potential impact on public health. The DEIR concluded that the Project would expose nearby sensitive populations to substantial pollutant concentrations that would result in a less than significant impact. This conclusion was reached by comparing the Project's operational particulate matter 2.5 micrograms in diameter (PM_{2.5}) emission rate to the South Coast Air Quality Management District's (SCAQMD) significance threshold. Although the DEIR concludes that the Project's air pollutant emission rates are below the SCAQMD significance threshold for PM_{2.5}, the DEIR must, at a minimum, include some quantitative analysis in determining the severity of the Project's impact on public health.⁶

Since the Project is located near residences already disproportionately burdened by multiple sources of air pollution, CARB staff strongly urges the applicant and Port to prepare an HRA for the Project. In doing so, the Port must make a reasonable effort to discuss the specifics between the general health effects associated with a particular pollutant and the estimated amount of that pollutant the Project will likely produce. The HRA prepared in support of the Project should be based on the latest Office of Environmental Health Hazard Assessment (OEHHA) guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments).⁷

III. The Applicant and Port Must Do More to Reduce the Project's Cumulatively Significant Impact on Air Quality and Public Health

ARB-B3 | Section 4.2.2 (Cumulative Impact for Affected Environmental Resource Areas) of the DEIR concluded that the Project's air pollutant emissions and cancer risks, when combined with other projects within the Port, would result in a cumulatively significant impact. This impact conclusion was reached by comparing the Project's operational air pollutant emissions and health risks to those reported for the Eco-Energy Liquid Bulk Receiving Terminal Development Project, NuStar Ethanol Infrastructure Upgrades Project, and NuStar Domestic Renewable Diesel Project.⁸ The Project's cancer risks were approximated by using scalable numbers from the HRA prepared for the Eco-Energy Liquid Bulk Receiving Terminal Development Project.

⁶ In fact, the California Supreme Court recently addressed this issue in its landmark ruling in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 (*Friant Ranch*). In *Friant Ranch*, the Court held that an EIR is inadequate if it does not make "a reasonable effort to discuss relevant specifics regarding the connection between two segments of information already contained in the EIR, the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce." (Id., at p. 521.) The current version of the DEIR fails to do this and, as a result, is currently inadequate as a matter of law.

⁷ Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February, 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

⁸ Anchor QEA, 2019. NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOVES) Development and Vessel Service Project Draft Environmental Impact Report. December 2019. Table 25, Table 26, and Table 27.

To reduce the Project's construction and operational air pollutant emissions, the DEIR includes mitigation measures (MM-GHG-1 through MM-GHG-4), which include limiting on-site construction equipment and truck idling duration to two minutes, and encouraging the use of cleaner trucks (defined as model year 2017 or newer). Although these mitigation measures would reduce Project air pollutant emissions, the DEIR concludes that the Project's cumulative impact would remain significant after mitigation.

CARB staff urges the applicant and Port to implement all feasible mitigation measures to reduce the Project's impact on public health. Even where impacts will remain significant and unavoidable after mitigation, CEQA nevertheless requires that all feasible mitigation measures be incorporated (see California Public Resources Code§ 21081; 14 CCR§ 15126.2(b)). To meet the requirements of CEQA, CARB staff strongly urges the applicant and Port to implement the following emission reduction measures.

1. Include language that requires all off-road diesel-powered equipment used during construction and operation of the Project to be equipped with Tier 4 or cleaner engines, except for specialized equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
2. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
3. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
4. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the Project site to be zero-emission. This equipment is widely available.
5. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

6. Include contractual language in tenant lease agreements that requires the tenant be in and monitor compliance with all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,⁹ Periodic Smoke Inspection Program (PSIP),¹⁰ and the Statewide Truck and Bus Regulation.¹¹

CARB staff urges the Port to install infrastructure at Berth 10/11 to support emissions reductions from tanker vessels. Under CARB's new At Berth Regulation¹², if a terminal receives 20 or more annual tanker vessel visits, then every tanker visit to that terminal would be subject to the control requirements of the regulation. Because the Port of Stockton is an operating port, Berth 10/11 would be considered a terminal under the requirements of the new At Berth Regulation. Although the Project anticipates a maximum of 12 annual vessel visits, the Port could allow additional vessel visits to Berth 10/11 that were not accounted for in the DEIR. If the total annual tanker vessel visits exceed 19, Berth 10/11 would be subject to the control requirements of the new At Berth Regulation. In addition to the emission reduction measures listed above, CARB urges the applicant and Port to require all tanker vessels visiting Berth 10/11 to be plugged into electrical power or use another CARB-approved emission control strategy to comply with the new At Berth Regulation.

IV. Conclusion

CARB is concerned about the Project's potential public health impacts and the lack of mitigation presented in the DEIR. The DEIR does not provide all feasible mitigation measures to reduce the Project's operational air pollution emissions, and does not evaluate the Project's potential health impacts by conducting an HRA. CARB urges the Port to prepare an HRA for the Project and include all of the air pollution emission reduction measures listed above in the Final Environmental Impact Report.

⁹ In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

¹⁰ The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

¹¹ The regulation requires newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

¹² In December 2007, the CARB approved the "Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port" Regulation, commonly referred to as the At Berth Regulation. The purpose of the At Berth Regulation is to reduce emissions from diesel auxiliary engines on container ships, passenger ships, and refrigerated cargo ships while berthing at a California Port. CARB's At Berth Regulation is available at <https://www3.arb.ca.gov/ports/shorepower/shorepower.htm>.

Jason Cashman
January 29, 2020
Page 7

CARB appreciates the opportunity to comment on the DEIR for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd" followed by a horizontal flourish.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

cc: See next page.

Jason Cashman
January 29, 2020
Page 8

cc: State Clearinghouse
P.O. Box 3044
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Little Manila Rising
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San Joaquin Valley Air Pollution Control District
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Stanley Armstrong
Air Pollution Specialist
Exposure Reduction Section
Transportation and Toxics Division

2.3.1 Response to California Air Resources Board Comments

Comment ID	Response
ARB-A1 (Email)	<p>This email requested feedback from the Port on whether there would be any additional tanker vessels, outside of what is proposed in the NuStar project, visiting Dock 10/11 in the future. As discussed in the DEIR, the proposed Project would result in 12 annual vessel calls at Dock 10/11. However, the Port does not give tenants exclusive rights to docks, and other Port tenant and Port operations will also have vessel calls at Dock 10/11. All docks are available to all tenants and to the Port's own cargo.</p>
ARB-B1	<p>The comment states that the following three pieces of legislation need to be considered and included in the DEIR: Senate Bill (SB) 535, SB 1000, and AB 617. The comment highlights these pieces of legislation, all focused on community health and environmental justice, and requests that the EIR include an analysis of each of the legislations. The FEIR has been updated to include references to the legislation as requested. As noted in the comment letter, the three pieces of legislation are to be implemented by regional governing bodies, namely the California Environmental Protection Agency (SB 535), City (SB 1000), and ARB and SJVAPCD (AB 617). The Port has requested to join the AB 617 community steering committee and intends to be an active member in developing comprehensive strategies to protect public health and the environment. The DEIR also discusses compliance with the City's <i>Envision Stockton 2040 General Plan</i> as it pertains to applicable resource topics. As noted, the City has not yet adopted an environmental justice element; however, the Port will comply with such policy when it is developed.</p> <p>While SB 535, SB 1000, and AB 617 were not specifically highlighted in the DEIR, the DEIR does analyze the potential for the proposed Project to affect area residents, including areas identified in recent legislation as environmental justice communities. The DEIR considers the proposed Project's potential health risk related to air toxics. As discussed in the DEIR, the proposed Project's toxic air contaminant emissions are low and do not warrant a project-specific health risk assessment. In addition to the consideration of project-specific health risk, the cumulative impact assessment disclosed that there is a regional risk attributed in part to Port operations. As noted in the DEIR, air quality in the San Joaquin Valley routinely violates the state and federal standards; ambient air quality in the Valley already puts sensitive receptors at risk. The DEIR found that projects resulting in new or expanded sources of air emissions considered in the cumulative assessment, most of which were Port projects, would combine with emissions from the proposed Project and could potentially contribute to existing health risks in the region. Along with reducing GHG emissions, the proposed Project's implementation of MM-GHG-1, MM-GHG-2, MM-GHG-4, and MM-GHG-5 would also help reduce criteria emissions by reducing combustion.</p>
ARB-B2	<p>The comment states that the DEIR does not adequately analyze the proposed Project's potential health risk impacts. CEQA does not require that project-specific health risk assessments (HRAs) be conducted for every project. SJVAPCD also does not require quantitative HRAs for every project. The DEIR assessed potential risk as a whole and determined that an HRA is not warranted due to the proposed Project's low emissions and the large distance separating the proposed Project from sensitive receptors. This finding is based on the quantitative air emissions modeling results and guidance from ARB and SJVAPCD. Tables 13 and 14 of the DEIR show that operational activities would also result in particulate emissions that would be two orders of magnitude below SJVAPCD's regional and localized thresholds (not the South Coast Air Quality Management District thresholds, as identified in the comment letter). Particulate emissions include exhaust, fugitive dust, and road dust. Diesel particulate matter (DPM) is associated with diesel engine exhaust and is a subset of the proposed Project's particulate emissions. Therefore, DPM emissions associated with the proposed Project's construction and operational activities would be even lower than the particulate emissions presented in Tables 12, 13, and 14 of the DEIR. Per ARB's 2005 <i>Land Use Handbook</i>, impacts</p>

Comment ID	Response
	<p>associated with DPM subside to ambient levels within 1,000 feet of a large emission source. The closest sensitive receptors to the proposed Project would be 1,200 feet away.</p> <p>The comment includes a footnote to <i>Sierra Club v. County of Fresno</i> (2018) 6 Cal.5th 502 (<i>Friant Ranch</i>) and suggests that the DEIR is inadequate because it does not comply with the Friant Ranch ruling to correlate a project's significant air quality impacts with potential human health impacts. However, as of this date, no quantitative methods have been demonstrated to reliably and meaningfully translate the mass emission estimates for the criteria air pollutants resulting from a proposed project to specific health effects. No California air district or other agency has published guidance on how to address the Friant Ranch case. In addition, there is no industry-accepted modeling tool that would reliably make the connection between criteria pollutants and human health impacts. SJVAPCD issued an amicus brief on the Friant Ranch case asserting that the court's holding is based on a misunderstanding of the distinction between toxic air contaminants (TACs) and criteria air pollutants. The amicus brief further states that, while the type of individual facility health impact analysis that the Court of Appeal has required is a customary practice for TACs, it is not feasible to conduct a similar analysis for criteria air pollutants because currently available computer modeling tools are not equipped for this task. The DEIR adequately includes information regarding the potential health effects related to both criteria pollutants and TACs and then discloses how those potential effects are considered when federal, state, and regional standards are developed.</p>
ARB-B3	<p>This comment recommends additional mitigation measures to address cumulative air emissions. The recommended measures do not all apply to the proposed Project and ARB offers no evidence to the effectiveness or efficacy of the proposed measures. In addition, the Port as a lead agency has discretion to determine which mitigation measures, between competing measures, will be imposed. However, all recommended measures were considered. Responses to the specific recommended mitigation measures are as follows:</p> <ul style="list-style-type: none"> • <i>Include language that requires all off-road diesel-powered equipment used during construction and operation of the Project to be equipped with Tier 4 or cleaner engines, except for specialized equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.</i> <p>The Port has added the following mitigation measure (MM) to the FEIR:</p> <p>MM-GHG-1: Use of Tier 4 Engines During Construction. All off-road diesel-powered heavy equipment exceeding 50 horsepower used to construct the proposed Project will be equipped with Tier 4 engines, except for specialized equipment or when Tier 4 engines are not available. In place of Tier 4 engines, off-road diesel-powered heavy equipment will incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.</p> <p>As a liquid bulk terminal, the proposed Project would not necessitate the use of any yard equipment; therefore, the measure would be applied to construction only. As noted in the DEIR, the proposed Project-specific criteria pollutant emissions would not be significant. While the measure would reduce cumulative emissions, emissions would remain significant. Therefore, this addition does not affect EIR findings.</p>

Comment ID	Response
	<ul style="list-style-type: none"> • <i>Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.</i> <p>As discussed above, as a liquid bulk terminal, the proposed Project would not necessitate the use of any yard equipment. Emission sources would be ships and trucks. The DEIR already requires the use of clean trucks and will add requirements to help support zero-emission trucks if available. MM-GHG-5 (previously MM-GHG-4) has been modified as presented below::</p> <p>MM-GHG-5: Use of Clean Trucks. NuStar will encourage the use of clean trucks (defined as model year 2017 or newer) to transport fuel. NuStar will also educate customers about the SJVAPCD Truck Replacement Program via direct mailings. NuStar will post a copy of the San Joaquin Valley Air Pollution Control District Truck Replacement Program information currently available at http://valleyair.org/grants/truck-replacement.htm at the site.</p> <ul style="list-style-type: none"> • <i>Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.</i> <p>This measure is not feasible for the proposed Project. Bulk fuel carrier trucks are required to meet strict safety standards and light and medium-duty delivery trucks and vans do not meet such standards.</p> <ul style="list-style-type: none"> • <i>Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the Project site to be zero-emission. This equipment is widely available.</i> <p>This measure is not feasible for the proposed Project. As discussed above, the proposed Project would be a liquid bulk terminal and would not include the use of any yard equipment.</p> <ul style="list-style-type: none"> • <i>Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.</i> <p>The DEIR already requires the use of clean trucks (defined as model year 2017 or newer) to transport fuel but does not require zero emission trucks because zero emission (electric) fuel carrier trucks are not readily available at this time. Therefore, the proposed Project cannot feasibly implement the measure at this time.</p> <ul style="list-style-type: none"> • <i>Include contractual language in tenant lease agreements that requires the tenant be in and monitor compliance with all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the statewide Truck and Bus Regulation.</i> <p>The FEIR requires the use of clean trucks and the Port will require the tenant to comply with all applicable regulations and rules through standard lease language.</p> <p>The DEIR discusses the At-Berth Regulation in Section 3.1.3.4.2. Neither the Port nor liquid bulk vessels are covered under the 2007 At-Berth Rule. As described, there are several issues, including cost and equipment availability, which would need to be addressed prior to expanding this rule to the Port and to operations of the proposed Project. For example, most vessel calls related to the proposed Project are one-time visits, meaning they would call at the Port only one time per year; therefore, the cost to retrofit a ship to accept shore power would be cost-prohibitive. Exhaust gas scrubber systems require proper placement due to the configuration and accessibility of the exhaust stacks to place a bonnet over the stack. The narrow width of the channel in the project area would</p>

Comment ID	Response
	prohibit the use of a barge-based bonnet system, and the barge would create a navigational constraint, especially when tug maneuvering is required to maintain the barge's position. In addition, the berth is not configured with large available backlands to support a terminal-based exhaust gas scrubber system. For these reasons, no revisions to the DEIR are warranted.
ARB-B4	The comment states that the DEIR does not provide all feasible mitigation measures to reduce the proposed Project's operational air pollution emissions, and does not evaluate the proposed Project's potential health impacts by conducting an HRA. Please see the responses to ARB-B1, ARB-B2, and ARB-B3, which provide a complete response to this summary comment.



Jared Blumenfeld
Secretary for
Environmental Protection

Department of Toxic Substances Control

Meredith Williams, Ph.D.
Acting Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

December 24, 2019

Mr. Jason Cashman
Port of Stockton
2201 West Washington Street
Stockton, California 95203

DRAFT ENVIRONMENTAL IMPACT REPORT FOR NUSTAR MARINE OIL TERMINAL
ENGINEERING AND MAINTENANCE STANDARDS DEVELOPMENT AND VESSEL
SERVICE PROJECT – DATED DECEMBER 2019
(STATE CLEARINGHOUSE NUMBER: 2019060229)

Dear Mr. Cashman:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for NuStar Marine Oil Terminal Engineering and Maintenance Standards Development and Vessel Service Project.

The proposed project involves upgrading the Port of Stockton's Dock 10/11 to Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) to support a new vessel service for renewable diesel imports. NuStar Terminals Operations Partnership LP. (NuStar) currently operates a tank farm at the Port. To accommodate the vessel service for renewable diesel imports, NuStar is proposing to upgrade the dock and install approximately 3,400 feet of underground 12-inch piping from the dock to its existing terminal. Improvements at the terminal would include installation of approximately 3,050 feet of piping for connections between tanks and the truck rack, new pumps, truck rack improvements, and a new rail unloading system.

DTSC recommends that the following issues be evaluated in the EIR, Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

DTSC-1

- DTSC-2
2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf).
- DTSC-3
3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
- DTSC-4
4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to review the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

Mr. Jason Cashman
December 24, 2019
Page 3

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gavin McCreary".

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereasis@dtsc.ca.gov

2.3.2 *Response to California Department of Toxic Substances Control Comments*

Comment ID	Response
DTSC-1	<p>The comment notes that the EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances. The comment notes that in instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination.</p> <p>As discussed in Section 3.6 of the DEIR, there is the possibility for proposed Project activities to result in the release of hazardous wastes/substances during construction. Section 3.6 of the DEIR outlines several plans and emergency response actions that are in place to address a potential release, should one occur. NuStar maintains a comprehensive Facility Response Plan (FRP) detailing plans and actions for a variety of potential emergencies, including but not limited to natural disasters, medical emergencies, bomb threats, and fires or explosions (Technical Response Planning 2018). The FRP communicates policies and procedures to follow in an emergency. The FRP additionally includes an SPCC Plan specific to the facility. These plans would also apply to the proposed Project. The SPCC Plan identifies notification and reporting requirements in the event of a release of hazardous substances. All current and future operations are required to occur in compliance with applicable regulations.</p>
DTSC-2	<p>The comment notes that if buildings or other structures are to be demolished, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulking. Comment noted. As discussed in the DEIR, the proposed Project does not include demolition of buildings or structures.</p>
DTSC-3	<p>The comment notes that if the proposed Project includes importing soil to backfill of any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. Comment noted. As discussed in the DEIR, excavation related to the pipeline would occur. NuStar would install approximately 3,400 feet of 12-inch piping between the transfer manifold at Dock 10/11 and NuStar's terminal, of which approximately 2,700 feet would be installed via HDD, and the remaining 700 feet would be trenched. Trenching would include excavation to an approximate depth of 4 feet, and the maximum depth of HDD would be approximately 50 feet. It is not anticipated that any import soil would be required because soil excavated from the entry pit would be stored on site and used to backfill the pit following installation of the pipe. Therefore, a less-than-significant impact determination, as presented in the DEIR, is correct and no additional mitigation is required.</p>
DTSC-4	<p>The comment notes that, if any sites included as part of the proposed Project have been used for agricultural, weed abatement, or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. As discussed in the DEIR, the proposed Project would occur on existing port property. As discussed in Section 4.1.1.1, the Port has a long history of industrial use in the project area and vicinity, with no known agricultural use. The proposed Project would include installing a pipeline between Dock 10/11 on an area of vacant land; however, there has been no known use of weed abatement in that area. Therefore, no additional analysis is required.</p>

CALIFORNIA STATE LANDS COMMISSION

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Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, *Executive Officer*
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California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

January 29, 2020

File Ref: SCH #2019060229

Jason Cashman
Environmental and Regulatory Affairs Manager
Port of Stockton
2201 West Washington Street
Stockton, California 95203

VIA REGULAR & ELECTRONIC MAIL (jcashman@stocktonport.com)

**Subject: Draft Environmental Impact Report (EIR) for the NuStar Marine Oil
Terminal Engineering and Maintenance Standards (MOTEMS)
Development and Vessel Service Project, San Joaquin County**

Dear Mr. Cashman:

The California State Lands Commission (Commission) staff has reviewed the subject Draft EIR for the NuStar MOTEMS Development and Vessel Service Project (Project), which is being prepared by the Port of Stockton (Port). The Port, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses.

Commission Jurisdiction, Public Trust Lands, and Regulatory Authority

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; and 6306). For this Project, the City of Stockton, is trustee of sovereign tide and submerged lands granted by the Legislature pursuant to Chapter 1700, Statutes of 1965, with minerals reserved to the State. All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

The Commission also has regulatory authority over marine oil terminals and vessel operations in accordance with the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Pub. Resources Code, § 8750 et seq.), which established a

comprehensive approach for the prevention of and response to oil spills, and the Marine Invasive Species Act (Pub. Resources Code, § 71200 et seq.), which applies to shipping operations that involve vessels of 300 gross tons or larger, being of either United States or foreign registry, and capable of carrying ballast water into the coastal waters of the State. Through these statutes, the Commission adopts and enforces regulations including:

- Article 5. Marine Terminals Inspection and Monitoring (Cal. Code Regs., tit. 2, § 2300 et seq.)
- Article 5.3 Marine Terminals Personnel Training and Certification (Cal. Code Regs., tit. 2, § 2540)
- Article 5.5 Marine Terminals Oil Pipelines (Cal. Code Regs., tit. 2, § 2560)
- California Building Code (CBC), Chapter 31F—Marine Oil Terminals (Cal. Code Regs., tit. 24, § 3101F et seq., also known as MOTEMS)
- Article 4.5 Marine Invasive Species Control Fund Fee (Cal. Code Regs., tit. 2, § 2270 et seq.)
- Article 4.6. Ballast Water Regulations for Vessels operating within the Pacific Coast Region (Cal. Code Regs., tit. 2, § 2280 et seq.)
- Article 4.7. Performance Standards for the Discharge of Ballast Water for Vessels Operating in California Waters (Cal. Code Regs., tit. 2, § 2291 et seq.)
- Article 4.8. Biofouling Management to Minimize the Transfer of Nonindigenous Species from Vessels Arriving at California Ports (Cal. Code Regs., tit. 2, § 2298 et seq.)
- Article 4.9. Marine Invasive Species Act Enforcement and Hearing Process (Cal. Code Regs., tit. 2, § 2299.01 et seq.)

Project Description

The proposed Project's goal is to connect NuStar's existing facility to and upgrade an existing dock at the Port in order to receive renewable diesel by vessels, which will support broader California Low Carbon Fuel Standard goals for lower-emitting fuels. The key objectives of the Project include:

- Upgrade the existing Dock 10/11 to meet MOTEMS consistent with state seismic and safety regulations in order to receive vessels
- Connect NuStar's existing facilities at the Port to enable receipt of renewable diesel arriving by vessel, increasing the amount of renewable diesel transported to its existing terminal facility at the Port
- Update and renew the commercial terms in the NuStar lease with the Port consistent with the proposed Project
- Increase availability of renewable diesel to assist California in meeting greenhouse gas abatement targets, decreasing reliance on imported fossil fuels

Environmental Review

Commission staff requests that the Port consider the following comments on the Project's EIR.

General Comment

1. Commission staff cannot comment on the technical details or regulatory compliance of the proposed Project as presented in the Draft EIR, since the proposed Project is creating a "new" marine oil terminal (MOT) per MOTEMS. Documentation currently available to Commission staff is preliminary and pending review at this time.
2. The Draft EIR assessments appear to: (a) take a significantly different approach to CEQA evaluation of an MOT project than the Commission's historic MOT EIRs (i.e., no focus on operational safety and risk of accidents assessment), and (b) rely heavily on built aspects of the proposed new MOT (i.e., through reference to MOTEMS which is a building standard and does not specifically address terminal siting or operational requirements), but minimally discuss the operational or marine environmental aspects of the proposed new MOT (e.g., lacking reference to the Commission and Department of Fish and Wildlife MOT oil spill prevention and response and marine invasive species statutes and regulations).
3. *Section 1.2, Agency Roles and Responsibilities.* Table 1 states "*Because CSLC must consider approving the MOTEMS for the proposed Project, CSLC is a responsible agency as well as a trustee agency.*" This statement inaccurately describes the Commission's roles and responsibilities for this Project, including failure to articulate all of the Commission's involvement or oversight (i.e., granted lands, building code enforcement, operations regulations). For MOTEMS purposes, "approving" is not correct terminology, as the Commission's Marine Environmental Protection Division enforces compliance and the Commission would not approve the project, as determinations about MOTEMS compliance are ministerial in nature, therefore the Commission is not a permitting authority or responsible agency. Other agencies missing from this section having regulatory authority for operations of the new MOT include the California Office of the State Fire Marshal and California Department of Fish and Wildlife, Office of Spill Prevention and Response.
4. The Draft EIR should formally reference MOTEMS by its legal citation: California Code of Regulations, title 24, section 3101F et seq.
5. Typically, the Draft EIR environmental impact sections begin with the statement "*For the purposes of ... analysis, the study area is defined as the project site (the terminal, pipeline route, and Dock 10/11) and immediately surrounding areas.*" However, the physical boundaries of the proposed Project and delineating attributes of the Project's CEQA evaluation boundary are unclear, including but not limited to, consideration of NuStar's Port of Stockton lease boundary, the Berth 10/11 structural boundary, NuStar's operational boundaries, multi-use area boundaries shared with other operators, and vessel footprint boundaries. Establishing a common understanding of the proposed Project's physical boundaries is critical to evaluating CEQA compliance, as well as jurisdictional authorities and regulatory compliance.

CSLC-1

CSLC-2

CSLC-3

CSLC-4

Geology/Soils

- CSLC-5 | 6. *Impact GEO-1*. This section cites that Project improvements would adhere to seismic design parameters from the 2016 CBC. The CBC (Cal. Code Regs., tit. 24) is revised on a triennial code cycle with date-delineated editions (e.g., 2016 CBC, 2019 CBC). This Project may need to comply with the 2019 CBC (not the 2016 CBC) based on the authorities having jurisdictions.

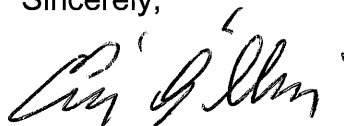
Hazards and Hazardous Materials

- CSLC-6 | 7. It appears that the potential interactions with and impacts to surrounding areas and waters (including oil spill, fire and explosion potential) are inadequately addressed, including preparation and consideration of a project/site-specific risk and hazards analysis. A formal Risk and Hazards Analysis is required to identify the hazards associated with operations at the proposed new MOT, including but not limited to, consideration of assessed magnitude of potential oil spill releases and consequences, terminal and vessel operations, equipment failure, operating errors (human and organizational errors for system safety), and external factors. The multi-use functionality of Berth 10/11, as well as the surrounding Port of Stockton activities (e.g., fertilizer storage, gantry crane storage and operations), heightens the importance of this hazards analysis. Therefore, an up-to-date Risk and Hazards Analysis should be prepared for this new MOT, which identifies mitigation measures to be implemented.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a trustee and regulatory agency, Commission staff requests that you consider our comments prior to certification of the EIR. Please send copies of future Project-related documents, including electronic copies of the certified Final EIR, Mitigation Monitoring and Reporting Program, and Notice of Determination when they become available.

Please refer questions concerning environmental review to Sarah Mongano, Senior Environmental Scientist, at (916) 574-1889 or sarah.mongano@slc.ca.gov. For questions concerning the MOTEMS review, please contact Avinash Nafday, Senior Engineer, Petroleum Structures, at (562) 499-6316 or avinash.nafday@slc.ca.gov.

Sincerely,



Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
S. Mongano, Commission
A. Nafday, Commission
K. Oliver, Commission
J. Fabel, Commission

2.3.3 Response to California State Lands Commission Comments

Comment ID	Response
CSLC-1	<p>CSLC-1 states, "The Draft EIR assessments appear to: a) take a significantly different approach to CEQA evaluation of a MOT project than the Commission's historic MOT EIRs; and b) rely heavily on built aspects of the proposed new MOT, but minimally discuss the operational or marine environmental aspects of the proposed new MOT." CSLC offers no specific examples of what may be deficient in the DEIR. While the DEIR may evaluate the proposed Project through a different approach than other MOT EIRs, which is within the discretion of the lead agency, the DEIR did evaluate both the construction and operation of the MOT throughout Chapter 3 of the DEIR.</p> <p>The following text has been included in Chapter 1 of the FEIR to provide an overview of required coordination with CSLC per MOTEMS:</p> <p>MOTEMS are building standards (California Code of Regulations, Title 24, Section 3101F et seq.; California Building Code, Chapter 31F: Marine Oil Terminals) that apply to all marine oil terminals in California. MOTEMS establish minimum engineering, inspection, and maintenance criteria for marine oil terminals to protect public health, safety and the environment, and govern the upgrade and design of terminals to ensure better resistance to earthquakes and reduce the potential of oil spills. CSLC is the compliance enforcing agency for MOTEMS. MOTEMS require each marine operator develop an audit to determine the level of compliance of the berthing and dock facility required to comply with MOTEMS. Depending on the results of the audit, terminal operators must determine what actions are required to meet MOTEMS and provide a schedule under which they will correct the deficiency. The MOTEMS that need to be addressed include the following:</p> <ul style="list-style-type: none"> • Audit and Inspection • Structural Loading • Seismic Analysis and Performance Based Structural Design • Mooring and Berthing Analysis and Design • Geotechnical Hazards and Foundations • Structural Analysis and Design of Components • Fire Prevention, Detection and Suppression • Piping and Pipelines • Electrical and Mechanical Connections <p>NuStar has submitted draft reports for all standards to CSLC except the following four reports:</p> <ul style="list-style-type: none"> • MOTEMS Baseline Inspection (expected April 2020) • Metocean Report (expected April 2020) • Oil Spill Contingency Plan (OSCP) Risk & Hazard Analysis • Electrical Drawing Set <p>The OSCP Risk & Hazard Analysis and electrical drawing set would be submitted to CSLC for approval prior to commissioning. The commissioning walkdown would occur the first time a vessel is received. Multiple divisions of CSLC and representatives from several agencies would attend the walkdown to provide final approval or further compliance measures. NuStar will continue to work with CSLC to ensure full compliance with MOTEMS.</p>

Comment ID	Response
CSLC-2	This comment notes that the DEIR inaccurately describes CSLC's roles and responsibilities for this proposed Project in identifying CSLC as a responsible agency in Table 1 of the DEIR. Table 1 has been modified in the FEIR as requested in the comment letter; however, this change does not change the findings in the DEIR.
CSLC-3	The comment notes that the Draft EIR should formally reference MOTEMS by its legal citation: California Code of Regulations, title 24, section 3101 F et seq. The reference for MOTEMS has been modified in the FEIR as requested in the comment letter; however, this change does not change the findings in the DEIR.
CSLC-4	The comment claims that the physical boundaries of the proposed Project and delineating attributes of the proposed Project's CEQA evaluation boundary are unclear. The Port respectfully disagrees. As discussed in the DEIR, the proposed Project boundaries are clearly defined, both in written text and in Figures 2 through 4. In addition, all of the impact analyses include a clearly defined scope of analysis. No further changes are warranted.
CSLC-5	This comment notes that the proposed Project may need to comply with the 2019 CBC (not the 2016 CBC) based on the authorities having jurisdiction. The FEIR has been updated to include reference to the 2019 CBC; however, this change does not change the findings in the DEIR.
CSLC-6	<p>This comment notes that an up-to-date Risk and Hazards Analysis should be prepared for this new MOT.</p> <p>Please see the response to CSLC-1. As noted, an Oil Spill Contingency Plan (OSCP) Risk & Hazard Analysis is being prepared. However, the DEIR did not identify any potentially significant impacts as part of the Hazards and Hazardous Materials assessment; therefore, no additional mitigation is required.</p>

January 30, 2020

Jason Cashman
Port of Stockton
2201 West Washington Street
Stockton, CA 95203

Project: Draft Environmental Impact Report for the NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project (SCH# 2019060229)

District CEQA Reference No: 20191407

Dear Mr. Cashman:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the project referenced above. The project consists of connecting NuStar's existing liquid bulk terminal to Dock 10/11 in order to receive renewable diesel by vessel (Project). The Project includes upgrading Dock 10/11 to meet state MOTEMS, install approximately 3,400 feet of underground 12-inch piping from the dock to NuStar's existing terminal, installation of approximately 3,050 feet of new terminal piping, new pumps, truck rack improvements, and piping to provide the ability to tie into the existing rail unloading system in the future. The Project also includes updating and renewing the commercial terms in NuStar's lease with the Port consistent with the proposed project. The Project is located at and between Dock 10/11 and the NuStar facility at 2941 Navy Drive, in Stockton, CA. The District offers the following comments:

1. Health Risk Assessment

On page 146, the DEIR states that a project-specific Health Risk Assessment (HRA) was not performed. Additionally, the DEIR references the quantitative analyses performed for two other projects, the Eco-Energy Liquid Bulk Receiving Terminal Development Project's HRA and the Contanda Renewable Diesel Bulk Liquid Terminal Development Project, for estimating the cancer and non-cancer risks for this Project.

An HRA is project specific, and although this Project is in close proximity to several other projects, the District recommends that this Project be evaluated separately for potential health impacts to surrounding receptors (on-site and off-site) resulting from

Samir Sheikh

Executive Director/Air Pollution Control Officer

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APCD-1
(cont)

operational and multi-year construction TAC emissions. As such, the District believes that performing a site-specific HRA for the Project is the necessary approach.

APCD-2

A. The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. For your convenience, the District's prioritization calculator can be found at:

http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

B. The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that Projects that result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

APCD-3

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

2. Cumulative Impact Analysis

Section 4.2.2.1.1 of the DEIR discusses cumulative impacts on air quality for the Project. Although the DEIR identifies that the impact would be cumulatively significant, the District offers the following additional information regarding cumulative impacts:

The District has developed plans to attain State and Federal standards for ozone and particulate matter. The District's air quality plans include emissions inventories to measure the sources of air pollutants, to evaluate how well different control methods have worked, and to show how air pollution will be reduced. The plans also use computer modeling to estimate future levels of pollution and make sure that the Valley will meet air quality goals.

District attainment plans provide the basis for thresholds of significance. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. Non-compliance with a threshold of significance means the effect will normally be determined to be significant. Compliance with a threshold of significance means the effect normally will be determined to be less than significant (CCR §15064.7).

The District has established thresholds of significance for permitted and non-permitted equipment and activities that are also consistent with District attainment plans.

A Lead Agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program, including, but not limited to an air quality attainment or maintenance plan that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located [CCR §15064(h)(3)].

3. Assembly Bill 617

Assembly Bill 617 (AB 617) requires the California Air Resources Board (CARB) and air districts to develop and implement additional emissions reporting, monitoring, reduction plans and measures in an effort to reduce air pollution exposure in disadvantaged communities. The Southwest Stockton area is one of the Valley communities selected by the CARB for investment of additional resources under AB 617. Please be aware that the proposed Project significantly overlaps with the Southwest Stockton Community, and that the AB 617 process provides a platform for public comments, many of which focus on land-use concerns in the area. The District recommends that the Port of Stockton monitor the District's AB 617 process and consider community-suggested opportunities to bring additional resources and emissions mitigation to the area as the Port of Stockton's planning effort progresses.

4. District Rules and Regulations

This Project may also be subject to other District rules and regulations.

- A. This Project is subject to District permits, and the District has already received an Authority to Construct (ATC) application for this Project.

APCD-6
cont

- B. The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- C. The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. Information about District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm. For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org
- D. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Cherie Clark at (559) 230-5940.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Robert Gilles
Program Manager

AM: cc

2.3.4 Response to San Joaquin Valley Air Pollution Control District Comments

Comment ID	Response
APCD-1	<p>The comment recommends that a project-specific HRA be performed for the proposed Project. The DEIR explains that the proposed Project's TAC emissions are low and do not warrant a project-specific HRA for the following reasons:</p> <ul style="list-style-type: none"> • Although the comment refers to multi-year construction, the proposed Project's construction-related activities would actually be short-term—only 8 months. Emissions would primarily be the result of diesel exhaust from off-road heavy-duty diesel equipment. Table 12 of the DEIR shows that, during this 8-month construction period, particulate emissions would be two orders of magnitude below SJVAPCD's regional and localized thresholds. Because health risk is normally evaluated for 30-year and 70-year exposure periods, the DEIR determined that a quantitative HRA for an 8-month exposure period is not warranted. • Tables 13 and 14 of the DEIR show that operational activities would also result in particulate emissions that would be two orders of magnitude below SJVAPCD's regional and localized thresholds. • Particulate emissions include exhaust, fugitive dust, and road dust. DPM is associated with diesel engine exhaust and is a subset of the proposed Project's particulate emissions. Therefore, DPM emissions associated with the proposed Project's construction and operational activities would be even lower than the particulate emissions presented in Tables 12, 13, and 14 of the DEIR. • Per ARB's 2005 <i>Land Use Handbook</i>, impacts associated with DPM subside to ambient levels within 1,000 feet of a large emission source. The closest sensitive receptors to the proposed Project would be 1,200 feet away. • CEQA does not require that project-specific HRAs be conducted for every project. SJVAPCD also does not require quantitative HRAs for every project. The DEIR assessed potential risk as a whole and determined that the proposed Project's low emissions and the large separation distance from sensitive receptors do not warrant a quantitative HRA. <p>The comment also states that the DEIR references the quantitative analyses performed on the Eco-Energy Liquid Bulk Terminal Project and Contanda Terminal Development Project HRAs for estimating health risk for the proposed project.</p> <p>The Eco-Energy Liquid Bulk Terminal Project impacts are included in the cumulative assessment but are not used for estimating health impacts for the proposed project. Furthermore, the DEIR uses HRA and DPM emission information from the Contanda Terminal Development Project in assessing cumulative impacts, not proposed Project impacts. As discussed in response to the first part of this comment, the DEIR addresses the health impacts from the proposed Project qualitatively because project emissions are low and separated from the nearest sensitive receptor by over 1,200 feet.</p> <p>However, because other projects would potentially occur concurrently with the proposed project, impacts for these cumulatively relevant projects were combined, in a cumulative evaluation, to present a context for cumulative health impacts. Because only the health risk associated with the Eco-Energy Liquid Bulk Terminal Project had been quantified in the Eco-Energy Liquid Bulk Terminal Project EIR document, a simple methodology was needed to evaluate health risk for the remaining cumulatively relevant projects for which health risk had not been quantified because each project, individually, did not warrant a refined HRA.</p>

Comment ID	Response
	<p>The Contanda Terminal Development Project is a recent project at the Port that conducted a refined HRA. It is understood and acknowledged that health risk is location-specific. For that reason, because emission sources and receptor locations associated with the Contanda Terminal Development Project are similar to the emission sources and receptor locations associated with the cumulatively relevant projects, a simple and conservative methodology was developed (as described in Section 4.2.2.1.1 of the DEIR) that used DPM emissions of the cumulatively relevant projects to scale the Contanda Terminal Development Project's health risk. This approach allowed a simple and conservative way to estimate health risk associated with the cumulatively relevant projects.</p>
APCD-2	<p>SJVAPCD's comment recommends that a screening analysis be conducted for health risk and identifies the California Air Pollution Control Officers Association's (CAPCOA's) 2016 Prioritization Guidance and SJVAPCD's Prioritization Calculator as appropriate methodologies (CAPCOA 2016; SJVAPCD 2020).</p> <p>The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, identify facilities having localized impacts, ascertain health risks, notify nearby residents of significant risks, and reduce those significant risks to acceptable levels. AB 2588 is concerned with stationary sources and does not account for mobile sources (i.e., sources which move around on site or transit off site). CAPCOA's Prioritization Guidance is intended as a screening methodology for facilities subject to AB 2588 and is not intended to provide a screening methodology for mobile sources. Because nearly all proposed Project emissions would occur from mobile sources such as ocean-going vessels, tugboats, locomotives, and trucks, CAPCOA's Prioritization Guidance would not provide a useful screening tool in determining health impacts from these sources.</p> <p>In addition, CAPCOA's Prioritization Guidelines for stationary sources includes two methodologies. The first and most conservative serves as the basis for SJVAPCD's prioritization calculator. This conservative approach, called the Emissions and Potency Procedure, is based on three parameters: emissions, toxicity, and proximity to receptors. CAPCOA's second screening approach, called the Dispersion Adjustment Procedure, adjusts the first screening approach to address dispersion of pollutants for sources with different release heights. SJVAPCD's prioritization calculator is based on CAPCOA's Emissions and Potency Procedure and as such does not account for dispersion of pollutants for sources with different release heights. CAPCOA's Dispersion Adjustment Procedure shows that the prioritization score calculated using the Emissions and Potency Procedure would be reduced by 85% and 99% for sources with stacks that are greater than 20 and 45 meters, respectively (vessels which account for most proposed Project emissions have release heights of 50 meters).</p>
APCD-3	<p>SJVAPCD's comment recommends that projects that exceed a prioritization score of 10, using the CAPCOA or SJVAPCD prioritization calculator, conduct a refined HRA.</p> <p>Please see the response to comment APCD-2 for an explanation of why the CAPCOA and SJVAPCD prioritization calculators are not appropriate for mobile sources, which includes sources associated with the proposed Project.</p>

Comment ID	Response
APCD-4	<p>SJVAPCD's comment offers additional information regarding cumulative impacts determination. The comment summarizes SJVAPCD's air quality planning efforts and their role in setting threshold levels. The comment also notes that a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program.</p> <p>The comment is noted. The Port, as lead agency, has chosen to conduct the cumulative analysis by evaluating reasonably foreseeable projects in conjunction with the proposed Project.</p>
APCD-5	<p>SJVAPCD's comment summarizes the requirements of AB 617 and recommends that the Port monitor the SJVAPCD's AB 617 process and consider community-suggested opportunities to bring additional resources and emissions mitigation to the area as the Port's planning effort progresses.</p> <p>As noted in the response to ARB-B1, the Port has requested to join the AB 617 community steering committee and intends to be an active member in developing comprehensive strategies to protect public health and the environment.</p>
APCD-6	<p>The comment states that the proposed Project may also be subject to additional SJVAPCD rules and regulations. NuStar will comply with all required rules and regulation issued as part of the Authority to Construct permit. No building or structures will be demolished. The terminal will not employ 100 or more employees.</p>



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Mother Lode Chapter
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Jason Cashman
Port of Stockton Environmental and Regulatory Affairs Manager
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January 28, 2020

Via email to jcashman@stocktonport.com

Re: December 2019 NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project Draft Environmental Impact Report; State Clearinghouse Number:2019060229.

The Delta Sierra Group of the Sierra Club respectfully submit comments on the December 2019 Draft Environmental Impact Report for the NuStar Marine Oil Terminal proposed project.

The NuStar Marine Oil Terminal Draft Environmental Impact Report included three project alternatives.

1) Proposed Project:

- Upgrade existing dock 10/11 to meet safety regulations to receive vessels importing renewable diesel from unknown sources;
- Connect existing NuStar facilities via pipelines (3,400 feet of underground 12-inch piping) to enable receipt of imported renewable diesel arriving by vessel.
- Increased truck trips (17,011 to 21,249 truck calls) related to increased throughput of fuels.

2) No Project:

- Existing operations continues - NuStar operates a liquid bulk terminal at the Port serving a variety of products including ethanol, gasoline, aviation fuel, naphtha, diesel, renewable diesel, biofuels, and lubricants via pipeline, rail and truck. The proposed project only involves changes to the diesel product mix and operations at the NuStar facility; therefore, the level of ultra-low sulfur diesel (ULSD) and renewable diesel in 2018 was considered as the baseline. In 2018, the facility received and transferred 3.147 million barrels of ULSD and had 17,011 truck calls. The existing facilities according to NuStar¹ includes 33 tanks that can hold 878,000 barrels ranging in size from 4,200 to 88,000-barrel capacities. There are eight truck loading bays at the north and south truck racks. Rail operation area has three tracks with a combined 16 unloading locations
- Currently served by pipeline, which was not described in DEIR, nor were the current volumes of domestic renewable diesel.

3) Reduced Project:

- same buildout as the proposed project with reduced numbers of vessel calls at the terminal; reduced 12 vessels to 8 vessels, annually.

DSG-1

The Delta Sierra Group comments are presented in six sections: Public Participation, Air Quality, Greenhouse Gas Emissions, Hazards, Transportation, and Cumulative Impacts. The Delta-Sierra Group recommends that the Port of Stockton begin preparation of a cumulative risk assessment to determine whether public health can be protected with increased Port throughput and what Port mitigation measures are needed for continued operational growth.

Public Participation

The DEIR stated:

Public participation is an integral part of the CEQA process. Public participation facilitates two-way communication between the public and the lead agency (the Port) decision makers, ensuring that public concerns and input are considered in the final decision. The Port's public participation process ensures that interested persons are informed about discretionary decisions and have the opportunity to provide input.

¹ Accessed 1.20.2020. http://www.nustarenergy.com/Business/AssetSheets?assetid=TR_STN_CA&assettype=Storage

The Port also consults with public agencies in a variety of ways when developing CEQA documents, including direct agency outreach and distribution of documents.

The June 25, 2019 Notice of Preparation was not posted on the Port of Stockton website nor was the comment period ending on July 24, 2019 announced during the Port of Stockton Commission meeting which is a public meeting held by the lead agency decision makers. The December 2019 Draft Environmental Impact report was not located on the Port's website nor was the DEIR's circulation and comment period announced during the December 2, 2019 Port of Stockton Commission meeting.

DSG-2

The adoption of the City of Stockton Envision 2040 General Plan calls for increased outreach efforts at the urging of community organizations. As a City, we have recognized that certain members of our community do not have the same level of services and accommodations, Boggs Tract is one of those communities. Boggs Tract is the residential area adjacent to the Port of Stockton.

A workshop should be held to hear the concerns of the community before the final EIR is prepared and briefing notices provided so that the community can be informed and knowledgeable when reviewing the final EIR. A workshop should be held to ensure that interested persons are informed about discretionary decisions and have the opportunity to provide input.

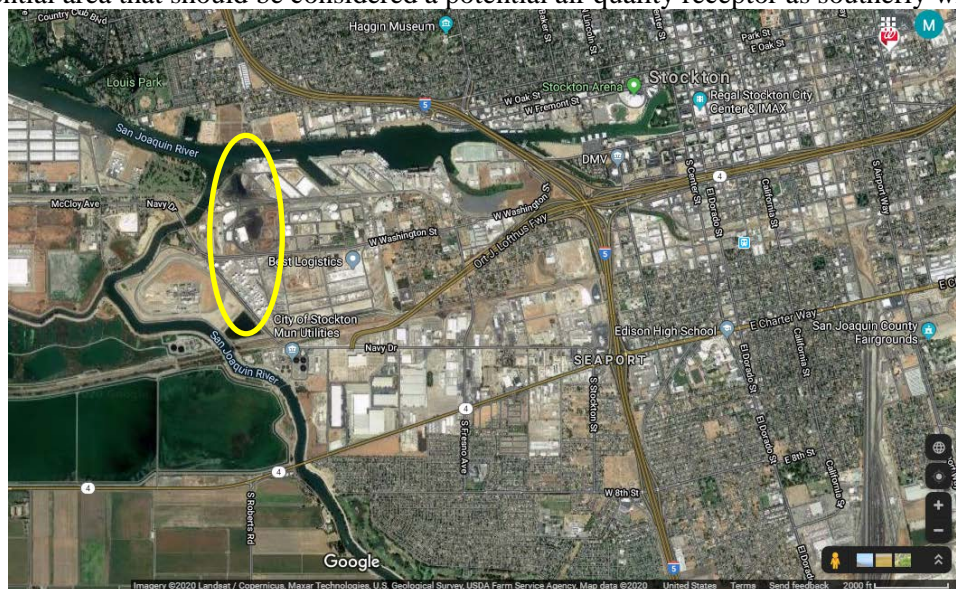
Air Quality

For all those participating in the Peace March to honor Martin Luther King Jr. air quality concerns were not discussed; nevertheless, many of the elderly or breathing impaired participants experienced impaired air quality. The following air quality conditions were documented at the time of the Peace March for the 95202 zip code².

Current Conditions	
Air Quality Index (AQI) observed at 11:00 PST	
74	Moderate
Health Message: Unusually sensitive people should consider reducing prolonged or heavy exertion. Note: Values above 500 are considered Beyond the AQI. Follow recommendations for the Hazardous category. Additional information on reducing exposure to extremely high levels of particulate pollution is available here .	
AQI - Pollutant Details	
Ozone	3 Good
Particles (PM _{2.5})	74 Moderate

DSG-3

The DEIR stated that much of the Valley's ambient PM₁₀ and PM_{2.5} is secondary particulate matter formed in atmospheric reactions of NO_x. However, based on federal and state standards, the San Joaquin Valley Air Pollution Control District has achieved NO₂ attainment but not for Ozone, PM₁₀ and PM_{2.5}. This suggests that the existing standards for nitrogen dioxide may not be protective or that other sources of particulate matter prevail. The DEIR recognized that the nearest residential area is approximately 1,200 to the north while the nearest residential receptor to the NuStar terminal is located approximately 4000 feet to the east. North of the Deep Water Canal is a residential area that should be considered a potential air quality receptor as southerly winds occur³.



² Accessed 1.20.2020. Air Now: https://airnow.gov/index.cfm?action=airnow.local_city&zipcode=95202&submit=Go

³ Accessed 1.20.2020.

https://www.valleyair.org/Air_Quality_Plans/docs/2003%20PM10%20Plan/PDF%202003%20PM10%20Plan%20adpt%20chapters/Ch%202-Final.pdf

DSG-3 (cont)	The DEIR further stressed the health importance to residents that particulate matter poses, since if the state annual average PM _{2.5} standards was met approximately 1,000 premature deaths would be avoided annually. The state PM _{2.5} standards were exceeded in our region during 2015 according to the DEIR
DSG-4	The criteria pollutants identified in the DEIR are ozone, particulate matter, carbon monoxide, nitrogen dioxide and sulfur dioxide. The analysis was based on the modeling of construction and operational emissions including vessels, terminal components, trucks and employee vehicle movements. Truck destinations analyzed were within a 50 mile radius, 35 miles of which would be within the San Joaquin Valley Air Pollution Control District. The basis of this small radius infers a relatively small market; however, to get to downtown Sacramento is 51 miles to the north and to get to Modesto is 33 miles to south (all within the SJVAPCD).
DSG-5	Operation emissions associated with the proposed project from ocean-going vessels, tugboats used to assist OGVs, truck transport, rail transport, and worker vehicles. The DEIR stated that activity associated with rail transport and worker vehicles would not change because of the proposed project, so emissions associated with these sources were not quantified. Without this analysis, the cumulative impact on air quality requested by the SJVAPCD is incomplete. Apparently three rail transporters are involved with project operations: Union Pacific (UP), Burlington Northern Santa Fe Railway (BNSF) and Central California Traction. The number of trip-miles associated with rail transport to the facility was not included in the DEIR.
DSG-6	The DEIR Air Quality analysis stated that the Panamax is the vessel anticipated. These vessels have sizes that are appropriate for travelling through the Panama canal with dimensions of the maximum size, 965-foot overall length, 106-foot beam, and 39-foot drafts ⁴ . According to the 2018 Port of Stockton Annual Report, the max draft - mean lower low water (MLLW) is 35 feet for all except for 16,17,18. Berth 10/11 is currently able to handle 35 feet draft not the proposed 39-foot drafts. The Sierra Club is concerned that plans to accommodate vessels of the proposed larger size will affect the benefit/cost ratio for the deepening of the navigation channels to Stockton. Please describe the size of the Panamax that is proposed to be used and how the existing channel depths will handle these larger vessels.

Greenhouse Gases

DSG-7	<p>The No project alternative environmental conditions are referred to as the baseline. The DEIR baseline is the set of conditions that existed at the time of the June 2019 Notice of Preparation circulation. The existing project according to the DEIR in 2018 received and transferred 3.147 million barrels of ultra low sulfur diesel and has 17,011 truck calls annually. The other products handled at the existing terminal, evidently were not analyzed as part of the baseline analysis.</p> <p>he proposed project could result in 1.728 million barrels of imported renewable diesel which presumably would reduce rail or pipeline conveyance of ULSD. This was not discussed in the DEIR and may be affected by the permit conditions which would be determined by the San Joaquin Valley Air Pollution Control District.</p> <p>The source of the renewable diesel was not disclosed so that air quality benefits from reducing ULSD diesel is not possible. According to US Department of Energy⁵ renewable diesel is chemically similar to petroleum diesel unlike biodiesel. Biodiesel is produced exclusively from lipids such as vegetable oils, animal fats, grease, and algae. Renewable diesel is produced from lipids and cellulosic biomass such as crop residues, woody biomass, and dedicated energy crops. Information suggest that the refining location for the proposed renewable diesel may be from Singapore.</p> <p>The US Department of Energy has stated that:</p> <p style="padding-left: 40px;">Imports from Singapore remain significant, planned renewable diesel production capacity additions during the next several years have the potential to increase the share of domestic renewable diesel in the California market. A number of low carbon fuel standard (LCFS) amendments are slated to go into effect in 2019, including an extension of the program to increase the total reduction in carbon intensity to at least 20% by 2030.</p>
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⁴ Accessed 1.26.2020. <http://savethecape.org/stcwp1/wp-content/uploads/PDFs/ShipSize.pdf>

⁵ Accessed 1.20.2020. https://afdc.energy.gov/fuels/emerging_hydrocarbon.html

DSG-7
(cont)

The impacts related to overseas production cannot be controlled by California regulations. The possibility exists that the destruction of woody biomass needed to create the renewable diesel may have greater impacts on global climate change than the benefit of renewable diesel as a transitional petroleum substitute.

Furthermore, the DEIR included statements from the California Energy Commission related to the emissions of a wide variety of alternative fuels:

Renewable diesel has 58 to 80% lower greenhouse gas emissions than petroleum diesel (EIA 2018). Carbon intensity (CI), a measure of carbon by weight emitted per unit of energy consumed and is used to compare the net GHG of materials or activities. Lower CI values relate to lower GHG emissions, while higher CI values are related to higher emissions. CI can be used to compare how the sources of materials influence carbon emissions and also how different renewable fuels compare to each other. For example, renewable diesel made from animal tallow has a CI of 19.65, while renewable diesel made from domestic soybeans has a CI of 82.16. For comparison, ULSD has a CI of 94.71 and biodiesel made from domestic soybeans has a CI of 82.35 (ARB 2009).

While these carbon intensity values are interesting, the carbon intensity value for the proposed renewable diesel imports was not disclosed.

DSG-8

The DEIR Impact Analysis stated that since most of the emissions are from mobile sources, that the SJVAPCD BPS (best performance standard) do not apply and that the SJVAPCD has not established BPS for the wide variety of land use sources that occur within the Valley. Instead, SJVAPCD recommends determining whether the GHG emissions would result in a 29% reduction compared to BAU (business as usual). The DEIR cited the 2015 Center for Biological Diversity v. California Department of Fish and Wildlife California Supreme Court decision which invalidated the BAU approach. Other California air districts have established a GHG threshold of 1,100 metric tons of CO₂ per year for land use plans and 10,000 metric tons per year for stationary sources. The DEIR stated that the proposed project is neither a land use plan nor a stationary source. The South Coast Air Quality Management District allows 10,000 metric tons per year of CO₂ for industrial project, including Port Projects. This value was used as the criteria determining whether or not the proposed project resulted in a significant impact requiring mitigation. The analyses used for the project only with the proposed buildout resulted in 5924 metric tons over the 6096 metric tons per year. Since the proposed buildout resulted in less than 10,000 metric ton increase, the DEIR found that impacts were considered less than significant requiring no mitigation measures. The Delta Sierra Group is concerned that this analysis is not protective of the City of Stockton climate goals which call for a reduction of GHG. The DEIR included a cumulative analysis of air quality impacts and the total impact from GHG emissions should have resulted in a significant impact requiring mitigation measures.

Hazards and Hazardous Materials

The DEIR stated that known hazards and hazardous material conditions in the project area were based in part on information available from the California Department of Toxic Substances Control EnviroStor and the State Water Resources Control Board GeoTracker databased websites, site-specific and regional emergency response plans, federal, state and local regulations, fire hazard maps, school and airfield public records, and NuStar's Facility Response Plan. The project area was defined as the NuStar Terminal, pipeline, and Dock 10/11.

The Delta-Sierra Group disagrees that the project represents a less than significant impact related to existing problems identified at cleanup sites and recent NuStar fires at their Crocket Terminal.

The DEIR review yielded 33 EnviroStor cleanup sites, and GeoTracker identified 48 cleanup sites with active, open or unidentified status (with some unstated overlap). Nine are within less than 1,000 ft of the project site:

Facility	Address	Status
Learner Company	2711 Navy Drive	Cleanup site open and a land use covenant issued by DTSC to address soil contamination restricting site uses and excavation requirement.
Nustar Terminal	2942 Navy Drive	CVRWQCB issued a groundwater monitoring and reporting plan 4.5.2017; stated that Ethanol I stored in three 33,000 barrel tanks and that gasoline releases at their terminal occurred in March 2002 and a diesel release June 2002.

DSG-9

		<p>Not specified in DEIR⁶</p> <p>Environmental Health documents state that there were additional releases not reported in the DEIR:</p> <ul style="list-style-type: none"> • release of ethanol with a small amount released from the secondary containment, September 2017 • release of diesel, February 2015 • release of diesel, July 2006 <p>The 2017 Monitoring and Report Plan located on the Geotracker website⁷ stated that the 37 monitoring wells associated with the site be monitored semi-annually and monitoring wells with free product or a visible sheen shall be monitored at minimum for product thickness and depth to water. Significant volatile organics associated with petroleum products continue to be detected at very shallow groundwater depths. No community involvement documents were available to indicate that NuStar provides updates to the nearby community.</p> <p>Unacceptable problems with monitoring well groundwater samples was noted⁸: The following volatile samples were analyzed with significant headspace in the sample containers: ACA-4C (720-94445-5), PS/MW-14 (720-94445-8), PS/MW-14 DUP (720-94445-9), ACA-3A/B (720-94445-10), and PSC-WC-4M (720-94445-19). Significant headspace is defined as a bubble greater than 6 mm in diameter.</p>
Kinder Morgan Energy Partners Stk Terminal	2947 Navy Drive	Cleanup site remains open with verification monitoring as of 2001
Tesoro (now Marathon) Stockton Bulk Fuel Terminal	3003 Navy Drive	The site is open and Tesoro monitors ground water at the site as part of the Stockton Terminals Technical Committee. The site remains open with verification monitoring as of 2002.
STTC	Various	The Stockton Terminals Technical Committee (STTC) is comprised of three bulk fuel facilities at the Port of Stockton including Buckeye Partners LP, Tesoro Petroleum Company Inc, and Former Time Oil Company.
Arco Products Co. Terminal	2700 West Washington	The site is open with assessment and interim remedial action plan as of 2012.
Stockton Petroleum	3025 Navy Drive	The cleanup site remains open but inactive as of November 1999.
HydroAgri North American	3019 Navy Drive	<p>Also known as Yara North American. The fertilizer contaminated site remains open and inactive as of July 1998.</p> <p>Not included in the DEIR⁹: On September 06, 2019, Hazardous Materials Spill Report: Cal OES Control# 19-5783 was issued. The report stated that while conducting boring operations at the Yara North American Site, an underground pipe was impacted resulting in the potential release of an unknown amount of petroleum product. This was based on the petroleum odor emanating from the liquid that flowed from the boring. WBCM conducted excavation activities to determine the source of the release as well as the extent of any potential soil and/or groundwater contamination.</p> <p>The Central Valley Water Board required a Damage Assessment Report (Report) for the Site be submitted. The Report should include information on the excavation at the Site including the amount of material removed, a map of the excavation's extent, soil confirmation sampling results as well as laboratory reports and copies of any disposal manifests generated during this work. The Report must be submitted by November 25, 2019. As if January 26, 2020, this report has not been posted on GeoTracker.</p>
Former Rice Terminal	Washington Street and Navy Drive	<p>The site is open and under assessment as of May 2019.</p> <p>Note: unable to locate the site in screening databases.</p>

⁶ <https://www.sjgov.org/departments/envhealth/>

⁷ Accessed 1.25.2020.

https://geotracker.waterboards.ca.gov/profile_report?global_id=SL0607733381&mytab=esidata#esidata

⁸ Accessed 1.25.2020: https://geotracker.waterboards.ca.gov/edfnarr?confirmation_number=5156271159

⁹ Accessed 1.25.2020.

https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/1017647862/WBCM%20Construction%20Damage%20Assessment%20Report%20Required%209-23-19.pdf

The DEIR failed to identify sites nearby that contain hazardous materials/wastes which have not undergone any releases that would have caused the sites to be identified in the GeoTracker or EnviroStor databases. Hazardous materials business plans are required to be submitted to San Joaquin County Environmental Health. Please include a list of all nearby facilities with onsite hazardous materials that are within a 1.5-mile radius of the proposed site.

The Department of Toxic Substance Control already commented on the DEIR and their comments are included below and supported by the Delta-Sierra Group. DTSC recommends that the following issues be evaluated in the EIR, Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

Many of open and active clean-up sites are part of the Stockton Terminals Technical Committee. Please consider increasing participation and developing a risk assessment plan for the Port that includes a robust commitment to involve local communities within the immediate area that includes evacuation training should an accident occur, as occurred in the NuStar Crockett facility in October 2019.

The DEIR includes reference to NuStar Facility Plans: fire prevention and firefighting resource plans, training requirements for facility employees, natural disasters, medical emergencies, bomb threats and explosions – these plans were not located and should be readily accessible to neighbors. The proposed project would not result in any changes to staff. The minimum staff levels include: one terminal operator present 24 hours a day, 7 days a week for product transfers and up to two employees working 12-hour shifts Monday through Friday for security and facility maintenance.

The NuStar Facility Plans were not included in the DEIR and are likely similar to those associated with the Crockett Terminal which recently closed down Highway 4 and Highway 80 after an explosion and extensive fire occurred in October 2019. These plans apparently did not prevent the situation reported when “Firefighters who rushed to battle the raging fire at the NuStar tank farm in Crockett found the front gate locked, and the employees had scattered without activating the facility’s automated fire suppression system¹⁰.”

Again, this calls for the need to more fully disclose hazards to the community and mitigation measures that may be necessary should an accident occur. Relying on the City of Stockton Fire Department to handle a site accident may take away from the Fire Department’s existing duties. Mitigation to reduce reliance on the City of Stockton Fire Department should be included in the final environmental impact report as well as an analysis of existing fire suppression capabilities such as water supplies and pressure and evacuation plans for the neighboring community.

Transportation

The DEIR stated that operational trucks enter the facility at the truck gates off of Navy Drive. The DEIR also stated that Washington Street, Navy Drive, SR-4 and Charter Way all provide primary access to the project site from the interstate highway system and are all designated to accommodate trucks carrying combustible materials. As shown in the map below the use of West Washington Street results in truck traffic in the neighborhood of Boggs Tract in the Seaport region of Stockton. Considerable efforts have been made to improve access to the Port along Highway 4 and the Port of Stockton Expressway to the west of the map. These efforts are meant to decrease travel times, idling, and decreased travel through the neighborhood. A very important mitigation to the existing operations and any proposed truck travel increases will be to limit West Washington Street traffic to local trips that necessity travel on West Washington Street.

¹⁰ Accessed 1.20.2020; *The Daily Dispatch, a service of the Western Fire Chiefs Association Update: NuStar Workers Fled Tank Fire In Crockett Without Activating Fire Suppression System:*
<https://www.dailydispatch.com/StateNews/CA/2019/October/17/Update.NuStar.Workers.Fled.Tank.Fire.In.Crockett.Without.Activating.Fire.Suppression.System.aspx>



A recent google reviewer suggests that there may be logistical problems with the existing truck travel levels: trucks blocking lanes which use to take 30 min for loading now is over 1 hour. Characterization of traffic levels relating to the existing operations should be based on actual data not a manual's generalizations.

Cumulative Impacts

A cumulative evaluation of the combined air quality effects of the proposed project and planned or proposed projects was requested by the SJVAPCD which was performed as part of the comprehensive cumulative analysis of all related projects. There were 21 projects identified as part of the cumulative impact analysis because of the proximity of the projects to the proposed project. Section 4 of the DEIR included a quantitative evaluation of these projects as part of the comprehensive cumulative analysis of all related projects.

NuStar has two additional on-terminal projects planned. NuStar is upgrading on-terminal pipelines and truck racks to accommodate new deliveries of ethanol that was evaluated in the Eco-Energy Liquid Bulk Receiving Terminal Project Final Environmental Impact Report, completed by the Port in November 2017 and certified in April 2019. These environmental plans are not available on the Port website nor were located on the NuStar website.

Several of the projects included road improvements, State Route 4 Crosstown Freeway Ramp Extension, Navy Drive widening Daggett Road Grade Separation, and McCloy Ave Extension. The dredging of the Deep Water Ship Channel by from 5 to 7 feet, along with Downtown Stockton projects.

Construction of the SATCO Marine Terminal that distributes concentrated sulfur acid was reportedly in process but may already be complete. The Contanda Facility increasing liquid bulk terminal with greater capacity had an Initial Study and Mitigated Negative Declaration which was not available to review because the report was not posted on the Port of Stockton website. The Contanda Renewable Diesel Bulk Liquid Terminal Development Project has a certified EIR and is in the permitting stage, as is the Eco-Energy Liquid Bulk Receiving Terminal Project referenced earlier. Finally, the Lehigh Cement Terminal was included in the list is in the process of developing a DEIR. The Initial Study/Notice of Preparation is posted on the Delta-Sierra Group website¹¹

The cumulative analysis performed failed to include the Lehigh Southwest Stockton Terminal which is located at 205 Port Road 1, Berth 2. The proposed project includes an upgraded dock, new ship unloader with greater reach to service longer and wider vessels. The figure within the Lehigh Notice of Preparation and Initial Study is shown below:

¹¹ <https://www.sierraclub.org/mother-lode/delta-sierra/port-stockton>



The Initial Study stated that the current permit for the existing terminal operations allows for a truck and rail shipping capacity of 6,000 tons of cementitious materials per day, any combination of a maximum of approximately 200 trucks per day or 18 rail cars per day, and that the facility is permitted to receive 2.628 million tons per year via ship or rail. The existing operation received approximately 20 bulk cargo vessel calls in 2018. Table 1 below is from the Lehigh Notice of Preparation/Initial Study and includes baseline and projected mobile sources of air pollutants that should have been included in the cumulative analysis for the NuStar proposed project.

Table 1

Expected Maximum Proposed Project Throughput Compared to Existing Levels (Annual)

	Baseline (2018)		Project Year 10 (Expected Maximum)	
	Mode (annual moves)	Tons of Product	Mode (annual moves)	Tons of Product
Truck ¹	16,730	459,484	42,000	1,100,000
Rail Cars	534	56,057	4,700	500,000
Rail Trips ²	27	--	300	--
Ships Calls	20	287,907	50	1,700,000
Barges Calls	0	0	40	200,000
Total Tons	--	803,448	--	3,500,000

Notes:

1. Truck calls are expressed in one-way moves.
2. Assumes an average of 20 cars per train
3. Current throughput permitted by the SJVAPCD is 2,628,000 tons per day receiving into and 6,000 tons per day shipping out of the terminal.

Cumulative impact analyses should include all existing and proposed projects within the general Port area. The Annual operational emissions only included three of the 21 projects which does not provide the community with a disclosure of cumulative impacts associated with existing and proposed operations at the Port of Stockton.

Thank you for considering our comments on the December 2019 NuStar Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Development and Vessel Service Project Draft Environmental Impact Report. The Delta Sierra Group welcomes opportunities to discuss the Port of Stockton's public outreach efforts related to this project and to the Port of Stockton's public information dissemination.

Sincerely,

Mary Elizabeth M.S., R.E.H.S.
Delta-Sierra Group Conservation Chair
Sierra Club

2.3.5 Response to Delta-Sierra Group Comments

Comment ID	Response
DSG-1	This comment recommends that the Port prepare a port-wide HRA. While the Port thanks the Delta-Sierra Group for their comments, a port-wide cumulative HRA is not required as part of a project-specific analysis. As discussed in Section 4.2.2.1.1 of the DEIR and in response to APCD-1, consistent with the requirements of CEQA, the cumulative analysis included an analysis of the proposed Project's contribution to cumulative health risk.
DSG-2	<p>This comment points out that the DEIR was not available on the Port's website, or noticed at the Port Commission meetings, which is correct. However, the DEIR was noticed in the local paper through a newspaper ad as well as on public information boards at the Port, and the DEIR was made available at the Port and at Cesar Chavez Central Library (605 North El Dorado Street, Stockton, California 95202), as well as online at https://ceqanet.opr.ca.gov/2019060229/3.</p> <p>Regarding the request to hold a public workshop, the comment does not relate to an environmental issue; therefore, no response is required pursuant to CEQA Guidelines Section 15088. The Port complied with all public disclosure and circulation requirements in connection with environmental review of the proposed Project, including CEQA and the California Public Records Act.</p>
DSG-3	<p>The comment suggests that SJVAPCD's NO₂ thresholds are not protective of public health because SJVAPCD has achieved NO₂ attainment but not met ozone (O₃), PM₁₀, and PM_{2.5} standards. As discussed in Section 3.1.2.3.1 of the DEIR, air quality management at the local level is also accomplished through development of regional CEQA significance thresholds. SJVAPCD's thresholds of significance are based on the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS) and represent a regional approach to meeting CAAQS and NAAQS, recognizing air districts' attainment status, emission sources, and regional geography. Because attainment plans rely on the reduction of multiple sources of emissions to control O₃, which is caused by secondary reactions in the presence of sunlight, the thresholds reflect such complex interactions. The thresholds used in the analysis are the approved thresholds of SJVAPCD and are appropriate.</p> <p>The residential area north of the Stockton Deep Water Ship Channel (deep-water canal) is the area identified in the DEIR as being closest to Docks 10/11. No changes are warranted.</p> <p>The comments notes that regional PM_{2.5} standards were exceeded in 2015. Comment noted. It should be noted that PM_{2.5} is emitted by numerous sources, including wildfires, which contributed significantly to the 2015 exceedance. No changes are warranted.</p>
DSG-4	As noted in Appendix E of the DEIR, truck activity and transit distances for the proposed Project were provided by NuStar and represent an average of truck trips and distances. While a portion of trucks may travel to Sacramento, another portion may stay within 5 to 10 miles of the terminal. Therefore, average distances were used to account for the variances. No changes are warranted.
DSG-5	Consistent with CEQA Guidelines Section 15126.2, the DEIR adequately analyzed the proposed Project as compared to baseline conditions. Because the proposed Project would not involve the use of rail and would not affect train trip numbers, the proposed Project's contribution to any potential cumulative effects related to rail was not considered. No changes are warranted.
DSG-6	The ships proposed as part of the proposed Project can be accommodated by the existing depth of the Stockton DWSC. The channel does not need to be deepened to accommodate proposed Project vessels.

Comment ID	Response
DSG-7	<p>The comment notes that the other products handled at the existing terminal were not included as part of the baseline. As adequately discussed in the DEIR, the existing NuStar terminal handles several commodities, including gasolines, diesel, ethanol, and aviation fuel. However, these products are handled separately of ULSD and renewable diesel (different tanks, pipelines, and so on) and would not be affected by the proposed Project. Therefore, they were not analyzed as part of the baseline analysis because there would be no change to NuStar's operation related to those products. The comment suggests that the document did not disclose how the proposed Project would affect the amount of ULSD handled by the terminal. This comment is incorrect. The DEIR includes a full analysis of how the proposed Project would result in a change in diesel product mix at the NuStar terminal, specifically how a portion of the renewable diesel would replace existing levels of ULSD.</p> <p>The comment further states that neither the sources of ULSD and renewable diesel nor the carbon intensity of the fuels were disclosed. As stated in the comment, the DEIR included a discussion of renewable diesel and how the various fuels approved under the California LCFS compared. As pointed out in the comment and in the DEIR, the carbon intensity of the ULSD and renewable diesel differ depending on feedstock. However, as noted in Section 2.2.1 of the DEIR, renewable diesel generally has a lower carbon intensity value than ULSD (ARB 2009). As further discussed in the DEIR, the proposed Project's goal is to increase the availability of renewable diesel to assist California in meeting GHG abatement targets, decreasing reliance on imported fossil fuels. However, the actual use of the fuel is unknown and based on market forces and regulatory drivers. The California LCFS is meant to be a bridge between conventional diesel and zero carbon transportation options. However, it is unknown at this time when that transition would occur.</p>
DSG-8	<p>The comment notes that the analysis is not protective of the City's climate goals which call for a reduction of GHG, and that the cumulative analysis should have found a significant impact requiring mitigation measures. As discussed in the DEIR, there is no standard GHG threshold. Therefore, the analysis considered and used the most appropriate project-specific thresholds available as presented in Section 3.5.3 of the DEIR. As discussed in the cumulative analysis, the proposed Project, all past projects, and all present and future related projects in Table 23 of the DEIR that maintain or increase mass GHG emissions contribute to global climate change. In fact, the cumulative analysis found a significant impact related to GHG emissions and imposed mitigation measures.</p>
DSG-9	<p>The comment states that the DEIR failed to identify sites nearby that contain hazardous materials/wastes which have not undergone any releases that would have caused the sites to be identified in the GeoTracker or EnviroStor databases. As discussed in Section 3.6.1.1. of the DEIR, the scope of the analysis was defined as the surrounding sites within a 1.5-mile radius of the proposed Project footprint that potentially contain hazardous materials identified through a search of the DTSC EnviroStor and the State Water Resources Control Board GeoTracker database websites (DTSC 2019; SWRCB 2019). Of the projects found, the analysis then identified any site within 1,000 feet of the proposed Project with the potential to affect or be affected by the proposed Project.</p> <p>The GeoTracker and EnviroStor databases list several types of sites other than those that have undergone releases. The EnviroStor database identifies and lists various "cleanup sites" including Federal Superfund; State Response; Voluntary Cleanup; Evaluation; School Investigation; Military Evaluation; Tiered Permit; and Corrective Action. The EnviroStor database also identifies DTSC permitted sites with operating, post-closure, and non-operating statuses. In addition to identifying cleanup sites with active, open, or unidentified statuses as described in the DEIR, the GeoTracker database also identifies sites with waste discharge requirements, permitted underground storage tanks, DTSC hazardous waste sites, land disposal sites (e.g., burn dumps, compost facilities, landfills), irrigated lands regulatory program sites, soil/gas sites, and confined animal sites. Sites falling within these categories may or may not contain hazardous materials or wastes. Therefore, a simple search of</p>

Comment ID	Response
	<p>the databases would produce more projects than those reported in the DEIR; however, the other sites would fall under other categories and do not potentially contain hazardous materials. For these reasons, no additional project sites need be identified.</p> <p>Regarding to the comment that the EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances, please see response to DTSC-1. As discussed in Section 3.6 of the DEIR, there is the possibility for proposed Project activities to result in the release of hazardous wastes/substances during construction. Section 3.6 of the DEIR outlines several plans and emergency response actions that are in place to address a potential release, should one occur. NuStar maintains a comprehensive FRP detailing plans and actions for a variety of potential emergencies, including but not limited to natural disasters, medical emergencies, bomb threats, and fires or explosions (Technical Response Planning 2018). The FRP communicates policies and procedures to follow in an emergency. The FRP additionally includes an SPCC Plan specific to the facility. These plans would also apply to the proposed Project. The SPCC Plan identifies notification and reporting requirements in the event of a release of hazardous substances. All current and future operations are required to occur in compliance with applicable regulations.</p> <p>The comment also notes that the Port should develop a risk assessment plan for the Port that includes a robust commitment to involve local communities within the immediate area that includes evacuation training should an accident occur. In addition to project specific emergency plans required for each terminal, and working with the fire and police departments to incorporate the Port into regional emergency planning, the Port has developed a draft emergency response plan and will released in the near future. However, the plan is port-wide-level plan and outside of the CEQA review required for the proposed Project.</p>
DSG-10	<p>Relative to existing conditions, the proposed Project would not result in significant adverse impacts pertaining to hazardous material accidents, including fire response or fire suppression. Under existing conditions, NuStar currently manages bulk petroleum and other products, including ethanol, gasoline, diesel, ULSD, renewable diesel, biofuels, fuel additives, and lubricants. Each of these commodity materials are flammable and may be hazardous if improperly managed. The proposed Project includes the addition of receipt, storage, and distribution of renewable diesel by vessel, but would neither increase NuStar's storage capacity at the terminal nor result in the storage of any products not currently allowed under its existing lease at the Port. The additional use of renewable diesel at the facility would not affect the potential for accidents or fire response services.</p> <p>The proposed Project includes installation of a new pipeline to convey renewable diesel, which would be designed and installed to minimize the potential for leaks, spills, fires, or other accidental upset. As noted in the DEIR, the pipeline would be tested after installation and equipped with cathodic protection (technique used to control corrosion). The transfer manifold at Dock 10/11 would be enclosed by concrete, providing secondary containment in the event of a spill.</p> <p>As noted in the DEIR, the proposed Project additionally includes MOTEMS improvements to accommodate receipt of renewable diesel by vessel, which include dock upgrades to ensure better resistance to earthquakes and reduce the potential of oil spills. These improvements would likely result in an overall decrease in the potential for accidental fires and demand on fire services compared to baseline conditions and would represent a net benefit.</p> <p>The DEIR found that hazardous material impacts pertaining to reasonably foreseeable upset and accident conditions would be less than significant when considering passive facility design measures, facility specific plans, pipeline design and testing measures, MOTEMS improvements, applicable</p>

Comment ID	Response
	regulations, and existing response plans and services. This conclusion considers the effect of the proposed Project on fire response service and fire suppression.
DSG-11	The comment requests the addition of a mitigation to limit West Washington Street traffic to local trips that necessitate travel on West Washington Street. Majority of the trucks entering the site would be anticipated to enter directly from Navy Drive and would not use West Washington Street. In addition, Washington Street is a public street controlled by the City, not the Port.
DSG-12	This comment states that the cumulative analysis performed failed to include the Lehigh Southwest Stockton Terminal which is located at 205 Port Road 1, Berth 2. The comment is incorrect; the Lehigh Terminal project was included in the cumulative analysis. Specifically, the project is identified as Project 21 in Table 23 of the DEIR.
DSG-13	The comment suggests that the cumulative impact analyses should include all existing and proposed projects within the general Port area. Contrary to the comment's assertions, the DEIR included a full cumulative air analysis and considered all existing and reasonably foreseeable future projects in the project area that have the potential to contribute to cumulative impacts. As disclosed in the DEIR, all projects emitting O ₃ , PM ₁₀ , and PM _{2.5} , along with O ₃ precursors such as NO _x , would contribute to non-attainment levels and subsequent adverse air quality effects. In addition to the standard cumulative analysis, as discussed in the DEIR, three of the projects in Table 23 of the DEIR are of specific interest to SJVAPCD in terms of considering cumulative impacts: Projects 18, 19, and 20. Projects 19 and 20 both include construction at the NuStar terminal, which may overlap with the proposed Project in terms of timing. Projects 18 and 20 include changes to truck and rail movements at the NuStar terminal. While, as discussed in Section 2.1.3 of the DEIR, these projects are each independent projects with separate utility, the proximity of the projects and the overlap in construction timing resulted in a request from SJVAPCD, in its capacity as a responsible agency, for the Port to quantify the combined cumulative emissions of these three projects and the proposed Project. Therefore, the DEIR included a quantitative analysis of these projects in addition to the full cumulative air quality analysis.

3 Modifications to the DEIR

This section of the FEIR documents changes and additions to the DEIR that have been made to clarify, correct, or add to the information provided in that document. Text and table changes presented below are incorporated into the FEIR. Deleted text is marked as ~~strikeout~~ and new text is marked as underlined.

3.1 Modifications Based on Public Comment

The changes and additions listed in this section are a result of public and agency comments received in response to the DEIR and/or new information that has become available since publication of the DEIR. Any revisions to supporting documentation, such as the references, list of preparers, acronyms and abbreviations, and appendices are also presented. The numbering format from the DEIR is maintained in the sections presented here.

3.2 DEIR Modifications

3.2.1 Chapter 1: Introduction

Section 1.2 Agency Roles and Responsibilities

The CEQA Guidelines identify the lead agency as the public agency with the principal responsibility for carrying out or approving a project (CEQA Guidelines Section 15367). The Port is the CEQA lead agency for the proposed Project and has the primary responsibility for updating and renewing the commercial terms in the NuStar lease with the Port consistent with the proposed Project. The Port aims to accomplish the following as part of this DEIR:

- Describe the proposed Project and regulatory background
- Identify any significant environmental effects associated with construction and operation of the proposed Project
- Provide a discussion of alternatives and feasible mitigation measures for environmental resources where significant effects are identified

Projects approved by the lead agency (in this case, the Port), may require subsequent oversight, approvals, or permits from other public agencies. These agencies are referred to as responsible agencies and trustee agencies. Pursuant to CEQA Guidelines Sections 15381 and 15386, as amended, responsible agencies and trustee agencies are defined as follows:

- A **responsible agency** is a public agency that proposes to carry out or approve a project for which a lead agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency that have discretionary approval authority over a project (CEQA Guidelines Section 15381; Table 1). Because responsible agencies will take discretionary

actions regarding a project, they are also required to comply with CEQA. For efficiency, CEQA allows responsible agencies to rely on a CEQA document prepared by the lead agency to meet their CEQA compliance requirements.

- A **trustee agency** is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California (CEQA Guidelines Section 15386). Trustee agencies have jurisdiction over natural resources held in trust for the people of California but do not have legal authority over approving or carrying out a project. However, a trustee agency may also be a responsible agency if it has discretionary authority over a project. CEQA Guidelines Section 15386 designates only the following four agencies as potential trustee agencies for projects subject to CEQA:
 - California Department of Fish and Wildlife (CDFW), regarding fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves
 - California State Lands Commission (CSLC), regarding state-owned “sovereign” lands, such as the beds of navigable waters and state school lands
 - California Department of Parks and Recreation, regarding units of the state park system
 - University of California, regarding sites within the Natural Land and Water Reserves System

In addition to the Port approval, the following permits and approvals would be required for the proposed Project. This DEIR may be used to support decisions related to permits/approvals required for the proposed Project which are anticipated to include, but are not limited to, the following:

- CSLC-MOTEMS compliance approval; the following agencies have regulatory authority for operations of the new marine oil terminal (MOT): CSLC, California Office of the State Fire Marshal, and CDFW, Office of Spill Prevention and Response
- Coverage under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP)
- San Joaquin Valley Air Pollution Control District (SJVAPCD) Authority to Construct Permit
- National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit
- Stockton Building Department: approval of mechanical, electrical, demolition, and building permits
- Stockton Fire Department: approval of fire protection system

Table 1 summarizes relevant regulatory agencies and their statutory authority.

Table 1
Regulatory Agencies and Authority

Regulatory Agency	Jurisdiction	Statutory Authority/Implementing Regulations
California State Lands Commission	Responsible and Trustee agency	<u>CSLC's Marine Environmental Protection Division is the compliance enforcing agency for the MOTEMS, which are required for all new marine oil terminals and berthing systems. The proposed Project will meet state MOTEMS. Because CSLC must consider approving the MOTEMS for the proposed Project, CSLC is a responsible agency as well as a trustee agency.</u>
Central Valley Regional Water Quality Control Board	Responsible agency	Permitting authority for water quality, including point and non-point source discharges. The proposed Project is expected to require a NPDES Construction General Permit.
San Joaquin Valley Air Pollution Control District	Responsible agency	Review authority under the California Clean Air Act and responsibility for implementing federal and state regulations at the local level, permitting stationary sources of air pollution, and developing the local elements of the SIP. The proposed Project will require an authority to construct permit from SJVAPCD. In addition to this permit, as discussed in Section 2.1.3, NuStar is applying for several other SJVAPCD permits for independent projects at the NuStar terminal.
San Joaquin Council of Governments	Responsible agency	Approval of projects obtaining coverage under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
City of Stockton Building Department	Responsible agency	Approval of mechanical, electrical, demolition, and building permits.
Stockton Fire Department	Responsible agency	Approval of fire protection system.

Section 1.2.1 Regulatory Considerations

Section 1.2.1.1 Senate Bill 535

In 2012, the California State Legislature passed Senate Bill (SB) 535 directing that 25% of the proceeds from the Greenhouse Gas Reduction Fund (GGRF) provide funding to projects benefitting disadvantaged communities. The legislation gave CalEPA responsibility for identifying those communities. The Stockton area has been identified as a SB 535 disadvantaged community and is eligible for funding from the GGRF, which is administered by the California Air Resources Board (ARB).

Section 1.2.1.2 Senate Bill 1000

SB 1000 changes the state's Planning and Zoning Law to incorporate environmental justice into local land-use planning. Currently, each county and city in California must adopt a comprehensive, long-term general plan for the use of land within county/city boundaries and adjacent areas that are influenced by the jurisdiction. SB 1000 required that an "environmental justice element" that identifies disadvantaged communities within the area covered by the city or county's general plan be added to general plans starting in 2018 during the next revision of their housing element. The environmental justice element would need to identify objectives and policies to reduce the health risks in these disadvantaged communities, and to promote civil engagement in the public decision-making process. The City of Stockton's General Plan, incorporated by reference into this EIR, includes environmental justice as part of the Community Health chapter.

Section 1.2.1.3 Assembly Bill 617

Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017), requires ARB to develop an air toxic monitoring plan for the state focusing on community air monitoring at priority locations including the presence of sensitive receptors like schools and hospitals, whether the community is disadvantaged, and whether there is a high degree of exposure to toxic air contaminants and criteria air pollutants. In response to AB 617, ARB has established the Community Air Protection Program (CAPP). The CAPP's goal is to reduce exposure in communities most impacted by air pollution. The CAPP works with local air districts to implement monitoring networks and address emission sources. Three AB 617 communities have been identified in the San Joaquin Valley, including the Southwest Stockton Community. SJVAPCD is working closely with community residents, community businesses, and other key stakeholders including the Port to reduce exposure to harmful air pollutants in selected communities. Through the implementation of this legislation, SJVAPCD, with input from the community, will deploy additional community-specific air quality monitoring to better understand the impacts of local sources of pollution and developing community-specific emission reduction programs. The Port has requested to join the AB 617 community steering committee and intends to be an active member in developing strategies to protect public health and the environment.

3.2.2 Chapter 2: Project Description

Section 2.1.2 Project Setting

The existing approximately 17.93-56-acre NuStar terminal is located between Navy Drive and Stork Road, south of Washington Street. Existing rail facilities are located between the storage tanks at the terminal and Stork Road. The land use between Dock 10/11 (which is located along the San Joaquin River/Stockton DWSC) and the NuStar terminal is industrial (approximately

3,000 feet separates the facility from the dock). The existing Dock 10/11 at the Port is a ballasted, concrete marginal wharf, approximately 800 feet long by 100 feet wide, supported on square reinforced concrete piles, and includes a crane rail. The deck has approximately 8 inches of asphalt topping and 2 to 4 feet of base material. A 13-foot-deep buttressed concrete berthing face runs along the entire length of the channel side of the wharf. Existing mooring hardware consists of bollards and cleats.

3.2.3 Chapter 3: Environmental Impact Analysis

Section 3.4.3.4.1 Geology/Soils, Environmental Impacts and Mitigation Measures

3.4.3.4.1 GEO-1: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42); 2) strong seismic ground shaking; 3) seismic-related ground failure, including liquefaction; or 4) landslides?

The project area is not located within a currently designated Alquist-Priolo Earthquake Fault Zone, and no known surface expression of active faults is believed to cross the project site; therefore, fault rupture through the site is not anticipated.

The proposed Project area is considered subject to relatively low seismicity and ground shaking. MCE peak ground acceleration for similar nearby facilities at the Port has been estimated at 0.393g. Damage to existing structures and on-site improvements would be possible in the event of a large earthquake. The proposed MOTEMS upgrades to Dock 10/11 would provide better resistance to earthquakes. Other proposed improvements would be constructed in adherence with applicable seismic design parameters and would not increase the potential for human injury or loss of life. This includes adherence to seismic design parameters from the 2016 California Building Code, the 2019 California Building Code, and American Society of Civil Engineers.

Section 3.5.3.4.2 Greenhouse Gas Emissions, Environmental Impacts and Mitigation Measures

3.5.3.4.2 GHG-2: Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As discussed above, there are numerous state-wide regulations and initiatives related to overall GHG reductions. SJVAPCD's BPS generally apply to projects with stationary industrial emission sources. Most the proposed Project's emissions are from mobile sources; therefore, SJVAPCD's

BPS do not apply. The CAP relies on a 29% reduction in BAU by 2020. However, construction and operation would not occur until 2020; therefore, this standard is no longer applicable. The proposed Project will be subject to future state and local requirements imposed by ARB's 2017 Climate Change Scoping Plan Update (ARB 2017b). The Scoping Plan Update describes how California will reduce its GHG emissions by 40% below 1990 levels by 2030. The City's 2040 General Plan includes several policies that are applicable to the proposed Project, specifically Policy TR-3.2, which requires new development and transportation projects to reduce GHG emissions, and Policy CH-5.2, which expands opportunities for recycling, re-use of materials, and waste reduction.

The proposed Project would likely reduce regionwide GHG emissions by increasing the renewable diesel supply within California to meet carbon intensity goals for transportation fuels, which is consistent with state policies. As discussed in Section 2.2.1, renewable diesel is a component of California's LCFS (RFA 2016) and use of renewable diesel will help the state meet overall GHG reduction goals. Renewable diesel burns more completely than biodiesel and petroleum diesel during the combustion process resulting in reduced tailpipe emissions. The California Energy Commission reports that renewable diesel has 58 to 80% lower GHG emissions than petroleum diesel (CEC 2019). Therefore, while there are GHG emissions associated with the proposed Project, the increased use of renewable diesel would ultimately help California meet the LCFS.

Impact Determination: While the proposed Project facilitates compliance with the LCFS, it does not currently include project-level measures that comply with the City's 2040 General Plan. Impacts would therefore be considered significant.

Mitigation Measures: The following mitigation measures would be implemented to reduce GHG emissions in compliance with the City's 2040 General Plan:

- **MM-GHG-1: Use of Tier 4 Engines During Construction.** All off-road diesel-powered heavy equipment exceeding 50 horsepower used to construct the proposed Project will be equipped with Tier 4 engines, except for specialized equipment or when Tier 4 engines are not available. In place of Tier 4 engines, off-road diesel-powered heavy equipment will incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
- **MM-GHG-12: Construction Idling Reductions.** NuStar ~~would~~ will require construction contractors to minimize heavy-duty construction idling time to 2 minutes where feasible. Exceptions include vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or vehicles in a queue waiting for work.
- **MM-GHG-23: Construction Recycling.** NuStar ~~would~~ will require construction contractors to recycle construction and demolition debris where feasible.

- **MM-GHG-34: Truck Idling Reductions.** NuStar ~~would~~ will require trucks to minimize idling time to 2 minutes where available while on terminal. Truckers ~~would~~ will be required to shut down trucks while waiting over 2 minutes while on the terminal or NuStar ~~would~~ will implement programs, such as appointment systems in periods of congestion, to ensure trucks move efficiently through the terminal. Exceptions include vehicles in a queue waiting for work at the truck rack.
- **MM-GHG-45: Use of Clean Trucks.** ~~Where possible, NuStar would~~ will encourage the use of clean trucks (defined as model year 2017 or newer) to transport fuel. NuStar ~~would~~ will also educate customers about the SJVAPCD Truck Replacement Program via direct mailings. NuStar will post a copy of the SJVAPCD Truck Replacement Program information currently available at <http://valleyair.org/grants/truck-replacement.htm> at the site.
- **MM-GHG-56: Energy/Waste Audit.** NuStar ~~would~~ will develop a plan for reducing overall energy use at its terminal. The plan ~~would~~ will incorporate the following measures at a minimum:
 - Replace less-efficient bulbs with energy-efficient light bulbs, where applicable.
 - Identify areas for waste reduction, including reductions in single use products in terminal buildings.

Residual Impact: Implementation of MM-GHG-1, 2, 3, 4, 5, and 56 would reduce GHG emissions consistent with the City's 2040 General Plan policies. Impacts would be less than significant.

Section 3.6.2.2.4 Hazards and Hazardous Materials, Applicable Regulations

3.6.2.2.4 MOTEMS

MOTEMS are building standards (California Code of Regulations, Title 24, Section 3101F et seq.; California Building Code, Chapter 31F: Marine Oil Terminals) that apply to all marine oil terminals in California. MOTEMS establish minimum engineering, inspection, and maintenance criteria for marine oil terminals to protect public health, safety and the environment, and govern the upgrade and design of terminals to ensure better resistance to earthquakes and reduce the potential of oil spills. CSLC is the compliance enforcing agency for ~~the~~ MOTEMS. MOTEMS require each marine operator develop an audit to determine the level of compliance of the berthing and dock facility required to comply with MOTEMS. Depending on the results of the audit, terminal operators must determine what actions are required to meet MOTEMS and provide a schedule under which they will correct the deficiency. The MOTEMS that need to be addressed include the following:

- Audit and Inspection
- Structural Loading

- Seismic Analysis and Performance Based Structural Design
- Mooring and Berthing Analysis and Design
- Geotechnical Hazards and Foundations
- Structural Analysis and Design of Components
- Fire Prevention, Detection, and Suppression
- Piping and Pipelines
- Electrical and Mechanical Connections

3.2.4 Chapter 4: Cumulative Impacts

Section 4.2.2.1.2 Air Quality, Cumulative Impact Analysis, Conclusion

4.2.2.1.2 Conclusion

While the proposed Project's emissions would not exceed thresholds, its implementation combined with other related past, present, or probable future projects, would result in substantial combined cumulative adverse effects related to air quality and health risk, and impacts would be considered cumulatively significant. This cumulative impact would primarily result from the combined O₃, (including O₃ precursors such as NO_x), PM₁₀, and PM_{2.5} emissions from related projects, including Projects 1 through 3, 5 through 11, and 16 through 21, combined with those of the proposed Project. Cumulative health risks would primarily result from DPM emissions.

While some emissions contributing to cumulative risk are generated by on-terminal stationary sources in the project area, the majority of emissions from Projects 1 through 3, 5 through 11, and 16 through 21, and the proposed Project would originate from non-road construction equipment and mobile sources. Construction equipment is regulated by ARB through a comprehensive program aimed at accelerating the turnover of the oldest equipment to newer, cleaner models. Because construction is directly contracted by the project owner/operator, additional mitigation can be written into construction contracts. As discussed in Section 3.1.3, mobile sources, however, are often not directly controlled by the project owner/operator at the Port but contracted through third parties, making direct control through mitigation complicated. For example, rail movements are controlled almost exclusively by the two mainline locomotive companies (BNSF and UP). Vessels are often foreign flagged and/or part of a tramp fleet, where individual vessels may only call at an individual port once per year. While trucks may also be contracted by terminal operators, trucking companies and owner/operators are more numerous and operate within a more local market presenting more opportunities for choice. Therefore, mitigation is generally focused on construction equipment and trucks. Along with reducing GHG emissions, the proposed Project's implementation of MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4, and MM-GHG-5 would also help reduce air quality emissions

by reducing combustion emissions. However, because the area is in non-attainment and the effects of MM-GHG-1, MM-GHG-3, MM-GHG-4, and MM-GHG-5 may be limited, impacts are considered cumulatively significant.

Section 4.2.2.5.2 Greenhouse Gas Emissions, Cumulative Impact Analysis, Conclusion

4.2.2.5.2 Conclusion

While the proposed Project's emissions would not exceed thresholds, each of the projects listed in Table 23 would occur within California, and due to the nature of GHGs, impacts from these projects would be additive. The projects listed in Table 23 would be required to perform their own analysis of associated GHG impacts, including development of mitigation measures to address these impacts if required.

Emissions would come largely from mobile source combustion. As discussed in Section 4.2.2.1, there would be limited mitigation options to reduce such emissions. Mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-43, and MM-GHG-54 would be implemented as part of the proposed Project and would help reduce GHG emissions and criteria pollutant emissions by controlling unnecessary idling and promoting the use of newer, more efficient equipment and trucks. Implementation of MM-GHG-32 and MM-GHG-65 would help reduce waste and increase energy efficiency.

The proposed Project and the other renewable diesel projects, including Projects 17 and 20 in Table 23, meet the goals of California's LCFS and would ultimately help the state achieve GHG reduction goals. Renewable diesel burns more completely than biodiesel and petroleum diesel during the combustion process, resulting in reduced tailpipe emissions. The California Energy Commission reports that renewable diesel has 58 to 80% lower GHG emissions than petroleum diesel. Therefore, while there are GHG emissions associated with the proposed Project, the use of renewable diesel would ultimately help California meet the goals of the LCFS, and could lead to lower regional GHG emissions. However, as discussed in Section 2.2.1, because renewable diesel has a range of GHG reductions depending on source and because it is unknown at this point how much of renewable diesel would be used in comparison to other fuels meeting the LCFS, the net reduction in regional GHG emissions is unknown at this time.

In addition, the proposed Project as well as other reasonably foreseeable future projects, including those in Table 23, would be subject to future requirements imposed by ARB's 2017 Climate Change Scoping Plan Update (ARB 2017b). The Scoping Plan Update describes how California will reduce its GHG emissions by 40% below 1990 levels by 2030. However, until such requirements are implemented and mandated, it is assumed that cumulative GHG emissions would be significant and unavoidable.

4 References

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