

# CHAPTER I

---

## INTRODUCTION

### A. CEQA PROCESS

On May 28, 2003, the Contra Costa County Community Development Department released for public review a Draft Environmental Impact Report (Draft EIR) on the proposed ConocoPhillips ULSD/Strategic Modernization Project (proposed project).

A Zoning Administrator public meeting was held on July 7, 2003, at 3:30 p.m. in Room 107 of the McBrien Administrator Building, corner of Pine and Escobar, Martinez, California, to receive comments on the Draft Environmental Impact report prepared for the Project. The Community Development Department provided notification to 1) agencies, 2) adjacent homeowners/occupants, and 3) neighbors within 300-foot radius of the Project property boundary. No oral or written comments were received at the July 7, 2003, public meeting. It is anticipated that a decision on the Final Environmental Impact Report and decision on the proposed Land Use Permit for this Project will be made by the County Planning Commission at a December public meeting. Prompt notification will be provided upon confirmation of that public meeting date.

The public review and comment period on the Draft EIR began on May 28, 2003 and ended on July 14, 2003. After receiving requests for an extension of the comment period, additional comments were accepted through August 4, 2003.

The Final EIR is an informational document prepared by the lead agency that must be considered by decision makers before approving or denying a proposed project. California Environmental Quality Act (CEQA) *Guidelines* (Section 15132) specify the following:

"The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the lead agency."

This document has been prepared pursuant to CEQA *Guidelines*. This Final EIR incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments. The ConocoPhillips ULSD/Strategic Modernization Project EIR consists of the Draft EIR and this Response to Comments document.

The California Environmental Quality Act of 1970, as amended<sup>1</sup>, guides the process of environmental review in California. Under CEQA, all aspects of the preparation of the Draft EIR and its review, as well as the subsequent steps to prepare a Final EIR are specifically outlined by the CEQA Guidelines.<sup>2</sup>

## PUBLIC REVIEW AND RESPONSE TO COMMENTS

Public review is an integral part of the CEQA process. In response to the publication of the Draft EIR for public review, a number of Agency and public comments have been received. CEQA and its Guidelines set forth the obligations of the Agencies involved in the preparation of the Draft EIR, and the Agencies and the public in the review of the Draft EIR. The CEQA Guidelines also provide a focus for the review (Guideline Section 15204) and a framework for the consideration of the public and agency comments on the Draft EIR.

The CEQA Guidelines also describe the duties of the lead agency to prepare adequate responses to comments (Guideline Section 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 used its best efforts to understand each comment and to respond appropriately.

## B. METHOD OF ORGANIZATION

This Final EIR for the proposed project contains information in response to concerns raised during the public comment period.

*Chapter II* contains comment letters received during the comment period and the responses to each comment. Each comment is labeled with a letter and number in the margin and the response to each comment is presented immediately after the comment letter.

*Chapter III* contains text changes to the Draft EIR, reflecting necessary additions, corrections, and clarifications to the Draft EIR.

---

<sup>1</sup> Public Resources Code, Division 13, Sections 21000 – 21178, accessible at world wide web address [http://ceres.ca.gov/topic/env\\_law/ceqa/stat/](http://ceres.ca.gov/topic/env_law/ceqa/stat/)

<sup>2</sup> Title 14. California Code of Regulations, Chapter 3, Sections 15000 – 15387 and Appendices, accessible at [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)

### **C. AGENCIES COMMENTING ON THE DRAFT EIR**

The following agencies submitted written comments on the Draft EIR during the public review period (the date of the letter is also presented):

City of Benicia	June 25, 2003
California Department of Transportation	July 17, 2003
California Regional Water Quality Control Board	July 22, 2003
East Bay Municipal Utility District	July 7, 2003
Bay Area Air Quality Management District	August 4, 2003
West Contra Costa Healthcare District	August 4, 2003
West Contra Costa Transportation Advisory Committee	August 1, 2003
City of Pinole	August 5, 2003

### **D. ORGANIZATIONS COMMENTING ON THE DRAFT EIR**

The following organizations submitted written comments on the Draft EIR during the public review period (the date of the letter is also presented):

Crockett Improvement Association	June 17, 2003
Crockett Community Foundation	July 14, 2003
Communities for a Better Environment	August 4, 2003
Adams Broadwell Joseph & Cardozo	August 4, 2003

### **E. INDIVIDUALS COMMENTING ON THE DRAFT EIR**

The following individuals submitted written comments on the Draft EIR during the public review period (the date of the letter is also presented):

Mary Ann Shirley	May 29, 2003
Christine and Mike Coody	July 14, 2003

### **F. APPLICANT'S COMMENTS ON THE DRAFT EIR**

ConocoPhillips	July 30, 2003
----------------	---------------

### **G. LETTERS OF SUPPORT RECEIVED**

The following individuals, organizations, and agencies submitted written comments supporting the proposed project during the public review period (the date of the letter is also presented). Each of these comments expressed support for the Project and did not state specific concern or question about the adequacy of the DEIR so no specific response is necessary. These comments are available for public review at the Contra Costa County Community Development Department located at 651 Pine Street, 2nd Floor, North Wing in the City of Martinez during normal business hours.

Mike Aast	July 2, 2003
Ricky Abraham	July 2, 2003
Jennifer Ahlskog	July 9, 2003

Jeremy Albert	July 2, 2003
Thomas Allen	July 2, 2003
Dan Allison	July 2, 2003
H. Alvarez-Bace	July 8, 2003
Blake Ambuehl	July 9, 2003
Donald Anderson	July 14, 2003
John Ariall	July 2, 2003
Terry Arnold	July 2, 2003
Kevin Ashley	July 2, 2003
J.M. Ayers	July 2, 2003
Ken Azeveda	July 2, 2003
Harlan Barclay Jr.	July 2, 2003
Jerry Barnhart	undated
Ellie Bastiaen, Kel-Aire	July 9, 2003
Paul Battersby	July 9, 2003
Mary Jen Beach	July 9, 2003
Carolyn Beck	July 14, 2003
Jeffrey Becker, Royal Trucking	July 8, 2003
Richard Belcher	undated
Brian Benson, Petrochem Inc.	July 9, 2003
Mary Beth Erfert	July 8, 2003
Josh Beyley	July 2, 2003
John Billecci, Pace	July 1, 2003
Marge Billie, ConocoPhillips	undated
Noel Blacard	July 2, 2003
Richard Black	undated
Ron Blow	July 2, 2003
Chris Bowman	July 2, 2003
Michael Braun	July 8, 2003
G. Bresheers	July 2, 2003
Dennis Brito	July 2, 2003
Joe Brown Jr.	July 14, 2003
Rachael Burger	undated
Rowina Burns	undated
California Council for Environmental and Economic Balance	July 9, 2003
J. Phillip Cappinoff Jr.	July 2, 2003
Tim Carnes	undated
Carquinez Regional Environmental Education Center	July 7, 2003
Thomas Carroll	July 2, 2003
David Castagnetti	July 2, 2003
Mark J. Cipponeri	July 14, 2003
Bobby Clemons	undated
Dave Coleman	undated
Carl Connell	July 8, 2003
Contra Costa Taxpayers Association	July 14, 2003
Rafael Cortez	July 2, 2003
Felipe Costa	July 2, 2003
Stephen Cur	July 5, 2003
Bruce Danby	July 2, 2003

Donald DauSou	July 5, 2003
Jennifer Day	July 2, 2003
Charles Del Monte, Redwood Painting Co., Inc.	July 14, 2003
Rich DeMartile	July 2, 2003
Demmi Dennis	June 30, 2003
Phil DeShozo	July 8, 2003
Dennis Dick	July 1, 2003
Dennis Dowling	July 5, 2003
Michael Drake	July 9, 2003
Jim Driscoll	July 1, 2003
Mario Duzard Jr.	July 2, 2003
Paul Elliott	June 30, 2003
Steve Emerson	July 2, 2003
Holly England	June 30, 2003
Joanne Epperson, The Epperson Gallery	July 12, 2003
David Erfert	July 8, 2003
Emy Escay	July 9, 2003
Carlos Espitia	July 2, 2003
Barney Etzel, Scott Co.	July 1, 2003
Frank Felix	July 2, 2003
Howie Fettersmatch	July 2, 2003
Timothy Fitzpatrick, Corey Delta Contractors	undated
Ed Forbes, ConocoPhillips	July 1, 2003
Deborah Ford	undated
Michael Foust	undated
Larry Friesen	July 14, 2003
Joyce Galle	July 2, 2003
Eric Garcia	July 2, 2003
Jesse Garcia	July 2, 2003
Richard Gaugler	July 13, 2003
Jim Gaul	July 2, 2003
Julie Gaul	July 14, 2003
Matthew Gerhardt, Brown and Caldwell	July 8, 2003
Gary Gillihan	July 2, 2003
Georgino Goolsly, ConocoPhillips	undated
Elizabeth Gosuico	undated
Steve Grillo	June 30, 2003
Thor Grossen	June 30, 2003
Al Guerra, ConocoPhillips	undated
Rick Guzman, Amelco Electric SF Inc.	June 30, 2003
Bruce Hall, ConocoPhillips	undated
Jay Hallslayer	July 2, 2003
Ronald Hamada	undated
Lark Hame-Dick	undated
Galen Hanes	July 2, 2003
Howard Eugene Hanill	July 2, 2003
David Hapter	undated
Alexandra Harris	June 30, 2003
Norman Hattich, Spen Timco Inc.	July 2, 2003
Harold Hays	July 2, 2003

Ron Hays	July 2, 2003
Ross Hays	July 2, 2003
Toni Hays	July 2, 2003
Timothy Healy	July 1, 2003
Nelson Hehrt	July 2, 2003
Holly Heidt	undated
David Hess	undated
Dennis Hicks	July 9, 2003
D. Holly	June 30, 2003
M. Horton	July 3, 2003
Andrew Hosler, Performance Mechanical Inc.	July 1, 2003
Keeran Howard	July 5, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible, ConocoPhillips	undated
illegible	undated
illegible	July 5, 2003
illegible, ConocoPhillips	July 14, 2003
illegible	July 2, 2003
illegible	July 5, 2003
illegible	undated
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
illegible	July 2, 2003
Industrial Association of Contra Costa County	July 2, 2003
Mr. and Mrs. Ralph Isaacs	July 1, 2003
Brian Jack	July 7, 2003
Jim Jakel, Contra Costa Council	July 14, 2003
Stuart Jay Vincent	July 11, 2003
Mike Jeffrey	July 2, 2003
Lana Johnson	June 30, 2003
Elliott Jones Sr.	July 2, 2003
Michelle Jones	July 2, 2003
Marshella Jordan	July 2, 2003
Finis Jordan, Timec	July 2, 2003
Ella Marie Kallios, Roberts	July 14, 2003
Ernie Karell	July 2, 2003
Joyce Kaumeyer	July 2, 2003
J. Michael Kenney	July 1, 2003

Barbara Kerman	June 30, 2003
Imtiaz Khan	undated
Lisa Kinoshita	July 10, 2003
Mary Kwong	July 1, 2003
Randy Ladel	July 9, 2003
Gary Lads	July 2, 2003
J.S. Lane	July 2, 2003
Terry S. Lauck	July 13, 2003
Lynn Laybourne	undated
Ned Laybourne	undated
Danny Lecce	July 9, 2003
Pat Leiser	July 2, 2003
Charles Lemmon	July 12, 2003
Mary Levine	July 5, 2003
Lisa Lindsey	July 14, 2003
Debra Long	undated
James Lopeman	July 11, 2003
Benito Lornio	July 2, 2003
Harold Loward	July 8, 2003
Richard Lowe	July 2, 2003
Blesida Lucas	July 9, 2003
Wayne Lutz	July 1, 2003
Lilia Maciejewski	July 7, 2003
Steve Maher	July 2, 2003
Denise Mahy	July 3, 2003
Ernest Malwind	July 2, 2003
Fred Manoras	July 5, 2003
Brian Manson	July 2, 2003
Ronald Mart	July 2, 2003
Veronica Martin	July 2, 2003
Cathie Matson	June 30, 2003
Kim Matthews	June 30, 2003
Dave McDermott	July 14, 2003
Ms. McDonnell	July 7, 2003
Larry McElroy	July 3, 2003
Teresa McKenna	undated
Chris McKinney	July 1, 2003
Brandon McMillan	July 8, 2003
Donald Meek	undated
Jerry Meek	undated
Alan Mengershauser	July 2, 2003
Larry Mickwee, Safway Services	July 8, 2003
Gary Miles, Albay Construction Co.	July 3, 2003
Cheryl Leal Miller	July 2, 2003
Les Miller	July 1, 2003
Paul Miller	undated
Brian Mitchell	undated
Larry and Linda Monk	July 1, 2003
M. Montys	July 2, 2003
Robert Morehead	July 2, 2003

Steve Morgan	July 2, 2003
York Moy	July 9, 2003
Lynette Munson, Reliable Liquid Transport, Inc.	July 9, 2003
Pete Murray, Contra Costa Electric, Inc.	July 2, 2003
Phil Nasez	July 2, 2003
Robert Neal	undated
Kira Louisa Nevilla	July 2, 2003
Alma Jean Neville	July 2, 2003
Timothy Neville	July 2, 2003
Patrick Newsom	undated
Luther Nolan	June 30, 2003
Fred Novak	July 2, 2003
Danny O'Connell	July 5, 2003
Steve Padilla	undated
Antoinette Paltolla	July 2, 2003
Steve Pea	July 2, 2003
John Peranjo	July 5, 2003
Janet Peters, Arcadis	July 10, 2003
Carl Peterson	July 14, 2003
Byron Petterson	July 3, 2003
Justin Phillips	July 2, 2003
Lisa Polos	July 12, 2003
Dave Price	July 2, 2003
John Purcell	July 12, 2003
Dennis Quilici	July 14, 2003
Marta Raime	July 2, 2003
Joey Ramirez, Contra Costa Electric, Inc.	July 2, 2003
William Recob	July 10, 2003
Allen Ressle	July 2, 2003
Mart Riffler	July 2, 2003
Dean A. Robbins	undated
Al Roberto	July 2, 2003
Richard Roberts	undated
Rodeo-Hercules Fire Protection District	July 10, 2003
Michael Roth John Swett Unified School District	July 1, 2003
Venkata Row, P.E.	undated
John Sakamoto	July 11, 2003
Bruce Sapper	July 2, 2003
Winston Sayn	July 5, 2003
Randy Schultz	July 8, 2003
Walter Schwarz	July 2, 2003
Al Scopesie	July 2, 2003
June Seill	undated
Roman Serda Jr.	July 2, 2003
Roman Serda	July 2, 2003
Weston Settlemier, Bigge Crane and Rigging Co.	July 9, 2003
John Seyts	July 2, 2003
Anthony Shaffer	July 2, 2003
Ron Shapps	July 2, 2003
Mark Sheeley, Contra Costa Electric Inc.	July 8, 2003

Steve Sherry	July 3, 2003
Paul and Marianne Shrader	July 2, 2003
Steven Shubin	undated
Donald Silva, Performance Mechanical Inc.	July 10, 2003
Robert Smith	July 2, 2003
George Smith, Arcadis G&M	July 10, 2003
Joseph Spence	July 2, 2003
Howard Spencer	July 2, 2003
Coleman Stephen	July 3, 2003
Phillip Stern	July 8, 2003
Myles S. Stevens	undated
Bryan Stewart	July 5, 2003
Thomas Stewart	June 30, 2003
Suhas Sudame	July 2, 2003
Charlie F. Sullivan	July 5, 2003
Scott Sut	July 2, 2003
Ted Swanson	undated
Jeanne M. Tate	July 9, 2003
Mr. and Mrs. Ray Tate	July 2, 2003
Tom Tatro, Contra Costa Electric, Inc.	July 2, 2003
Mike Terrell	July 2, 2003
John Tes	undated
Thomas Tockey	July 2, 2003
Dennis Truitt, Timec	July 10, 2003
Dina Tyler	July 2, 2003
Valerie Uyeda	July 9, 2003
Lyndon and Pat Valerri, Napa Auto Parts	July 3, 2003
Mayo For Van	July 9, 2003
Mike Walden	July 2, 2003
Gene Walker	July 2, 2003
Robert and Marianne Walson	undated
Douglas Ward	July 2, 2003
Wayne Weder	undated
John Wentworth	July 9, 2003
Brian Wilson	July 2, 2003
Jeffrey Wilson	undated
Sherman Wisk	undated
John Wolfe Jr.	July 9, 2003
Ricky Woo	July 9, 2003
Virginia S. Woo	July 13, 2003
Ken Woodward	July 2, 2003
Stillo Young, ConocoPhillips	undated
Youth Activities Development Association of Rodeo and Crockett	July 7, 2003
Tom Zander	July 2, 2003
Patrick Ziegler	July 10, 2003
Jeffrey Zwicker	July 5, 2003