

Appendix C
Application Summary Report

DRAFT

APPLICATION SUMMARY REPORT

Tesoro Calciner Demolition Project

Applicant: Tesoro Refining and Marketing Company LLC
Harbor Development Permit Application No. 23-004



Port of Long Beach
415 West Ocean Boulevard
Long Beach, California 90802

June 2024

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**APPLICATION SUMMARY REPORT
PREPARED IN ACCORDANCE WITH THE CERTIFIED PORT MASTER PLAN
AND CALIFORNIA COASTAL ACT OF 1990**

This Application Summary Report is prepared in accordance with the certified Port of Long Beach Master Plan (Port Master Plan) as amended, and the California Coastal Act of 1990. Based on the analysis contained herein, the proposed Tesoro Calciner Demolition Project conforms to the stated policies and goals of the Port Master Plan.

This document was circulated for public review and the staff recommendations provided in this Application Summary Report are subject to adoption by the Long Beach Board of Harbor Commissioners.

DRAFT ISSUED FOR PUBLIC REVIEW: June 7, 2024 – July 8, 2024

BY: ACTING DIRECTOR OF ENVIRONMENTAL PLANNING:



James Vernon

APPLICATION SUMMARY REPORT ADOPTED ON: ___ XX _____

BY: CITY OF LONG BEACH BOARD OF HARBOR COMMISSIONERS

Harbor Development Permit Application No. 23-004

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1. Introduction

This Application Summary Report is prepared in conjunction with the Initial Study/Mitigated Negative Declaration for the proposed Tesoro Calciner Demolition Project (Project) in accordance with the certified Port of Long Beach (POLB, Port) Port Master Plan (PMP) (Ordinance No. HD-1701) (POLB, 1996), and the California Coastal Act of 1976 (Coastal Act).

Pursuant to Chapter 8, Section 30715 of the Coastal Act, the California Coastal Commission (CCC) granted permitting authority for the issuance of Coastal Development Permits (CDP) within the Long Beach Harbor District to the Long Beach Board of Harbor Commission (BHC).

In addition to the CDP requirement, Long Beach City Charter Section 1215 provides that:

No person or persons shall construct, extend, alter, improve, erect, remodel or repair any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the Harbor District without first applying for and securing from the Commission a permit so to do, in accordance with the rules and regulations adopted by it. In approving or denying the right to said permit, the Commission shall consider the application therefor, the character, nature, size and location of the proposed improvement and exercise reasonable and sound discretion during said consideration.

In implementing the Long Beach City Charter and Coastal Act requirements, the BHC adopted Resolution No. HD 1234 on October 12, 1982, amending the Implementation Guidelines establishing a consolidated building permit under Section 1215 of the Long Beach City Charter and CDP, termed a Harbor Development Permit (HDP or permit).

In accordance with Section 30715.5 of the Coastal Act, the Long Beach BHC shall not approve or grant an application for a permit for any public or private development within the Harbor District unless a determination has been made by the BHC or, where authorized by the Guidelines for Implementation of the Certified Port Master Plan, by the Director of Environmental Planning that either (1) the development conforms with the certified Port Master Plan or (2) the development is exempt from the provisions of the Coastal Act and the applicant is otherwise required to obtain a permit from the BHC pursuant to Section 1215 of the Long Beach City Charter.

As discussed in this Application Summary Report, the proposed Project conforms to the stated policies of the certified Port Master Plan, as amended and the Coastal Act. This Application Summary Report is circulated for public review; the staff recommendations, including the special conditions for issuance of the HDP are subject to approval by the BHC.

2. Incorporated by Reference

The Port, as the lead agency in accordance with the California Environmental Quality Act (CEQA), prepared an Initial Study (IS) to identify the potential significant environmental effects of the proposed Project. The Initial Study concluded that there would be less than significant impacts to the environment with the incorporation of mitigation measures; therefore, a mitigated negative declaration (MND) has been prepared. The Draft IS/MND includes detailed discussion of the significant features of the proposed development and analysis of the potential environmental impacts associated with the proposed Project. The Port identified potentially significant environmental impacts to Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources and Mandatory Findings of Significance in the IS/MND; that would be reduced to less than significant levels with the implementation of mitigation measures. The Draft IS/MND for the proposed Project is hereby incorporated by reference:

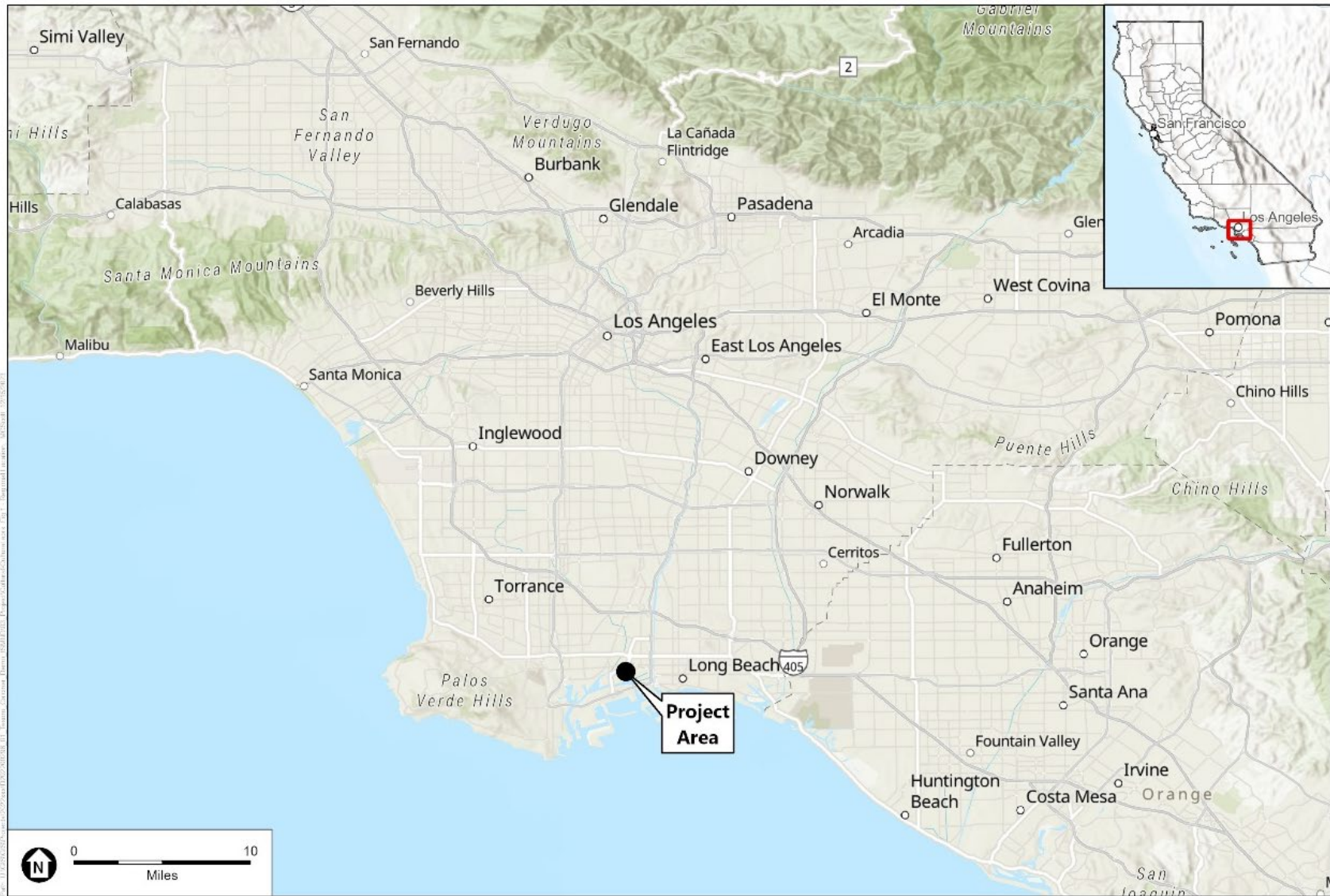
POLB, 2024. Draft IS/MND. Tesoro Calciner Demolition Project. Port of Long Beach. Available electronically online at: <https://www.polb.com/ceqa>.

3. Summary of the Proposed Project

Tesoro Refining and Marketing Company LLC (Tesoro) submitted an Application for a Harbor Development Permit with the Port of Long Beach (Port) on January 23, 2023, proposing to demolish the existing Calciner facility (Calciner or Project) prior to vacating the premises and restore the site to a condition equivalent to or superior to its condition prior to commencement of lease, as required in Tesoro's Ground Lease with the Port, HD-5318-651 (POLB, 1980). The HDP application was deemed complete and filed by the Port on October 19, 2023.

The Tesoro Calciner facility is located on Pier A on POLB-owned property at 2450 Pier B Street, Long Beach, CA 90813 (see Figure 3-1 and Figure 3-2). Approximately 7.3 acres of the facility is located within the Long Beach Harbor District, while 8.8 acres is within the City of Los Angeles coastal zone. The Calciner facility, which began operations in 2013, ceased operations in June 2022 and has been idle since.

Tesoro proposes to demolish the existing Calciner facility consisting of above grade buildings, underground storage tanks, process equipment, structures, footings, piers, piles, vessels, piping, electrical equipment, instrumentation, concrete slabs and asphalt paving. Existing railroad tracks, rail spurs, other rail-related equipment, and a Southern California Edison Company electrical substation and its associated equipment would remain on-site. There is currently no proposed new development, no proposed new operations, or proposed new land uses at the site following activities associated with the proposed Project.



SOURCE: ESA, 2023

Tesoro Calciner Demo ISMND

Figure 1
Regional Vicinity Map





SOURCE: ESA, 2023

Tesoro Calciner Demo ISMND

Figure 2
Project Location



3.1 Site History

The Calciner was constructed in 1982 by Martin-Marietta Inc., as a joint venture with Champlin Petroleum Company for the production of calcined coke, which commenced in February 1983 (SCAQMD 2015). The Calciner was built to upgrade petroleum coke into calcined coke to make carbon anodes for aluminum manufacturing (Union Pacific Corporation 1980). Tesoro Refining and Marketing Company LLC (Tesoro), a subsidiary of Marathon Petroleum Corporation, began operating the Calciner in 2013. In February 2023, Tesoro submitted an application to the South Coast Air Quality Management District (SCAQMD) to deactivate all associated devices (i.e., emission-generating units) in the Calciner's Title V Permit, surrendering their permit to operate. In response, SCAQMD issued a revised Title V Permit in February 2023 permitting only the emergency equipment and Rule 219-exempt equipment to remain active on the Project site (SCAQMD, 2023).¹ The Calciner has remained non-operational since June 2022. A historical address of the Project site (420 North Henry Ford Avenue) is listed on the Cortese List (California Government Code Section 65962.5); the address is associated with the former TCL Site/TCL2 site (CEQA Guidelines Section 158087 (c)(5)). On December 15, 1997, the California Department of Toxic Substances Control certified remediation of the TCL Site/TCL2 site as complete.

3.2 Overview of the Proposed Project Site

The Project site is within the Port of Long Beach and approximately split in half between the boundaries of the City of Long Beach and the City of Los Angeles. The northern portion of the Project site (approximately 8.8 acres) is within the boundary of the City of Los Angeles and the southern portion is within the boundary of the City of Long Beach (approximately 7.3 acres), and subject to the Port Master Plan. The proposed Project is located to the north of Pier A Way, east and south of Pier B Street and to the west of Carrack Avenue, addressed 2450 Pier B Street, Long Beach, CA 90813.

The entire Port of Long Beach, including the portion of the Project site located within the City of Long Beach is designated under the City of Long Beach General Plan Land Use Element as a Regional Serving-Facility (RSF) Placetype, according to the General Plan Land Use Map (City of Long Beach 2019). The City of Los Angeles' General Plan Land Use designates the portion of the Project site within the City of Los Angeles' jurisdiction as Heavy Manufacturing. The portion of the Project site within the City of Los Angeles is also partially within the Wilmington-Harbor City Community Plan Area (City of Los Angeles, 1999). The Project site is currently comprised of the idle Calciner and associated operating equipment, parking and a small amount of landscaping on the fringes of the Project Site.

¹ SCAQMD Rule 219 identifies types of equipment, processes, or operations that do not require a written permit from the SCAQMD.

3.3 Previous Applications and Approvals

Previous development permits issued to various entities operating at the property at 2450 Pier B Street include the following.

- **October 20, 1980** - The Los Angeles City Planning Department grants Approval in Concept and determines the Champlin Petroleum Company Refinery Modernization Project to be ministerially exempt under CEQA Section 15073. Champlin Petroleum Company filed the Notice of Exemption with the Los Angeles County Clerk on October 27, 1980.
- **August 17, 1981** - The Long Beach Board of Harbor Commissioners grants Construction Permit No. 81022 to Champlin Petroleum Company/ Martin Marietta Carbon, Inc to construct the coke calcining facility.
- **August 18, 1981** - The Long Beach Board of Harbor Commissioners grants Level II Coastal Development Permit No. 81022 to Champlin Petroleum Company/ Martin Marietta Carbon, Inc to construct and operate the coke calcining facility.
- **September 3, 1981** - The City of Long Beach Department of Planning & Building recommendations the City Planning Commission approve the Site Plan Review (Case No. 86-81).
- **September 22, 1981** - The Los Angeles Department of City Planning Coastal Permit Unit approves the Coastal Development Permit No. 81-41 for the construction and operation of the Champlin Petroleum Company Refinery Modernization Project.
- **October 21, 1981** - The California Coastal Commission approves the Coastal Development Permit (No. E-81-9), subject to standard and specific conditions.

4. Summary of Staff Recommendation

Port staff recommends that the Board of Harbor Commissioners adopt this Application Summary Report and issue Level II HDP 23-004 in accordance with Section 1215 of the Long Beach City Charter and the certified Port Master Plan, as amended, conditioned pursuant to the staff recommendation. Chapter 8, Section 30715 of the Coastal Act and Section 13.1 of the Guidelines for Implementation of the Certified Port of Long Beach Master Plan identify categories of projects that may be appealed to the California Coastal Commission, none of which include demolition of industrial facilities. The proposed Project is not appealable to the Coastal Commission.

The proposed Project would not require an amendment to the existing PMP because it is not a new development; the proposed Project would merely demolish the existing, non-operational Calciner facility and its associated above-ground structures and underground utilities. There is currently no proposed new development, no proposed new operations, and no proposed new land uses for the site following the proposed demolition of the Calciner facility.

5. HDP Conditions

5.1 Standard Conditions

Level II HDP 23-004 for the demolition of the Tesoro Calciner facility would be subject to the following Standard Conditions:

1. **Effective Date:** This permit shall not become effective until the ORIGINAL has been returned to the Environmental Planning Division, fully signed by the permittee or agent(s) authorized in the permit application. Failure to return the original within thirty (30) days of approval shall render the permit invalid. Other conditions notwithstanding, if the project is appealable the permit shall not become until after the tenth (10th) working day following notification of approval, unless an appeal has been filed with the California Coastal Commission within that time. By executing this permit, permittee or its agent(s) acknowledge that they have received a copy of the fully-signed permit for its use and post said copy conspicuously at the project site.
2. **Non-Waiver Condition and Assignment:** Nothing in this permit shall be deemed or construed as a waiver of any term or condition contained in permittee lease, preferential assignment, permit, or other agreement with the Long Beach Harbor Commission. This permit shall not be assigned except as provided in the Board of Harbor Commissioners Port Master Plan Implementation Guidelines and in Section 13170 of Title 14 of the California Administrative code, to the extent applicable.
3. **Permit Expiration:** Work authorized by this permit must commence within two years of the effective date of this permit unless otherwise specified. If work has not commenced, this permit will expire two (2) years from its effective date. Any application for an extension of said commencement date must be made at least thirty (30) days prior to the expiration of this permit.
4. **Compliance with Laws and Regulations:** Permittee shall comply with all laws, statutes, rules, regulations, and orders of all governmental agencies having jurisdiction over the permittee's project. Permittee, at its own expense, shall obtain all requisite permits, approvals, and consents from the appropriate agencies, including but not limited to the City of Long Beach (COLB) Harbor Department, the COLB Development Services, COLB Fire Department, the South Coast Air Quality Management District, the California Department of Health Services, and the Regional Water Quality Control Board, and shall comply with any such permit, approval or consent. Copies of all requisite permits shall be available for inspection at the project site.
5. **Construction Drawings:** Final plans and specifications for construction (hard copies and CADD files in Bentley MicroStation format), incorporating any modifications made by the Harbor Department, shall be submitted to the Environmental Planning Division for review and approval prior to commencement of any portion of the development.

6. **Notification:** Permittee shall notify the Chief Harbor Engineer, in writing, of the anticipated start date of any construction at least ten (10) days in advance.
7. **Permission from Property Owner:** Permittee shall coordinate with all facilities which may be affected by the permitted project. Permittee shall not interfere with any facility operations. Permittee shall contact the Harbor Department Terminal Services Section at 562-283-7760, or tenantservices@polb.com, for assistance with notifications.
8. **Subsurface Construction Activities:** Permittee shall contact Underground Service Alert of Southern California (dig-alert at 811) before any excavation begins, a minimum of two (2) working days NOT including the date of notification prior to digging. Permittee shall conduct all subsurface work in accordance with Section 306 – Underground Conduit Construction of the latest edition of Standard Specifications for Public Works Constructions (The “Green Book”) unless otherwise noted herein. Permittee shall be responsible for all damage to underground structures and utility lines occurring as a result of project construction and shall restore all ground surfaces disturbed by excavation to original conditions per POLB Standard U-4. This includes, but is not limited to, irrigation lines, water main lines, underground conduit, and surface landscaping. The alignment of any underground utilities that must be relocated as a result of the permitted project must be approved by the Director of Environmental Planning and the utility owner. Permittee, except as otherwise provided for or agreed to, is responsible for any costs associated with repairing, replacing, or relocating underground or surface utilities or landscaping disturbed or destroyed during the permitted project.
9. **Conduct of Work:** Permittee shall perform all work in strict accordance with the plans and specifications approved by the Harbor Department Environmental Planning Division. For project site preparation and construction activities the permittee shall utilize appropriate best management practices to minimize dust without release of pollutants into harbor waters. Distribution and/or removal of surplus materials (fills, dirt, broken asphalt, etc.) generated by the construction on property under the jurisdiction of the Harbor Commission must have prior approval of the Chief Harbor Engineer, or his/her designee.
10. **As-Built Drawings and Specifications:** As-built drawings and specifications for construction within the Harbor District (hard copies and CADD files in digital format) shall be submitted to Port of Long Beach Inspection at (562) 283-7218 or inspection@polb.com within thirty (30) days of the completion of work. Except in the case of underground work, final construction drawings may serve as as-built provided a set of such drawings are submitted and stamped "as-built". Clearly identify the item by accurate note such as “electrical duct bank”, “water”, etc. Show by symbol or note, the vertical location of the item. For underground work, permittee shall submit to the Port of Long Beach Inspection, within thirty (30) days of completion of the work, two (2) sets of as-built drawings and survey notes, signed and stamped by a licensed surveyor who shall certify to the accuracy of the horizontal and vertical positions of underground alignments and structures in California Coordinate System of 1983 (CCS’83) Zone 5 coordinates, 2007.00

epoch, in feet and elevations in NGVD'29 Mean Lower Low Water (MLLW) in feet. For horizontal and vertical control within the Harbor District contact the Port Survey Division (562) 283-7203. Digital data shall be in CADD format along with an ascii file including pt. number, northing, easting, elevation, and description with comma delimiters.

11. **Traffic Management:** For all projects that impact Harbor Department roads, permittee shall submit for approval a Traffic Control Plan. Permittee shall comply with all traffic warning and control devices, signs, and plans described in the Work Area Traffic Control Handbook or the Manual on Uniform Traffic Control Devices (MUTCD) 2003 California Supplement. At least 10 business days in advance of implementing traffic control measures the permittee shall contact TrafficControl@polb.com and 562-283-7850 to coordinate lane closure dates and hours of work. Permittee shall indicate the Harbor Development Permit number in the subject and body of your email.
12. **Non-Compliance Penalties:** Violation of any provision or condition in this permit shall constitute grounds for revocation of this permit and shall render the permittee liable for civil penalties of up to \$10,000.00. Any person who willfully and knowingly conducts work in the Harbor District in violation of the Port Master Plan Guidelines shall be liable for civil penalties of \$5,000.00 per violation per day.
13. **Regulated Substance:** Regulated Substance: If during the course of the permitted project permittee shall discover or have reason to believe that regulated substances, including but not limited to hazardous wastes or extremely hazardous wastes as those terms are or have been defined by the administrator of the Environmental Protection Agency, the California Department of Toxic Substances Control, or any other person or agency having jurisdiction over such materials, permittee, at its cost, shall: (i) promptly notify the Director of Environmental Planning of the permittees discovery or belief; (ii) at the request of the Director of Environmental Planning, initiate chemical and or physical characterization of the regulated substance and, upon request, provide access to authorized representatives of the Director of Environmental Planning for independent characterization; (iii) upon receipt, provide copies of all characterization results to the Director of Environmental Planning; (iv) develop and submit for approval to the Director of Environmental Planning a plan for the appropriate management of the regulated substances; (v) implement that plan in accordance with the regulations and orders of the governmental agencies having jurisdiction; (vi) if removed, replace the regulated substances with appropriate material approved by the Director of Environmental Planning; and (vii) promptly submit copies of records documenting the appropriate management of the regulated substance to the Director of Environmental Planning.
14. **Indemnity:** Permittee shall indemnify the Harbor Department from and against any and all actions, suits, proceedings, claims, demands, damages, losses, liens, costs, expenses, or liabilities of any kind and nature whatsoever ("claims") which may be brought, made, filed against, imposed upon, or sustained by the Harbor Department, arising from, attributable to, caused by, in connection with, or pertaining to the activities described in this permit, except to the extent such claims

are caused by the negligence or willful misconduct of the Harbor Department.

15. **Commencement of Work:** Permittee shall notify Port of Long Beach Inspection at (562) 283-7218 or inspection@polb.com a minimum 48 hours in advance of commencement of work or continuation after stoppage of work for 48 hours or more.

5.2 Special Conditions

In instances where a proposed project presents no significant impact and no mitigation measures are required for certain environmental resource areas, there may be additional “special conditions” imposed by the Port on the project by that would further reduce a “less than significant impact” or potentially eliminate an impact. The special conditions shall be implemented by the Permittee in contractor specifications or other documents governing the demolition activities for the proposed Project. The Permittee shall be required to monitor the Project and the Project site to ensure that contractors comply with all special conditions contained in the issued HDP. Issuance of Level II HDP 23-004 for the proposed Project would be subject to the following special conditions:

SC-AQ-1. Air Quality Best Management Practices for Construction Activities:

1. **Fuels Used in Construction Equipment.** Any on-road or off-road diesel engines used in construction activities must use fuels that comply with the California Air Resources Board (CARB) regulation for ultra-low sulfur diesel fuel (15 parts per million or less) (Title 13, California Code of Regulations, Section 2281) and/or the CARB Low Carbon Fuel Standard Regulation (Title 17, California Code of Regulations, Sections 95480-95503).
2. **Off-Road Construction Equipment.** All off-road construction equipment shall meet the United States Environmental Protection Agency (EPA) Tier 4 Final off-road engine emission standards. At least ten (10) business days prior to equipment use on-site, Permittee shall submit to the Port of Long Beach Director of Environmental Planning via electronic mail to: HDPDesk@polb.com documentation showing the following:
 - a) Engine horsepower, make, and model, and serial number;
 - b) Current EPA/CARB engine certification or manufacturer specifications showing the certified engine emission/tier level;
 - c) Any emission control devices installed, including, but not limited to diesel oxidation catalysts and/or diesel particulate filters/traps.
3. **On-Road Heavy Duty Trucks.** All on-road, heavy-duty trucks used to transport construction materials to and from the Project site shall meet EPA 2010 on-road, heavy-duty diesel engine emission standards. Diesel-fueled commercial vehicles licensed for operation on highways with a gross vehicle weight rating greater than 10,000 pounds that access the Project site shall not idle for more than five (5) minutes at any location (Title 13, California Code of Regulations, Section 2485). Prior to arriving on-site, Permittee shall submit to

the Port of Long Beach Director of Environmental Planning via electronic mail to: HDPDesk@polb.com documentation showing the following:

- a) Truck company name; make, model of truck, and vehicle identification number;
 - b) EPA/CARB truck engine certification indicating truck meets or exceeds 2010 EPA on- road, heavy-duty diesel engine emission standards;
 - c) Any emission control devices installed, including, but not limited to diesel oxidation catalysts and/or diesel particulate filters/traps; and
 - d) Proof of compliance that the truck fleet of the companies, including subcontractors, from which on-road trucks are hired or dispatched for the Project are in compliance with the CARB Truck and Bus Regulation by providing one of the following documents:
 - a. Truck and Bus Regulation Reporting Certificate printed from CARB website - see <https://ww3.arb.ca.gov/msprog/onrdiesel/documents/printcert.pdf>
 - b. Written statement from the truck fleet owner that verifies that they are aware of the CARB Truck and Bus regulation (Title 3, California Code of Regulations, Section 2025) and their fleet is in compliance with the engine model year schedule specified in the Truck and Bus Regulation.
4. **Portable Diesel-Fueled Engines and Equipment.** Permittee shall obtain the appropriate permits to operate from the South Coast Air Quality Management District or Portable Equipment Registration Program (PERP) from for any portable diesel-fueled equipment with engines with 50 horsepower or more and plasma arc-cutting or laser cutting equipment rated more than 400 watts used to cut stainless steel and batch mixers with a brimful capacity of more than 55 gallons (7.35 cubic feet) (SCAQMD Rule 219, Sections e (8) and k(1)). Permittee shall post said copy conspicuously at the project site.
5. **Fugitive Dust Control During Construction Activities.** The generation of airborne dust particles shall be prevented in accordance with South Coast Air Quality Management District (SCAQMD) Rule 403 – Fugitive Dust. Track-out of bulk material onto public or paved roadways shall be prevented; such material shall be removed any time track-out occurs. All visible roadway dust tracked-out upon public paved roadways shall be removed at the conclusion of each work day.

SC-AQ-2. Site Dust and Erosion Control:

1. Upon completion of demolition activities, the premises shall be covered in gravel or crushed rock to control and prevent dust and erosion.

SC-WQ-1. Stormwater Best Management Practices:

1. To control runoff during construction activities, Permittee shall implement

stormwater BMPs, as appropriate, as described in the Stormwater BMPs Handbook developed by the California Stormwater Quality Association (CASQA).

2. Permittee shall ensure that all trash cans and/or dumpsters used on-site have lids and remain covered for the duration they are on site.
3. Permittee shall ensure that containment trays are placed under all portable toilets on-site.

6. Applicable Policies

This Application Summary Report provides an analysis of the proposed Project's conformance with and applicability to the policies and goals in the Coastal Act and the certified PMP, as amended.

6.1 Consistency with California Coastal Act Policies

Pursuant to the Coastal Act, the Coastal Zone includes all areas within 3 miles seaward and approximately 1,000 yards inland, depending upon the level of existing inland development. Chapter 3 of the Coastal Act provides the standards by which the adequacy of local coastal programs is determined, while Chapter 8 of the Coastal Act governs California ports, including the POLB, and recognizes the ports as primary economic and coastal resources that are essential elements of the national maritime industry (Section 30701[a]). The following is a discussion of applicable Coastal Act policies and appropriate Project-related information.

6.1.1 Coastal Act Chapter 3 (Coastal Resources Planning and Management Policies)

Chapter 3 of the Coastal Act applies to any projects in a port master plan listed in Section 30715 (appealable projects). The specific policies of Chapter 3 would not apply because the proposed demolition of the idle Calciner is not among the appealable project categories in Section 30715 of Chapter 8 of the Coastal Act.

6.1.2 Coastal Act Chapter 8 Policies (Ports)

Chapter 8 of the Coastal Act recognizes California ports, including the POLB, as primary economic and coastal resources that are essential elements of the national maritime industry (Section 30701[a]). The Coastal Act policies governing ports in Chapter 8 sections of the Coastal Act are listed below and their relationship to the proposed Project are discussed.

Section 30702: Port-Related Developments

Port-related developments consistent with coastal protection in the port areas to which Chapter 8 applies, which require no CCC permit after certification of a port master plan and which, except

as provided in Section 30715 of Chapter 8 of the Coastal Act, are not appealable to the CCC after certification of a master plan.

The proposed Project would demolish all aboveground structures and underground utilities, except for leaving the existing railroad tracks, railroad-related equipment, and the SCE substation and its associated equipment. Tesoro's Ground Lease Agreement HD-5318-651 requires Tesoro to remove from the leased premises all improvements and all other property belonging to them, and restore the leased premises to a condition to or superior to its conditions prior to the commencement of the lease. Section 30702 of the Coastal Act would not apply to the proposed Project because the proposed Project demolition is not among the appealable project categories in Section 30715 of Chapter 8 of the Coastal Act (See discussion of Section 30715 that follows).

Section 30703. California Commercial Fishing Industry.

Section 30703 of the Coastal Act states that ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate space has been provided. Proposed recreational boating facilities within port areas shall, to the extent feasible, be designed and located in such fashion as not to interfere with the needs of the commercial fishing industry. The proposed Project would demolish of all aboveground structures and underground utilities, returning the site to pre-construction conditions, except for the existing railroad tracks, railroad-related equipment, and the SCE substation and its associated equipment. Thus, the proposed Project would not involve the elimination, reduction, or use of existing commercial fishing space, nor would the proposed Project involve the development of recreational boating facilities. Therefore, Section 30703 of the Coastal Act is not applicable to the proposed Project.

Section 30705. Diking, Filling, or Dredging of Water Areas.

The Project would not involve any diking, filling, or dredging of water areas; therefore Section 30705 of the Coastal Act does not apply to the proposed Project.

Section 30706. Filling Seaward of Mean High Tide Line.

The Project would not involve any filling seaward of the mean high tide; therefore Section 30706 of the Coastal Act does not apply to the proposed Project.

Section 30707. Design and Construction of New or Expanded Tanker Terminals.

The Project would not involve the development of a new or expansion of a tanker terminal; therefore Section 30707 of the Coastal Act does not apply to the proposed Project.

Section 30708: Location, Design, and Construction of Port-Related Developments

All port-related developments shall be located, designed, and constructed so as to:

(a) Minimize substantial adverse environmental impacts.

The IS/MND prepared pursuant to CEQA finds that the proposed Project would result in less than significant impacts with implementation of mitigation measures for the environmental factors listed

in Section 3.1 of the IS/MND (Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources). There would be “no impact” or “less than significant impacts” without mitigation for all other environmental factors. As designed, the proposed Project would avoid substantial adverse effects on the environment and would be consistent with Coastal Act Section 30708(a).

(b) Minimize potential traffic conflicts between vessels.

No vessels have been associated with previous operation of the facility, or are associated with operations of the proposed Project. There are currently no proposed development, new operations, or no new proposed land uses for the premises. The proposed Project merely involves the demolition of all aboveground structures and underground utilities, except for the existing railroad tracks, railroad-related equipment, and the SCE substation and its associated equipment. Therefore, the proposed Project would not increase current or future vessel traffic within the Port. As such, the proposed Project would have no effect on vessel traffic. The proposed Project would be consistent with Coastal Act Section 30708(b).

(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

The proposed Project would not involve the development of navigational facilities, shipping industries, and necessary support and access facilities; therefore Section 30708(c) of the Coastal Act does not apply to the proposed Project.

(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

The southern portion of the Project site is located within Planning District 3 - Northwest Harbor. As described in the certified PMP, as amended, the goal of Planning District 3 is to continue to increase Primary Port uses and Port-related uses that improve the operation of existing and future marine terminals (POLB, 1990). Planning District 3 includes permitted land uses for oil production, primary port facilities, utilities, and ancillary port facilities (POLB, 1990). Recreational uses are considered inconsistent with the primary Port development goals of Planning District 3 and therefore are not permitted in this district (POLB, 1990).

Currently, the Project Site is comprised of the idle Calciner and associated operating equipment, parking, and a small amount of landscaping on the perimeter of the Project Site. No special-status plant species are known to occur in the Project area and there is no habitat that would support such species due to the existing industrial related activities on-site. In regard to special-status wildlife, according to the Biological Surveys (Biosurveys) of the Los Angeles and Long Beach Harbors Report, the Project site is within Zone 26a, which was recorded to have a high-density colony of double-crested cormorants which usually nest on cliffs, islands, and/or trees. Within the port complex, double-crested cormorants have adapted to nest in the structures of the electrical transmission towers near the Cerritos Channel, approximately 0.5 miles south of the Project site

and peregrine falcon has adapted to nest under urban bridges; and osprey have adapted to nest on light fixtures (POLA and POLB, 2018). Due to the Project site's proximity to the nesting habitats of the double-crested cormorants and raptor species including peregrine falcon and osprey, and the likelihood that Project demolition activities would result in loud noises that could disturb avian species in the immediate Project vicinity, impacts could be potentially significant. Due to distance from the Project site, Project demolition activities should not directly impact the double-crested cormorants that reside on the electrical transmission towers near the Cerritos Channel. Since the Calciner has remained idle since June 2022, there is increased opportunity for avian species such as raptors and double-crested cormorants to nest in areas within the Project site. CEQA IS/MND Mitigation Measures MM-BIO-1 and MM-BIO-2 would require an avian biologist to conduct pre-demolition surveys for nesting birds, create buffer zones, and monitor active nests. With implementation of IS/MND Mitigation Measures MM-BIO-1 and MM-BIO-2, impacts to special-status double-crested cormorants and other nesting birds would be less than significant under CEQA. Therefore, the proposed Project would not be inconsistent with or conflict with Coastal Act Section 30708(d).

(e) Encourage rail service to port areas and multicompany use of facilities

The proposed Project would not affect rail service. The proposed Project would demolish all existing aboveground structures and underground utilities associated with the non-operational Calciner facility. While there is no new proposed development, new proposed operations, or proposed new land uses following the proposed demolition of the non-operational Calciner, the railroad tracks, spurs, and rail-related equipment located within the demolition area would remain on-site, along with the SCE electrical substation and its associated equipment. Therefore, the proposed Project would not be inconsistent with or conflict with Coastal Act Section 30708(e).

Section 30715: Permit Authority; Appealable Approvals

Chapter 8, Section 30715(a) of the Coastal Act states that following certification of a PMP, the permit authority of the CCC shall no longer be exercised by the CCC over any new development contained in the certified plan...and shall at that time be delegated to the appropriate port governing body. As such, the Board of Harbor Commissioners exercises permit authority over any new development contained in the certified PMP. Section 30715 goes on to identify the following categories of development appealable to the CCC:

(1) Developments for the storage, transmission, and processing of liquefied natural gas and *crude* oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation.

The Project site consists of the idle Calciner and associated operating equipment, parking and a small amount of landscaping on the perimeter of the Project site. The proposed Project consists of the demolition of all aboveground structures and underground utilities at the former non-operational calcining facility. While the site contains inactive oil wells, the Project does not propose the development for the storage, transmission, or processing of liquefied natural gas or crude oil in any such quantities; nor is there currently any proposed new development, proposed

new operations, or proposed new land uses for the site following the proposed demolition of the Calciner facility. Therefore, the proposed Project would have no impact on the oil and gas supply of the state or nation and is not appealable under Coastal Act Section 30715(a)(1).

(2) Waste water treatment facilities, except for those facilities which process waste water discharged incidental to normal port activities or by vessels.

The proposed Project would not involve the development of a new waste water treatment facility. The proposed Project consists of the demolition of all underground utilities including sanitary sewer piping/equipment and storm water system equipment. During demolition and grading activities, portable restrooms would be available for construction workers and would not contribute to wastewater flows to the City's wastewater system. There is no proposed new development, proposed new operations, or new land uses following demolition of the Calciner facility. Therefore, the proposed Project is not appealable under Coastal Act Section 30715(a)(2).

(3) Roads or highways which are not principally for internal circulation within the port boundaries.

The proposed Project does not involve the construction or modification of roads or highways which are not principally for internal circulation within port boundaries. Therefore, the proposed Project is not appealable under Coastal Act Section 30715(a)(3).

(4) Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.

The proposed Project does not involve the construction of office and residential buildings devoted to the administration of activities within the port; hotels, motels, and shopping facilities not devoted to the sale of commercial goods utilities for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities. Therefore, the proposed Project is not appealable under Coastal Act Section 30715(a)(4).

(5) Oil refineries.

The proposed Project site consists of an idle Calciner, not a refinery. The proposed Project does not include the construction and operation of a new oil refinery but demolition of all aboveground structures and underground utilities. Therefore, the proposed Project is not appealable under Coastal Act Section 30715(a)(5).

(6) Petrochemical production plants.

The Project site consists of an idle Calciner, not a petrochemical production plant. The proposed Project does not include the construction and operation of a new petrochemical plant but

demolition of all aboveground structures and underground utilities. Therefore, the proposed Project is not appealable under Coastal Act Section 30715(a)(6).

6.2 Consistency with Port Master Plan

6.2.1 Overview

The PMP was first certified by the CCC in 1978 in conformance with the policies of Chapter 8 (Ports) of the Coastal Act. The PMP was comprehensively updated and certified in 1983 and again in 1990. Since last comprehensive update and certification of the PMP in 1990, the Board of Harbor Commissioners and the CCC have approved and certified 12 additional amendments to the PMP. The Project site is located within Planning District 3 – Northwest Harbor, which identifies permitted land uses for oil production, primary port facilities, utilities, and ancillary port facilities (POLB, 1990). The proposed Project demolition of the idle Calciner and all aboveground structures and underground utilities would be consistent with the permitted uses in Planning District 3- Northwest Harbor.

6.2.2 Port Development Goals

Among the Port-wide development and expansion goals cited in the PMP, as amended, the proposed Project would support the following:

Goal 1: Consolidate Similar and Compatible Land and Water Areas

This goal seeks to consolidate Recreation/Tourist activities away from primary Port uses to maximize the efficiency of Port activities. The objectives of Port Development Goal 1 are to separate hazardous cargo from non-compatible vulnerable resources, augment and consolidate recreational and tourist activities in the Queensway Bay Planning District, and consolidate, as much as possible, land-based activities associated with Outer Continental Shelf (OCS) exploratory drilling, and/or supply operations. The Project site is located in Planning District 3 - Northwest Harbor which does not include recreational facilities as a permitted use. Additionally, post-demolition the site could be a consolidation option for future container storage associated with the SSA terminals to the south of the Project site or expansion of the Toyota Logistics Services site to the east. Therefore, the proposed Project would have no effect on, nor impede with, the Port development goal to consolidate similar and compatible land and water areas.

Goal 2: Encourage maximum use of facilities.

The proposed Project would consist of the demolition of all aboveground structures and underground facilities of the Calciner facility except for the existing railroad tracks, rail spurs, rail-related equipment and the Southern California Edison Company (SCE) electrical substation equipment. Tesoro's Ground Lease Agreement HD-5318-651 requires Tesoro to remove from the leased premises all improvements and all other property belonging to them, and restore the leased premises to a condition to or superior to its conditions prior to the commencement of the lease.

The Port owns the property on which the Calciner facility is situated; the proposed demolishing of the non-operational Calciner facility and restoration of the premises to a condition to or superior

to its conditions prior to the commencement of the lease would render the property available for use as primary port land which would provide the potential to serve for future uses on-site. Currently, there are no proposed new developments, no proposed operations, and no proposed new uses for the site following demolition activities. The proposed Project would have no effect on, nor impede with, the Port development goal to encourage maximum use of facilities.

Goal 3: Improve Internal Circulation Involving Roadways and Rail

This goal seeks to improve internal roadways, major arterials, and rail movements serving the Port to accommodate the projected growth in container volumes. The objectives of Port Development Goal 3 are to actively pursue implementation of the Consolidated Transportation Corridor Plan (Alameda Corridor), pursue Port access demonstration projects, encourage on-dock double stack trains, and provide additional rail and highway access to Terminal Island. Rail service is not associated with proposed demolition of the Project. Any increase in truck trips during demolition activities would be temporary and would have negligible effects on transportation. Furthermore, the railroad tracks to and on the Project site would remain in place after demolition, maintaining connectivity with the current rail network for any future development. However, at this time, there are no proposed new development, no new proposed operations, or no new proposed land uses at the site following demolition activities. Therefore, the proposed Project would have no effect on, nor impede with, the Port development goal to improve internal circulation involving roadways and rail.

Goal 4: Provide for the Safe Cargo Handling and Movement of Vessels within the Port

This Goal seeks to focus on “anticipated” projects and their relationship to future vessel activity, ship navigation, and accommodating larger vessel size by deepening channels and basins to accommodate supertanker and post-panamax vessels (>5,000 TEU capacity) and concentrate public small-craft marina facilities in the Queensway Bay Planning District to minimize vessel hazards. Vessel trips are not associated with the Project. Demolition materials would be transported via regional and local roadways via on-road transport trucks. As such, the proposed Project would have no effect on the safe handling of cargo and/or movement of vessels within the Port and therefore, would not be in conflict with Port Development Goal 4.

Goal 5: Development for primary port facilities and port-related uses.

The proposed Project consists of the demolition of all aboveground structures and underground facilities, returning the Project site to pre-construction conditions. By returning the Project site to pre-construction conditions, the Project would have no effect on, nor impede with, the Port development goal to provide land for primary port facilities and port-related uses.

Goal 6: Protect, Maintain, and Enhance the Overall Quality of the Coastal Environment

Port Development Goal 6 aims to balance the Port’s service as an international port with the demands for a cleaner and visually aesthetic environment. The Goal’s objectives are to minimize view obstruction and improve the visual quality at the entry and within the boundaries of the Port, implement the Harbor Beautification Plan that aesthetically “unifies” the Port, provide an attractive

landscaping buffer separating the recreational waterfront area from Port industrial areas, promote quality recreational and tourist activities in the Queensway Bay Planning District, and create a fish and wildlife habitat mitigation bank of credits for proposed landfill projects. The demolition of the Calciner will remove a heavy-industrial facility from the Port which will improve the visual quality. With the Calciner now being non-operational, impacts to air quality have reduced and thus the proposed Project would be consistent with the aim of protecting, maintaining, and enhancing the overall quality of the coastal environment.

6.2.3 Port Master Plan Elements

The PMP, as amended provides guidance and direction for policy and business decisions affecting the future growth and development of the Port. The six plan elements of the certified PMP, as amended include Public Access, Visual Quality, and Recreation/Tourist; Navigation; Environmental; Vehicular Transportation/Circulation; Intermodal Rail Facilities; and Oil Production and Operations. Each plan element outlines specific planning goals and issues and provides a list of recommendations and/or an implementation program.

Public Access, Visual Quality, and Recreation/Tourist Element

Planning District 3 – Northwest Harbor is not among the Port planning districts where recreational uses are generally found or permitted. The majority of the Port’s public and commercial recreational activities are located to the south of the proposed Project, by design, within the Queensway Bay Planning District. The Queensway Bay Planning District serves as a buffer between the higher-industrialized inner Port complex and the waterfront recreation activities of the Port and the City of Long Beach. As such, the planning goals of the Public Access, Visual Quality, and Recreation/Tourist Element of the Port Master Plan are not applicable to the proposed Project.

Navigation Element

The Navigation Element of the certified Port Master Plan primarily focuses on navigational procedures and operational and physical constraints governing the maneuvering of vessels for existing and proposed vessel activities within the Port. The proposed Project does not involve any improvements or modifications to the existing physical configuration of channels, turning basins, and/or berths, nor is marine transport associated with the proposed Project. Therefore, the planning goals of the Navigation Element are not applicable to the proposed Project.

Environmental Element

The Environmental Element identifies specific issues of concern regarding Port development and operations, which include air quality, habitat preservation/marine mitigation, hazardous waste, and permit processing. The following goals and implementation recommendations from the Environmental Element would be applicable to the proposed project:

Goal 1: Minimize pollutant levels from existing and future sources

Goal 1 of the Environmental Element aims to minimize air pollutants primarily from trucks and existing and as well as future movable and stationary sources. The proposed Project would

demolish and remove the existing Calciner facility; the Calciner has been non-operational since June 2022 when Tesoro surrendered their operating permits to the SCAQMD. The proposed Project would involve the removal of all above-grade buildings, process equipment, underground storage tanks, structures, footings, piers, poles, piles, vessels, piping (including the SoCal Gas pipeline), electrical equipment, instrumentation, concrete slabs, and asphalt paving within the confines of the site. The demolishing and removal of the Calciner facility would remove existing sources of pollutants associated with operation of the Calciner facility. There is currently no proposed new development, no proposed new operations, or proposed new land uses at the site; therefore future sources of pollutants would be speculative. As such, the proposed Project would not conflict with the planning goals or implementation recommendations of this goal to minimize pollutant levels from existing and future sources.

With regard to air emissions associated with the proposed Project, as discussed in the IS/MND Section 4.III, the proposed Project would be required to comply with applicable air quality regulations and best management practices to ensure the proposed Project would not conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan or San Pedro Bay Ports Clean Air Action Plan. With respect to temporary construction emission sources the Project would comply with all applicable SCAQMD rules and regulations. For example for fugitive dust, the Project would comply with Rule 403 (Fugitive Dust), which requires the implementation of best available control measures to control dust during active operations, such as earth-moving activities, construction/demolition activities, or heavy- and light-duty vehicle movement.

The Project would not conflict with transportation, technology, and fuels sector because Project trucks and vehicles would comply with the Advanced Clean Cars II regulation, Advanced Clean Trucks regulation, Advanced Clean Fleet regulation all of which help support the transition to zero emissions vehicles (ZEVs) under the 2022 Scoping Plan. Therefore, the proposed Project would not conflict with the planning goal or implementation recommendations of this element.

Goal 2: Minimize habitat loss within Port boundaries

As discussed in the IS/MND Section 4.IV, the proposed Project would be required to comply with the Federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503.5 and Section 3513 and MM-BIO-1 and MM-BIO-2. Implementation of Mitigation Measures MM-BIO-1 and MM-BIO-2 would ensure Project impacts to special-status wildlife (such as raptors and double-crested cormorants) and nesting avian species are reduced to a less than significant level. Therefore, the proposed Project would avoid substantial adverse effects on the environment, and any short-term demolition impacts would be less than significant. The Project would not conflict with the planning goals or implementation recommendations of this element.

Goal 3: Identify and remediate soil and groundwater contamination within the Harbor District

In anticipation of projects, the Port conducts soil and groundwater assessments to determine the types and amounts of hazardous wastes, if any, which exist throughout the Harbor District. Goal 3 of the Environmental Element recommends the development of a Hazardous Material Auditing

Program to identify possible hazardous wastes throughout the Harbor District and monitoring MARPOL regulations to determine their impacts on the Port of Long Beach.

The Calciner facility is listed on the Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Site (Cortese) List (Kleinfelder, 2023) and known contamination is present in the soils under the Project site. Mitigation Measure MM-HAZ-2, would require the preparation and implementation of a Site Management Plan (SMP), prior to and during Project demolition. Groundwater management is included in the SMP because excavation is anticipated to be deep enough to encounter groundwater that may be contaminated from prior land uses or the deposition of undocumented fill. The implementation of this mitigation measure would reduce impacts to less than significant. The proposed Project would not impede the Port's efforts to conduct soil and groundwater assessments, develop a Hazardous Material Auditing Program, or monitor MARPOL regulations. Therefore, the proposed Project would not conflict with Goal 3 of the Environmental Element.

Goal 4: "Streamline" Harbor Development Permit processing procedures

The Level II HDP for the proposed Project would be issued in accordance with the Port's Guidelines for the Implementation of the Certified Port Master Plan. None of the proposed Project activities would impede the POLB goals of "streamlining" the permitting process, and as such, Goal 4 to "streamline" the HDP processing procedure is not applicable, nor would implementation of the proposed Project be inconsistent with Goal 4 of the certified PMP, as amended.

Goal 5: Develop additional mitigation banks

Goal 5 of the Environmental Element recommends the development of additional mitigation banks. No proposed Project activities would impede with POLB goals of developing additional mitigation banks. There are currently no proposals for new development, operations, or land uses following the demolition of the Calciner facility. The proposed Project would not impede, nor would it be inconsistent with the POLB goal to develop additional mitigation banks.

Vehicular Transportation/Circulation Element

The purpose of the Vehicular Transportation/Circulation Element is to: (1) identify existing transportation/circulation problems; (2) identify future transportation needs of the Port; and (3) present current plans and recommendations to address the POLB's transportation demands. Only Goal 1 from the Transportation/Circulation Element would be applicable to the Project:

Goal 1: Provide for efficient circulation of vehicular and rail traffic within the Port (with minimum disruption of Port activities).

As discussed in the IS/MND Section 4.XVII *Transportation*, the proposed Project would not close nearby roads or modify any public roadways or driveways. Due to the short-term duration of demolition activities (approximately 12 months) and no road and/or land closures proposed for the Project, the Project would not interfere with efficient circulation of vehicular and rail traffic within the Port. The proposed Project would not conflict with the planning goal of this element.

6.2.4 Northwest Harbor Planning District Goals

The certified PMP identifies the following goal for the Northwest Harbor Planning District:

Goal 1: Purchase all non-port owned property to increase primary port land.

This goal seeks to purchase privately-owned property with the objectives to relocate existing coastal-dependent uses to other sites in the harbor, relocate petroleum terminals to less congested areas allowing for the redevelopment of land for other primary port uses, and reduce non-coastal dependent activities throughout the Northwest Harbor Planning District. The Calciner was constructed in 1982 by Martin-Marietta Inc. as a joint venture with Champlin Petroleum Company. The Calciner was built to upgrade petroleum coke into calcined coke to make carbon anodes for aluminum manufacturing (Union Pacific Corporation 1980). Tesoro, a subsidiary of Marathon Petroleum Corporation, previously operated the Calciner from 2013 before ceasing operations in June 2022.

Tesoro's Ground Lease Agreement HD-5318-651 requires Tesoro to remove from the leased premises all improvements and all other property belonging to them, and restore the leased premises to a condition to or superior to its conditions prior to the commencement of the lease.

While the Port already owns the property on which the Calciner facility is situated, the proposed demolishing of the non-operational Calciner facility and restoration of the premises to a condition to or superior to its conditions prior to the commencement of the lease would render the property available for use as primary port land. Therefore, the Project would be consistent with the certified PMP, as amended for the Northwest Harbor Planning District.

7. Public Comments

Public comments received on the Draft IS/MND will be provided in the Final IS/MND, with written responses to each comment received. Comments received on this Draft Application Summary Report will be provided in this section of the Final Application Summary Report for the Board of Harbor Commissioners' consideration.

8. References

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