



# AGENDA REPORT

## PLANNING AND BUILDING SERVICES DEPARTMENT

**DATE:** July 15, 2008

**TO:** Mayor and City Council

**SUBJECT:** APPEAL OF PLANNING COMMISSION CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT FOR AND APPROVAL OF CONDITIONAL USE PERMIT AND DESIGN REVIEW PERMIT FOR THE CHEVRON ENERGY AND HYDROGEN RENEWAL PROJECT (CUP/EIR 1101974 and DR 1104423).

**PREPARED BY:** Richard Mitchell, Director of Planning and Building Services  
By Lamont Thompson, Senior Planner

**LOCATION:** 841 Chevron Way, Richmond, CA (Assessor Parcel Numbers: 561-040-016; 561-100-003, -001, -003, -008, -009, -010, -011, -012, -013, -017, -020, -025, -026, -029, -034, -035, -036, -036, -037, -038, -040; 561-400-008; 561-410-002; 561-410-003)

**APPLICANT:** CHEVRON PRODUCTS COMPANY, PO Box 1272, Richmond, CA 94802

**AREA:** 2900 +/- Acres

**ZONING:** M-2 Light Industry; M-3 Heavy Industry; M-4 Marine Terminal; and CRR Community and Regional Recreation

**GENERAL PLAN:** 919 Light Industry; 901 Heavy Industry; 908 Recreation Lands

**SPECIFIC PLAN:** None applicable

**CEQA:** Master Environmental Impact Report (State Clearinghouse #2005072117), consisting of a Draft Environmental Impact Report (Volumes 1 and 2), Final Environmental Impact Report (Volumes 3, 4, and 5) and a Consolidated Volume consisting of republication of Volume 1 with text changes and the Master Responses from Volume 3, inserted for the convenience of the reader (Volume 6), and errata dated March 5, 2008 and June 5, 2008 (collectively, "EIR"), per CEQA Guidelines Section 15175 (Attachment 1).

## STATEMENT OF ISSUE:

On June 16, 2008, two appeals of the Planning Commission's certification of the EIR for the proposed Chevron Hydrogen and Energy Renewal Project were filed, one by applicant Chevron Products Company (Chevron) and one by Communities for a Better Environment, Asian Pacific Environmental Network, West County Toxics Coalition, Richmond Greens, Richmond Progressive Alliance and Atchison Village Environmental Committee (CBE, et al.). On June 20, 2008, Chevron filed an appeal of the Planning Commission's approval of Conditional Use Permit 1101974 and Design Review Permit 1104423 (CUP/DRP), and on June 30, 2008, CBE, et al. filed an amended appeal stating the grounds of the previously filed appeal of the EIR certification and to appeal, additionally, the Planning Commission's decision to approve the CUP/DRP.

## RECOMMENDED ACTIONS:

**AFFIRM** the Planning Commission's decision to certify the EIR by approving City Council Resolution \_\_\_\_ (Exhibit 2 to this Staff Report).

**AFFIRM** the Planning Commission's decision to approve the CUP/DRP by:

- Amending the CUP/DRP (Exhibit B to City Council Resolution \_\_\_\_, which resolution is Exhibit 3 to this Staff Report) in order to delete Condition of Approval D1 and modify Conditions C4, C11, C12, E1, G5 and G9; and
- Approving City Council Resolution \_\_\_\_ (Exhibit 3 to Staff Report) with the above-referenced deletion and modifications.

## FINANCIAL IMPACT OF RECOMMENDATION:

No financial impact to the City would result from the above recommendation.

## BACKGROUND AND DESCRIPTION OF PROPOSED PROJECT:

Chevron Products Company, which owns and operates the Chevron Refinery facility located at 841 Chevron Way in Richmond, California applied for a Conditional Use Permit (CUP) and a Design Review Permit (DRP) to allow replacement of the existing Hydrogen Plant, Power Plant, and Reformer, and installation of other new associated equipment to increase the Refinery's ability to produce gasoline meeting State of California specifications. The equipment would allow the Refinery facility to use a wider range of crude oil sources than those currently processed at the facility. The new equipment would improve Refinery reliability, energy efficiency, and add environmental controls. This proposal is known as the Chevron Energy and Hydrogen Renewal Project (Proposed Project).

Through implementation of the Proposed Project, Chevron proposes to replace and upgrade some of its existing manufacturing operations at the Refinery to improve the ability to provide gasoline for local and export markets. The Proposed Project would not increase the Refinery's consumption of crude oil, although upgrades would expand the Refinery's ability to process crude oil with up to 3% sulfur content, which is an increase from the current average sulfur content of approximately 1.7%

(measured in 2007 at a nine-month average of 1.54%) currently processed at the Refinery. The components of the Proposed Project include upgrades that would increase energy efficiency, reduce air emissions, and increase equipment reliability. Specifically, Chevron's objectives for the Proposed Project are:

- Replace existing facilities with modern facilities providing improved reliability, technology, energy efficiency, and additional environmental controls;
- To decrease the amount of energy imported by the Refinery;
- Ensure the Refinery's ability to process future crude and gas oil supplies;
- Increase the portion/percentage of the Refinery's total gasoline production that can meet State of California specifications and be distributed to local markets by 300,000 gallons per day, or approximately 6 percent more than current Refinery production levels; and
- Invest in Refinery technological upgrades that produce a competitive return on capital.

### **PREVIOUS PLANNING COMMISSION ACTIONS:**

On March 20, 2008, the Planning Commission held a public hearing to discuss certification of the EIR and approval of the CUP/DRP. The Planning Commission completed the March 20, 2008 Agenda portions 1 through 5 of the public hearing on the morning of March 21, 2008. At a continued hearing held on April 10, 2008, the Planning Commission concluded and closed the public hearing to receive comments on the EIR. At the conclusion of the April 10, 2008 hearing, the Planning Commission directed the staff to amend the discussion of greenhouse gas (GHG) emissions in the EIR to indicate that the impact would be significant prior to mitigation and less-than-significant with implementation of the identified mitigation measures, to make such clarifications, amplifications and insignificant modifications as necessary to finalize the EIR, and to work on the Conditions of Approval in order to provide the Planning Commission with recommended conditions to address the crude slate issue and other issues raised in public comment.

On June 5, 2008, the Planning Commission held a public hearing on the issues of: (a) an amended discussion of GHG issues in the EIR; (b) clarifications, amplifications, and insignificant modifications necessary to finalize the EIR; (c) conditions of approval addressing the crude slate issue and other issues raised in public comments; (d) certification of the EIR; and (e) approval of the Proposed Project. After closing the public hearing, the Planning Commission approved Planning Commission Resolution 08-02 certifying the EIR (Attachment 4), and considered and deliberated on the proposed CUP/DRP. On the morning of June 6, 2008, the Planning Commission also directed staff to craft language for a possible "comprehensive crude cap" condition of approval, correct a technical error in Condition C4, modify Condition H2 to add language for possible approval concerning construction and maintenance of the Bay Trail, and add to the list of potential GHG reduction measures in Condition E1 a park and ride lot across from the Refinery.

On June 19, 2008, the Planning Commission held a continued hearing to consider (a) adoption of new Conditions C16 and C17 concerning limitations on crude oil and gas oils; (b) amendment of Condition E1 adding a new potential GHG reduction measure; (c) amendment of Condition H2 adding requirements that Chevron fund design and construction of an identified link of the Bay Trail, and operate and maintain any facilities and equipment that Chevron funds and installs; (d)

deletion of Conditions H5, H9, J4, J5 and J6; and (e) approval of the Proposed Project. On June 19, 2008, the Planning Commission approved Planning Commission Resolution 08-03 (Attachment 5) approving the CUP/DRP, after voting not to add Conditions C16 and C17 and to delete Conditions H5, H9, J4, J5 and J6, and directed the Director of Building and Planning Services to send a letter to the State Lands Commission requesting the following conditions to be incorporated by the State Lands Commission into the lease renewal for the Long Wharf: (1) certain conditions related to the Bay Trail, (2) a condition identifying two ships for "cold ironing," and (3) a condition regarding the operating temperature of the marine vapor recovery system.

#### **MEETINGS WITH APPELLANTS CONCERNING CRUDE CAP:**

Staff, the City's consultants Dr. Ranajit (Ron) Sahu and ESA, and the City's outside land use and CEQA counsel met with Chevron, CBE, and on one occasion a representative from Asian Pacific Environmental Network, both in person and by phone, on June 10, 2008, June 16, 2008, and June 17, 2008, primarily to discuss the Planning Commission's direction to staff at the June 5, 2008 meeting to craft a "comprehensive crude cap." Dr. Sahu also had brief telephone conversations with both CBE and Chevron on other occasions. Following these meetings and calls, Dr. Sahu drafted two new conditions, C16 (sulfur limits) and C17 (equipment limits, selenium and mercury limits). C16 and C17 were ultimately rejected as unnecessary by the Planning Commission on June 19, 2008, because staff's originally proposed Conditions of Approval, in particular C12 and C13 create an achievable and feasible crude slate cap without any additional conditions.<sup>1</sup>

#### **ISSUES RAISED IN APPEALS:<sup>2</sup>**

##### **CBE, et al. Appeal of Certification of EIR:**

The CBE, et al. appeal and Amended Appeal Application (Attachments 6 and 7, hereinafter "CBE Appeal") are discussed below. In addition to the following issues highlighted in the Amended Appeal Application, the CBE Appeal incorporates all other previous arguments regarding the adequacy of the EIR and CEQA process. The majority of these issues were responded to in the Responses to Comments in Volume 3 of the Final EIR (January 2008) and in the Responses to Late-Received Comments Letters (March 2008) (Attachment 8). The analysis of these issues indicates that the EIR is adequate.

##### **Accuracy of Project Description Regarding Crude Oil and Gas Oil Processed at Refinery**

<sup>1</sup> Conditions C12 and C13 address the quantity and characteristics of the feedstock to the Refinery. Condition C12 limits the throughput of the Solvent Deasphalter (SDA), which would ensure that all future crude slates would be similarly consistent with the description of the Proposed Project. The throughput limits in Condition C12 are based on historical operations (hence, achievable and feasible) throughput levels for the SDA, and will not allow the SDA to process more, heavier crude without new permitting and environmental review. Condition C13 recognizes the existing limitations on the sources of crude oil and other oils to the Refinery thereby diminishing the likelihood of expansion of the crude slate. Dr. Sahu has advised the staff that these methods; i.e., keeping the SDA throughput and the feedstock sources consistent with current practices will be more effective than the method proposed by CBE because it is far simpler to administer and is unnecessary as explained in further detail, below, and in Dr. Sahu's technical memorandum, Attachment 11 to this Staff Report.

<sup>2</sup> The City's expert EIR consultants, ESA and Aspen Environmental Group, assisted staff in preparing the "Issues Raised in Appeals" portion of this Staff Report.

The CBE Appeal argues that the Project Description in the EIR is incorrect because it does not disclose that the Proposed Project will allow the Refinery to process heavier, low-quality crude oils and gas oils. On the contrary, the EIR discloses that the Proposed Project involves a wider range of crude oils, specifically crude oils with up to 3% sulfur content. Presently the Refinery can process crude oil to with a sulfur content of about 2%. Typical sulfur content of the Refinery mix is about 1.7%. Crude oil processed from April through December 2007 ranged from 0.5% to 2.83% sulfur, with the average being 1.54% by weight (Attachment 9). The Proposed Project would enable the Refinery to process crude mixes with an average sulfur content of up to 3%. (EIR, Vol. 6, pp. 3-26 and 4.18-7 through 4.18.17.) Following implementation of the Proposed Project, Chevron will continue to blend crudes but the average sulfur content will be higher. (EIR, Vol. 6, p. 4.18-13.) The Proposed Project will process crude oils having a higher sulfur content, but will operate more effectively than the current equipment to remove the sulfur, thereby resulting in less sulfur emissions (measured at SO<sub>2</sub>) than the existing equipment emits into the air. (EIR, Vol. 6, p. 3-26.) Chevron has stated throughout the Planning Commission proceedings that the Refinery will continue to process crude oils in the light to intermediate range, which Chevron defines as meaning crude oils with an API gravity of 28 degrees or greater. (See, e.g., Attachment 10.) Substantial evidence supports the conclusion that the Refinery will continue to process crude oils within this same range following implementation of the Renewal Project. Conditions C6, C8-C15, D1-D8, G2, G7, G8, G10 and G11 will ensure that the Proposed Project remains within the parameters of the project as described in the EIR. The City's EIR consultants and the City's independent expert Dr. Sahu have evaluated the evidence submitted by CBE and advised Planning Department staff and the Planning Commission that CBE has not substantiated its claim that the Project will enable Chevron to implement an "oil switch." (See Memorandum from Dr. R. Sahu to L. Thompson, Attachment 11.) No change in the EIR is required.

### **Piecemealing**

The CBE Appeal states that the EIR analyzed only a portion of the Proposed Project and has therefore "piecemealed" the environmental analysis in violation of CEQA with respect to "pipelines," a "crude switch," and the "General Plan." The statements in the CBE appeal concerning the Contra Costa Pipeline Project are addressed in the Responses to Comments in Volume 3 of the Final EIR (January 2008). (See also Master Response 4.18.2.2 in EIR, Vol. 6, pp. 4.18-3 through 4.18-7.) Also, the Air Liquide pipeline is proposed to link the Shell Martinez Refinery to the Valero Benicia Refinery and is not part of the Proposed Project. The statement that the EIR did not address a "crude switch" is discussed above. The statement regarding the City's General Plan process is not a comment on the adequacy of the EIR or the CEQA environmental review process. The EIR analyzed the Proposed Project's consistency with the General Plan as currently written and determined that it is consistent. (EIR, Vol. 6, Section 4.9 in general, and Impact 4.9-2, pp. 4.9-17 through 4.9-18.) No change in the EIR is required.

### **Cumulative Impacts**

The CBE Appeal states that the EIR did not adequately analyze the cumulative impacts from the previously constructed LPG Spheres project and from other, proposed pipeline projects. The EIR fully analyzed the LPG Spheres as a cumulative project (EIR, Vol. 6, pp. 5-3 through 5-7), and in particular analyzed potential hazards resulting from cumulative projects at the Refinery including hazards related to the LPG Spheres (EIR, Vol. 6, pp. 5-32 through 5-34). This issue also was addressed in the Responses to Comments in Volume 3 of the Final EIR (January 2008). In

addition, the EIR specifically addressed comments regarding the analysis of cumulative impacts related to other pipeline projects (see Master Response 4.18.2.2 in EIR, Vol. 6, pp. 4.18-3 through 4.18-7.)

## Significant Impacts

**Emissions from Tank Coatings.** The June 3, 2008 letter from CBE (Attachment 12) and the CBE Appeal state that the analysis in the EIR of the amount of pollutants that would be emitted by the Proposed Project is inaccurate because it does not account for emissions of VOC from coatings applied to Proposed Project tanks, equipment and vessels. As explained in more detail by the City's consultant Brewster Birdsall of Aspen Environmental Group (Attachment 13<sup>3</sup>), tank, equipment and vessel coating would be a one-time event, it is uncertain where the coating would be applied (e.g., at the location of the fabricator), and even if the coating occurs on the Refinery site the estimated maximum emissions would be two pounds per day (using CBE's estimate), which would not be significant. Painting and coating emissions would not be substantial compared to the emissions of volatile organic compounds (VOC) shown in the EIR for construction impacts (Impact 4.3-1). The Project Description in the EIR defines the construction schedule for tanks (EIR Vol. 6, p. 3-47), and the EIR clearly shows that construction-related VOC emissions are included in the emissions inventory that is the basis for regional air quality plans and are not expected to impede attainment or maintenance of ozone standards in the Bay Area (EIR, Vol. 6, p. 4.3-26). Condition B1 requires Chevron to use paints and coatings with a low content of reactive organic compounds. The record shows no potential for significant impacts from these emissions. No change in the EIR is required.

**Socio-economic impacts.** The CBE Appeal states that the EIR concluded that socio-economic impacts need not be analyzed. CEQA requires that the EIR analyze the physical changes resulting from a project, including the physical changes resulting from economic and social changes caused by a proposed project, but economic and social effects by themselves may not be treated as significant effects on the environment. (CEQA Guidelines § 15064(e); 15131(a).) There is no evidence to suggest that the Proposed Project would result in economic or social changes that will, in turn, lead to physical deterioration of the environment. CEQA does not require that the EIR to consider the impact of the Proposed Project on the businesses or the economy of Richmond. No change in the EIR is required. However, the City Council may consider social and economic impacts in deciding whether the Conditional Use Permit would achieve the purposes of the City's General Plan and zoning ordinance.

**Emissions Banking.** In a letter submitted by CBE on June 3, 2008 (Attachment 12), CBE states that the analysis in the EIR of the amount of pollutants that would be emitted by the Proposed Project is inaccurate because some of the emissions will be banked with the Bay Area Air Quality Management District (BAAQMD) pursuant to BAAQMD Regulation 2, Rule 4, and those banked credits will be used for future projects. As explained in more detail by the City's consultant Brewster Birdsall of Aspen Environmental Group (Attachment 14), the analysis in the EIR relies on the correct quantities of pre and post-project emissions because it accurately discloses the actual emissions from before-project equipment and potential emissions from after-project equipment,

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<sup>3</sup> See also Resume of Brewster Birdsall, Attachment 15.

and the EIR discloses that some portion of the emissions reductions realized from equipment that is shut down may be banked.

The emissions that can be banked from equipment that is shut down at the Refinery (emissions reduction credits or "ERCs") will be a smaller amount than what the equipment formerly emitted, because before they can be credited for banking the retired emissions will be subject to the BAAQMD's "RACT" adjustment in Regulation 2, Rule 2-605, which does not credit old emissions in the amount that could have been reduced by earlier installation of Reasonably Available Control Technology. Any banked emissions that are not used by the Proposed Project presumably would be available to be used for unknown future projects in unknown locations. In order to emit pollutants using these banked credits, future projects would need to obtain BAAQMD permits and CEQA compliance would be required. At that time, the environmental effects of these emissions would be analyzed. No change in the EIR is required.

**Emissions from Pressure Relief Valves.** The June 3, 2008 letter from CBE (Attachment 12) also states that the analysis in the EIR of the amount of pollutants that would be emitted by the Proposed Project is inaccurate because it does not account for emissions from pressure relief valves, also called pressure relief devices (PRD). As explained in more detail by the City's consultant Brewster Birdsall of Aspen Environmental Group (Attachment 13), existing PRDs are regulated by BAAQMD Regulation 8, Rule 28-303, which requires these PRDs either to be routed to a control device or subject to Process Safety Requirements. Regulation 8, Rule 28-304 applies remedial measures to existing PRDs at refineries that have repeated releases. In addition, any existing PRD at the Refinery that will not be modified by the Proposed Project is in the CEQA baseline. Any PRD that *will* be modified by the Proposed Project is subject to Regulation 8, Rule 28-302, which prohibits new PRDs from venting directly to the atmosphere. No change in the EIR is required.

**Additional (Partial) Alternative-Energy Alternative.** CBE has stated that the EIR should analyze an alternative-energy alternative to the Proposed Project. (Letter from A. Bloch to L. Thompson, March 20, 2008.) In the responses to comments on the EIR, Master Response 3 (reprinted in Section 4.18.3 of Volume 6 of the EIR) evaluated using only alternative energy to operate the Renewal Project, and determined that it would be infeasible because of the lack of sufficient, reliable sources, unsuitability of the Refinery site, and the potential for significant impacts if the alternative energy sources were located off of the Refinery site. Recently, the City's EIR consultant ESA analyzed a partial alternative-energy alternative in response to CBE's suggestion. That analysis comes to the same conclusion. (See Attachment 16.) No change in the EIR is required.

**Greenhouse Gas Mitigation.** The discussion of Condition E1 in the CBE Appeal appears to be stating that the GHG mitigation measures are too vague. Because Mitigation Measures 4.3-5a through 4.3-5g require adherence to a performance standard (no net increase) and include a list of potential, feasible measures to achieve the performance standard, they are in full compliance with CEQA. In addition, Mitigation Measure 4.3-5e specifies that "[n]o actions approved as part of this [GHG] reduction plan shall increase emissions of criteria pollutants or toxic air contaminants." No change in the EIR is required.

## Chevron Appeal of Certification of EIR:

Chevron's appeal of the Planning Commission's certification of the EIR (Attachment 17) objects only to Mitigation Measure 4.3-5(e), specifically, the portion that reads:

"The actions taken to reduce GHG emissions shall be implemented as follows: actions to reduce at least 449,000 metric tons per year of GHG emissions shall be taken on Chevron Richmond property (including the Long Wharf)."

Chevron's appeal states that there is "no scientific basis or substantial evidence . . . to justify requiring GHG reductions in this amount, or any other amount, locally on Chevron property, in order to mitigate alleged global-scale climate change impacts from GHG emissions," that there is no substantial evidence that the reductions are "technically and environmentally feasible," and that the mitigation measure is "arbitrary, capricious, and inconsistent with CEQA and the California Global Warming Solutions Act of 2006 [AB 32]."

Requiring reduction of GHG emissions as mitigation under CEQA is consistent with AB 32, which requires reduction of GHG emissions to 1990 levels by the year 2020. (Health & Safety Code §§ 38550-38551.) AB 32 does not in any way restrict the methods by which cities may require GHG reductions. On the contrary, AB 32 specifically requires the regulations promulgated by the State to consider impacts on and benefits to low-income and disadvantaged communities, reduction in other air pollutants, and localized impacts. (See, e.g., Health & Safety Code §§ 38562(b)(2), (4) and (5), 38565, 38570(b)(1) and (2).) Accordingly, the California Air Pollution Control Officers Association (CAPCOA) recognizes and prefers local, on-site reduction strategies for CEQA mitigation by local lead agencies.<sup>4</sup> The Governor's Office of Planning and Research (OPR) encourages local agencies to develop their own GHG mitigation measures that contribute to established programmatic strategies.<sup>5</sup> The City's approach also would follow Emission Reduction Measure 17 of the California Air Resources Board's (CARB) *Climate Change Draft Scoping Plan* for AB 32 by providing localized benefits.<sup>6</sup>

The City's approach to GHG mitigation focuses on making reductions to local sources of GHG. Local GHG reductions can provide collateral local air quality and public health benefits because many sources of GHG emissions are also sources of criteria pollutants and toxic air contaminants (TAC). The most immediate and cost effective ways to reduce GHG emissions from the Refinery are likely to be energy efficiency and conservation efforts that reduce fossil fuel combustion, which would reduce criteria pollutants and TACs. Therefore, reduction of local sources of GHG typically will provide collateral reductions in local sources of criteria pollutants and TACs and may result in associated air quality and public health benefits to the residents of Richmond. Moreover, local GHG reductions are likely to achieve the important public health purpose of simultaneously

<sup>4</sup> See, e.g., CAPCOA, *CEQA & Climate Change* (January 2008), pp. 79-80.

<sup>5</sup> OPR, *Technical Advisory: CEQA and Climate Change* (June 19, 2008), p. 7 (document is in City file and is available for public review).

<sup>6</sup> CARB, *Climate Change Draft Scoping Plan: a framework for change* (June 2008 Discussion Draft), p. 36 (document is in City file and is available for public review).



reducing other combustion-related TAC pollutants such as mercury, selenium and benzene. (See Memorandum from B. Birdsall to L. Thompson, Attachment 14.) This approach is consistent with the City's aim of developing and implementing a comprehensive policy to creatively and aggressively lead by example in the fight to end global warming and to adopt AB 32's benchmarks as a citywide goal. (See City of Richmond Resolution 204-97). Reduction of 449,000 metric tons of GHG per year on Chevron Richmond property corresponds to a local reduction of 50% of the Proposed Project's GHG emissions. This figure is a reasonable balance of local air pollution reduction and Chevron's desire for flexibility in its business operations. No change to Mitigation Measure 4.3-5(e) is required.

### **CBE Appeal of Approval of CUP/DRP:**

CBE appeals the adoption of CUP/DRP as inconsistent with the purposes of the City's zoning ordinance. Specifically, CBE reiterates its statement that "the City has permitted Chevron to process low-quality, high polluting oil without adequate parameters or assurances," and states that Conditions A2, A3, A6, A9, C1-C7, C10, C12-C15, D1-D8, E1, F1-F4, G2, G5, G6, G10, and H1 are insufficiently protective of the public health, safety, and welfare. Staff disagrees for the following reasons.

**Condition A2.** The CBE Appeal states that the EIR mitigation measures are flawed. Staff believes the EIR mitigation measures are adequate under CEQA, as explained in the Responses to Comments in Volume 3 of the EIR and staff reports before the Planning Commission. Furthermore, under CEQA mitigation measures are required to be "fully enforceable," for example by being adopted as conditions of approval. (Public Resources Code § 21081.6(b).) No change is recommended.

**Condition A3.** The CBE Appeal questions whether the term "plans" in Condition A3 refers to the CUP/DRB conditions. It does not. Condition A3 clearly applies to changes in the project that Chevron might propose to make in the field following receipt of a building permit. In addition, RMC Section 15.04.910.070(H) provides that changes in conditions of approval shall be treated as a new application. No change is recommended.

**Condition A6.** CBE states that Condition A6 allows for further environmental review after the permit is issued and requests that funding be provided so that the public can hire an expert. This condition clearly states that the hearings are for the purpose of determining Chevron's compliance with the Conditions of Approval. Condition A6 also expressly requires Chevron to pay for the costs of the required proceeding, and Condition G6 requires Chevron to pay for the costs of compliance monitoring. No change is recommended.

**Condition A9.** Condition A9 is a standard City indemnification clause. No change is recommended.

**Condition C1.** The issue of VOC emissions from tanks has been thoroughly responded to in Volume 3 of the Final EIR (January 2008), the March 20, 2008 staff report to the Planning Commission (pp. 23-24), and the June 29, 2008 memorandum by the City's consultant, Brewster

Birdsall (Attachment 13). Condition C1 ensures that there will be no net increase in VOC emissions as a result of the Proposed Project. No change is recommended.

**Condition C2.** The issue of emissions from PRVs (also known as PRDs) raised by the CBE Appeal is addressed above and in Attachment 13. Like C1, Condition C2 furthers the purpose of the zoning ordinance by protecting public health. No change is recommended.

**Condition C3.** The environmental purposes of Condition C3, which are related to the increased sulfur content of the crude oil that will be processed at the Refinery as a result of the Proposed Project, are described in the Memorandum of Dr. R. Sahu to L. Thompson (Attachment 11). The CBE Appeal requests Condition C3 to be amended to require public review of the data submitted pursuant to this condition. All data submitted to the City in Chevron's monthly reports would be public information under the Public Records Act and available upon request. No change is recommended.

**Condition C4.** The environmental purposes of Condition C4, which are related to NOx emissions from the three SRU stack heaters that will be modified as a result of the Proposed Project, are described in the Memorandum of Dr. R. Sahu to L. Thompson (Attachment 11). The CBE Appeal state the following: (i) that requiring only two vendors is insufficient; (ii) that the decision documents will not be publicly available; (d) that the condition is limited to the SRU heaters; and (iv) that the condition should have been proposed as a mitigation measure in the DEIR.

The answers to these comments, prepared in consultation with Dr. Sahu, are as follows. First, high performance burners are not commodity equipment. Thus, there are not unlimited choices of vendors of such specialized equipment. Nor is there an arbitrary rule of thumb that dictates sufficiency as to number of vendors in such cases. Condition C4 does not expressly limit the number of vendors to two. In any case, having more than one qualified burner manufacturer address the technical feasibility issue for these burners, to the independent satisfaction of the City, is sufficient. Second, all data submitted to the City pursuant to Condition C4 would be public information under the Public Records Act and available upon request. Third, as discussed elsewhere in this Staff Report, the CBE Appeal assumes that the Proposed Project will allow the Refinery to process "heavier" and "dirtier" crude oil (referred to in the comment on Condition C4 as "harder to process oils." As explained above in the Project Description discussion, substantial evidence supports the conclusion that the Refinery will continue to process crude oils within the same range as described in the EIR following implementation of the Proposed Project. This condition properly requires a thorough evaluation and NOx reduction from the SRU heaters where such reduction opportunities exist. Fourth, Condition C4 is properly addressed as a condition of approval, rather than a CEQA mitigation measure, because the Proposed Project will not exceed air quality CEQA significance thresholds.

Chevron has recently submitted documentation to the BAAQMD supporting its claim that 25 ppm NOx may not be achievable; these documents are under review by the BAAQMD.<sup>7</sup> Chevron has requested the City to consider the following revised language for Condition C4:

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<sup>7</sup> L. Thompson telephone call with G. Solomon, BAAQMD (July 8, 2008).

The burners in the stack gas heaters at SRU 1, SRU 2 and SRU 3 shall utilize best available designs to minimize NOx emissions while meeting applicable BAAQMD permit limits.

Staff recommends that the following wording would be superior to Chevron's in terms of clarity and enforceability, and that Condition C4 should be modified as follows:

Chevron shall install the lowest NOx-emitting burners available, as verified by vendor information and confirmed by the BAAQMD and the Planning and Building Services Department, in the stack gas heaters at SRU 1, SRU 2 and SRU 3.

**Condition C5.** The statements in the CBE Appeal regarding Condition C5 rely on the assumption that there will be an increase in low-quality oil refining, which has not been substantiated, as explained above. The CBE Appeal also opposes the exemption for startups, shutdowns, etc. Staff and consultants have concluded that this exemption is necessary from a technical, operational standpoint. Condition C5 ensures that the NOx technology most protective of public health will be installed at the CCRR furnaces as part of the Proposed Project. No change is recommended.

**Condition C6.** If traced to Chevron, the emissions standards set forth in Condition C6 are enforceable by the BAAQMD because they are State ambient air quality standards. All information submitted to the City by Chevron pursuant to this condition would be public information under the Public Records Act and available upon request. No change is recommended.

**Condition C7.** Condition C7 is intended to reduce PM<sub>10</sub> emissions and TACs associated with diesel combustion. This condition is more protective of public health than the current conditions at the Refinery and, therefore, furthers the purpose of the City's zoning ordinance. BAAQMD Regulation 2, Rule 1-114 contains an exemption for internal combustion engines with a maximum output rating of 50 horsepower (hp) or less. (See also CCR, tit. 17, § 93315.3(d) and (e) [emergency standby engine exemptions from Airborne Toxic Control Measure for stationary diesel engines].) The BAAQMD's Best Available Control Technology (BACT) Workbook specifies, in footnote b to the table for internal combustion engines < 175 hp, that diesel engines will only be permitted if another type of engine or motor is not "practical," as defined. (<http://www.baaqmd.gov/pmt/bactworkbook/96-1-1.htm>). No change is recommended.

**Condition C10.** The potential for mercury emissions from the Proposed Project are addressed in the EIR, Responses to Comments, and Attachment 11. Condition C10 is intended to increase the amount of information available to the City about Refinery emissions for purposes of monitoring. All information submitted to the City by Chevron pursuant to this condition would be public information under the Public Records Act and available upon request. No change is recommended.

**Condition C12.** The CBE Appeal suggests that Condition C12 be amended to clarify that the limits on the throughput of the SDA are intended to be CUP limits, and to add a deadline for Chevron to file an application to the BAAQMD to amend the permit for the SDA. Staff agrees with these suggestions, and recommends that Condition C12 be modified as follows:

The Solvent Deasphalter (SDA) shall not be operated above the following throughput rates: 43,150 barrels per day (annual 12-month rolling average) and 48,700 barrels per day (calendar monthly average). Within thirty (30) days after approval of this Conditional Use Permit, Chevron shall file a complete application to the BAAQMD to cause the Refinery's Title V permit to be amended to reduce the maximum permitted throughput limits for the Solvent Deasphalter (SDA) to 43,150 barrels per day (annual 12-month rolling average) and 48,700 barrels per day (calendar monthly average), and shall report to the Planning and Building Services Department when the amendment application has been submitted and when the amendment has been completed. Chevron shall provide quarterly reports to the Planning and Building Services Department, no later than thirty (30) days after the completion of each calendar quarter demonstrating compliance with this condition for each month and each rolling 12-month period in the preceding quarter.

If Chevron were to amend its permit in the future to change the SDA throughput from the amount required in Condition C12, this change would require an amendment to the CUP/DRP which would be treated as a new application, as explained in the discussion of Condition A3, above.

**Condition C13.** Condition C13 limits the Refinery to its current sources of crude oil (i.e., not California crude oils or Canadian tar sands). The CBE Appeal states that this condition is not sufficiently protective because it does not prohibit importing gas oil by pipeline. Staff agrees that Condition C13 does not apply to gas oils; however, gas oils are pre-processed and crude oils are not. Condition C13 limits imports to the Refinery's #4 Crude Unit to crude oils imported by ships, because the Refinery currently does not receive crude oil by pipeline. No change is recommended.

**Condition C14.** Condition C14 is intended to gather information that will further the public health, safety, and welfare by evaluating the claim that pollutants escape from the Refinery in ways that are currently unmonitored and untreated. If Chevron cannot demonstrate that output of an element from the refinery is within 10% or 10 lbs/year of the input, it must provide a written explanation of the discrepancy. This Condition was developed in consultation with Dr. Sahu. Dr. Sahu and the City's other consultants are of the opinion that the 10% or 10 lbs/year margin is appropriate. The following language in Condition C14 will ensure that Chevron has the opportunity to explain large mass discrepancies in years in which it changes a catalyst or empties a tank:

. . . If the mass balance is not consistent to within +/- ten percent (10%) (i.e., there is a more than 10% difference between the input and output mass) or ten (10) lb/yr, whichever is less stringent, Chevron shall explain the discrepancy in its written explanation. For streams that are quantified less frequently than annually, suitable engineering assumptions such as prorating can be used to determine the mass balance.

No change is recommended.

**Condition C15.** The CBE Appeal does not state any specific argument in opposition to Condition C15, which is intended to keep the health risk from the Proposed Project at or below the health risk levels on which the BAAQMD's permits are based. The CBE Appeal misrepresents the June 19, 2008 staff report to the Planning Commission. That staff report does *not* state that the

Project would be “high risk” without Condition C15. Rather, Condition C15 is intended to ensure that the health risk disclosed in the EIR is accurate and remains so. No change is recommended.

**Proposed Conditions C16 and C17.** The CBE Appeal comments on proposed Conditions C16 and C17, which were not adopted by the Planning Commission. The appeal states that the decision not to adopt C16 and C17 was an abuse of the Planning Commission’s discretion because (1) it did not explicitly reverse its previous decision to adopt a “comprehensive crude cap”, and (2) it relied upon “secret data.” This misrepresents the Planning Commission’s actions. At the June 5, 2008 meeting, the Planning Commission elected by majority vote to “ask staff to develop language for a comprehensive cap.” (Transcript of June 5, 2008 Planning Commission meeting, pp. 205-206; this document is in the City file and is available for public review.) The Planning Commission left it up to staff to determine the meaning of “comprehensive.” Dr. Sahu presented Conditions C16 and C17 to the Planning Commission at the June 19, 2008 meeting as additional ways to bolster the existing conditions related to holding the crude slate to the description in the EIR, but testified that he believed that the Conditions of Approval as originally proposed (without C16 and C17) were sufficiently “comprehensive.” Following deliberations at the June 19, 2008 public hearing, the Planning Commission determined, based on all the evidence in the record (i.e., the public testimony of its expert and all of the pertinent documents submitted to the City by the applicant, City experts and the public), that Condition C16 and C17 were not necessary. The Planning Commission’s decision was not based on “secret data,” as the CBE Appeal contends.

**Condition D1.** Condition D1 requires Chevron to conduct a feasibility study regarding creation of extra flare gas storage capacity in order to reduce the incidence of flaring and related health and environmental effects. Both the CBE Appeal and the Chevron appeal (see below), suggest that past studies of increasing storage capacity are adequate and that there is no need for an additional study. Therefore, staff recommends deleting Condition D1.

**Condition D2.** Condition D2 requires collection of data about the contents of refinery fuel gas and flare gas in order to correlate them with data about the crude oil and gas oil inputs; therefore, the statement in the CBE Appeal that Condition D2 will not result in useful information is puzzling. The CBE Appeal comment that Condition D2 does not contain “enough specificity” is itself non-specific, and does not point to any particular deficiency in the condition that can be corrected. No change is recommended.

**Condition D3.** The statement in the CBE Appeal that Condition D3 requires merely duplicative reporting to the City is erroneous. In addition to copying the City with its BAAQMD reports, which the City currently does not receive, Condition D3 requires future projects planned to reduce SO<sub>2</sub> emissions to be identified along with an implementation schedule for each project. No change is recommended.

**Condition D4.** Although the CBE Appeal states that Condition D4 is a good idea, the appellants object on the grounds that it is “too vague.” No further specificity is provided in the CBE Appeal. The purpose of reporting to the City on the analysis and cause of every flaring event over 50,000 SCF is to help provide a roadmap for preventing similar events in the future. Hence, Condition D4 implements a data-driven flare reduction approach. No change is recommended.

**Conditions D5-D8.** The CBE Appeal states that Conditions D5-D8 concern information “after a flaring event.” This statement is incorrect with regard to Condition D5, which requires *prior* notification of planned flare events. Condition D6 requires notification one hour after the start of an unplanned flaring event, and Conditions D7 and D8 require followup reports and reports of events that might not have been reported to the City.

Providing such information to the City, either prior to a planned flaring event or after an unplanned flaring event has begun, is clearly beneficial to the people of the City of Richmond so that the appropriate community notifications can be made to potentially affected persons and community response plans can be appropriately designed and updated. No changes are recommended.

**Condition E1.** Condition E1 requires Chevron to demonstrate that it has achieved emissions reductions in the specified amount each year. A list of potential measures is provided in the condition. There is no evidence that this condition will have a significant effect on the environment, as stated in the CBE Appeal. In response to a suggestion from CBE, et al., however, staff recommends adding the following sentence to Condition E1, which is identical to a sentence in Mitigation Measure 4.3-5e, to clarify the intent of the City that greenhouse gas reduction measures should not cause an increase in other pollutants:

Each year between the date of approval of this Conditional Use Permit and December 31, 2020, Chevron shall demonstrate to the City that it has reduced CO<sub>2</sub>e emission by at least 36,000 metric tons per year up to a minimum total reduction of 432,730 metric tons per year by 2020, exclusive of the reductions achieved under Mitigation Measures 4.3-5a through 4.3-5g. The reductions shall be real, permanent, quantifiable, verifiable, and enforceable consistent with Health and Safety Code section 38562. No actions approved as part of this reduction plan shall increase emissions of criteria pollutants or toxic air contaminants.

Projects that provide real, quantifiable reductions could include, but are not limited to:

- Reductions in Refinery GHG emissions
- Retrofitting and installing alternative energy sources at City buildings and facilities
- Renewable energy such as photovoltaic solar power for schools, public buildings, and residences; solar hot water heaters; and wind farms
- Energy efficiency projects such as cogeneration projects, tankless water heaters, and compact fluorescent lights
- Replacement of school buses or City vehicle fleet with electric or natural gas vehicles
- Alternative energy research that leads to a specific GHG emission reduction
- Street tree planting
- Installation of more energy efficient street lighting, with priority given to high crime neighborhoods
- Create a “Park and Ride” lot and community use area on the vacant and unused Chevron land directly across the street from Chevron’s main entrance on Castro Street next to the I-580 ramp

**Conditions F1-F3.** The CBE Appeal states that the Project's impacts on water quality were not adequately analyzed or mitigated. This issue has been thoroughly addressed in the Responses to Comments in Volume 3 of the EIR and in Volume 6 of the EIR at pages 4.8-22 through 4.8-25. No changes are recommended.

**Condition F4.** Contrary to the statement in the CBE Appeal, the RARE recycling project is not "necessary to offset the Project's significant water use impacts." Neither fresh water use nor wastewater flow would increase as a result of the Proposed Project. (EIR, Vol. 6, pp. 4.8-22, 4.8-22a, 4.17-12 and 4.17-13.) In addition, the statement that Condition F4 "allows Chevron to devise its own plan" without accountability is incorrect, because the condition requires any alternative water recycling plan to be made "to the satisfaction of the Planning and Building Services Department." No change is recommended.

**Condition G2.** The CBE Appeal states that refinery fuel monitoring data should be required prior to approval of the Proposed Project. However, the purpose of Condition G2 is to monitor the operation of the Proposed Project *after* it is constructed. No change is recommended.

**Condition G5.** The CBE Appeal appears to misunderstand Condition G5. That condition requires Chevron to continue reporting until all the mitigation measures and conditions are "completed," and discontinuation of reporting is subject prior City approval. However, staff recommends the following modifications to clarify the process leading to discontinuation of reporting:

Chevron shall submit annual reports no later than March 31 of each year, documenting compliance with the conditions of approval of this Conditional Use Permit and the mitigation measures as shown in the Mitigation Monitoring and Reporting Program. The annual reports shall contain supporting information from other regulatory agencies, as applicable. For each condition and mitigation measure, the report shall identify the status of compliance, times and dates of the monitoring and whether further action is required. If, in the opinion of the Planning Commission, at that time Chevron has completed all mitigation measures and complied with all conditions of approval, no further reports shall be necessary. The Planning and Building Services Department shall notify Chevron in writing when the Planning Commission has determined that annual reports will no longer be necessary pursuant to this Condition.

**Condition G10.** The CBE Appeal states that information submitted to or contracts made with the City will be unavailable for public review. All information submitted to the City by Chevron pursuant to the Conditions of Approval will be public information under the Public Records Act and available upon request. Condition G10(iv) expressly requires Chevron to devise a plan for disseminating the monitoring data to the public. Consultant contracts are also public records and are posted on the City's website. No change is recommended.

**Condition H1.** The seismic and geologic hazards at the Refinery are well-known, and are described in Sections 4.7.2.3 and 4.2.3.3 of Volume 6 of the EIR, pages 4.7-8 through 4.7-11. Extensive knowledge of the potential effects of such hazards on structures of all kinds has been used to establish the regulatory and engineering standards discussed in EIR Volume 6, Section

4.7.2.6. Those standards recognize that construction and operation of facilities can be accomplished safely in areas with seismic and geologic hazards through the use of proper design. The focused geotechnical studies and reporting required for each Proposed Project element, as described in EIR Volume 6 on page 4.7-17, are essential parts of this standard engineering approach to design. Preliminary technical designs of the Proposed Project elements will be used to focus the scope of each of the individual geotechnical studies. In turn, these required geotechnical studies provide critical technical input into the detailed design of each element, in accordance with the criteria discussed under Impacts 4.7-1 and 4.7-2, in EIR Volume 6 on pages 4.7-16 through 4.7-18. This sequence of design-related steps is important to achieving the desired level of safety. It would be fruitless to attempt detailed geotechnical studies before preliminary engineering design and detailed location information become available. The CBE appeal contains no design, engineering or geotechnical information upon which to conclude that the Proposed Project cannot be designed, constructed and operated safely at the Refinery.

Risk and public safety considerations are discussed separately in the EIR. Control of risk is achieved through the RMP process, which is used to assure that individual and combined operations of Refinery process units meet the desired levels of safety. The RMP process is discussed at length in Section 4.13 of Volume 6 of the EIR, and in Response RITTERMAN-1 in Chapter 3 of Volume 3 of the EIR.

#### **Chevron Appeal of Approval of CUP/DRP:**

Chevron appeals the adoption of Conditions C1, C3, C4, C6, C7, C10-C14, D1, D3-D8, E1, E2, G2, G9, G10, H2-H4, H6, H8, J1-J3, J7-J9, and K1. Chevron's appeal (Attachment 18) alleges that these conditions lack a "lawful nexus" to the Proposed Project, are "not supported by substantial evidence in the record," are "arbitrary and capricious," "interfere with operation of the refinery without corresponding environmental benefit," and are "directed to the Refinery as a whole rather than any specific impacts of the Renewal Project." In support of its appeal, Chevron refers to the following letters to the City from its attorneys: March 10, March 20, April 3, April 9, June 4, June 17 and June 19, 2008.

**Conditions C1, C3, C4, C6, C7, C10-C14, G2 and G10.** The relationship of the Proposed Project to Conditions C1, C3, C4, C6, C7, C10-C14, G2 and G10 to the promotion of the public health, safety, comfort, convenience and general welfare is described in Dr. Sahu's technical memorandum. (Attachment 11.) Please refer, in addition, to the explanation of many of these conditions in the discussion of the CBE Appeal, above. No changes to these conditions are recommended, except for modifications to Condition C11, as described below, and Condition C12, described above in the discussion of the CBE Appeal.

**Condition C11.** Condition C11 ensures that the Conditions of Approval will not undermine the effectiveness of Chevron's BAAQMD permit or vice versa. Staff recommends that Condition C11 be modified as follows to clarify that, in the event the BAAQMD adopts permit conditions that are less stringent than the City's Conditions of Approval, the Chevron must comply with the City's conditions.



Nothing in this Conditional Use Permit shall be interpreted to allow air emissions or other emissions that are not in compliance with the conditions of any permit or Authority to Construct ("permit") issued by the BAAQMD. If the BAAQMD adopts a condition or issues an approval that would reduce emissions which otherwise would be allowed under this Conditional Use Permit, the BAAQMD's lower emissions limit shall apply. If any of the conditions of this Conditional Use Permit are more stringent than the BAAQMD's permit conditions, then Chevron shall ~~accept a BAAQMD permit condition at the more stringent level~~ comply with the requirements of the Conditional Use Permit.

**Conditions D1, D3-D8.** Please refer to the explanation of and recommendations regarding these conditions in the discussion of the CBE Appeal, above. For the reasons explained in the discussion of the CBE Appeal, staff recommends deleting Condition D1.

**Condition E1.** Condition E1 requires Chevron to take steps to comply with AB 32 by further reducing GHG emissions by 432,730 metric tpy (or 36,000 metric tpy). This reduction constitutes a further 25% reduction in GHG emissions, which is the amount estimated by the CARB to be necessary to achieve compliance with AB 32 by the year 2020. (CARB, *ARB's Climate Change Program*, Background, <http://www.arb.ca.gov/cc/cc.htm#>.) Staff has recommended a clarifying amendment to Condition E1, as described above in the discussion of the CBE Appeal.

**Condition E2.** Condition E2 requires Chevron to continue to comply with state law (AB 32 and its implementing regulations, policies, guidance, etc.) during the life of the CUP/DRP. No change is recommended.

**Condition G9.** Condition G9 requires monitoring of roof tanks to document compliance with BAAQMD Regulation 8, Rule 5-411. Staff recommends the following modifications to Condition G9 to clarify that this condition applies to the tanks that will be domed or roofed pursuant to Mitigation Measure 4.3-2a and Condition C1:

For Tanks T-954 and T-3228, and every tank selected pursuant to Condition C1 that has an external floating roof, an internal floating roof, or pressure relief devices, Chevron shall submit an annual report no later than March 31 of each year that provides evidence of compliance with the inspection procedures in BAAQMD Regulation 8, Rule 5-411 (Enhanced Monitoring Program).

**Condition H2.** Condition H2 was amended by the Planning Commission to require Chevron to pay for design and construction of a portion of the Bay Trail in addition to dedicating the right-of-way. On June 19, 2008, TRAC submitted proposed changes to the text of Condition H2 and to the findings in support of H2, which the Planning Commission declined to adopt. TRAC submitted letters to the City on June 30, 2008 and July 9, 2008 supporting Condition H2 and repeating its request for changes to the text of the condition and to the findings (Attachments 19 and 20).

**Conditions H3, H4, H6, H8, J1-J3, J7-J9 and K1.** Staff defers to the City Council's response to the appeals of Conditions H3, H4, H6, H8, J1-J3, J7-J9, and K1.

## Summary of Staff Proposed Changes to Conditions of Approval

In summary, the staff proposes the following changes to the Conditions of Approval:

- Delete Condition D1 requiring Chevron to conduct a study of the potential to create additional flare gas storage capacity at the Refinery.
- Modify Condition C4 to remove the 25 ppm NOx emissions limit for the SRU burners, and to replace it with a requirement that Chevron install the lowest NOx emitting equipment available, as confirmed by the BAAQMD and the City.
- Modify Condition C11 to clarify the intent of the City that Chevron shall comply with the City's conditions of approval if they are more stringent than the BAAQMD's permit conditions.
- Modify Condition C12 to clarify that the Solvent Deasphalter (SDA) throughput limits are City conditions of approval, and to require Chevron to submit an application to amend its Title V permit for the SDA within 30 days of approval of the SDA.
- Modify Condition E1 to clarify that any greenhouse gas reductions taken to comply with that condition shall increase emissions of criteria pollutants or toxic air contaminants.
- Modify Condition G5 to clarify the procedure for allowing Chevron to discontinue compliance reporting.
- Modify Condition G9 to clarify that the BAAQMD's enhance reporting requirements apply to the tanks to be domed/roofed pursuant to Mitigation Measure 4.3-2a and Condition C1.

### **Neighborhood Councils:**

Property owners within 300 feet of the Refinery, persons listed on the Master CEQA mailing list, interested persons, businesses, agencies and organization who requested notification and all neighborhood councils were sent Public Notices of the Proposed Project's public hearing date, time, and location.

### **DOCUMENTS ATTACHED:**

- Attachment 1: Final Master Environmental Impact Report Volumes 1-6 (SCH # 2005072117)
- Attachment 2: City Council Resolution \_\_\_\_ affirming Planning Commission's decision to certify the EIR by approving City Council Resolution
- Attachment 3: City Council Resolution \_\_\_\_ affirming the Planning Commission's decision to approve the CUP/DRP by approving City Council Resolution
- Attachment 4: Planning Commission Resolution 08-02 Certifying the EIR, Adopting Findings, and Adopting the Mitigation Monitoring & Reporting Program (MMRP), with CEQA Findings as Exhibit A and MMRP as Exhibit B
- Attachment 5: Planning Commission Resolution 08-03 Approving the CUP and DR Permit, with CUP and DR Permit, and Supplemental Findings as Exhibit A, and Conditions of Approval as Exhibit B (conformed by staff pursuant to direction of Planning Commission on June 19, 2008)
- Attachment 6: Appeal by Communities for a Better Environment, et al. (June 16, 2008)
- Attachment 7: Appeal by Communities for a Better Environment, et al. (June 30, 2008)
- Attachment 8: Responses to Late-Received Letters (March 2008)
- Attachment 9: E-mail from R. Chamberlin, Chevron Products Company, to L. Thompson (June 3, 2008) and Attachment

- Attachment 10: E-mail from R. Chamberlin, Chevron Products Company, to L. Thompson (June 25, 2008)
- Attachment 11: Memorandum from Dr. R. Sahu to L. Thompson re "Responses to Technical Issues Raised in Appeals of Chevron Hydrogen and Energy Renewal Project" (July 8, 2008) and Attachment A: Curriculum Vitae for Ranajit (Ron) Sahu
- Attachment 12: Letter from J. May, CBE, to Planning Commission and L. Thompson (June 3, 2008)
- Attachment 13: Memorandum from B. Birdsall, Aspen Environmental Group, to L. Thompson (June 29, 2008) re "Responses to Comments from CBE, Julia May, June 3, 2008"
- Attachment 14: Memorandum from B. Birdsall, Aspen Environmental Group, to L. Thompson (June 29, 2008) re "Responses to Appeal of Mitigation Measure 4.3-5"
- Attachment 15: Resume of Brewster Birdsall, P.E., QEP
- Attachment 16: Memorandum from C. Bennett and T. Morgan, ESA Energy, to L. Thompson re "Partial Alternative-Energy Alternative, Chevron Hydrogen and Energy Renewal Project" (July 8, 2008)
- Attachment 17: Appeal by Chevron Products Company (June 16, 2008)
- Attachment 18: Appeal by Chevron Products Company (June 20, 2008)
- Attachment 19: Letter from B. Beyaert, TRAC, to R. Mitchell (June 30, 2008)
- Attachment 20: Letter from B. Beyaert, TRAC, to G. McLaughlin (July 9, 2008), with attachments
- Attachment 21: Letter from CBE dated, July 9, 2008 with attachments
- Attachment 22: Comment letters received by the Planning Commission for hearing on June 19, 2008 after packet was printed

LT/JH/DR/

Cc: Robert Chamberlin, Chevron Products Company  
Point Richmond Neighborhood Council