

# CHAPTER 1

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## Introduction

### 1.1. The CEQA Process

The California Environmental Quality Act (CEQA) of 1970, as amended<sup>1</sup>, guides the process of environmental review in California. All aspects of the preparation and public review of a draft EIR, as well as the subsequent steps to prepare a final EIR, are specifically outlined by the *CEQA Guidelines*.<sup>2</sup>

Public review is an integral part of the CEQA process. On November 21, 2006, the Contra Costa County Community Development Department released for public review the Draft Environmental Impact Report (DEIR) on the proposed ConocoPhillips Clean Fuels Expansion Project (the Proposed Project). The County Zoning Administrator held a public hearing on December 14, 2006, at 1:30 p.m. in Room 107 of the McBrien Administration Building, 651 Pine Street, Martinez, California, to receive comments on the DEIR. The Community Development Department provided notification of the public review period and the public hearing to: 1) public agencies; 2) adjacent property owners and occupants; 3) property owners within a 300-foot radius of the Project property boundary; and 4) organizations that had demonstrated particular interest in the Proposed Project. Oral comments were received at the December 14, 2006, public hearing and written comments were received through January 22, 2007.

The public review and comment period on the DEIR that began on November 21, 2006 and ended on January 22, 2007 lasted for a period of 62 calendar days.

A final EIR is an informational document prepared by a lead agency that must be considered by decision makers before approving or denying a proposed project. *CEQA Guidelines § 15132* specifies the following:

"The final EIR shall consist of:

- (a) The DEIR or a revision of the draft.
- (b) Comments and recommendations received on the DEIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the DEIR.

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<sup>1</sup> *Public Resources Code, Division 13, Sections (§§) 21000 – 21178*

<sup>2</sup> *Title 14. California Code of Regulations, Chapter 3, Sections (§§) 15000 – 15387 and Appendices*

- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the lead agency."

This "response to comments" document has been prepared pursuant to the CEQA Guidelines. This document incorporates comments from public agencies and the general public, and contains appropriate responses by the County, the lead agency, to those comments. The ConocoPhillips Clean Fuels Expansion Project Final Environmental Impact Report (FEIR) consists of the DEIR, the Response to Comments and the Appendix.

A decision on the FEIR and on the requested Land Use Permit for the Proposed Project will be made by the County Planning Commission at a public hearing anticipated to be held on April 17, 2007. Public notification will be provided in accordance with State law upon confirmation of the hearing date.

## 1.2 Public Review and Response to Comments

In response to the publication of the DEIR for public review, a number of comments have been received from public agencies and members of the public. CEQA and its Guidelines set forth the obligations of the agencies involved in the preparation of a draft EIR, and provide guidance for agencies and the public in the review of a draft EIR. The CEQA Guidelines focus the review (*Guidelines § 15204*) and provide a framework for the consideration of public and agency comments.

The CEQA Guidelines describe the duties of the lead agency to prepare adequate responses to comments (*Guidelines § 15088*). The lead agency is to respond to significant environmental comments in a level of detail commensurate to that of the comment. However, it is not necessary for the lead agency to respond to personal opinions or speculation about the project, to provide all of the information requested by reviewers or to respond to comments presented without necessary factual support.

The County has made its best effort to understand each comment and to respond appropriately.

## 1.3 Method of Organization

This Final EIR for the Proposed Project contains information in response to concerns raised during the public comment period, including the December 14, 2006 public hearing. In addition to the DEIR, which has been published and released for public review, the whole of the Final EIR also includes the contents of this document, as follows:

*Chapter 1* contains this Introduction.

*Chapter 2* contains Master Responses prepared to address comments from a number of agencies, organizations and individuals that focused on specific issues in the DEIR. Master Responses were

prepared for the following issues: Recirculation of the DEIR, Greenhouse Gas Emissions, Odor, Flaring, Baselines, Construction-Related Effects, and Mitigation Measures.

*Chapter 3* contains comment letters received during the comment period, as well as the County response to each comment. Each letter is marked with an identifying code and each comment on the letter is uniquely labeled in the margin. The responses to the comments from each letter are presented immediately after that comment letter.

Public comments were submitted orally during the December 14, 2006, public hearing on the DEIR. The transcript that includes the oral comments made at that public hearing is included in Chapter 3. The hearing transcript is marked to identify relevant comments and the County responses follow the transcript.

*Chapter 4* contains text changes to the DEIR that reflect necessary additions, corrections, and clarifications resulting from the analyses that the County conducted in order to prepare the responses to the comments that were received. These changes are incorporated as part of the Final Environmental Impact Report.

*Appendix*, which is bound in a separate volume, contains technical data and tables in support of the analyses and conclusions in the EIR.

## 1.4 List of Commenters

The following agencies and individuals submitted comments on the DEIR:

### Governmental Agencies

California Energy Commission (CEC), Terrence O'Brien, Deputy Director, System Assessment and Facilities Siting Division, January 18, 2007

California Historical Resources Information System (CHRIS), Bryan Much, Researcher I, January 19, 2007

Bay Area Air Quality Management District (BAAQMD), Jean Roggenkamp, Deputy Air Pollution Control Officer, January 4, 2007

San Francisco Bay Conservation and Development Commission (BCDC), Linda Scourtis, Coastal Planner, December 22, 2006

East Bay Regional Park District (EBRPD), Brad Olson, Environmental Programs Manager, January 3, 2007

Bay Trail Project (BTP), Lee Chien Huo, Bay Trail Planner, January 22, 2007

East Bay Municipal Utility District (EBMUD), William R. Kirkpatrick, Manager of Water Distribution Planning, December 29, 2006

**Private Organizations and Individuals**

Adams Broadwell Joseph & Cardozo (ABJC), Suma Peesapati, Attorney, and Petra Pless, January 22, 2007

Citizens for a Better Environment (CBE), Adrienne L. Bloch, Kristen Boney, and Julia May, January 22, 2007

Center for Biological Diversity (CBD), Julie Teel, Staff Attorney, January 22, 2007

Good Neighbor Agreement Community Signatories and Working Group (GNAC), H. Adams, *et al.*, Received January 18, 2007

**Speakers at Public Hearing, December 14, 2006**

Ed Tannenbaum, Crockett resident

Howard Adams, Crockett resident

Mark Hughes, ConocoPhillips Refinery

Jessica Tovar, Communities for a Better Environment

Rene Leon, Rodeo resident

Danielle Fugere, Crockett resident

**Project Applicant**

ConocoPhillips Refinery, Valerie J. Uyeda, Permit Manager, January 22, 2007