CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800
TTY CA Relay Service: **711** *or Phone* **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: **(916) 574-1890**

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December 17, 2021

File Ref: SCH #2020120330

Gary Kupp, Senior Planner
Community Development Division
Contra Costa County, Department of Conservation and Development
30 Muir Road, Martinez, CA

VIA ELECTRONIC MAIL ONLY (gary.kupp@dcd.cccounty.us)

Subject: Draft Environmental Impact Report for the Phillips 66 Rodeo Renewed Project

Dear Mr. Kupp:

The California State Lands Commission (Commission) staff has reviewed the subject Draft Environmental Impact Report (Draft EIR) for the Phillips 66 Rodeo Renewed Project (Project), which is being prepared by the Community Development Division of the Department of Conservation and Development of Contra Costa County (County). The County 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 State sovereign land and their accompanying Public Trust resources or uses. Additionally, if the Project involves work on State sovereign land, the Commission will act as a responsible agency. The Commission is also a regulatory agency that oversees the Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS).

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; 6306). 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. Therefore, the Commission has jurisdiction over present day and historic tidelands on the Site comprising approximately 35 acres out of the 66-acre Site. The Commission leases its portion of the Site to C.S. Land, Inc., an

affiliate of Phillips 66 Company, through Lease No. PRC 5736. The lease authorizes C.S. Land to hold the Commission's portion of the Site in an "undeveloped state." Phillips 66 Company owns the approximate remaining 31 acres. Because the exact ownership boundaries are undetermined, Phillips 66 may need to coordinate with the Commission to determine if any amendments to the lease are required if staging is to occur on State owned land, such as the Selby Slag (Selby Site).

On December 5, 2012, the Commission authorized an assignment of Lease No. PRC 600.1 to Phillips 66 for use and maintenance of a Marine Oil Terminal in San Pablo Bay, town of Rodeo, Contra Costa County (Rodeo Refinery). This lease has a term of 30 years, beginning September 1, 2001, and ending August 31, 2031. The approximate area of the lease premises is 16.726 acres of filled and unfilled sovereign land in San Pablo Bay. In review of the proposed Project, Phillips 66 will need to submit an application to amend their existing lease for the proposed conversion of the existing butane rail loading stations.

The proposed Project also mentions three points of water effluent discharge into San Pablo Bay. The existing lease includes a wastewater outfall line and diffuser within parcel 2 and a saltwater intake platform within parcel 6. If the Project's three points of water effluent are not the points already authorized in the lease, an application will be required to bring the three points of water effluent discharge under lease.

On December 5, 2012, the Commission authorized an assignment of Lease No. PRC 1449.1 to Phillips 66 for use and maintenance of an 18-inch-diameter wastewater outfall pipeline and an abandoned 14-inch-diameter outfall pipeline in the Pacific Ocean, offshore of Oceano Dunes State Vehicular Recreation Area, near the city of Santa Maria, San Luis Obispo County. This lease has a term of 25 years, beginning October 25, 2003, and ending October 24, 2028. The approximate area of the lease premises is 4.5 acres of tide and submerged land in the Pacific Ocean. The wastewater outfall pipeline and abandoned outfall pipeline service the upland Santa Maria Oil Refinery Facility located three miles inland. In review of the proposed Project, Phillips 66 would discontinue the processing of crude oil at the Rodeo Refinery. As a result, the Santa Maria facility would no longer be necessary to provide feedstock and would be demolished, including most existing process equipment and support infrastructure (storage tanks, buildings, onsite piping, and pumps). Phillips 66 will need to submit an application for amendment of the lease to remove the outfall pipelines.

Finally, the Commission also has regulatory authority over MOTEMS, which are codified in California Code of Regulations, title 24, California Building Code, Chapter 31F—Marine Oil Terminals (Cal. Code Regs., tit. 24, § 3101F et seq.).

Project Description

Phillips 66 proposes to modify the existing Rodeo Refinery into a repurposed facility that would process renewable feedstocks into renewable diesel fuel, renewable components for blending with other transportation fuels, and renewable fuel gas. The Project lists the following objectives:

- Convert the Rodeo Refinery to a renewable transportation fuels production facility;
- Provide/maximize production of renewable fuels to assist California in meeting its goals for renewable energy, greenhouse gas emission reductions, and reduced Carbon Intensity for transportation fuels;
- Convert existing equipment and infrastructure to produce transportation fuels from non-hazardous renewable feedstocks and discontinue the processing of crude oil at the Rodeo Refinery;
- Preserve and protect existing family-wage jobs in Contra Costa County during and after the transition to a renewable transportation fuels production facility;
- Repurpose and reuse the facility's existing equipment capacity, including the Marine Terminal and Rail Butane Loading Rack;
- Preserve marine, rail, and truck offloading facilities to access national/international renewable feedstocks to provide renewable transportation fuels and conventional fuels and conventional fuel components;
- Provide the ability to process a comprehensive range of renewable feedstocks, including treated and untreated feedstocks;
- Maintain the facility's current capacity to supply regional market demand for transportation fuels, including renewable and conventional fuels;
- Ensure California transportation fuel supply needs are met during the transition to a renewable fuels facility by temporarily (approximately 7 months) increasing gas oil and crude deliveries at the Marine Terminal to maintain current transportation fuel production at the Rodeo Refinery;
- Provide a beneficial use for recyclable fats, oil, and grease within the state of California; and
- Provide a mechanism for compliance with the federal Renewable Fuel Standard and the state Low-Carbon Fuel Standard through processing facilities in California.

From the Project Description, Commission staff understands that Phillips 66 proposes to modify the existing Rodeo Refinery into a repurposed facility that would process renewable feedstocks into renewable diesel fuel, renewable components for blending with other transportation fuels, and renewable fuel gas. This would include the proposed activities to convert the refinery to process renewable feedstocks, and the decommissioning of various facilities at the following four sites:

- Rodeo Site, the 495-acre area within the Rodeo Refinery where the main Project activities would occur.
- Carbon Plant Site, the current location of the Carbon Plant in Franklin Canyon (within the 1,100-acre Rodeo Refinery). Under the Project, the Carbon Plant would no longer be necessary and would be demolished.
- Santa Maria Site, the Santa Maria Refinery, including the applicant-owned buffer land, located near Nipomo, San Luis Obispo County. The Santa Maria Site would no longer be necessary to provide semi-refined feedstock to the Rodeo Refinery and would be demolished under the Project.

- Four pipelines (Lines 100, 200, 300, and 400) that provide crude oil from the Santa Maria Site to the Rodeo Refinery. The pipeline sites would cease to be used under the Project.

The Draft EIR identifies the Reduced Project Alternative as the Environmentally Superior Alternative.

The comments below are specific to any use of State-owned sovereign land under the jurisdiction of the Commission within the Project area. Commission staff request that the County consider the following comments on the Project's Draft EIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR when considering a future lease amendments.

Engineering Review

Please see the attached table.

Environmental Review

General Comments

Figure 3-1, *Rodeo Refinery and Vicinity* indicates the Project boundary with a solid black line. This boundary shows a triangular shaped inclusion on the east side that encompasses a portion of submerged and therefore sovereign lands. This area does not appear to be included in the existing Commission lease. What is the purpose of including that aquatic area inside the Project boundary? What activities will take place specifically in that area?

Marine Invasive Species

Staff recommends that the Marine Invasive Species Program (MISP) regulatory language be updated with the following:

> MISP was reauthorized and expanded in 2003 with the passage of the Marine Invasive Species Act (MISA; AB 433, Chapter 491, Statutes of 2003) which, among other provisions, directed the Commission to adopt ballast water management regulations for vessels moving coastally between ports on the west coast of the U.S. Since 2003, the MISA has been amended numerous times, most notably to establish California's ballast water discharge performance standards (SB 497, Chapter 292, Statutes of 2006) and to authorize the Commission to adopt and implement biofouling management regulations (AB 740, Chapter 370, Statutes of 2007).
>
> The Commission adopts and amends regulations to implement the MISA (Public Resources Code section 71201.7). The ballast water management regulations for coastal vessels were adopted in 2006 (California Code of Regulations, title 2, section 2280 et seq.); ballast water discharge performance standards were codified in 2007 (California Code of Regulations,

title 2, section 2291 et seq.); and the biofouling management regulations (see section 7.1) were adopted and implemented in 2017 (California Code of Regulations, title 2, section 2298.1 et seq.). These regulations were strengthened through the adoption of enforcement regulations in 2017 (California Code Regulations, title 2, section 2299.01 et seq.).

In 2019, the Commission sponsored AB 912 (Chapter 433, Statutes of 2019) which authorizes the Commission to:

- Adopt and enforce the federal ballast water discharge performance standards set forth in section 151.2030(a) of Title 33 of the Code of Federal Regulations
- Delay implementation of the interim and final California ballast water discharge performance standards to 2030 and 2040, respectively, due to a lack of available ballast water treatment technologies to enable vessels to meet the California standards

In 2021, the Commission amended existing regulations (California Code of Regulations, title 2, section 2291 et seq.) to implement the requirements of AB 912.

Cultural Resources and Tribal Cultural Resources

Title to Resources Within the Commission's Jurisdiction: The EIR should state that the title to all archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the County consult with Staff Attorney Jamie Garrett (contact information below) should any cultural resources on state lands be discovered during construction of the proposed Project.

Staff requests that the following statement be included as a mitigation measure in the final EIR, "The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission."

Land Use

The proposed project contemplates using the Selby Site in Contra Costa County as a staging area for the project construction. The Selby Site consists of about 66 acres located in Contra Costa County, California, near the communities of Rodeo and Crockett and next to the southern shoreline of the San Pablo Bay and the Carquinez Strait, both part of the San Francisco Bay. The Selby Slag Remediation Project, encompassing the entire 66-acre Selby Site, is anticipated to begin within the next few years, and therefore the Selby Site may not be available for use as a staging area for this project as described in the Draft EIR. Therefore, Phillips 66 may need to find an alternate location for staging.

Cumulative Impacts

The Selby Slag Remediation Project, which is within a 3-mile radius of the Rodeo Refinery and in the environmental review stages, is not considered in the cumulative analysis. The Selby Site is also identified as a construction and demolition laydown area for equipment staging for this Project (ref. Section 3.12.3 [pg. 3-34] and Section 4.11.6 [pg. 4.11-374]). The Selby Slag Remediation Project should be included in the cumulative analysis.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a trustee and regulatory agency, Commission staff request that you consider our comments prior to certification of the Final EIR.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program, Notice of Determination, CEQA Findings, and Statement of Overriding Considerations when they become available. Please refer questions concerning environmental review to Sarah Mongano, Senior Environmental Scientist, at (916) 574-1889 or at sarah.mongano@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Marlene Schroeder, Public Land Management Specialist, at marlene.schroeder@slc.ca.gov or (916) 574-2320. For questions concerning the MOTEMS review, please contact Kendra Oliver, Senior Engineer, at (510) 680-0875, or at kendra.oliver@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at jamie.garrett@slc.ca.gov or (916) 574-0398.

Sincerely,

Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Sarah Mongano (DEPM), Commission
Marlene Schroeder (LMD), Commission
Brian Busch (LMD), Commission
Kendra Oliver (MEPD), Commission
Chris Beckwith (MEPD), Commission
Lina Ceballos (MISP), Commission
Joe Fabel (Legal), Commission
Ben Johnson (Legal), Commission
Wendy Hall (Exec), Commission

att: table of Marine Environmental Protection Division comments on the Phillips 66 Rodeo Renewed Project Draft EIR

Marine Environmental Protection Division comments on the Phillips 66 Rodeo Renewed Project Draft EIR:

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PRODUCT THROUGHPUT & VESSEL TRAFFIC AT THE RODEO REFINERY'S MARINE TERMINAL:

Table ES-1. Rodeo Refinery Pre- and Post-Project Operational Activity

	Baseline	Post-Project
Product Received		
Marine Terminal Crude and Gas Oil Received (1,000 bpd 12-month average)	35	0
Pipeline Crude Received (1,000 bpd 12-month average)	70	0
Renewable Feedstocks Received (1,000 bpd 12-month average)[a]	0	80
Gasoline and Blendstocks Received (1,000 bpd 12-month average)	10	38
Product Shipped		
Petroleum Products Shipped (1,000 bpd 12-month average)	121	40
Renewable Fuels Shipped (1,000 bpd 12-month average)	0	67
Treated Renewable Feedstock Shipped (1,000 bpd 12-month average)	0	25
Mode of Transportation		
Tanker Vessels (calls/year)	80	201
Barges (calls/year)	90	161
Carbon Plant Site Rail (average railcars per week)	6.96	0
Refinery Railcar Loading/Unloading Rack (average railcars per day)	4.7	16
Santa Maria Site Rail (railcars per year)	409	0
Refinery and Carbon Plant Truck Trips (roundtrips per year)	40,213	16,026
Santa Maria Site Truck Trips (roundtrips per year)	13,008	0
Rodeo Refinery Approximate Number of Employees and Contractors	650	650

[a] The facility currently has the capacity to produce approximately 12,000 bpd of renewable fuels from pretreated feedstocks using Unit 250, which was previously used to process petroleum-based feedstocks. However, renewable feedstocks and renewable fuels were not produced from U250 during the baseline period in 2019 and are not included in this table.

Table 3-7. Annual Vessel Traffic at Rodeo Refinery Marine Terminal

Vessel Class	2016	2017	2018	2019	2020	3 Year Average (2017–2019)	5 Year Average (2018–2020)
Barge Visits	83	63	73	135	86	90	98
Tanker Visits	81	82	76	84	63	81	74
Total	**164**	**145**	**149**	**219**	**149**	**170**	**172**

*Note: 3-year average numbers used in the analysis were averaged and rounded by vessel category and tier level group, which results in a lower baseline and larger tanker increase being evaluated.

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(1) Tables ES-1/3-2 identify that vessel traffic (i.e. calls/year) at the Rodeo Refinery's Marine Terminal will increase post-Project; however, it is unclear the extent to which the volume of product throughput at the Marine Terminal will increase since the *"Renewable Feedstocks Received"*, *"Gasoline and Blendstocks Received"*, and all *"Product Shipped"* activities are not described by mode of transportation. Please identify the post-Project product throughput at the Marine Terminal (i.e. received/offloaded/ discharged and shipped/loaded).

(2) Many agencies track vessel traffic and product throughput at California Marine Oil Terminals (MOTs). Please identify the source of the vessel traffic and product throughput data used to establish the data in Tables ES-1/3-2 and related reporting such as Table 3-7. It is noted that the vessel traffic data presented in Table 3-7 differs from the CSLC Marine Environmental Protection Division (MEPD) Oil Spill Prevention Database (OSPD) records, where the MEPD records identify fewer total vessel calls in each of the 5 years. The OSPD values differ slightly in almost every case/cell and are generally a little lower than those shown in Table 3-7.

(3) While tugs are discussed elsewhere in the DEIR, clarify why tug visits (e.g. tug fueling) are excluded from the mode of transportation analysis.

(4) Inconsistencies in the terminologies, format and organization of Tables ES-1/3-2 and ES-2/5-1 make the data presented ambiguous (e.g. *"Received"* vs. *"Processed"* vs. *"Processed/Received"*; *"Shipped"* vs. *"Produced"* vs. *"Produced/Shipped"*, *"Petroleum Products"* vs. *"Conventional Fuels"*, *"Post-Project"* vs. *"Project"*, 1,000 bpd 12-month average vs. bpd, order of presentation/rows).

(5) Inconsistencies in the Tables ES-1/3-2 and ES-2/5-1 data and DEIR reporting should be clarified such as:

(a) Several references to the Rodeo Refinery's capacity to produce approximately 120,000 bpd vs. 121,000 bpd in Tables ES-1/3-2.

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Reference (Page #s)	Description	Comments
	Table ES-2. Summary of Alternatives	(b) In Section 3.4.2.2 (pg. 3-16), the existing/baseline vessel calls/year reported appear inconsistent with the data in Tables ES-1/3-2 (i.e. 91 vs. 90 barge calls/year, respectively). (c) In Table 3-7 (pg. 3-39), the baseline tanker calls/year reported appear inconsistent with the data in Tables ES-1/3-2 (i.e. 81 tanker calls/yr for the 3 year average [2017-2019] vs. 80 tanker calls/yr, respectively). (d) In Sections 3.5 (pg. 3-21) and 3.7.2 (pg. 3-23), the *"receive, blend, and ship up to 40,000 bpd of gasoline and gasoline blendstocks"* statements appear inconsistent with the data presented in Tables ES-1/3-2 and ES-2/5-1 (i.e. 38,000 bpd received/processed vs. 40,000 bpd produced/shipped). (6) The Table ES-2 *"Notes"* are not correlated to the tabular data. Provide. (7) Explain why *"Treated Renewable Feedstock Shipped"* (per Tables ES-1/3-2) is excluded from consideration in the alternatives analysis (per Table ES-2/5-1). (8) For the *"No Project"* alternative in Tables ES-2/5-1, explain the differences from the Tables ES-1/3-2 baseline data, including: (a) 115,000 bpd of *"Gasoline Blendstocks Received/Processed"* vs. the baseline 10,000 bpd *"Gasoline and Blendstocks Received"*, where the former value appears to include all petroleum products received/processed (i.e. crude, gas oil, gasoline and blendstocks) (b) 100,000 bpd of *"Conventional Fuels Produced/Shipped"* vs. the baseline 121,000 bpd *"Petroleum Products Shipped"* (c) 5 railcars/day vs. the baseline 6.96 railcars/week at Carbon Plant Site and 4.7 railcars/day at the Refinery Railcar Loading/Unloading Rack (9) For the *"Terminal Only"* alternative in Table ES-2/5-1, explain why no products are identified as *"received"* when the alternative description states: *"Operation of this alternative would involve the receipt of gasoline blendstocks, as under existing conditions, as well as renewable fuels and blendstocks, by marine vessel and potentially rail…"* (pg. 5-18).

	Project	No Project	Reduced Project	Terminal Only	No Temporary Increase in Crude Oil
Product Processed (bpd)					
Renewable Feedstock Received/Processed	80,000	0	55,000	0	80,000
Gasoline Blendstocks Received/Processed	38,000	115,000	38,000	0	38,000
Existing Renewable Fuels Processed	13,000	13,000	13,000	0	13,000
Product Produced (bpd)					
Renewable Fuels Produced/Shipped	55,000	0	50,000	75,000	55,000
Existing Renewable Fuels Produced	12,000	12,000	12,000		12,000
Conventional Fuels Produced/Shipped	40,000	100,000	40,000		40,000
Mode of Transportation[g]					
Ships (annual visits)	201	80	165	70	201
Barges (annual visits)	161	90	161	40	161
Truck Trips (roundtrips/year)	16,026	53,221	11,230	0	16,026
Railcars (per day)	16	5	16	8	16
Employees	650	650	630	75	650

Notes:

[a] No Project and Terminal Only Alternatives would transport blend stock and product by pipeline, marine vessel, and rail.

[b] The No Temporary Increase in Crude Oil Alternative at full buildout is identical to the Project; it differs only in the temporary change in throughput of crude oil during the construction period, and associated vessel calls, which is not reflected in this table. This difference, however, is described in the following discussion.

[c] Up to 25,000 bpd excess capacity of pre-treated feedstocks could be sold elsewhere.

[d] As explained in the Project Description, Section 3.7, *Project Operation*, the facility currently has the capacity to produce approximately 12,000 bpd of renewable fuels from pretreated feedstocks using Unit 250, which was previously used to process petroleum-based feedstocks. Unit 250 is not included in the Project as the Project does not propose any changes for Unit 250 and it would continue to produce 12,000 bpd of renewable fuels. Given that Unit 250 is not part of the Project, Unit 250 feedstock and production numbers are not included in this chart under the No Project Alternative.

[e] 70,000 bpd out of 115,000 bpd would arrive by pipeline, the rest would arrive through the Marine Terminal.

[f] Blendstocks and product into the facility would arrive through the Marine Terminal and by rail, and products leaving the facility would be transported by pipeline and rail.

[g] Reflects operations (not construction) of the Project and Alternatives.

Reference (Page #s)	Description	Comments
3-16 3-22 3-29 4.7-224	**<u>BUTANE STORAGE SYSTEM & RAIL LOADING RACK:</u>** [Page 3-16] *…The butane storage system consists of four storage spheres—Tank-300, Tank-301, Tank-302, and Tank-833…* [Page 3-22] *…The Project has the following objectives: … Repurpose and reuse the facility's existing equipment capacity, including the Marine Terminal and Rail Butane Loading Rack…* --- [Page 3-29] ***3.9.1.1 Reconfiguration of Process Units for Renewable Feedstock Processing*** *To accommodate the transition from processing crude oil to renewable fuels, Phillips 66 proposes to implement the following physical and operational changes to the processing units listed below: …* ***Rail Butane Loading Rack:*** *Convert the existing butane rail loading stations to receive renewable feedstock by rail. Install new steam piping connections to warm up and liquefy renewable feed in railcars prior to unloading. For analysis purposes, impacts will be assessed based on utilizing existing rail capacity to unload up to 16 railcars per day…* [Page 4.7-224] ***4.7.2.5 Seismic Hazards*** *… According to the ABAG Liquefaction Susceptibility Map, the majority of the Rodeo Refinery is mapped as having a very low risk of liquefaction (ABAG 2018). The exception is the western shoreline area, where the railcar loading rack and tanker dock components of the Rodeo Refinery are located; that area is characterized as an area of very high liquefaction susceptibility (ABAG 2018)…*	(10)Phillips 66 leases 6 parcels of sovereign lands at the Rodeo Refinery and Marine Terminal site (ref. CSLC Lease PRC 600.1), including Parcel 1 defined in lease *Exhibit B* as follows: ***"Butane Tank On The Above Water Land On Parcel 1 — 3.68 Acres, plus or minus; and all improvements on the land, including, but not limited to the following:*** *This parcel is the site of an approximately 19,000 barrel butane tank. The site includes roads, railroad tracks, loading rack facilities, pipelines, pumps and associated facilities that are used to store butane, and to transfer butane by internal refinery pipeline and railroad car. Included are facilities for fire protection, storm water handling, drainage, electrical power and controls, lighting, personnel shelters, and the appropriate minor accessories to be able to operate the butane handling system."* (11)Repurposing and reuse of the rail butane loading rack are stated to be analyzed in the DEIR, but the DEIR does not directly address how the butane storage tanks and all associated appurtenances will be impacted as part of the Project (e.g. repurposed, demolished). Provide this information, including consideration of the following: (a) Commission consent is required for any construction, alteration, modification or repair activities or projects or changes to plans in accordance with the CSLC Lease Section 9(b). (b) If the butane sphere will be repurposed, the CSLC Lease mitigation measure states: *"In the future, if different material, besides butane, shall be stored in the spherical tank, then proper evaluations of structural integrity shall be performed"*, and the associated implementation and/or monitoring criteria states: *"An evaluation shall be made by a California registered civil engineer or structural engineer prior to a change in material, as to whether the loads imposed can be adequately and safely carried by the structure under both static and dynamic loading conditions. A copy of the evaluation shall be submitted to the SLC."* (c) If the butane sphere will be taken out-of-service, the Commission will require removal of the butane sphere and associated out-of-service appurtenance on Parcel 1 to restore the property as

Reference (Page #s)	Description	Comments
		nearly as possible to the conditions existing prior to their installation or construction (ref. CSLC Lease Sections 9(b)(1), 19(e) and 23(j)). This is prudent due to the risks associated with this site, such as susceptibility to liquefaction during a seismic event (DEIR Section 4.7) and sea level rise inundation (DEIR Section 4.8).
xxxviii 2-12 4.4-140	**MM BIO-3: Update and Review Facility Response Plan and Spill Prevention, Control, and Countermeasure Plan with OSPR** *The Facility Response Plan and Spill Prevention, Control, and Countermeasure (SPCC) Plan shall be updated to address the change in proposed feedstocks. Phillips 66 will consult with OSPR during update of the SPCC Plan, especially adequacy of booms at the Marine Terminal to quickly contain a spill of renewable feedstocks…*	(12)The SPCC Plan should be updated to address all hazards associated with the Project operations at the Rodeo Refinery's Marine Terminal (i.e. not just *"the change in proposed feedstocks"*). (13)Explain why the SPCC Plan is required to be updated for the post-Project phase only and not for the different phases of the Project (e.g. during the 7-month transitional phase of interim increased Marine Terminal crude oil and gas oil feedstocks operations). (14)See MOTEMS Section 3101F.5 for SPCC Plan related design/built and operational/administrative regulatory requirements.
xli-xlii 2-15 to 16 4.9-334 to 335	**MM HAZ-1: Implement Release, Monitoring and Avoidance Systems** *The following actions shall be completed by Phillips 66 prior to Project operations, including the transitional phase, and shall include routine inspection, testing and maintenance of all equipment and systems conducted in accordance with manufacturers' requirements.* *…* *Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).*	(15)The existing release, monitoring and avoidance systems at the Rodeo Refinery's Marine Terminal were installed approximately 20 years ago for compliance with the Mitigation Measures in CSLC Lease PRC 600.1. Based on age and advancements in technology, these existing systems are antiquated. Systems upgrades should be required to meet up-to-date best achievable technology standards and best industry practices, including but not limited to consideration of equipment updates and operational effectiveness (e.g. visual and audible alarm options, data display location and functionality, optional system features). (16)The terminology *"manufacturers' recommendations"* should be considered in lieu of *"manufacturers' requirements"* since equipment manufacturers cannot hold customers to requirements. For general industry guidance on effective maintenance of critical equipment at Marine Terminals, also reference industry standards such as the SIGTTO/OCIMF 2008 *"Jetty Maintenance and Inspection Guide"*. (17)Identify who is permitted to perform the routine inspection, testing and maintenance (i.e. the Marine Terminal owner/operator vs. the manufacturer). (18)Identify how the monitoring systems operations will be documented and operationally enforced. Note that CSLC MEPD oversees MOT

Reference (Page #s)	Description	Comments
		regulatory compliance with: (1) Article 5. Marine Terminals Inspection and Monitoring (2CCR§2300 *et seq*), including Operations Manuals (2CCR§2385) and Mitigation Monitoring requirements (2CCR§2400), and (2) Article 5.3. Marine Terminals Personnel Training and Certification (2CCR§2540 *et seq*).
xli 2-15 4.9-334	**MM HAZ-1: Remote Release Systems** *Of note, the Marine Terminal has a remote release system that can be activated from a single control panel or at each quick-release mooring hook set. The central control system can be switched on in case of an emergency necessitating a single release of all mooring lines.* **…** • *Provide and maintain mooring line quick release devices that shall be able to be activated within 60 seconds.* • *These devices shall be capable of being engaged by electric/push button release mechanism and by integrated remotely-operated release system…*	(19)Remote release systems can differ significantly in layout and functionality, and system designs have evolved over the years based on advancements in technology and operational practices. Therefore, it is unclear if the MM presents the best achievable technology and best industry practice, including but not limited to consideration of: (a) **Functionality –** Controlled release of the mooring lines (i.e. a single control system where each line can be remotely released individually in a controlled order and succession) vs. release all (i.e. a single control system where all lines are released simultaneously via a single push button). (b) **Layout –** The location(s) of the single control panel and/or central control system to validate that it is operationally manned such that the remote release systems can actually be activated within 60 seconds. For example, remote release systems may be controlled via a single control panel located on the wharf and/or controlled via computer-based control systems on the wharf or at an alternative control center location.
xli-xlii 2-15 to 16 4.9-334 to 335	**RECORDING, RETENTION & AVAILABILITY OF SYSTEMS DATA** **MM HAZ-1: Tension Monitoring Systems & Allision Avoidance Systems** … • *Line tensions and environmental data shall be integrated into systems that record and relay all critical data in real time to the control room, Marine Terminal operator(s) and vessel operator(s).* … • *…The AASs shall also be able to record and store monitoring data.* …	(20)All systems data should be required to be recorded (i.e. not just *"able"* to be recorded) and readily accessible to enable tasks such as: (1) verification that systems are routinely operated in compliance with the MM (e.g. vessels are berthing within the MOTEMS-compliant speed and angle requirements), and (2) post-event investigation and root-cause analysis (e.g. vessel allision during berthing). (21)Specify the record retention duration required.
xli-xlii 2-15 to 16	**CSLC MOT JURISDICITIONAL LIMITATIONS**	(22)The CSLC MOTEMS regulations apply when vessels are transporting oil, petroleum products and renewable fuels only in accordance with

Reference (Page #s)	Description	Comments
4.9-334 to 335	**MM HAZ-1: Tension Monitoring Systems & Allision Avoidance Systems** *…Updated MOTEMS Terminal Operating Limits (TOLs), including breasting and mooring, provide mooring requirements and operability limits that account for the conditions at the terminal…* ***…** Monitoring these factors would ensure that all vessels can safely berth at the Marine Terminal and comply with the minimum standards required in the MOTEMS…*	the statutory authority granted in the *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act*. Nevertheless, products not regulated under the LKS Act (e.g. renewable feedstocks such as soybean oil and tallow) may be detrimental to the environment if spilled. Thus, the MOTEMS TOLs are not regulatorily enforceable for *"all vessels"* calling at the Rodeo Refinery's Marine Terminal unless supplementally required via the MMs. Therefore, please specify that MOTEMS-compliant TOLs will be required for all vessels calling at the Rodeo Refinery's Marine Terminal regardless of product type and LKS regulatory status. (23) Similarly, CSLC MOT operations regulations are not enforceable on MOT assets that are converted from petroleum to non-regulated products (e.g. renewable feedstocks such as soybean oil and tallow). These operations regulations are codified in Article 5. Marine Terminals Inspection and Monitoring (2CCR§2300 *et seq*), Article 5.3 Marine Terminals Personnel Training and Certification (2CCR§2540 *et seq*), and Article 5.5 Marine Terminals Oil Pipelines (2CCR§2560 *et seq*). For example, static liquid pressure testing of pipelines is a fundamental spill prevention measure that may not have state regulatory oversight for all pipelines at the post-Project Rodeo Refinery's Marine Terminal.
xlii 2-16 4.9-335	**MM HAZ-1: Allision Avoidance Systems** *…The Marine Terminal has a compliant AAS which is not required for MOTEMS compliance so long as MOTEMS TOLs are followed.* *…*	(24) This statement is erroneous. MOTEMS Section 3103F.6.7 states: *"The berthing velocity, normal to berth, shall be in accordance with Table 31F-3-7. Site condition is determined from Table 31F-3-8. Subject to Division approval, if an existing MOT can demonstrate lower velocities by utilizing velocity monitoring equipment, than such a velocity may be used temporarily until the berthing system is compliant with this Code."* Phillips 66 September 2021 MOTEMS berthing analyses and associated TOLs identify that when the initial point of contact during berthing is at a single cone fender panel location (as compared to double cone fender locations), the berthing velocities are not MOTEMS compliant for most vessel types. This implies that velocity monitoring equipment is required to monitor reduced berthing velocities until permanent MOTEMS-compliant corrective actions are implemented.

Reference (Page #s)	Description	Comments
xlii 2-16 4.9-335	**MM HAZ-1: Allision Avoidance Systems** *…Excessive surge or sway of vessels (motion parallel or perpendicular to the wharf, respectively) and/or passing vessel forces may result in sudden shifts/redistribution of mooring forces through the mooring lines, which can quickly escalate to the failure of mooring lines, breaking of loading arm connections, the breakaway of a vessel, and/or other unsafe mooring conditions that could ultimately lead to a spill.*	(25)Specify if the AASs will also be utilized for monitoring vessel motion (i.e. surge and sway) during breasting/mooring operations to ensure excessive surge and sway are not incurred.
3-2 3-5	**Figure 3-1: Rodeo Refinery and Vicinity** **Figure 3-2: Rodeo Site**	(26)In Figures 3-1 and 3-2, please identify the features described in the DEIR text such as the bordering assets (e.g. San Pablo Bay, NuStar Energy tank farm, Tormey, Union Pacific/Amtrak railroad right-of-way), the Rodeo Refinery's Marine Terminal (i.e. Figure 3-1), and the Selby site (pg. 3-34). (27)In Figure 3-1, explain why a portion of the butane storage and railcar loading facility is excluded from the Rodeo Refinery Project Boundary. It is noted that this portion of the butane storage and railcar loading facility appears to be part of Parcel 1 in Phillips 66's CSLC lease (ref. CSLC Lease PRC 600.1). See related comments above.
3-20 4.9-301 4.9-313 4.10-354	[pg. 3-20] ***3.4.2.5 Marine Oil Terminal Engineering and Maintenance Standards*** *The California State Lands Commission (CSLC) developed Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) to establish standards for the design, construction, and maintenance of marine oil terminal berthing and cargo loading/unloading facilities. MOTEMS is intended to minimize the possibility of accidents at marine oil terminals during extreme weather events and seismic activity that would lead to releases of petroleum substances to the environment. Existing facilities are required to retrofit or rebuild as necessary to meet MOTEMS, which has been completed at the Rodeo Refinery's Marine Terminal, and Phillips 66 will continue to comply with MOTEMS requirements.* [pg. 4.9-301] ***4.9.2.7 Marine Oil Terminal Engineering and Maintenance Standards*** *The Marine Terminal operates as a MOTEMS-compliant facility, meaning that its construction, materials, equipment, and operating*	(28)MOTEMS (24CCR§3101F *et seq*) establishes minimum engineering, inspection and maintenance criteria for all MOTs in California, including the design and evaluation (i.e. not just *"design"*) of new and existing MOTs. (29)The MOTEMS standards are comprehensive and contain requirements for assessment of the structural, mechanical, and electrical systems, including, but not limited to routine audits and inspections, geotechnical assessments, structural evaluations, seismic analyses, berthing and mooring analyses, fire protection, pipelines, mechanical and electrical equipment, and electrical systems (i.e. not just the *"berthing and cargo loading/unloading"* portions of the MOT). (30)MOTEMS also addresses numerous potentially damage causing events such as earthquake, storm, vessel impact, fire, explosion, and tsunami (i.e. not just *"extreme weather events and seismic activity"*). (31)The statements *"…to meet MOTEMS, which has been completed at the Rodeo Refinery's Marine Terminal…"*, *"The Marine Terminal*

Reference (Page #s)	Description	Comments
	procedures meet the standards for marine terminals established by CSLC. The operating procedures are set forth in the Phillips 66 Rodeo Marine Terminal Handbook, which was revised and updated in 2016… [pg. 4.9-313] ***4.9.2.11 Regulatory Setting …*** ***State Authority …*** ***California State Lands Commission*** *The CSLC developed Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) to establish standards for the design, construction, and maintenance of marine oil terminal berthing and cargo loading/unloading facilities. MOTEMS is intended to minimize the possibility of accidents at marine oil terminals during extreme weather events and seismic activity that would lead to releases of petroleum substances to the environment. Existing facilities are required to retrofit or rebuild as necessary to meet MOTEMS, which the Marine Terminal has completed, and the terminal will continue to comply with MOTEMS requirements.* [pg. 4.10-354] ***4.10.2.11 Regulatory Setting …*** ***California State Lands Commission's Marine Terminal Lease and Marine Oil Terminal Engineering and Maintenance Standards Program*** *…In addition, marine terminals located on lands under CSLC jurisdiction are subject to comply with the CSLC's Marine Facilities Division–developed MOTEMS. For the existing Marine Terminal, these regulations establish standards for the maintenance of marine oil terminal berthing and cargo loading/unloading facilities. MOTEMS are intended to minimize the possibility of accidents at marine oil terminals during extreme weather events and seismic activity that would lead to releases of petroleum and oil-based substances to the environment. Existing facilities are required to retrofit or rebuild as necessary to meet MOTEMS, which the Rodeo Refinery's Marine Terminal has, and Phillips 66 would continue to comply.*	*operates as a MOTEMS-compliant facility…"* and *"…to meet MOTEMS, which the Marine Terminal has completed…"* are erroneous. MOTEMS compliance is a living process such that no MOT, including the Rodeo Refinery's Marine Terminal, has *"completed"* and fully satisfied the MOTEMS compliance requirements. CSLC MEPD continues to work with Phillips to identify deficiencies during routine MOTEMS audits and inspections of the Rodeo Refinery's Marine Terminal and take appropriate corrective actions. (32)The *"Marine Facilities Division"* should be updated to the *"Marine Environmental Protection Division"*.
3-24	***3.7.3.1 Marine Traffic*** ***…*** *No physical changes are needed at the Marine Terminal as part of the Project.*	(33)The extent of future built modifications to the Marine Terminal for Project implementation are unclear. Please elaborate on this statement, such as addressing the following:

Reference (Page #s)	Description	Comments
		(a) Identify if any mechanical or electrical components or systems will be changed as part of the Project, including MM-required systems at the Marine Terminal (i.e. Remote Release Systems, Tension Monitoring Systems, Allision Avoidance Systems, environmental monitoring systems). (b) Identify if built mitigations resulting from the SPCC will be implemented. (c) Identify if any additional piping/pipelines will be changed as part of the Project, included but not limited to upgrades, modifications and/or re-routing existing piping and ancillary components, piping insulation, or heat trace, such as the pipeline modifications implemented at the Rodeo Refinery's Marine Terminal in 2019-2020 to accommodate renewable feedstock service. (d) Identify if any piping/pipelines at the Marine Terminal will be taken out of service as part of the Project. Note that per MOTEMS Section 3109F.2, Item #12: *"Pipelines that do not have a valid and certified Static Liquid Pressure Test (SLPT) [9.4] shall be marked "OUT OF SERVICE". Out-of-service piping and pipelines shall be purged, gas-freed and physically isolated from sources of oil."*
xxxviii 3-27 4.4-146 5-9	**BIOFUELS VS. RENEWABLE FUELS** [pg. xxxviii] ***IMPACT 4.4-4*** *… Due to the potential for rapid dispersion of biofuels and oils under high energy conditions, Phillips 66 shall increase the frequency of the following drills …* [pg. 3-27] ***IMPACT 4.4-7*** *… While there are differences in behavior, fate and transport depending on type of oil spilled, substantial adverse effects would be expected in the event of a spill during the transitional phase (petroleum) or during Project operation (feedstocks, processed biodiesel fuel, renewable fuel gas or blending components) …* [pg. 4.4-146] ***IMPACT 4.4-9*** *… Substantial adverse impacts have the potential to occur in the event of a significant spill during the Project transitional phase (petroleum) or during Project operation (feedstock vegetable oils, animal fats, or*	(34) Since biofuels and renewable fuels are not equivalent (i.e. produced via different processes, chemically differ, blended and used dissimilarly): (a) Mixed use of these terminologies (i.e. *"biofuels"* vs. *"renewable fuels"*, *"biodiesel"* vs. *"renewable diesel"*, etc.) should be verified for accuracy. (b) Regulatory compliance requirements may differ. (c) Identify all types of biofuels that will be transferred at the Marine Terminal post-Project (i.e. received/offloaded/ discharged and shipped/loaded).

Reference (Page #s)	Description	Comments
	processed biodiesel fuel, renewable fuel gas, renewable components for blending with other transportation fuels) … [pg. 5-9] ***5.4.4.2 Decommission All Facilities*** *… Importantly, the failure to re-use the facilities and equipment at the Rodeo Refinery undermines the state's ability to produce renewable diesel as compared to biodiesel. Renewable diesel is not subject to the blending constraints of biodiesel due to its chemical composition, and it can be used at any blend level up to 100 percent (USDA 2021). Renewable diesel production is different than the production of biodiesel, as it uses "refinery-grade hydrogen," and existing petroleum-refining hydrotreating can be converted to produce renewable diesel, as is proposed for the Project (USDA 2021). Because the capital costs for renewable diesel are three to four times those of biodiesel, the conversion of existing refining and hydrogen production facilities has been important to the development of renewable diesel facilities throughout the United States (USDA 2021). …*	
3-32 4.9-301	[pg. 3-32] ***3.10.2 Fire Protection*** *As required by the Contra Costa County Fire Protection District, Phillips 66 will prepare a Management of Change (MOC) for the refinery process unit modifications that would enable it to shift to processing renewable feedstocks. The MOC would include an assessment of the refinery process changes on process piping corrosion, including the frequency of piping inspections. The Project would likely have multiple MOCs for the different phases of the Project* *Prior to construction, Phillips 66 would submit design documents and specifications to the Fire Protection District for its review and approval of the installation, repair, or modification of process piping and equipment containing flammable and combustible liquids to ensure compliance with the minimum fire and safety requirements. The MOC and the design documents and specifications would be prepared after design review has been completed and all discretionary agency permits have been issued.* [pg. 4.9-301] ***4.9.2.5 Process Safety Management and Management of Change***	(35)A Management of Change process is also required whenever physical changes are made to the built MOT that significantly impact operations (ref. MOTEMS § 3101F.7). (36)Updated Marine Terminal Fire Hazard Assessment and Risk Analysis (ref. MOTEMS § 3108F.2.1) and Fire Protection Assessment (ref. MOTEMS § 3108F.2.2) are required for this Project due to changes in MOT characteristics, product types, etc.

Reference (Page #s)	Description	Comments
	To comply with the Process Safety Management requirements, Phillips 66 has established procedures for the MOC…	
4.4-10 4.9-307 to 308	**CALIFORNIA STATE LANDS COMMISSION'S REGULATORY AUTHORITY** [pg. 4.4-10] ***4.4.3.2 State Authority*** … ***California State Lands Commission*** *The CSLC administers lands owned by the state, which includes the beds of all naturally navigable waterways, such as major rivers, streams and lakes, and tidal and submerged lands below the high tide line. The CSLC issues land use leases or permits for use of state lands that are determined to be consistent with the public trust values for fisheries, navigation, public access, recreation, wildlife habitat and open space. Phillips 66 operates the Rodeo Refinery's Marine Terminal and the portion of the refinery within the tidelands under a lease from CSLC. The CSLC establishes controls on the operation of the Marine Terminal through lease conditions. The CSLC promulgated and administers the MOTEMS (Marine Oil Terminal Engineering and Maintenance Standards) that establish design and operating standards intended to ensure the safe operation of such terminals. The MOTEMS, by bringing existing and new oil terminals into compliance with modern safety standards, substantially decrease the risk of large-scale releases of liquid bulk cargos from vessels at-berth.* [pg. 4.9-307 to 308] ***4.9.2.11 Regulatory Setting*** *…Numerous federal, state, and county laws, regulations, guidelines, and policies focus on reducing the risks from the hazards associated with the transport, storage, and refining of petroleum and petroleum products, some of which include the following:* … • *CSLC's MOTEMS;* …	(37)MOTEMS (24CCR§3101F *et seq*) is a building standard in the California Building Code (i.e. *Chapter 31F Marine Oil* Terminals) and does not specifically address operational requirements. (38)The CSLC Marine Environmental Protection Division (MEPD) oversees both engineering and operations regulations. The engineering regulations are codified in MOTEMS. The operations regulations are codified in Article 5. Marine Terminals Inspection and Monitoring (2CCR§2300 *et seq*), Article 5.3 Marine Terminals Personnel Training and Certification (2CCR§2540 *et seq*), and Article 5.5 Marine Terminals Oil Pipelines (2CCR§2560 *et seq*).
4.4-135	**IMPACT 4.4-3** *…The size and type of vessels calling at the Marine Terminal would be similar or smaller than under existing conditions, with drafts ranging*	(39)The existing Rodeo Refinery's Marine Terminal TOLs (ref. Phillips 66's September 2021 TOLs) identify the maximum draft at berth as 40 feet (i.e. not 39 feet) and the minimum design water depth at berth

Reference (Page #s)	Description	Comments
	from less than 15 to 39 feet (see Tables 4.4-2, 4.4-3). In addition, the size of vessels calling at the Marine Terminal are limited by the water depths of the Federal navigation channels, which range from approximately -55 feet Mean Lower Low Water (MLLW) at the entrance to -35 feet MLLW in the Project area (URS Group 2015)…	as -43 feet MLLW (i.e. not -35 feet MLLW). Therefore, identify if vessel at-berth operating limits and/or dredging activities at the Rodeo Refinery's Marine Terminal will be modified as part of the Project. **OR** (40)The maximum draft at berth of 39 feet and water depth in the Project area of -35 feet MLLW appear inconsistent with the existing Rodeo Refinery's Marine Terminal TOLs (ref. Phillips 66's September 2021 TOLs). Therefore, identify if vessel at-berth operating limits and/or dredging activities at the Rodeo Refinery's Marine Terminal will be modified as part of the Project. (41)Vessel size and draft limitations can change over time due to factors such as dredging activities, sea level rise, and natural changes in seafloor characteristics.
4.7-227	***4.7.2.7 Regulatory Setting*** ***California Building Code*** *… The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, CBC Chapter 16, Section 1613, provides earthquake loading specifications for every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, which shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7-05. …*	(42)CBC Chapter 31F (MOTEMS) provides earthquake loading and geotechnical specifications for Marine Terminal structures and portion thereof, including nonstructural components and nonbuilding structures that are permanently attached to the terminal. All structures, nonstructural components and nonbuilding structures (i.e. existing, new, modified, etc.) at the Marine Terminal shall comply with these requirements. (43)The 2019 California Building Code is currently in effect and references ASCE/SEI 7-16 (i.e. not *"ASCE 7-05"*).
4.9-299	**UNIFORM BUILDING CODE REFERENCES** ***4.9.2.4 Existing Phillips 66 Safety Management Systems …*** ***Design*** *… Some of the main design standards include the American Petroleum Institute's (API's) Recommended Practice 750, Codes of Management Practices of the Chemical Manufacturers, the American National Standards Institute's B31.1: Power Piping and B13.3: Petroleum Refinery Piping, National Fire Prevention Association 30, and the Uniform Building Codes.*	(44)The DEIR references the Uniform Building Code in multiple sections. It should be noted that the Uniform Building Code is outdated. The 1997 Uniform Building Code (UBC) was the last edition published by the International Conference of Building Officials (ICBO) and was last used as the base code for the 2001 CBC. The International Building Code (IBC) has served as the model building code in California since first adopted in the 2007 CBC.

Reference (Page #s)	Description	Comments
4.9-311 to 312	***4.9.2.11 Regulatory Setting …*** ***State Authority*** ***California Accidental Release Prevention Program***	(45)At MOTs, MOTEMS Sections 3104F.5.2 and 3109F.4 requires seismic assessment of existing nonstructural components, nonbuilding structures and building structures and their supports and attachments in accordance with CalARP or ASCE Guidelines.
4.9-313	***4.9.2.11 Regulatory Setting …*** ***State Authority …*** ***California Fire Code and National Fire Protection Association***	(46)MOTEMS Section 3108F provides minimum standards for fire prevention, detection, and suppression at MOTs.
4.9-328 4.10-363	[pg. 4.9-328] ***IMPACT 4.9-2*** ***…*** ***Transitional Phase—Marine Terminal Spill Impacts: Significant and Unavoidable*** ***Rodeo Refinery—Marine Terminal (spills)*** *During the transitional phase, additional vessel traffic arriving at the Marine Terminal would increase from 80 tankers and 90 barges annually as part of the baseline, or about 3.3 vessels calls per week, to an estimated 96 tankers and 92 barges over the 7-month transitional period, or about 6.7 calls per week, with a total number of vessel calls over the transitional period producing an increase of approximately 10 percent over the baseline entire-year vessel calls…* [pg. 4.10-363] ***IMPACT 4.10-1*** ***…*** ***Transitional Phase: Significant and Unavoidable*** ***Rodeo Refinery—Marine Terminal (spills)*** *During the 7-month transitional phase that would be concurrent with Rodeo Refinery construction, vessel traffic arriving at the Marine Terminal would increase from 80 tankers and 90 barges to an estimated 96 tankers and 92 barges, which is an increase of approximately 10 percent over baseline conditions…*	(47)The *"10 percent over baseline"* stated under these IMPACT 4.9-2 and 4.10-1 sections is inconsistent with the 11 percent stated elsewhere in the DEIR (e.g. Table 4.4-1).