

**From:** Christina Acosta [<mailto:christinaacosta.ca@gmail.com>]  
**Sent:** Tuesday, January 4, 2022 4:27 PM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** Item 26

**-EXTERNAL-**

**World Oil Storage Tanks Messaging Guidelines**

- [Item 26: Appeal of the Board of Harbor Commissioners' adoption of the Final Initial Study/Negative Declaration \(IS/ND\) for the World Oil Tank Installation Project \(Project\) January 4, 2022](#)

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My name is Christina Acosta and I am a member of the California Faculty Association and a resident of Long Beach. I'm here to express my strong opposition to the negative declaration approach (the no impact conclusion) for the World Oil Project. The potentially significant environmental impacts from this project require robust environmental review under an environmental impact report to assess appropriate mitigation and alternatives to this project.

Continued oil storage expansion in our region is out of sync with the rhetoric of the Port and Long Beach Mayor about advancing clean technologies and addressing pollution burdens. The negative declaration for this project ignores the reality on the ground in overburdened communities and the very real harmful impacts of this expansion. The World Oil Project would have a range of harmful impacts on surrounding communities, including:

- Project would add to World Oil's existing oil storage capacity of **502,000 barrels**
- Project would produce **15,000 barrels of hazardous sludge** over its lifetime
- Project would free up to **188,000 barrels of oil storage** for use by nearby refineries
- Project will emit **hundreds of thousands of pounds of toxic air pollution** over its lifetime
- Project would be about **half a mile** from two elementary schools, parks, and neighborhoods

The Long Beach City Council must demonstrate leadership and show their commitment to impacted residents and environmental justice.

- We urge the Council to require the Port to **prepare an environmental impact report** for this project to protect public health and safety and the environment.
- We urge you to stand up to this powerful industry by not allowing storage tank projects to be rubber-stamped without robust environmental review.

Sent from my iPhone

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

RE: January 4, 2022 – ITEM #26

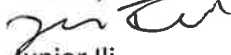
Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Junior Ili and I work on various environmental projects geared toward reducing Hazardous Waste contamination as a Field Service Manager. World Oil is family owned and oriented business that is committed to its employees and their families. I have worked for the company for almost 25 years, and I look forward to working another 25.

I've also lived in the City of Long Beach for over 40 years. My wife and I are both Poly High and CSULB graduates. As a resident of this City, I have participated in several volunteering opportunities including Beach clean ups and volunteering time at local food banks. I also volunteer at a local high school.

I am supportive of the project because it will benefit the port and the Long Beach community. Please approve the recommendation to approve this tank installation project.

Thank you,



Junior Ili

3608. E. ANAHEIM ST. #223  
LONG BEACH CA 90804

**From:** Jeff Baxter [mailto:jbaxter@worldoilcorp.com]  
**Sent:** Monday, January 3, 2022 10:55 AM  
**To:** CityClerk <CityClerk@longbeach.gov>  
**Cc:** Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>  
**Subject:** City of Long Beach 04JAN22 Council Meeting - Support ITEM 26 and request to DENY the Appeal

**-EXTERNAL-**

Good morning.

My family and I are residents of Long Beach, District 3. I am writing in support of Item 26 on the January 4<sup>th</sup> City Council meeting to DENY the appeal and uphold the Harbor Commission's decision to approve World Oil's project. Please see attached my letter of support for Item 26.

If you have any questions, please do not hesitate to contact me by email or phone.

Thank you for your consideration and happy new year.



Jeff Baxter  
Executive Vice President  
**WORLD OIL REFINING, RECYCLING & ENVIRONMENTAL SERVICES**

310-537-7100 Ext 3220 OFFICE

734-846-1669 MOBILE

[jbaxter@worldoilcorp.com](mailto:jbaxter@worldoilcorp.com)

[WORLDILCORP.COM](http://WORLDILCORP.COM)

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ITEM # 26

January 03, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Jeff Baxter and I am the Executive Vice President of Operations and Engineering for our recycling, environmental services, asphalt and terminal divisions. I have been with World Oil for seven years, serving the last two in my current role.

My wife and I moved to Southern California from Chicago and chose to live in Long Beach primarily due to its reputation of having a strong sense of community. Since our arrival, my family has grown to be a part of the Long Beach community. My children attend local schools and my wife and I participate in various volunteer activities.

The company is family owned and instills a strong sense of community in its operations. Over half our employees live in Los Angeles County of which over 30 are Long Beach residents. The fact that our employees are local residents who represent a very diverse workforce, often gets lost behind our corporation image and company name. The company motto is "Doing right in everything we do." This is not just a catch phrase but something every employee strives for every day.

We appreciated the unanimous vote to approve the tank installation project by the Long Beach Board of Harbor Commissioners.

This project will benefit the Port, its tenants, some of which we do business with, as well as the local economy. It would create construction jobs and help maintain jobs at the facility. It would also help World Oil maintain and grow its recycling and manufacturing operations, which both improve the environment and reduce greenhouse gas emissions around Long Beach and Southern California. We provide valuable services while considering sustainable operations and development.

We ask for your support of this project. Please approve the proposed Resolution to uphold the Harbor Commission decision and deny the appeal.

Sincerely,

A handwritten signature in black ink that reads "Jeff Baxter". The signature is written in a cursive, flowing style.

Jeff Baxter

**From:** Janet Bernabe [<mailto:janet.b@ccaaj.org>]  
**Sent:** Tuesday, January 4, 2022 4:00 PM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** Public Comment: Item 26 Appeal

**-EXTERNAL-**

Good evening, name is Janet Bernabe and I am the Organizing Director for the Center for Community Action and Environmental Justice CCAEJ. I am writing my comment here to express our strong opposition to the negative declaration approach (the no impact conclusion) for the World Oil Project. The potentially significant environmental impacts from this project require robust environmental review under an environmental impact report to assess appropriate mitigation and alternatives to this project.

Continued oil storage expansion in our region is out of sync with the rhetoric of the Port and Long Beach Mayor about advancing clean technologies and addressing pollution burdens. The negative declaration for this project ignores the reality on the ground in overburdened communities and the very real harmful impacts of this expansion. The World Oil Project would have a range of harmful impacts on surrounding communities, including:

- Project would add to World Oil's existing oil storage capacity of **502,000 barrels**
- Project would produce **15,000 barrels of hazardous sludge** over its lifetime
- Project would free up to **188,000 barrels of oil storage** for use by nearby refineries
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The Long Beach City Council must demonstrate leadership and show their commitment to impacted residents and environmental justice.

- We urge the Council to require the Port to **prepare an environmental impact report** for this project to protect public health and safety and the environment.
- We urge you to stand up to this powerful industry by not allowing storage tank projects to be rubber-stamped without robust environmental review.

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

RE: January 4, 2022 Council Meeting – ITEM #26

Dear Honorable Mayor Garcia and Long Beach City  
Councilmembers:

My name is Eddie Cabrera and I am the World Oil  
Transportation South Gate Terminal Manager. I have worked  
for World Oil since 1997. I started off as a driver, then a  
dispatcher and I am now the facility manager.

At this facility we make asphalt for use in paving roads and  
roofing materials.

I have lived in Long Beach nearly 30 years.

World Oil has always treated me well and I have enjoyed  
working at this company for more than 24 years.

I am supportive of my company's efforts to create efficiencies at  
World Oil Terminal Long Beach.

Please approve the recommendation to adopt the resolution  
denying the appeals and upholding the Board of Harbor  
Commissioner's adoption of the Final IS/ND for the Project.

Thank you,

Eddie Cabrera



1345. E 68th. St  
Long Beach. CA. 90805

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

RE: January 04, 2022 – ITEM #26

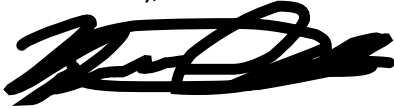
Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Hugo Castillo and I am a resident of Long Beach.

I have worked for World Oil for almost 2 years and I enjoy my job as an instrument technician. I find that there are new challenges created daily for my own personal growth at the company.

I would like to ask for your support of World Oil efforts at the Long Beach Terminal.  
Hope you will deny the appeals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hugo Castillo', with a horizontal line drawn through it.

Hugo Castillo



January 4, 2022

**To: Long Beach Mayor Robert Garcia**

**Sent: January 4, 2022**

**Subject: Agenda item # 22-0026**

Dear Honorable Mayor Garcia and City Council Members,

On behalf of the Long Beach Area Chamber of Commerce, our 735 members and growing, representatives, and community stakeholders, we write in support of the World Oil Tank Installation Project. World Oil proposes the World Oil Tank Installation Project, including the construction and operation of two new 25,000-barrel petroleum storage tanks within the existing World Oil Terminal, privately owned by RIBOST Terminal LLC, at the Port of Long Beach (POLB). This project would provide additional storage capacity to increase the efficiency of their terminal operations.

We are writing to ask that you uphold the Board of Harbor Commissioners decision made in the October 28, 2021 Harbor Commission meeting and was approved unanimously by Harbor Commissioners Colonna, Weissman, Lowenthal and Harbor Commission President Neal.

World Oil primarily serves as a recycler of used oils and waste antifreeze. World Oil collects, transports, and recycles waste oil products from over 20,000 auto repair and auto servicing sites in California, Nevada, Arizona, and New Mexico. At its facility in South Gate, World Oil makes asphalts for paving and roofing applications. Locally, sourcing asphalt reduces overall environmental impacts and ensures that the critical infrastructure needs of the greater Los Angeles area are met. Critical infrastructure needs include local government projects such as roads and commercial, industrial, residential, and related infrastructure.

There are clear benefits of the proposed project, including:

**1. Efficiency.**

- a. The new tankage at the RIBOST Terminal will increase the efficiency of the Terminal and at the POLB by providing more flexibility in the storage of fuels by the Port's lessees.
- b. The Project will maximize the existing working assets at the POLB by using existing pipelines to transport fuels.

**2. Jobs.**

- a. The Project will maintain existing jobs at the Terminal and create new ones during construction. Construction jobs will include several Building Trades Unions, including LIUNA 1309, Allied Trades District Council #36, and Operating



Engineers Local #12.

- b. The RIBOST Terminal helps to support the 639 World Oil employees, of which 32 live in the City of Long Beach.

**3. Low Environmental Impacts.**

- a. The South Coast Air Quality Management District (SCAQMD) and POLB have both reviewed the Project. They have concluded that the Project will not cause or contribute to any significant impacts. Therefore, no EIR is needed to reconfigure the existing facility to add two smaller tanks.
- b. This Project will have no significant environmental impact, and there will be no significant adverse effects from the Project.
- c. The Project will not cause or contribute to new odors.
- d. The RIBOST Terminal is taking extra precautions to minimize construction emissions. Best management practices will include using low volatile organic compounds (VOC) coatings, watering unpaved areas, and hauled bulk materials to reduce dust. Also, all off-road equipment will utilize Tier 4 engines.
- e. Emissions will be minimal, and all neighbors are approximately ½-mile from the Terminal.
- f. Existing pipelines will be utilized.
- g. No Ocean-Going Vessels (OGV) access the Terminal. Therefore, there is no berth at the RIBOST Terminal.
- h. The design standards applied to the new tanks will be built using Best Available Control Technology (BACT), which will minimize emissions during operation. The BACT is a floating roof with a mechanical shoe primary seal and a flexible wiper secondary seal.
- i. The tanks will not be heated, and their exteriors will be painted white to minimize heating from the sun.
- j. The Project's construction and operation complies with the Clean Air Action Plan (CAAP) and the Air Quality Management Plan (AQMP) for the state, and all applicable local regulations as administered by the SCAQMD.

**4. Little to No Health Risks.**

- a. A health risk analysis was performed pursuant to SCAQMD regulations and concluded that the Project would not create substantial localized health impacts.
- b. The Project's combined construction and operation emissions health risks are estimated to be well below the SCAQMD health risk and CEQA significance thresholds. Several screening-level analyses were performed to determine health risk. Screening-level analyses are designed to always overestimate risk; therefore, given the high level of conservatism built into the screening analyses, the low risks associated with the Project will be even lower.
- c. A screening health risk assessment was completed and compared against the SCAQMD's published toxic air contaminants (TACs) health risk significance thresholds. The following results demonstrate the low-risk thresholds for the Project:
  - i. Screening-level cancer risk for maximum exposed residents is over 20 times lower than the cancer risk significance threshold.
  - ii. Screening-level chronic risk is over 1,800 times lower than the significance level.

- iii. The maximum cancer risk for maximum exposed workers is over 30 times lower than the cancer risk significance threshold.
- iv. The screening-level chronic risk is over 40 times lower than the significance level.

**5. Reduction of Fossil Fuels.**

- a. The RIBOST Terminal is part of the critical oil recycling infrastructure that reduces fossil fuels.
- b. The Terminal leases storage capacity to other businesses. As California's fuel mix changes towards renewable, these tanks may be repurposed to storing, processing, or distributing the renewable fuels of the future.

World Oil has proven to be an excellent environmental and community partner with the Port and City of Long Beach and has a history of environmental innovation. Their work is critical to reducing fossil fuel exploration and providing essential jobs and benefits to our local community.

We ask for your support in this Project.

Sincerely,



Jeremy Harris  
President/CEO  
Long Beach Area Chamber of Commerce

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

RE: January 4, 2022 – ITEM #26

Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is John Dougherty and I write this letter to ask for your support of the World Oil Terminal Long Beach (WOT-LB) project. I am a lifelong resident of the City of Long Beach and serve as the Terminal Operations Manager for WOT-LB. I know that this project will help expand the terminal's ability to manage the commodities at the terminal more efficiently. This project will help strengthen the existing infrastructure for our work.

As I mentioned, I have been a resident of Long Beach for many years. My father was employed at the Long Beach Naval Shipyard, where I also worked early in my career. I attended elementary school at Longfellow, Jr. High at Hughes, and High School at Jordan, along with 3 of my older siblings. I met my wife, Nancy in Jr High. We love the Long Beach community and the options it brings for shopping, schools, dining, public services, employment, and general wellbeing. We are happy that our children were born in this community, and we have raised them in this wonderful City. Few residents have the opportunity to both live and work in the same City.

I've worked at World Oil for 30 years. I started working for the company as a contractor. However, once my projects were completed, I was given the opportunity to come onboard as a maintenance mechanic and I have worked for WOT-LB ever since. This company recognizes hard work and dedication of its employees and promotes from within to help make the company stronger and smarter.

I've enjoyed the job stability, good employee benefits, fair management, and great teammates. WOT-LB works hard to allow employees to provide a cooperative working environment and allow its employees to express their concerns. It is always seeking ways to improve their operations and the work environment for its employees.

For all these reasons, I ask for your support of this important project. Please deny the appeal and support the Port of Long Beach Harbor Commissioners approval of the Final IS/Negative Declaration.

Sincerely,

John Dougherty

A handwritten signature in black ink, appearing to read "John Dougherty". The signature is fluid and cursive, with a large initial "J" and "D".



**PO Box 15624**  
**Long Beach CA 90815**  
office: **310.982.1323**  
email: **info@futureports.org**  
**www.futureports.org**

January 3, 2021

Mayor Robert Garcia  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Stacy Mungo  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Mary Zendejas  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Dr. Suely Saro  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Cindy Allen  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Roberto Uranga  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Suzie Price  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Al Austin II  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Councilmember Daryl Supernaw  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Vice Mayor Rex Richardson  
411 West Ocean Blvd, 11th Floor  
Long Beach, California 90802

Re: World Oil Tank Installation Project January 4, 2022 Hearing Item #26

Dear Mayor Garcia and Long Beach Councilmembers,

On behalf of FuturePorts I am writing to you to express our support for the World Oil RIBOST Tank Installation Project IS/ND.

FuturePorts is a 501(c)(6) nonprofit advocacy coalition founded in 2005 to help coalesce the Southern California supply chain around the need to both grow the ports and to address the environmental, air quality, and quality of life issues that come with that growth. FuturePorts believes that a vibrant and healthy economic and environmental future for the ports is vital to us all.

World Oil is a very innovative company, recycling many products including motor oil and antifreeze. With the addition of the two smaller tanks, the RIBOST Terminal Project will be able to provide surge capacity for blending and storage of marine fuels to meet cleaner IMO 2020 standards, which will directly benefit Port tenants who use these fuels.



PO Box 15624  
Long Beach CA 90815  
office: 310.982.1323  
email: [info@futureports.org](mailto:info@futureports.org)  
[www.futureports.org](http://www.futureports.org)

The project will also benefit the local economy, maintaining existing jobs at the terminal as well as create many new, good-paying ones during construction.

The new tankage at the RIBOST Terminal will also increase the efficiency of the terminal, its customers, and the Port of Long Beach.

For these reasons and more, FuturePorts is proud to support World Oil in their tank installation project.

Thank you,

Marnie Primmer  
Executive Director  
FuturePorts

ITEM #26

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Sue Gornick and I have worked for World Oil for five years. I currently serve as the Vice President of Environment, Health & Safety for World Oil and manage environmental compliance and permitting for all our divisions. Since 2005, I have been a Long Beach resident. My wife and I currently live in Downtown Long Beach, in the first Council District.

Having worked for World Oil these past 5 years, I realize that the company truly cares about its employees. I support this project because it not only helps the company continue to be successful, which means keeping jobs in the Port of Long Beach, but also because it allows the RIBOST Terminal to run more efficiently. Additionally, with the new tanks, the company can look forward to supporting California's long-term commitment to cleaner fuels.

I enjoy working at World Oil because of the people. It feels like a close-knit family. Over the years I have had some interesting and challenging projects that I believe benefit the communities where we work. I am so thankful that World Oil continues to support its employees through these challenging times and am proud to be a part of their family.

I urge you to support this project and all that it means to supporting a local workforce and continued work in providing Southern California with alternative fuels.

Please support the recommendation to deny the appeals and uphold the unanimous decision of the Board of Harbor Commissioners to adopt the Final IS/ND for this project.

Sincerely,

A handwritten signature in cursive script that reads "Sue Gornick".

Sue Gornick

ITEM #26 for January 4, 2022 meeting

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Emilio Morales and I am a Supervisor in the Drum Department at World Oil. I live in Long Beach and worked at World Oil for 25 years. I am supportive of the project at Word Oil Long Beach Terminal because I know it will help create efficiencies and jobs.

I have enjoyed working at World Oil because of the long- lasting relationships I've created, as well as the career opportunities and growth I have received over my time working at this company.

I hope you will support the World Oil Project and approve the proposed Resolution to deny the appeals.

Thank you,

Emilio Morales

Emilio Morales

**From:** George Noel Oilenroc [mailto:nsg1430@yahoo.com]

**Sent:** Thursday, December 30, 2021 11:53 AM

**To:** CityClerk <CityClerk@longbeach.gov>

**Cc:** Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>

**Subject:** For the January 4, 2022 City Council Meeting – ITEM 26

**-EXTERNAL-**

**Please see the attached letter in support of the World Oil Tank Installation Project.**



December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

January 4, 2022 – ITEM #26

Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Noel Cornelio and I have worked World Oil for 10 years.

I have lived in Long Beach for 7 years.

World Oil is a great place to work. The company is very supportive of its employees and provides opportunities to grow.

I am supportive of the proposed project at the RIBOST Terminal. It will create jobs and support the economy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Noel Cornelio', is written over a large, light-colored oval shape. The signature is stylized and somewhat cursive.

Noel Cornelio

**From:** Alisha C. Pember [<mailto:apember@adamsbroadwell.com>]

**Sent:** Tuesday, January 4, 2022 3:42 PM

**To:** Council District 1 <[District1@longbeach.gov](mailto:District1@longbeach.gov)>; Council District 2 <[District2@longbeach.gov](mailto:District2@longbeach.gov)>; Council District 3 <[District3@longbeach.gov](mailto:District3@longbeach.gov)>; Council District 4 <[District4@longbeach.gov](mailto:District4@longbeach.gov)>; Council District 5 <[District5@longbeach.gov](mailto:District5@longbeach.gov)>; Council District 6 <[District6@longbeach.gov](mailto:District6@longbeach.gov)>; Council District 7 <[District7@longbeach.gov](mailto:District7@longbeach.gov)>; Council District 8 <[District8@longbeach.gov](mailto:District8@longbeach.gov)>; Council District 9 <[District9@longbeach.gov](mailto:District9@longbeach.gov)>; CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>; Pablo Rubio <[Pablo.Rubio@longbeach.gov](mailto:Pablo.Rubio@longbeach.gov)>

**Cc:** Christina Caro <[ccaro@adamsbroadwell.com](mailto:ccaro@adamsbroadwell.com)>; Kelilah D. Federman <[kfederman@adamsbroadwell.com](mailto:kfederman@adamsbroadwell.com)>

**Subject:** Agenda Item No. 26: Appeal of the World Oil Tank Installation Project (SCH No. 2020100119, File No. 22-0026)

**-EXTERNAL-**

Good afternoon,

Please see the attached **Comments re Agenda Item No. 26: Appeal of the World Oil Tank Installation Project (SCH No. 2020100119, File No. 22-0026)** and **Exhibit A**.

We are also providing a Dropbox link containing supporting references: <https://www.dropbox.com/sh/va5gfgsmcttg6x/AAB0wUOjm2Daj0mM90asCpnya?dl=0>.

A hard copy of our Comments and Exhibit A will be provided at this evening's hearing.

If you have any questions, please contact Kelilah Federman.

Thank you.

Alisha Pember

Alisha C. Pember  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
(650) 589-1660 voice, Ext. 24  
[apember@adamsbroadwell.com](mailto:apember@adamsbroadwell.com)

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# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

## ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660  
FAX: (650) 589-5062

[kfederman@adamsbroadwell.com](mailto:kfederman@adamsbroadwell.com)

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201  
FAX: (916) 444-6209

KEVIN T. CARMICHAEL  
CHRISTINA M. CARO  
JAVIER J. CASTRO  
THOMAS A. ENSLOW  
KELILAH D. FEDERMAN  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
KENDRA D. HARTMANN\*  
DARIEN K. KEY  
RACHAEL E. KOSS  
AIDAN P. MARSHALL  
TARA C. RENGIFO

January 4, 2022

*Of Counsel*

MARC D. JOSEPH  
DANIEL L. CARDOZO

*\*Not admitted in California.  
Licensed in Colorado.*

### **Via Email and Hand Delivery**

Mayor Robert Garcia; Councilmembers Mary Zendejas; Cindy Allen; Suzie Price; Daryl Supernaw; Stacy Mungo; Suely Saro; Roberto Uranga; Al Austin II; Rex Richardson

Civic Chamber, City Hall  
411 West Ocean Boulevard  
Long Beach, CA 90802

**Email:** [district1@longbeach.gov](mailto:district1@longbeach.gov); [district2@longbeach.gov](mailto:district2@longbeach.gov); [district3@longbeach.gov](mailto:district3@longbeach.gov); [district4@longbeach.gov](mailto:district4@longbeach.gov); [district5@longbeach.gov](mailto:district5@longbeach.gov); [district6@longbeach.gov](mailto:district6@longbeach.gov); [district7@longbeach.gov](mailto:district7@longbeach.gov); [district8@longbeach.gov](mailto:district8@longbeach.gov); [district9@longbeach.gov](mailto:district9@longbeach.gov)

Monique De La Garza, City Clerk

**Email:** [cityclerk@longbeach.gov](mailto:cityclerk@longbeach.gov)

Pablo Rubio, Sr. City Clerk Analyst

**Email:** [Pablo.Rubio@longbeach.gov](mailto:Pablo.Rubio@longbeach.gov)

### **Re: Agenda Item No. 26: Appeal of the World Oil Tank Installation Project (SCH No. 2020100119, File No. 22-0026)**

Dear Mayor Garcia, Councilmembers Zendejas, Allen, Price, Supernaw, Mungo, Saro, Uranga, Austin, Richardson, Ms. De La Garza and Mr. Rubio:

On behalf of Appellant Safe Fuel and Energy Resources California (“SAFER CA”) and Long Beach residents Nicholas Garcia, Sopha Sum, and Sophall Sum, we submit these comments in response to the Port’s Report on the Appeal of the Adoption of the Initial Study/Negative Declaration for the World Oil Tank Installation Project (“Staff Report”) for tonight’s hearing on SAFER CA’s Appeal of the Board of Harbor Commissioner’s October 28, 2021 decision to approve the Harbor Development Permit (No. 19-066) and approval of the Final Initial Study/Negative Declaration (“IS/ND”) for the World Oil Tank Installation Project (“Project”), proposed by Ribost Terminal, LLC dba World Oil Terminals

4943-018acp

(“Applicant”).<sup>1</sup> The Project seeks to construct two new 25,000-barrel petroleum storage tanks at the existing World Oil Terminal owned by Applicant located at the Port.<sup>2</sup> The terminal is 261,000 square feet (about 6 acres) and contains seven existing petroleum tanks of various sizes totaling a capacity of 502,000 barrels.<sup>3</sup> The two tanks would provide additional storage capacity of petroleum for refining and distribution and would make two of its existing larger tanks available for lease by third-party vendors.<sup>4</sup> The IS/ND estimates a 10 percent increase in truck trips, as well as an increase in average barrel throughput of fuel oil, but not of crude oil, over existing operations at the facility.<sup>5</sup>

The Staff Report fails to respond to or resolve the major issues raised in SAFER CA comments submitted on November 20, 2020 and October 28, 2021. SAFER CA’s comments and Appeal demonstrate substantial evidence that supports a fair argument that the Project may result in potentially significant environmental impacts. SAFER CA and our technical consultant, emissions and air quality expert Dr. Phyllis Fox demonstrated that there is substantial evidence supporting a fair argument that the Project’s operational air quality emissions are significant and unmitigated and the Port lacks substantial evidence to support the no-impact conclusions in the IS/ND. The Project may also result in potentially significant construction NOx emissions, that the IS/ND fails to adequately analyze or mitigate. The Project may result in cumulatively significant air quality and greenhouse gas emissions that remain unmitigated. The Port failed to address the fact that the Project will exacerbate sea level rise, and may place Project structures in the path of future sea level rise at the Port. Based on the substantial evidence presented in our comments and addressed herein, the Council should uphold SAFER CA’s Appeal.

SAFER CA respectfully requests that the City Council vote to grant this Appeal and overturn the Board of Harbor Commissioner’s erroneous approval of the HDP and IS/ND and direct the Harbor Commission to set aside the Project approval and conduct the appropriate CEQA analysis in the form of an environmental impact report (“EIR”) as required by CEQA, before reconsidering the Project.

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<sup>1</sup> IS/ND, p. 2-1.

<sup>2</sup> IS/ND, p. 2-1.

<sup>3</sup> IS/ND, p. 1-1.

<sup>4</sup> IS/ND, p. 2-4.

<sup>5</sup> IS/ND, p. 2-6.

## **I. STATEMENT OF INTEREST**

SAFER CA advocates for safe processes at California refineries and fuel transport and distribution facilities to protect the health, safety, standard of life and economic interests of its members. SAFER CA supports sustainable development of fuel resources in California that complies with environmental and public health laws. Its members have an interest in enforcing environmental laws, such as CEQA, which require the disclosure of potential environmental impacts of, and ensure safe operations and processes for, California's fuel production, storage, and transport projects. SAFER CA members are concerned about projects, like this one, that present serious environmental risks and public service infrastructure demands without providing countervailing employment and economic benefits to local workers and communities. SAFER CA filed this Appeal to ensure that the City fully complies with its obligations under State and local environmental and public health laws before approving the Project.

SAFER CA members live, work, recreate and raise their families in Los Angeles County, including the City of Long Beach. Accordingly, they would be directly affected by the Project's adverse environmental impacts. The members of SAFER CA's participating unions may also work on the Project itself. They will, therefore, be first in line to be exposed to any hazardous materials, air contaminants, and other health and safety hazards, that exist onsite.

## **II. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT WILL RESULT IN SIGNIFICANT ENVIRONMENTAL IMPACTS THAT THE IS/ND FAILS TO DISCLOSE OR MITIGATE**

The Staff Report erroneously concluded that "SAFER CA has not presented a fair argument that there is substantial evidence that the Project will result in a significant environmental impact."<sup>6</sup> SAFER CA submitted extensive comments, along with our technical consultant, emissions and air quality expert Dr. Phyllis Fox, on the Draft IS/ND on November 20, 2020 and again ahead of the October 28, 2021 Board of Harbor Commissioners hearing. Those comments and our Appeal letter provided the Port with substantial evidence supporting a fair argument that the Project may result in potentially significant environmental impacts, including

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<sup>6</sup> Staff Report, p. 5 of 11.  
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potentially significant and unmitigated emissions of volatile organic compounds (“VOCs”) and greenhouse gases (GHGs”).

The IS/ND, therefore, is inappropriate and an EIR must be prepared,<sup>7</sup> even if other substantial evidence supports an opposite conclusion.<sup>8</sup> Dr. Fox’s comments provide an abundance of substantial evidence, found in both Exhibits A and B attached to SAFER CA’s Appeal, supporting a fair argument that the Project will have significant, unmitigated air quality impacts from construction, operation, fugitive sources, and increased facility capacity, all of which the Port failed to disclose and mitigate, in violation of CEQA. In addition, the IS/ND itself provides substantial evidence of significant air quality impacts from Project VOC emissions, which by the Port’s own admission will exceed SCAQMD’s offset threshold for its New Source Review Rule,<sup>9</sup> triggering the Air District’s offset requirement. Neither the Final IS/ND nor the Staff Report resolve these issues.

#### **A. Dr. Fox’s Opinion is Substantial Evidence**

The SAFER CA Appeal and comments provide substantial evidence supporting a fair argument that the Project may have potentially significant effects on the environment such that an EIR must be prepared. CEQA Guidelines Section 15384(a) defines substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might be reached.”<sup>10</sup> Substantial evidence includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”<sup>11</sup>

SAFER CA’s consultant, Dr. Fox, is a highly qualified air quality and hazardous materials expert whose opinions have been upheld by the Supreme Court and the Courts of Appeal, including on issues related to refinery and fuel storage and transport emissions.<sup>12</sup> Dr. Fox provided qualified expert opinion supported by

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<sup>7</sup> CEQA Guidelines § 15064 subd. (f), (h).

<sup>8</sup> See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.

<sup>9</sup> “The facility’s existing potential to emit is above the SCAQMD New Source Review Rule VOC offset threshold of 4 tons per year; therefore, the new tank emissions were required to be offset.” Draft IS/ND, p. 4-9.

<sup>10</sup> CEQA Guidelines § 15384 subd. (a).

<sup>11</sup> *Id.* at § 15384 subd. (b).

<sup>12</sup> See Exhibit A, P. Fox Curriculum vitae; *Commtys. for a Better Env’t v. SCAQMD* (2010) 47 Cal.App.5th 588 (upholding Dr. Fox’s opinion regarding refinery emissions); *Comtys. for a Better* 4943-018acp

facts demonstrating that the Project has potentially significant, unmitigated construction and operational emissions, and that the IS/ND substantially underestimated those impacts.

The Staff Report does not dispute Dr. Fox’s qualifications, but contends that Dr. Fox’s conclusions about the Project’s significant air quality impacts are not based on substantial evidence because the studies she relied on to document the Project’s underestimated tank VOC emissions have not been approved by regulatory agencies. In particular, the Staff Report asserts that the “FluxSense Study, industry journal articles or news articles that have not been vetted or approved by any regulatory agency, such as the South Coast Air Quality Management District (SCAQMD), and are not suited for emissions estimation or CEQA significance thresholds; nor are they approved for permitting or regulatory purposes.”<sup>13</sup> At other points, the Staff Report asserts that “SAFER CA’s referenced demonstration studies and industry journal articles referred to as ‘substantial evidence’ have not been vetted or approved by any regulatory agency for use in estimating potential future emissions from storage tanks or discreet fugitive sources, such as new petroleum tanks, or for establishing thresholds of significance in CEQA analyses.”<sup>14</sup> These assertions are not based in law or fact.

The Staff Report relies on an illusory legal standard that is not supported by caselaw or CEQA. CEQA does not require the facts that experts rely on to be vetted or approved by regulatory agencies. CEQA provides that substantial evidence shall include expert opinion “supported by facts.”<sup>15</sup> Whether the evidence relied upon by an expert has an adequate factual foundation can be established through a variety of factors, including the witness’ personal knowledge of facts,<sup>16</sup> whether the

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*Env’t v. City of Richmond* (2010) 184 Cal.App.4th 70, 90 fn.7 (acknowledging Dr. Fox as “consulting engineer and refinery expert” and crediting her opinion regarding the lack of support for GHG emissions calculations); *Berkeley Jets*, 91 Cal.App.4th at 1367–1371 (explaining that Dr. Fox’s health risk assessment “should have alerted the Port” to a need to analyze TACs related to the project).

<sup>13</sup> Staff Report, Attachment 8 Detailed Response of Harbor Department to the Issues Raised by Safe Fuel and Energy Resources CA, p. 5 of 11, pdf pp. 7, 107.

<sup>15</sup> CEQA Guidelines § 15384 subd. (b).

<sup>15</sup> CEQA Guidelines § 15384 subd. (b).

<sup>16</sup> See *Protect Niles v City of Fremont* (2018) 25 CA5th 1 129; *Clews Lan4 & Livestock v City of San Diego* (2017) 19 CA5th 161, 195; *Keep Our Mountains Quiet v County of Santa Clara* (2015) 236 CA4th 714, 730; *Lucas Valley Homeowners*

*Ass’n v County of Marin* (1991) 233 CA3d 130, 142; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 CA3d 872.

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evidence is provided by a qualified expert,<sup>17</sup> whether the evidence is credible,<sup>18</sup> and whether the evidence relies on verifiable data.<sup>19</sup> Opinion evidence submitted by a qualified expert, showing that significant impacts may occur, is usually conclusive as to that impact.<sup>20</sup>

Dr. Fox's expert opinion is supported by fact and easily meets these standards. Dr. Fox's comments on the Project are based on her decades of experience as an engineer, air quality and hazardous materials expert with extensive experience in the field of oil storage, handling and processing. Dr. Fox's qualifications are detailed in Exhibit A to SAFER CA's comments filed on November 5, 2021.<sup>21</sup> Dr. Fox has "over 40 years of experience in the field of environmental engineering, including air emissions and air pollution control; greenhouse gas (GHG) emission inventory and control; water quality and water supply investigations; hazardous waste investigations; hazard investigations; risk of upset modeling; environmental permitting; nuisance investigations (odor, noise); health risk assessments; EIRs; and litigation support."<sup>22</sup> Dr. Fox has reviewed and commented on hundreds of CEQA documents and air permit applications, including for tank farms, refineries, and other industrial facilities. Dr. Fox has MS and PhD degrees in environmental engineering from the University of California at Berkeley. Dr. Fox's expert opinions have been cited by the Court of Appeal and the California Supreme Court.<sup>23</sup>

The evidence relied upon and calculated by Dr. Fox has equal foundation. She reviewed, evaluated, and in some cases remodeled the Project's emissions using modern industry standard emissions software. Dr. Fox's expert comments are based on the data in the record, as well as 35 independent field monitoring studies,

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<sup>17</sup> *Sierra Club v. Department of Forestry & Fire Protection* (2007) 150 CA4th 370; *Architectural Heritage Ass'n v. County of Monterey* (2004) 122 CA4th 1095, 1117.

<sup>18</sup> *Lucas Valley Homeowners Ass'n*, 233 CA3d at 142.

<sup>19</sup> *Id.* at 157.

<sup>20</sup> See *City of Livermore v. LAFCO* (1986) 184 CA3d 531, 541.

<sup>21</sup> Letter from Safe Fuel and Energy Resources California ("SAFER CA"), Appeal of Approval of World Oil Tank Installation Project and Initial Study/Negative Declaration (SCH:2020100119) to Mayor Robert Garcia, Long Beach City Council, Monique De La Garza, Port of Long Beach, Exhibit A.

<sup>22</sup> Fox Comments, p. 3.

<sup>23</sup> Dr. Fox's expert opinions have been cited by the courts in *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1364 and *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 317.



including a study conducted by SCAQMD itself.<sup>24</sup> Contrary to the contentions in the Staff Report, as Dr. Fox explains in her attached comments, every study she relies on has been vetted and approved by regulatory agencies, including the South Coast Air Quality Management District (“SCAQMD”), the U. S. EPA, the European Union (“EU”), and others, including for use in monitoring VOC emissions from fugitive components, which are present on tanks and the connecting pipeline.<sup>25</sup> Though it is not required for these methods to be vetted by a regulatory agency, they were. Dr. Fox explains that the methods used in the 35 studies [Dr. Fox cites] demonstrating that the IS/ND’s tank VOC emissions are underestimated have been vetted and approved by all relevant regulatory agencies.<sup>26</sup> She states that “these methods have been validated by EPA for use in monitoring VOC emissions from fugitive components, which are present on tanks and are used by the California Air Resources Board (CARB) to verify emission inventories.”<sup>27</sup> In particular, Dr. Fox relied on remote sensing methods to evaluate the Project’s emissions that have been validated by numerous regulatory agencies and are used to determine compliance with emission limits.<sup>28</sup> Dr. Fox reiterates in her comments that the use of remote sensing methods used in the studies to detect leaks from fugitive components, including tanks such as those in the proposed Project, has been thoroughly vetted and approved by regulatory agencies in California, by the U.S. EPA, and by the United Nations, and is regularly used in place of the demonstrably inaccurate TANKS modeling software used by the Port.

The Staff Report wages a similar unsupported attack on Dr. Fox to the one that failed in *Save the Agoura Cornell Knoll v. City of Agoura Hills*.<sup>29</sup> There, the Appellant challenged the evidentiary value of the comments made by Dr. King, an expert in Native American archaeology and history. The court determined that Dr. King was, in fact, an expert, based on Dr. King’s letter detailing his qualifications.<sup>30</sup> The court held that “he had an adequate background and knowledge base to support his opinion about the significant effects of the project on the site’s cultural resources.”<sup>31</sup> Further, the court cited *Pocket Protectors v. City of Sacramento* that “expert opinion if supported by facts, even if not based on specific observations as to

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<sup>24</sup> Fox Comments, p. 2.

<sup>25</sup> See Exhibit A, pp 3-10.

<sup>26</sup> *Id.* at 3.

<sup>27</sup> *Id.*

<sup>28</sup> Fox Comments, p. 3.

<sup>29</sup> (2020) 46 Cal.App.5th 665, 689.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

the site under review may qualify as substantial evidence supporting a fair argument.”<sup>32</sup> Here, Dr. Fox has an adequate background and knowledge base to support her opinions about the significant effects of the Project on the environment, and relied on evidence generated by and vetted by the same regulatory agencies that have jurisdiction over the Project. The agency would be within its right to disregard comments from experts that amounted to “irrelevant generalization, too vague and nonspecific to amount to substantial evidence of anything.”<sup>33</sup> But, Dr. Fox presented a specific, factual basis for her reliance on the above mentioned 35 studies and reports to show that the Project may result in potentially significant effect on the environment.

This circumstance is distinct from that addressed in *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768. There, the court determined that the expert opinion was “insufficient to create a fair argument of a significant effect on the environment because a suggestion to investigate further is not evidence, much less substantial evidence, of an adverse impact.”<sup>34</sup> Here, Dr. Fox, presented more than a suggestion to investigate Project impacts further, but presented facts demonstrating potentially significant environmental impacts associated with Project construction and operation using the facts in the record. Specifically, Dr. Fox provided substantial evidence demonstrating that tank VOC emissions are significant and unmitigated, NOx emissions are significant and unmitigated, operational hazardous air pollutants from tanks will result in a significant cancer risk, and detailed additional significant impacts as discussed herein and in SAFER CA’s prior comments and Appeal.<sup>35</sup>

When qualified experts present conflicting evidence on the nature or extent of a project’s impacts, the agency must accept the evidence tending to show the impacts to be significant and prepare an EIR.<sup>36</sup> When “expert opinions clash, an EIR should be done.”<sup>37</sup> “It is the function of an EIR, not a negative declaration, to

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<sup>32</sup> *Save the Agoura Cornell Knoll* (2020) 46 Cal.App.5th 665, 689, quoting *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.

<sup>33</sup> *Lucas Valley Homeowners Assn. v. County of Marin* (1991) 233 Cal.App.3d 130, 157.

<sup>34</sup> *Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 786.

<sup>35</sup> Fox Comments, p. 1.

<sup>36</sup> *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 935; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317–1318; CEQA Guidelines § 15064(f)(5). See *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690; *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249.

<sup>37</sup> *Pocket Protectors*, 124 Cal.App.4th at 928; *Sierra Club*, 6 Cal.App.4th at 1317–1318.  
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resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project.”<sup>38</sup> Where substantial evidence is presented, “evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be ‘fairly argued’ that the project might have a significant environmental impact.”<sup>39</sup>

The Port’s attempt to discredit Dr. Fox’s evidence is a specious attempt to avoid the inevitable result under CEQA – when expert opinions clash, and EIR must be prepared.<sup>40</sup>

### **B. Substantial Evidence Supports a Fair Argument that the Project May Result in Potentially Significant Air Quality Impacts**

Substantial evidence supports a fair argument that the Project may result in potentially significant impacts. The IS/ND, therefore, is inappropriate and an EIR must be prepared,<sup>41</sup> even if other substantial evidence supports the opposite conclusion.<sup>42</sup>

Here, the IS/ND itself provides substantial evidence of significant air quality impacts from Project VOC emissions, which by the Port’s own admission will exceed SCAQMD’s offset threshold for its New Source Review Rule,<sup>43</sup> triggering the Air District’s offset requirement. Further, Dr. Fox’s comments identified three sources of tank emissions that were not analyzed in the IS/ND including: 1) roof landing emissions; 2) degassing emissions; and 3) cleaning emissions. These represent major sources of tank VOC emissions.<sup>44</sup> Dr. Fox concludes that when these emissions occur, they are likely to exceed the allowable SCAQMD VOC emissions thresholds.<sup>45</sup> Dr. Fox’s comments provide substantial evidence supporting a fair argument that the Project will have significant, unmitigated air quality impacts from emissions of construction, operation, fugitive sources, and increased facility capacity, all of which

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<sup>38</sup> *Pocket Protectors*, 124 Cal.App.4th at 935.

<sup>39</sup> *Sundstrom*, 202 Cal.App.3d at 310 (citation omitted).

<sup>40</sup> *Pocket Protectors*, 124 Cal.App.4th at 928; *Sierra Club*, 6 Cal.App.4th at 1317–1318.

<sup>41</sup> CEQA Guidelines § 15064 subd. (f), (h).

<sup>42</sup> *See No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.

<sup>43</sup> “The facility’s existing potential to emit is above the SCAQMD New Source Review Rule VOC offset threshold of 4 tons per year; therefore, the new tank emissions were required to be offset.” Draft IS/ND, p. 4-9.

<sup>44</sup> Fox Comments, p. 8.

<sup>45</sup> *Id.*

the Port failed to disclose and mitigate, in violation of CEQA. These impacts must be fully disclosed and mitigated in an EIR.

The Port lacks substantial evidence to support the no-impact conclusions in the IS/ND. As SAFER CA's Appeal and prior comments laid out, the IS/ND is legally inadequate as it failed to provide substantial evidence to support its findings of no significant air quality, public health, and other impacts, as discussed in our comments. Additionally, the Port used flawed methodology in its analyses, resulting in underestimated impacts and unsupported conclusions, including the unsupported conclusion that the Project will have no significant impacts and requires no mitigation. Its conclusions, for example, that operational emissions are insignificant, omit any of the calculations or criteria supporting its conclusions—reviewers are left to accept, categorically and without question, the agency's conclusory and unsupported statements. An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.<sup>46</sup> The omission of information required by CEQA is a failure to proceed in the manner required by law.<sup>47</sup> SAFER CA and our air quality expert consultant Dr. Fox presented the City with substantial evidence supporting a fair argument that the Project will have a potentially significant air quality and public health impacts.

The IS/ND contains several more violations, as outlined in our comment letters, demonstrating that the Port improperly relied on mitigation measures disguised as design features in an effort to make impacts appear less significant than they are. The IS/ND provides that "Special Condition AQ-1 is not identified as a CEQA mitigation measure, and its implementation has not been assumed to determine the construction emissions significance findings."<sup>48</sup> However, the Port concluded that construction emissions would be less than significant based on CalEEMod modeling that assumes the use of Tier Final 4 engines, the most stringent low-emission construction equipment available, without a binding commitment to use this equipment for the Project and without disclosing how high emissions would be if less efficient equipment is used.<sup>49</sup>

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<sup>46</sup> *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732.

<sup>47</sup> *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.

<sup>48</sup> IS/ND, p. 4-10.

<sup>49</sup> Pages 1 and 13 of the document "20180914\_RIBOST\_CalEEMod\_ALL\_ATT 1.PDF" provided to us by the Port in response to our records requests state that the Port requires Tier 4 engines for off-road equipment, but the CalEEMod Air Quality Analysis in Appendix A of the IS/ND contains no such language.

California law does not currently require construction fleets to contain exclusively Tier 4 (or even Tier 3) equipment, and allows the phasing-in of higher tiered equipment over a number of years.<sup>50</sup> Without a binding mitigation measure obligating the Applicant to use exclusively Tier 4 engines for the Project, there is no assurance that the Project will utilize this equipment, and no supporting evidence in the record to support the IS/ND's assertion that construction emissions would be less than significant. As a result, the IS/ND does not disclose the full extent of construction emissions, in violation of CEQA.

Special Condition AQ-1 acts in place of mitigation, but is not defined as mitigation by the IS/ND. CEQA defines mitigation to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.”<sup>51</sup> Special Condition AQ-1 will be implemented to “reduce the off-road equipment engine emissions, particularly NOx and particulate matter emissions.”<sup>52</sup> This Special Condition acts as a mitigation measure for the purposes of CEQA. This measure must be implemented as binding mitigation in an EIR in compliance with CEQA.

Special Condition AQ-1 is not enforceable mitigation under CEQA. Dr. Fox notes in her comments, that “without enforceable mitigation... construction emissions would be significant.”<sup>53</sup> Further, the Project Applicant has not made assurances as to the availability of Tier 4 equipment and whether the implementation of Special Condition AQ-1 is even possible. Dr. Fox provides that “In general, Tier 4 construction equipment availability is limited.”<sup>54</sup> Given that the Tier 4 equipment may not be available for the Applicant's use during construction, Tier 4 equipment cannot adequately reduce significant construction air emissions. Rather than admitting that the Project requires mitigation in the form of Tier 4 equipment, the City obfuscates the CEQA process by requiring a special condition on the Project.

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<sup>50</sup> 13 Cal. Code Regs. § 2449(d)(6); See CARB In-Use Off Road Diesel-Fueled Fleets Regulation Overview, available at [https://ww2.arb.ca.gov/sites/default/files/classic/msprog/ordiesel/faq/overview\\_fact\\_sheet\\_dec\\_2010-final.pdf](https://ww2.arb.ca.gov/sites/default/files/classic/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf).

<sup>51</sup> CEQA Guidelines § 15370.

<sup>52</sup> IS/ND, p. 4-9.

<sup>53</sup> Fox Comments, p. 11.

<sup>54</sup> *Id.*

The IS/ND also suggested the use of emission reduction credits (“ERCs”) to offset VOC emissions, disregarding Dr. Fox’s prior comments explaining that ERCs are not valid mitigation. Nevertheless, the IS/ND improperly claims that none of them are mitigation. This is another violation of CEQA, which prohibits the use of mitigation measures disguised as project features.<sup>55</sup>

A negative declaration is, by definition, a declaration that the Project needs no mitigation because it will not result in any impacts. If any measures are imposed to avoid adverse impacts, even if the agency chooses to call them by another name, their very existence invalidates the preparation of an ND. An EIR must be prepared.

### **C. The Port Failed to Adequately Respond to SAFER CA’s Comments and Failed to Proceed in a Manner Required by Law**

The Port failed to comply with CEQA when it failed to respond adequately to the vast majority of the comments we submitted on the Draft IS/ND, as well as failing to respond altogether to nearly all of the comments submitted by our technical expert, Dr. Fox.

The Port’s responses to Dr. Fox’s comments failed to address any of the specific, technical evidence she cited and instead simply directed the reader to its responses to comments by other commenters, most of which do not contain the same level of technical detail. Evidence of this egregious failure by the Port to uphold its duty to fully consider public comments can be seen in the attached Staff Report and Responses to Comments. Agencies are required to provide “detailed written response to comments . . . to ensure that the lead agency will fully consider the environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and the public participation in the environmental review process is meaningful.”<sup>56</sup> Comments raising significant environmental issues must be addressed in detail.<sup>57</sup> Failure of a lead agency to respond to comments before approving a project frustrates CEQA’s informational purpose, rendering an EIR legally inadequate.<sup>58</sup> “There must be good faith, reasoned

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<sup>55</sup> *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 658.

<sup>56</sup> *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.4th 889, 904.

<sup>57</sup> 14 Cal. Code Regs § 15088(c).

<sup>58</sup> *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.4th 603, 615; *Rural Landowners Ass’n v. City Council* (1983) 143 Cal.3d 1013, 1020.  
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analysis in response. Conclusory statements unsupported by factual information will not suffice.”<sup>59</sup>

Further, numerous instances can be found throughout the IS/ND demonstrating the Port’s disregard for its legal obligation to comply with CEQA, particularly the aspects of the statute regarding public participation and disclosure of supporting documents. Instead of providing evidence to support its conclusions and to allow the public an opportunity to independently review the Project’s potential impacts, the Port offered conclusory statements in its responses to comments, claiming that it coordinated with SCAQMD, for example, “to ensure that all new piping component fugitive VOC emissions are included in the emissions estimate.”<sup>60</sup> An agency’s conclusory assurances that it has “ensured” the accuracy of a project’s estimated impacts ignores the public participation requirement of CEQA. An EIR must be prepared to adequately address and mitigate these issues.

#### **D. The City Failed to Adequately Analyze the Potentially Significant Hazards Impacts Associated with Sea Level Rise**

CEQA requires an agency to analyze “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected.”<sup>61</sup> Further, an agency must “evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards area.”<sup>62</sup> This Project potentially exacerbates the risk of sea level rise and resultant hazards impacts at the Project site, due to its direct contribution of greenhouse gas emissions and siting at the Port, and may also be impacted by sea level rise given the proximity of the Project’s tanks to the ocean waters at the Port. The Project’s primary objective is the storage of crude oil, refinement and burning of which is a primary driver of global warming. The Staff Report does not adequately address the Project’s impacts associated with sea level rise as required by CEQA.

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<sup>59</sup> CEQA Guidelines, § 15088, subd. (c); *The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; see *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124.

<sup>60</sup> *Id.*

<sup>61</sup> CEQA Guidelines § 15126.2(a).

<sup>62</sup> *Id.*

SAFER CA recognizes that the court in *Ballona Wetlands Land Trust v. City of Los Angeles* held that CEQA does not require the lead agency to analyze or disclose the effects of sea level rise on the proposed development.<sup>63</sup> CEQA requires analysis and disclosure of a project’s effects on the environment, and does not require an analysis of the environment’s effect on the project.<sup>64</sup> But in *Cal. Bldg. Indus. Ass’n v. Bay Area Air Quality Mgmt. Dist. (CBIA)*, the California Supreme Court carved out an exception to this general rule where a project may exacerbate an environmental hazard.<sup>65</sup> The court held that “the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”<sup>66</sup> The court requires “evaluating a project’s potentially significant *exacerbating* effects on existing environmental hazards – effects that arise because the project “brings people into the area affected.”<sup>67</sup>

The Project will exacerbate sea level rise, and may place Project structures in the path of future sea level rise at the Port. Any contribution of greenhouse gas emissions from the Project will result in the worsening of sea level rise in California. “Aggressive reductions in greenhouse gas emissions may substantially reduce but do not eliminate the risk to California of extreme sea-level rise from Antarctic ice loss.”<sup>68</sup> Further, “[c]oastal California is already experiencing the early impacts of a rising sea level, including more extensive coastal flooding during storms, periodic tidal flooding, and increased coastal erosion.”<sup>69</sup> This Project will contribute GHG emissions through the extraction of the crude oil, the transport and storage, the refinement, and eventually the burning of the final fuel product. All these GHGs will indirectly contribute to the sea level rise that threatens the Port of Long Beach and Project components.

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<sup>63</sup> *Ballona Wetlands Land Tr. v. City of L.A.* (2011) 201 Cal. App. 4th 455.

<sup>64</sup> *Id.*

<sup>65</sup> *Cal. Bldg. Indus. Ass’n v. Bay Area Air Quality Mgmt. Dist.*, (2015) 62 Cal. 4th 369.

<sup>66</sup> *Id.* at 388.

<sup>67</sup> *Id.*

<sup>68</sup> California Ocean Protection Council Science Advisory Team, *Rising Seas in California: An Update on Sea-Level Rise Science* (April 2017). Available at <https://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>.

<sup>69</sup> *Id.*



Sea level rise will exacerbate potential hazards on the Project site. If the Project is submerged, Project components may corrode, crude oil may leak and cause a catastrophic crude oil spill. The Staff Report does not remedy the IS/ND's failure to adequately analyze this potentially significant impact. The Staff Report fails to mention the impact at all.

The City of Long Beach issued a draft Climate Action and Adaptation Plan which assumes that sea level will rise 11 inches by 2030, 24 inches by 2050, and 66-inches by 2100.<sup>70</sup> By the City's own calculation, the Project will potentially be subject to upwards of 36 inches of sea level rise, plus additional storm surge inundation, during the Project's lifetime.<sup>71</sup> The Project applicant noted that storage tank life is variable but can often exceed 50 years.<sup>72</sup> The Project site does not contain a flood control system, therefore the potentially significant flood hazard impacts associated with sea level rise remains unmitigated. The IS/ND proposes the use of air driven pumps which would be used to divert 36-inches of sea level rise plus a 100-year flood storm surge inundation over the containment wall during a flood event.<sup>73</sup> This measure is wildly insufficient to protect Project components and sensitive receptors from risks from flooding, hazards, and associated environmental impacts. Further, the City of Long Beach Proposed Climate Action and Adaptation Plan stated:

[T]he Port of Long Beach studied the combine impacts of [sea level rise], storm surge, and precipitation based flooding from the Dominguez Channel. The modeling found that under extreme conditions, more intensive riverine storms coupled with SLR could cause the Dominguez Channel to overtop its banks, resulting in extensive flooding to Port infrastructure.<sup>74</sup>

By the City's own estimates, even absent a 100-year flood event, the Dominguez Channel may overtop its banks and result in "extensive flooding to Port

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<sup>70</sup> City of Long Beach, Proposed Climate Action and Adaptation Plan, (Nov. 2020) [https://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/caap/lb-caap-full-version\\_dec-14](https://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/caap/lb-caap-full-version_dec-14).

<sup>71</sup> *Id.*

<sup>72</sup> IS/ND, p. 4-28.

<sup>73</sup> *Id.*

<sup>74</sup> City of Long Beach, Proposed Climate Action and Adaptation Plan, (Nov. 2020). Available at: [https://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/caap/lb-caap-full-version\\_dec-14](https://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/caap/lb-caap-full-version_dec-14).

infrastructure.”<sup>75</sup> This impact was not analyzed or mitigated in the IS/ND. The IS/ND is silent to the potential for this event, and fails to provide mitigation to protect Project components and nearby sensitive receptors in the event of a Dominguez Channel flood event. Workers on the Project site could potentially be stranded or endangered during a flood event. The IS/ND does not analyze or mitigate this potentially significant impact.

Further, the Project contravenes the Climate Adaptation and Coastal Resiliency Plan which requires the utilization of adaptation strategies to protect Port assets from future climate stressors, including storm surge and sea level rise.<sup>76</sup>

The Project will bring people into the area affected, including exposing workers and sensitive receptors to hazardous materials and crude oil that may leak as a result of rising seas. The City of Long Beach Proposed Climate Action and Adaptation Plan states that some of the key vulnerabilities in Long Beach include 4 miles of road which provide access to Port of Long Beach facilities.<sup>77</sup> This type of flooding could endanger the health and safety of individuals that the Project brings to the area affected, who may work in the Project vicinity. The Port of Long Beach is the second busiest seaport in the United States.<sup>78</sup> The Project will bring workers and individuals associated with Project construction and operation to the area.

The Project’s impacts associated with exacerbating sea level rise, bringing people to the area affected, and contravening the Climate Adaptation and Coastal Resiliency Plan constitute significant impacts under CEQA, which must be analyzed and mitigated in an EIR.

### **III. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT MAY RESULT IN CUMULATIVELY CONSIDERABLE GREENHOUSE GAS EMISSIONS IMPACTS**

The IS/ND asserts, absent substantial evidence, that the Project would have a less than significant impact with respect to “cumulatively considerable” impacts.

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<sup>75</sup> *Id.*

<sup>76</sup> Port of Long Beach, Climate Adaptation and Coastal Resiliency Plan (Fall 2016). Available at: <https://www.slc.ca.gov/wp-content/uploads/2018/10/POLB.pdf>.

<sup>77</sup> City of Long Beach, Proposed Climate Action and Adaptation Plan, (Nov. 2020) [https://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/caap/lb-caap-full-version\\_dec-14](https://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/caap/lb-caap-full-version_dec-14).

<sup>78</sup> *Id.*

“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”<sup>79</sup> The IS/ND does not analyze or mitigate this potentially significant impact. Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. This Project is a prime example of the principle that “environmental damage often occurs incrementally from a variety of small sources.”<sup>80</sup> GHG impact sources may appear insignificant, but assume “threatening dimensions only when considered in light of the other sources with which they interact.”<sup>81</sup>

As described in the state’s Climate Change Scoping Plan of 2008, GHG sources in the state collectively result in emissions that are higher than the targets established by Assembly Bill 32, which indicates that GHG emissions in the state continue to contribute to a total significant, state-wide cumulative impact.<sup>82</sup> The GHG emissions from this Project will contribute to the cumulatively significant GHG emissions of past projects, current projects and probable future projects. The extraction of crude oil, the storage in the current Project, the refining process, and the resultant burning of the oil will generate significant GHG emissions. The resultant GHG from the burning of the fossil fuels stored on the Project site constitute a cumulatively significant impact.

Dr. Fox concluded that the cumulative GHG impacts of the Project will be significant and remain unmitigated.<sup>83</sup> Dr. Fox cites to numerous Projects including two existing tanks being repurposed for Marathon, the LAX expansion that will collectively contribute significant GHG emissions resulting in a cumulatively significant GHG emissions impact associated with Project buildout and operation. Additionally, the Port of Long Beach recently completed the Gerald Desmond Bridge Replacement Project.<sup>84</sup> The Port is developing the Middle Harbor

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<sup>79</sup> CEQA Guidelines Appendix G.

<sup>80</sup> *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 720.

<sup>81</sup> *Id.*

<sup>82</sup> The California Air Resources Board for the State of California, Climate Change Scoping Plan: a Framework for Change (December 2008), [https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf).

<sup>83</sup> Fox Comments, p. 10.

<sup>84</sup> Port of Long Beach, Gerald Desmond Bridge Replacement Project, <https://polb.com/port-info/projects/#gerald-desmond-bridge-replacement-project>.

Redevelopment Project over the next ten years.<sup>85</sup> Additionally the Port is developing the Pier B On-Dock Support Facility, and will develop an I-710 Corridor Project in the near future.<sup>86</sup> The GHG emissions contributed as a result of these Projects, in addition to the proposed Project, may constitute cumulatively significant GHG emissions impacts.

The GHG emissions from the Project are estimated to be 98.9 MTCO<sub>2</sub>e/yr.<sup>87</sup> the LAX expansion operational GHG emissions were estimated to increase by 12,258 MTCO<sub>2</sub>e/yr.<sup>88</sup> The other Projects listed above would further increase GHG emissions.<sup>89</sup> The cumulative increase in GHG emissions is greater than 12,358 MTCO<sub>2</sub>e/yr, which exceeds the SCAQMD GHG significance threshold of 10,000 MTCO<sub>2</sub>e/yr.<sup>90</sup> Dr. Fox concluded that cumulative GHG emissions are significant, such that an EIR must be prepared in accordance with CEQA.

The Project may result in cumulatively significant GHG emissions in conjunction with other past projects, current projects, and probable future projects. This potentially significant impact should be analyzed in an EIR. The court's reasoning in *Kings County Farm Bureau v. City of Hanford* should be applied in the present case. The court concluded that given the Project's small contribution of ozone would affect an area already beset by excess air pollution, the court required the city to assess whether, given the regional problem, the projects increased emissions would contribute to a significant environmental impact.<sup>91</sup> There, the court held:

The relevant question to be addressed in an EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be

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<sup>85</sup> Port of Long Beach, Middle Harbor Redevelopment Project, <https://polb.com/port-info/projects/#middle-harbor-redevelopment-project>.

<sup>86</sup> Port of Long Beach, Pier B On-Dock Support Facility, <https://polb.com/port-info/projects/#pier-b-on-dock-support-facility>; Port of Long Beach, I-710 Corridor Project, <https://polb.com/port-info/projects/#i-710-corridor-project>.

<sup>87</sup> IS/ND, Table 4.8-1, p. 4-28.

<sup>88</sup> Fox Comments, p. 12.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> Dave Owen, *Climate Change and Environmental Assessment Law*, 33 Colum. J. Envtl. L. 57 (2008). Available at: [http://repository.uchastings.edu/faculty\\_scholarship/1242](http://repository.uchastings.edu/faculty_scholarship/1242) p. 91.  
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considered significant in light of the serious nature of the ozone problems in the air basin.<sup>92</sup>

Here, the GHG emissions resultant from this Project and other past projects, current projects, and probable future projects may potentially result in cumulatively significant GHG emissions. This impact must be analyzed and mitigated in an EIR.

#### IV. CONCLUSION

We respectfully request that the Council overturn the Board's approval of the Harbor Development Permit and approval of the IS/ND and require that an EIR be prepared in which all Project impacts are 1) properly analyzed using appropriate methodology, 2) in compliance with the disclosure and public participation requirements of CEQA, 3) and fully disclosed and mitigated before being circulated for the statutorily mandated public review and comment period.

Thank you for your consideration of SAFER CA's Appeal.

Sincerely,



Kelilah D. Federman

KDF:acp

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<sup>92</sup> *Id.*  
4943-018acp

# **EXHIBIT A**

Phyllis Fox, PhD, PE  
745 White Pine Avenue  
Rockledge, FL 32955

January 2, 2022

Kelilah D. Federman  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080

Dear Ms. Federman:

I have reviewed the Port of Long Beach's staff report in response to the Appeal of the Adoption of the Initial Study/Negative Declaration for the World Oil Tank Installation Project ("POLB Appeal Response").<sup>1</sup> The POLB Appeal Response asserts that the comments on the Draft IS/ND are "fully addressed in the Final IS/ND, Chapter 8 – Responses to Comments."<sup>2</sup> This is incorrect. As I explained in my October 27, 2021 letter, the cited responses do not address any of my comments directly but only ABJC's summary of them or similar comments filed by others. These summaries and related comments differ in important details from my comments.<sup>3</sup> In fact, as I document below, the Project will result in a significant increase in operational VOC emissions, requiring mitigation. Further, the Project will result in a cumulatively considerable increase in VOC and greenhouse gas (GHG) emissions. Thus, an EIR must be prepared for this Project.

## **1. OPERATIONAL VOC EMISSIONS FROM TANKS ARE SIGNIFICANT**

My comments demonstrate that tank VOC emissions are significant, requiring mitigation.<sup>4</sup> There are four sources of VOC emissions from tanks: (1) direct tank

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<sup>1</sup> Port of Long Beach, Appeal of the Adoption of the Initial Study/Negative Declaration for the World Oil Tank Installation Project ("POLB Appeal Response"), January 4, 2022; <http://longbeach.legistar.com/View.ashx?M=F&ID=10370391&GUID=C72AD8FB-8F34-414B-AA70-2BACFB0C3A22>.

<sup>2</sup> POLB Appeal Response, pdf 5, citing Final Negative Declaration/Application Summary Report, World Oil Tank Installation Project, Port of Long Beach, September 2021 (9/2021 IS/ND).

<sup>3</sup> Letter from Phyllis Fox to Kendra Hartmann, ABJC, Re: Rebuttal to Responses to Comments on the Initial Study/Negative Declaration for the World Oil Terminal, Long Beach, California, October 27, 2021 (Fox 10/27/2021 Letter).

<sup>4</sup> Phyllis Fox, Comments on the Initial Study/Negative Declaration for the World Oil Terminal, Long Beach, California, November 20, 2020 (11/20/2020 Fox Comments).

emissions; (2) roof landing emissions; (3) tank degassing emissions; and (4) tank cleaning emissions. The IS/ND significantly underestimated the first source, and omitted the remaining three sources. The responses to comments in the 9/2021 IS/ND and the POLB Appeal Response do not address my comments on these three additional sources of tank emissions.

### 1.1. Direct Tank Emissions

I commented that VOC emissions from the new tanks were significantly underestimated because they were based on emission estimation procedures that are widely acknowledged to be inaccurate. The responses to comments on the Final IS/ND failed to respond to any of my comments on the significant underestimate in tank VOC emissions. Instead, it only responded superficially to SAFER CA's summaries of my comments or similar comments made by others. The responses entirely ignore my evidence that the methods relied on in the IS/ND to estimate VOC emissions from tanks significantly underestimate tank VOC emissions.<sup>5</sup> My evidence included 35 independent field monitoring studies, including a study conducted by the SCAQMD.<sup>6</sup>

The POLB Appeal Response asserts for the first time that the 35 studies that I cited documenting that tank VOC emissions are significantly underestimated by the methods used in the IS/ND are not substantial evidence:<sup>7</sup>

SAFER CA's referenced demonstration studies and industry journal articles referred to as "substantial evidence" have not been vetted or approved by any regulatory agency, such as the South Coast Air Quality Management District (SCAQMD), for use in estimating potential future emissions from storage tanks or discreet fugitive sources, such as new petroleum tanks or for establishing thresholds of significance in CEQA analyses. This ground for appeal should be denied.

and<sup>8</sup>

for those which the Port did not incorporate into the document. SAFER CA's technical expert's opinion that the impacts in the IS/ND are underestimated are primarily based on demonstration projects, such as the FluxSense Study, industry journal articles, or news articles that have not been vetted or approved by any regulatory agency, such as the South Coast Air Quality Management District (SCAQMD), and are not suited for emissions estimation or CEQA significance thresholds; nor are they approved for permitting or regulatory purposes. SAFER CA's comments on the Draft IS/ND and the

These are new, unsupported arguments that were not presented in the responses to comments.<sup>9</sup> They are incorrect. In fact, the methods used in the 35 studies that I cite

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<sup>5</sup> Tank VOC comments in 10/27/2021 Fox Letter, pp. 6-11. Responses to tank VOC comments in: Final Negative Declaration/Application Summary Report, World Oil Tank Installation Project, Port of Long Beach, September 2021 (9/21 IS/ND).<sup>5</sup>

<sup>6</sup> 11/20/2020 Fox Comments, Comment 3. Operational VOC Emissions are Significant.

<sup>7</sup> POLB Appeal Response, pdf 7.

<sup>8</sup> POLB Appeal Response, pdf 107.



demonstrating that the IS/ND tank VOC emissions are underestimated have been vetted and approved by regulatory agencies, including the SCAQMD, the U. S. EPA, the European Union (EU), and others. Further, these methods have been validated by EPA for use in monitoring VOC emissions from fugitive components, which are present on tanks and the connecting pipeline. Further, they are required by SCAQMD Rule 1180 for refinery fence-line monitoring, are used by the California Air Resources Board (CARB) to verify emission inventories based on AP-42 and other similar emission estimating procedures, and are required in the EU.

### **1.1.1. Remote Sensing Has Been Approved by Regulatory Agencies for Estimating Emissions**

The 35 studies that I cite as documenting the underestimation of tank VOC emissions were based on remote sensing, in many cases to validate tank VOC emissions estimated by the TANKS model and AP-42, the methods used in the IS/ND to estimate tank VOC emissions. Contrary to the unsupported opinion in the POLB Appeal Response, remote sensing methods used in these studies have been validated by regulatory agencies and are used to determine compliance with emission limits.

First, the U.S. EPA reviewed tank VOC remote sensing studies in 2015 and compared them to emission estimates made using AP-42. The EPA concluded that “it is reasonable to conclude that long-term emissions rates can be reasonably estimated using the AP-42 emissions estimation methodology. It is also important to note that emissions during short time periods can be up to 10 times higher than the reported annual average emissions.”<sup>10</sup> Since then, many studies have been conducted confirming the underestimate in VOC emissions from tanks using the TANKS model and AP-42, reviewed in my 11/20/2020 comments.

Second, the United Nations Economic Commission for Europe’s Convention on Long-range Transboundary Air Pollution developed a remote sensing protocol to monitor VOC emissions from the refining and petrochemical industries (the Protocol). In response to this Protocol, the United Kingdom conducted a study at the Shell Stanlow Manufacturing Complex to improve the accuracy of the UK’s VOC emissions for the refining and petrochemical industries. The UK study compared VOC emissions calculated using the American Petroleum Institute (API) procedures, which are the AP-42 tank VOC calculation methods, with VOC emissions measured by remote sensing using DIAL. The study concluded that VOC emissions from oil refinery storage tanks were underestimated by the AP-42 procedures. The reasons for the

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<sup>9</sup> Final IS/ND, Chapter 8 – Responses to Comments.

<sup>10</sup> 11/20/2020 Fox Comments, p. 10, footnote 40.

underestimate include the use of a fixed fluid temperature, a single wind speed, failure to account for the varying height of the roof, and emissions from the film of liquid hydrocarbons on the tank walls that evaporate as the tanks are emptied.<sup>11</sup> These problems remain.

Third, Swedish authorities, on discovering discrepancies between AP-42 calculated and measured refinery emissions, including refinery tanks, now require the use of remote sensing methods in place of emission factors to estimate tank emissions. Since 1995, all five Swedish refineries report emissions based on continuous emission monitoring using either SOF or DIAL studies, performed at least once every 3 years,<sup>12</sup> recently reduced to once every 2 years.<sup>13</sup> Continuous emission monitoring was required in Sweden for refineries because studies documented that AP-42 underestimate refinery emissions, which include tanks:<sup>14</sup>

When local Swedish environmental authorities saw the results of DIAL measurements at refineries in the late 1980's and early 1990's, they became skeptical of emissions estimating techniques based on EPA's AP-42 results. In 1992 they required all refineries to submit "measured" emissions. By 1995 they required the measured emissions to be obtained using DIAL, citing flaws with other analytical techniques. The DIAL measurements were required every 3 years. In the early 2000's testing began with SOF, a technique developed at Chalmers University in Sweden. By 2005 the Swedish authorities allowed either DIAL or SOF to be used, but also required the measurements to be taken annually. Currently all refiners in Sweden use SOF, because it is much cheaper than DIAL. There are advantages and disadvantages in both DIAL and SOF techniques which will be discussed later.

Fourth, the EPA has published a handbook on the optical and remote sensing methods used in the studies cited in my 11/20/2020 comments. This handbook specifically states that the remote sensing methods used in most of the 35 studies I cite in my 11/20/2020 comment can be used to determine compliance with ambient regulatory limits (which include the SCAQMD significance thresholds): "Quantitative emissions data from remote measurements may then be used for multiple purposes including possible development of emission factors, evaluation of exposure levels,

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<sup>11</sup> National Physical Laboratory, P. T. Woods and others, A Determination of the Emissions of Volatile Organic Compounds from Oil Refinery Storage Tanks, NPL Report DQM(A)96, October 1993, pp. 16-17; <https://eprintspublications.npl.co.uk/1112/1/DQM96.pdf>. See also: [https://archive.epa.gov/region02/capp/web/pdf/tcc\\_dial\\_report\\_appendix\\_f.pdf](https://archive.epa.gov/region02/capp/web/pdf/tcc_dial_report_appendix_f.pdf).

<sup>12</sup> Alex Cuclis, Why Emission Factors Don't Work at Refineries and What to Do About It, Paper Presented at the Emissions Inventory Conference in Tampa, Florida, August 13-16, 2012, Exhibit 4 of 11/20/2020 Fox Comments. See also: <https://www3.epa.gov/ttnchie1/conference/ei20/session7/acuclis.pdf>.

<sup>13</sup> Marianne Ericsson and others, Establishing Refinery Emission Inventories – ORS Measurements or Permit Based Calculations, p. 2; [https://racielive.aqrc.ucdavis.edu/sites/g/files/dgvnsk8021/files/inline-files/Marianne%20Ericsson\\_Establishing%20Refinery%20Emission%20Inventories%20-%20ORS%20Measurements%20or%20Permit%20Based%20Calculations.pdf](https://racielive.aqrc.ucdavis.edu/sites/g/files/dgvnsk8021/files/inline-files/Marianne%20Ericsson_Establishing%20Refinery%20Emission%20Inventories%20-%20ORS%20Measurements%20or%20Permit%20Based%20Calculations.pdf).

<sup>14</sup> Cuclis, p. 6.

**compliance with ambient regulatory limits**, and identification of sources of air pollutions.”<sup>15</sup>

Fifth, the European Union (EU) is transitioning from calculated to measured emissions starting in 2021 and has developed protocols to manage the perceived uncertainties.<sup>16</sup>

Finally, the EPA has formally recognized the use of the remote sensing methods used in the studies I cite to comply with federal regulations. The Project tanks and the supporting pipelines include “fugitive” components, including flanges, valves, and pumps.<sup>17</sup> These components “leak” VOCs. Leaks are conventionally identified manually using EPA Method 21. Leaks from these components are a major source of VOC emissions. Compliance with emissions from these components is determined under EPA regulations using manual “leak detection and repair” (LDAR) methods.<sup>18</sup> The EPA has thoroughly vetted and approved the use of remote sensing methods, used in the 35 studies I cite in my 11/20/2020 comments, to detect leaks from fugitive components, including those on tanks.<sup>19,20,21</sup>

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<sup>15</sup> U.S. EPA, EPA Handbook: Optical and Remote Sensing for Measurement and monitoring of Emissions Flux of Gases and Particulate Matter, August 2019, pdf 23 (emphasis added); <https://www.epa.gov/sites/default/files/2018-08/documents/gd-52v.2.pdf>.

<sup>16</sup> Marianne Ericsson and others, Establishing Refinery Emission Inventories – ORS Measurements or Permit Based Calculations; [https://racielive.aqrc.ucdavis.edu/sites/g/files/dgvnsk8021/files/inline-files/Marianne%20Ericsson\\_Establishing%20Refinery%20Emission%20Inventories%20-%20ORS%20Measurements%20or%20Permit%20Based%20Calculations.pdf](https://racielive.aqrc.ucdavis.edu/sites/g/files/dgvnsk8021/files/inline-files/Marianne%20Ericsson_Establishing%20Refinery%20Emission%20Inventories%20-%20ORS%20Measurements%20or%20Permit%20Based%20Calculations.pdf).

<sup>17</sup> See, e.g., 9/2021 IS/ND, p. 4-8, pdf 36 (“the new piping components (pumps, valves, etc.)...”).

<sup>18</sup> Alternative Work Practice to Detect Leaks from Equipment, 73 FR 78199, December 22, 2008; <https://www.govinfo.gov/content/pkg/FR-2008-12-22/pdf/E8-30196.pdf>. See also: U.S. EPA, Leak Detection and Repair, A Best Practices Guide, 2021; <https://www.epa.gov/sites/default/files/2014-02/documents/ldarguide.pdf>.

<sup>19</sup> Federal Register Volume 73, No. 246 (73 FR 78199–78219) Alternative Work Practice to Detect Leaks from Equipment. 12/22/2008.

<sup>20</sup> T. L. Footer, J. M. DeWees, E. D. Thomas, B. C. Squier, C. D. Secrest, and A. P. Eisele. 2015. Performance Evaluations and Quality Validation System for Optical Gas Imaging Cameras ORS Handbook Section 2.0 Page 2-77 that Visualize Fugitive Hydrocarbon Gas Emissions. In Proceedings of the 108th Annual Conference of the Air & Waste Management Association. Raleigh, NC, June 25, 2015.

<sup>21</sup> D. Reese, C. Melvin, and W. Sadik. 2007. Smart LDAR: Pipe Dream or Potential Reality? Exxon Mobil Corporation. See also: <https://www.arb.ca.gov/lists/com-attach/14-oilandgas2016-UTdWPFM7BSQCW1c4.pdf>.

### **1.1.2. Remote Sensing Has Been Approved by the SCAQMD for Regulatory Purposes**

Fourth, my 11/20/2020 comments on the underestimation of tank VOC emissions cite a report commissioned by the SCAQMD to monitor VOCs and HAP emissions from refinery tanks (the “FluxSense Report”).<sup>22</sup> This study demonstrated that tank VOC emissions in the SCAQMD (estimated using the same methods as in the IS/ND) were underestimated by an average factor of 6.2 (2.7-12) and benzene by an average factor of 34 (3.2-202), compared to those reported to the SCAQMD in emission inventories<sup>23</sup> using the same methods used in the IS/ND to estimate tank emissions.

This 2017 FluxSense study, documenting the significant underestimation of tank VOC and benzene emissions in the SCAQMD, was based on a SCAQMD-commissioned 2015 FluxSense study. The 2015 FluxSense study evaluated the accuracy of the optical remote sensing methods used in many of the 35 studies I cite in my 11/20/2020 comments to measure VOC emissions from tanks and other stationary sources in the South Coast Air Basin. The 2015 FluxSense study was conducted to determine if remote sensing could be used to comply with SCAQMD Rule 1180.<sup>24,25</sup>

The 2015 FluxSense report, which demonstrated the accuracy of remote sensing for measuring refinery emissions, including from tanks, is the predecessor to the FluxSense Report that I cited in my comments as documenting a factor of 6.2 underestimate of VOC emissions and a factor of 34 underestimate of benzene emissions from tanks when calculated using the IS/ND’s tank emission calculation methods. The SCAQMD adopted Rule 1180 on December 1, 2017, based in part on these two FluxSense reports, which clearly document the fact that the methods used to estimate tank emissions in the IS/ND significantly underestimate tank emissions.<sup>26</sup>

In sum, the agency responsible for issuing the air permit for the Project, the SCAQMD, evaluated the use of the remote sensing methods used in the 35 studies I cite in my comments to monitor emissions from petroleum refineries in preparation for the

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<sup>22</sup> FluxSense Report, Exhibit 11 to 11/20/2020 Fox Comments.

<sup>23</sup> FluxSense Report, Exhibit 11 to 11/20/2020 Fox Comments, Table 43, pdf 95.

<sup>24</sup> FluxSense, Using Solar Occultation Flux and Other Optical Remote Sensing Methods to Measure VOC Emissions from a Variety of Stationary Sources in the South Coast Air Basin, 2015. Final Report 14 September 2017; [http://www.aqmd.gov/docs/default-source/fenceline\\_monitoring/project\\_2/fluxsense\\_project2\\_2015\\_final\\_report.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/fenceline_monitoring/project_2/fluxsense_project2_2015_final_report.pdf?sfvrsn=6)

<sup>25</sup> SCAQMD, Rule 1180 Implementation Update, December 2019; [http://www.aqmd.gov/docs/default-source/fenceline\\_monitoring/r1180\\_community\\_meeting\\_dec\\_2019\\_all\\_communities\\_final.pdf?sfvrsn=8](http://www.aqmd.gov/docs/default-source/fenceline_monitoring/r1180_community_meeting_dec_2019_all_communities_final.pdf?sfvrsn=8)

<sup>26</sup> SCAQMD, DRAFT Rule 1180 Community Air Monitoring Plan, 2019; [http://www.aqmd.gov/docs/default-source/fenceline\\_monitroing/r1180\\_draft\\_community\\_monitoring\\_plan\\_final\\_111919.pdf?sfvrsn=8](http://www.aqmd.gov/docs/default-source/fenceline_monitroing/r1180_draft_community_monitoring_plan_final_111919.pdf?sfvrsn=8).

adoption of a refinery fenceline monitoring rule, Rule 1180.<sup>27</sup> Rule 1180<sup>28</sup> requires the use of remote sensing equipment to continuously monitor, record, and report air pollutant levels of VOC and HAPs from refineries included in the IS/ND health risk assessment.<sup>29</sup> The methods used to comply with Rule 1180 are the same methods used in the 35 studies that I cite in my comments.

### **1.1.3. Remote Sensing Is Used by the California Air Resources Board (CARB)**

CARB has commissioned studies of emissions of VOCs, air toxics, and greenhouse gases at refineries, ports, oil and gas fields, and dairies using the same remote sensing methods that were used in most of the 35 studies I cite in my 11/20/2020 comments. The CARB-commissioned studies consistently demonstrate that standard emission estimating procedures underestimate emissions from refineries, tank farms, depots, and other sources when calculated with AP-42 and other generic emission factors.<sup>30,31</sup> These studies conclude, for example, that “Bay Area refinery and port NMVOC [non-methane VOCs] emissions were around 2.5 times higher than reported.”<sup>32</sup>

### **1.1.4. Additional Studies Confirm My Comments**

Additional studies have been conducted since I wrote my 11/20/2020 comments, such as the CARB commissioned remote sensing studies conducted to confirm reported emission inventories. In sum, FluxSense, the company that has conducted the majority

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<sup>27</sup> Johan Mellqvist, FluxSense, Using Solar Occultation Flux and other Optical Remote Sensing Methods to Measure VOC Emissions from a Variety of Stationary Sources in the South Coast Air Basin, 2015; [http://www.aqmd.gov/docs/default-source/fenceline\\_monitoring/project\\_2/fluxsense\\_project2\\_2015\\_final\\_report.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/fenceline_monitoring/project_2/fluxsense_project2_2015_final_report.pdf?sfvrsn=6).

<sup>28</sup> Rule 1180. Refinery Fenceline and Community Air Monitoring, Adopted December 1, 2017; <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1180.pdf>.

<sup>29</sup> Rule 1180, Section (d) and Table 1.

<sup>30</sup> FluxSense, Inc. Characterization of Air Toxics and Greenhouse Gas Emission Sources and Their Impacts on Community-Scale Air Quality Levels in Disadvantaged Communities; [https://ww3.arb.ca.gov/research/single-project.php?row\\_id=67028](https://ww3.arb.ca.gov/research/single-project.php?row_id=67028). See also: <http://ww2.arb.ca.gov/sites/default/files/2021-03/17RD021.pdf>.

<sup>31</sup> Johan Mellqvist and others, Characterization of Air Toxics and Greenhouse Gas Emission Sources and Their Impacts on Community-Scale Air Quality Levels in Disadvantaged Communities, Final Report, March 2021; <http://ww2.arb.ca.gov/sites/default/files/2021-03/17RD021.pdf>.

<sup>32</sup> Johan Mellqvist and others, March 2021, p. 10.

of the studies that document underestimates of VOC emissions using AP-42 emission estimates has concluded as follows:<sup>33</sup>

- Measurements consistently show actual emissions exceeding reported inventories 3-10 times, thus reducing the relevance of the measurement uncertainties
- Inventories based on measurements provides for more accurate air quality modeling
- ORS based flux measurements identifies the actual emission sources with high certainty and allows industry and regulating agencies targeted and cost effective emission reduction efforts
- The key source of diffuse emissions at a refinery are the tanks (2/3 of emissions)

## **1.2. Revised Tank Emissions Are Unsupported and Significant**

The POLB Appeal Response explains that tank VOC emissions, originally estimated using the TANKS model, "...were re-estimated by the SCAQMD using current guidance in the U.S. EPA-approved AP-42 Emission Estimation Procedures for Floating Roof Tanks rather than the older U.S. EPA TANKS model used in the Draft IS/ND."<sup>34</sup> The 9/2021 IS/ND includes revised unmitigated maximum daily operational emission increases in Table 4.3-2 due to the Project.<sup>35</sup> The revised VOC emissions do not address my 11/20/2020 comments.

First, the TANKS model implements AP-42 so revising the emissions using the underlying equations (or an updated TANKS model) does not solve the underestimate problem. Further, my 11/20/2020 comments and other information in this letter document that AP-42, including the most recent revision, also significantly underestimate tank VOC emissions. In fact, the Port's re-estimation of tank VOC emissions increased them from 9.70 lb/day to 10.82 lb/day, an increase of only 1.12 lb/day. Thus, changing the method of estimating tank emissions (from an outdated version of the TANKS model to the most recent AP-42 update) does not address the factors of 1.5 to 132 (midpoint of 67) underestimate in VOC emissions that I document in my 11/20/2020 comments for tank VOC emissions based on both the TANKS model and AP-42. Further, it does not address the additional recent SCAQMD and CARB studies I review in this letter which likewise document the significant underestimate in VOC emissions when calculated using standard methods.<sup>36</sup> In sum, the POLB Appeal Response does not address my tank VOC underestimate comments.

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<sup>33</sup> Ericsson and other, p. 16.

<sup>34</sup> POLB Appeal Response, pdf 104.

<sup>35</sup> 9/2021 IS/ND, Table 4.3-2, pdf 39.

<sup>36</sup> 11/20/2020 Fox Comments, p. 18.

Second, the revised VOC emissions include an increase in tank fugitive VOC emissions from 9.70 lbs/day to 10.8 lbs/day, cited to four sources: SCAQMD 2019, SCAQMD 2021b, SCAQMD 2021c, and Yorke 2021.<sup>37,38</sup> These sources do not support the revised VOC emissions. SCAQMD 2019 is the SCAQMD's significance thresholds. SCAQMD 2021b is a May 28, 2021 email from the SCAQMD to Jennifer Blanchard, Port of Long Beach (POLB), responding generally to some questions posed by the applicant on the tank emission model, VOC offsets, H2S emissions, and other non-VOC related issues. SCAQMD 2021c is a June 16, 2021 email from the SCAQMD (Tom Liebel) to Jennifer Blanchard (POLB) confirming that the emission calculations were based on the current version of AP-42 (accessed May 2021). These references do not support the VOC emission calculations in Table 6.

The final citation to Yorke 2021 is the Application for Permit to Construct/Permit to Operate – Two Additional Petroleum Storage Tanks (ATC Application).<sup>39</sup> The emission calculations supporting the VOC emissions in the 9/2021 IS/ND Table 4.3-2 are in Appendix B of this Application. However, Appendix B is BLANK in the version of this Application that was produced to my client. Thus, the record before the Port of Long Beach does not contain any support for the Project's operational VOC emissions. This is a serious omission as the record contains substantial evidence documenting that Project VOC emissions are significantly underestimated and are highly significant, requiring mitigation and the preparation of an EIR.

The calculations supporting the tank VOC emissions are complex and cannot be reviewed without the supporting unlocked Excel spreadsheet(s) and TANK model or AP-42 equations inputs and outputs. The supporting calculations were requested in Public Records Act (PRA) requests to the Port, but were not produced. Thus, there is no basis for concluding that tank VOC emissions have been correctly calculated and revised to address my comments.<sup>40</sup> Further, if the calculations are based on the most recent version of AP-42, rather than the TANKS model, they still do not address my comments, which demonstrate that the TANKS model and AP-42 both significantly underestimate tank VOC emissions.

The FluxSense study of tanks commissioned by the SCAQMD documented an average underestimation in VOCs of 6.2 for tanks in the SCAQMD, where the Project is

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<sup>37</sup> Ibid.

<sup>38</sup> 9/2021 IS/ND, pdf 115, 116.

<sup>39</sup> York Engineering, LLC, Ribost Terminal LLC, SCAQMD Facility ID: 111238, Application for Permit to Construct/Permit to Operate – Two Additional Petroleum Storage Tanks, February 2021 (ATC Application). Exhibit 1.

<sup>40</sup> 11/20/2020 Fox Comments.

located. Assuming a factor of 6.2 underestimate, tank VOC emissions would increase from 10.82 lb/day to 67.1 lb/day. The SCAQMD operational VOC significance threshold is 55 lb/day<sup>41</sup> (incorrectly reported in the 9/2021 IS/ND as 75 lb/day, which is the construction VOC significance threshold). Corrected tank VOC emissions alone exceed the operational significance threshold of 55 lb/day. Thus, Project VOC emissions are significant, requiring mitigation.

### **1.3. Other Sources of Tank Emissions**

My 11/20/2021 comments identified three sources of tank emissions that are excluded by the methods used in the IS/ND: (1) roof landing emissions; (2) degassing emissions; and (3) cleaning emissions. These are major sources of tank VOC emissions. While they do not occur every day, based on my extensive experience in the refining industry, when they do occur, they alone could exceed the SCAQMD VOC significance threshold, which is expressed in lb/day.

I have not found any response to these comments in the record before the Port of Long Beach. The words “roof landing” and “degassing” do not occur in the POLB Appeal Response. The word “cleaning” occurs,<sup>42</sup> but not in response to my comments. Further, the 9/21 IS/ND responses to comments do not estimate these emissions and include them in operational VOC emissions. Instead, it asserts that these emissions occur with a very low frequency (approximately every 10 years) and that they must comply with SCAQMD Rule 1149.<sup>43</sup> No support is provided for the asserted every 10 year roof landing, degassing, and cleaning events. Regardless, this does not excuse the Port of Long Beach from including these emissions in its estimate of Project VOC emissions because the significance thresholds are based on pounds per day.

## **2. CONSTRUCTION EMISSIONS ARE SIGNIFICANT, REQUIRING FORMAL MITIGATION, NOT A SPECIAL CONDITION**

The amount of pollution from construction equipment is categorized using a system of “engine tiers.” The higher the tier, the lower the emissions.<sup>44</sup> I commented that construction NO<sub>x</sub>, ROG, and PM<sub>10</sub> emissions would be significant unless

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<sup>41</sup> SCAQMD, South Coast AQMD Air Quality Significance Thresholds, April 2019; <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

<sup>42</sup> POLB Appeal Response, pdf 134.

<sup>43</sup> 9/2021 IS/ND, pdf 332.

<sup>44</sup> See, e.g., DieselNet, Emission Standards: Nonroad Diesel Engines; <https://dieselnet.com/standards/us/nonroad.php>. See also: DieselNet, Emission Standards, Nonroad Diesel Engines; <https://dieselnet.com/standards/us/nonroad.php#tier4>.



enforceable mitigation were imposed to require “Tier 4 Final” engines.<sup>45</sup> The response to this comment in SFERCA-24 asserts that the “fleet average off-road equipment and fleet average on-road vehicles in the CalEEMod, approximately equivalent to Tier 3, were assumed.<sup>46</sup> Further, in response to a PRA requesting all CalEEMod files, an Excel spreadsheet was provided summarizing the input assumptions. This spreadsheet indicates that “Tier 4 Final” construction equipment was assumed in the CalEEMod analysis of construction emissions.<sup>47</sup> Tier 4 Final engines have the lowest emissions.<sup>48</sup>

The engine tier regulations apply to equipment manufacturers, not equipment users. California Air Resources Board (CARB) regulations governing construction fleets (engine users) have a longer timeframe, allowing phasing-in of higher tier equipment and/or upgrades to existing, lower-tiered construction equipment to Tier-4-equivalent best available control technology (“BACT”) over a number of years.<sup>49</sup> For example, Tier 2 equipment was not required to be added to construction fleets until 2014; Tier 3 equipment was not required to be added to large and medium-sized fleets until 2018, and is not required to be added to small fleets until 2023; and older equipment may still be in operation even after the phase-in deadlines.<sup>50</sup>

As a result, off-road construction fleets may continue to offer lower tiered construction equipment for many years, and construction fleets/off-road engine users are not currently required to use or provide exclusively Tier 3 or Tier 4 equipment for construction projects in California.<sup>51</sup> Thus, regardless of the assumed tiers in the IS/ND’s emissions modeling, the IS/ND does not contain an enforceable condition requiring the Applicant’s construction contractor to use either Tier 3 or Tier 4 Final engines, as assumed in the CalEEMod analysis. Without a binding mitigation measure

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<sup>45</sup> 11/20/2020 Fox Comments, Comment 2.1.

<sup>46</sup> Response to Comment SFERCA-24.

<sup>47</sup> 11/20/2020 Fox Comments, Comment 2, p. 3.

<sup>48</sup> CARB, Non-road Diesel Engine Certification Tier Chart, available at <https://ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart>.

<sup>49</sup> See CARB In-Use Off Road Diesel-Fueled Fleets Regulation Overview, , available at [https://ww2.arb.ca.gov/sites/default/files/classic/msprog/ordiesel/faq/overview\\_fact\\_sheet\\_dec\\_2010-final.pdf](https://ww2.arb.ca.gov/sites/default/files/classic/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf).

<sup>50</sup> *Id.* at pp. 4-5; 13 Cal. Code Regs. § 2449(d)(6).

<sup>51</sup> CARB regulations require operational off-road vehicles used at California ports (mobile cargo handling equipment) to have Tier 4 engines. 13 Cal. Code Regs. § 2479(e); see also <https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/wilmington/handouts-may9-2019.pdf?sfvrsn=8>, at p. 9. However, this regulation does not apply to off-road construction equipment.

or condition of approval specifically requiring Tier 3 or Tier 4 Final engines, the applicant is not obligated to use either of them for this Project.

Instead of requiring enforceable mitigation, the 9/2021 IS/ND proposes Special Condition AQ-1: Non-Road Engine Emissions standard. This is not enforceable mitigation. This condition requires that "...all construction equipment meet the United States Environmental Protection Agency Tier 4 non-road engine standards."<sup>52</sup> The IS/ND further explains that as "...the unmitigated emissions are below the SCAQMD emissions significance thresholds no emissions mitigation is required and Special Condition AQ-1 is not identified as a CEQA mitigation measure..."<sup>53</sup> This is inadequate to assure construction emissions are not significant for two reasons.

First, the IS/ND modeled construction emissions assuming Tier 4 Final engines, not Tier 4 engines.<sup>54</sup> The NOx emissions from Tier 4 Final engines are lower than the NOx emissions from Tier 4 engines.<sup>55</sup> Thus, the IS/ND's emission calculations include only mitigated emissions, and not unmitigated emissions, which would exceed SCAQMD thresholds if lower tier construction equipment is used. The IS/ND's statement that "no emissions mitigation is required" because unmitigated emissions are below SCAQMD thresholds is therefore unsupported. The only way to ensure that construction emissions are below SCAQMD thresholds is with mitigation. Special Condition AQ-1 must be revised to require all Tier 4 Final engines.

Second, Special Condition AQ-1 is not enforceable, as documented below. Without enforceable mitigation, my comments demonstrate that construction emissions could be significant. The tier of the engine in construction equipment determines the emissions. Earlier versions of the Project's CalEEMod construction analysis specifically identified Tier 4 engines as "mitigation."<sup>56</sup>

The engine tier standards apply to new equipment that equipment manufacturers must comply with, not construction contractors. Equipment

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<sup>52</sup> 9/2021 IS/ND, p. 4-9, pdf 37.

<sup>53</sup> 9/2021 IS/ND, p. 4-10, pdf 38.

<sup>54</sup> 11/20/2020 Fox Comments, Comment 2, p. 3.

<sup>55</sup> CARB, Non-road Diesel Engine Certification Tier Chart; <https://ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart>; CARB, CARB Strategies for Reducing Emissions from Off-Road Construction Equipment, January 27, 2021, pdf 5; <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/printer-friendly-combined-construction-carb-amp-aqmp-presentations-01-27-21.pdf?sfvrsn=8>.

<sup>56</sup> PRA Response, POLB Followup, File: 20180914\_Aspen\_RIBOST\_CalEEMod input file\_ATT 2.XLS;, which is CalEEMod Version: CalEEMod.2016.3.2, Runc: 8/21/2019 tab "tblConstEquipMitigation".

manufacturers can no longer produce off-road equipment with lower engine tiers, e.g., Tier 3 or Tier 4 engine, based on a phase-in schedule. Thus, the availability of existing Tier 4 engines will decline over the horizon of this Project's construction.

Lower tier equipment is cheaper than newer tier equipment. An applicant will select the cheapest equipment that can perform a task. The documents I reviewed are silent on the availability of Tier 4 (and Tier 4 Final) engines for the equipment required to construct this project. In general, Tier 4 construction equipment availability is limited. Further, Tier 4 equipment is more expensive than lower tier equipment. Thus, unless this special condition is made enforceable, there is no guarantee that the Applicant will comply. Failure to comply could result in significant NO<sub>x</sub>, ROG, and PM<sub>10</sub> construction emissions. I recommend that the following conditions be imposed:

- (1) Include the Tier 4 Final requirement in all bid documents, purchase orders, and contracts;
- (2) Successful contractor(s) must be required to demonstrate the ability to supply Tier 4 Final equipment prior to any ground disturbing and construction activities;
- (3) A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each unit of equipment;
- (4) Written construction documents by the construction contractor(s) that ensure compliance with Tier 4 Final standards; and
- (5) Regular inspections of all construction equipment tiers by a licensed independent contractor, e.g., a licensed professional civil or mechanical engineer.<sup>57</sup>

It is reasonably feasible that Tier 4 Final construction equipment may not be available for all required equipment when it is needed. In this event, before using non-compliant construction equipment, the Project representative or contractor must:

1. Demonstrate that the use of non-compliant construction equipment will not result in a significant impact. This demonstration must be based on emission calculations with written findings supported by substantial evidence that is approved by the Port.

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<sup>57</sup> See, for example, Lijin Sun, J.D., SCAQMD, Comments on Mitigated Negative Declaration (MND) for the Proposed ENV-2018-6903;10810 West Vanowen Street Project, July 10, 2019; <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/july/LAC190702-08.pdf?sfvrsn=8>.

2. Adopt alternative strategies to the use of Tier 4 Final, which may include the reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Project site, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.
3. Retrofit or repower lower tier equipment to meet Tier 4 Final standards by, for example, using equipment that has been retrofit with diesel particulate traps or selective catalytic reduction (SCR).<sup>58</sup>

In sum, construction NO<sub>x</sub> emissions are significant, unsupported, and unmitigated. Rather than admit that Tier 4 engines must be required to mitigate significant construction NO<sub>x</sub> emissions, the IS/ND imposes a “special condition” requiring Tier 4 final engines. This “special condition” is mitigation, requiring preparation of an IS/MND or EIR.

### **3. CUMULATIVE VOC AND GHG IMPACTS ARE SIGNIFICANT**

Mandatory findings of significance are required if a project has impacts that are individually limited but cumulatively considerable. As defined by Section 15065 of the CEQA Guidelines, “cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects.”<sup>59</sup>

The IS/ND concluded that all cumulative impacts were less than significant without identifying any cumulative projects or conducting a cumulative impact analysis.<sup>60</sup> Instead, the 9/2021 IS/ND asserts that the Project’s operational air quality and GHG impacts are not “cumulatively considerable” because “The proposed Project, as well as all other current projects (e.g., similar ongoing or reasonably foreseeable future construction projects) in the region, would comply with applicable SCAQMD standards, recommendations, and regulations, which are designed to limit air quality impacts within its jurisdiction, as well as State laws. As such, all potential cumulative impacts regarding air quality and greenhouse gas emissions would be limited and

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<sup>58</sup> See, e.g., CARB, Off-Road Vehicle Research; <https://ww2.arb.ca.gov/resources/documents/off-road-equipment-research>.

<sup>59</sup> CEQA Guidelines §15065(a)(3).

<sup>60</sup> See, e.g., 9/2021 IS/ND, p. 4-68, pdf 96.

minimized.”<sup>61</sup> As I noted in my 11/20/2020 comments, this violates both CEQA and SCAQMD guidance.

Under CEQA, “[c]umulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”<sup>62</sup> “The individual effects may be changes resulting from a single project or a number of separate projects.”<sup>63</sup> Further, “the cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”<sup>64</sup> According to CEQA Guidelines Section 15064, compliance with a significance threshold “does not relieve a lead agency of the obligation to consider substantial evidence indicating the project’s environmental effects may still be significant.”<sup>65</sup>

Thus, while the Project’s construction air quality impacts are individually minor and operational air quality impacts for all pollutants but VOCs (Comment 1) are individually minor, they are cumulatively significant when considered with other reasonably foreseeable projects. Further, while the Project’s GHG construction and operational impacts are individually minor, they are cumulatively significant when considered with other reasonably foreseeable projects.

The SCAQMD, where the Project is located, has provided guidance on an acceptable approach to address cumulative air quality impacts. This guidance states: “As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR ... Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable.”<sup>66</sup> Comment 1 documents that VOC emissions from Project operation are significant. Thus, under the SCAQMD guidance, VOC emissions are *per se* cumulatively significant, requiring the preparation of an EIR.

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<sup>61</sup> Ibid.

<sup>62</sup> CEQA Guidelines §15355.

<sup>63</sup> CEQA Guidelines §15355(a).

<sup>64</sup> CEQA Guidelines §15355(b).

<sup>65</sup> CEQA Guidelines §15064(b)(2).

<sup>66</sup> SCAQMD, White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D – Cumulative Impact Analysis Requirements Pursuant to CEQA, August 2003.

Greenhouse gas (GHG) emissions are also cumulatively significant when considered together with other cumulative project in the general area. Some of the cumulative projects include:

- Repurposed existing tanks
- LAX expansion<sup>67</sup>
- Projects under review and/or certified by the Port of Los Angeles including:<sup>68</sup>
  1. Pier B On-Dock Rail Support Facility
  2. Middle Harbor Terminal Redevelopment Project

All of the emissions from these and other nearby projects will be released into the same air basin, adversely affecting air quality in the vicinity of the Project.

The Project's operational GHG emissions were estimated to be 98.9 MTCO<sub>2</sub>e/yr.<sup>69</sup> The LAX expansion operational GHG emissions were estimated to increase by 12,258 MTCO<sub>2</sub>e/yr.<sup>70</sup> The other projects listed supra would also cumulatively increase GHG emissions. The cumulative increase in GHG emissions is greater than 12,358 MTCO<sub>2</sub>e/yr,<sup>71</sup> which exceeds the SCAQMD GHG significance threshold of 10,000 MTCO<sub>2</sub>e/yr.<sup>72</sup> Thus, cumulative GHG emissions are significant, requiring the preparation of an EIR.

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<sup>67</sup> City of Los Angeles, Final Environmental Impact Report (Final EIR), Airfield & Terminal Modernization Project, August 2021; <https://www.lawa.org/atmp/documents>.

<sup>68</sup> The Port of Los Angeles, Projects Under Environmental Review and Projects Certified by the Board of Harbor Commissioners; <https://www.portoflosangeles.org/environment/environmental-documents>.

<sup>69</sup> 9/2021 IS/ND, Table 4.8-1, p. 4-28, pdf 56.

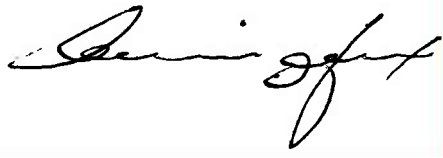
<sup>70</sup> LAX FEIR, Table 6, p. F2-24, pdf 40.

<sup>71</sup> Cumulative increase in GHG emissions due to Project plus LAX expansion = 98.9 + 12,259 = 12,358 MTCO<sub>2</sub>e/yr.

<sup>72</sup> SCAQMD, South Coast AQMD Air Quality Significance Thresholds; <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

In sum, the Project will result in significant, unmitigated operational VOC emissions and significant cumulative VOC and GHG emissions, requiring the preparation of an EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Phyllis Fox", is centered within a light gray rectangular box. The signature is written in a cursive style with a large initial 'P'.

Phyllis Fox, PhD, PE

**RIBOST TERMINAL,  
LLC.**

**1405 Pier “C” Street,  
Long Beach, CA 90802**

**SCAQMD Facility ID:  
111238**

**February 2021**

**Prepared by:**



Office Locations:  
Los Angeles, Orange County, Riverside,  
Ventura, Fresno, Berkeley, Bakersfield

Tel: (949) 248-8490  
Fax: (949) 248-8499

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**Application for Permit to  
Construct/Permit to Operate –  
Two Additional Petroleum Storage  
Tanks**



# **Permit to Construct/Permit to Operate: Two Additional Petroleum Storage Tanks**

Prepared for:

**Ribost Terminal, LLC.  
1405 Pier “C” Street  
Long Beach, CA  
90802**

**SCAQMD Facility ID: 111238**

February 2021

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# Permit to Construct/Permit to Operate Two (2) Additional Petroleum Storage Tanks

## 1.0 INTRODUCTION

Ribost Terminal, LLC. (Ribost), SCAQMD Facility ID 111238, is submitting this application request for a Permit to Construct (PTC) and subsequent Permit to Operate (PTO) for two (2) proposed new internal floating roof petroleum storage tanks which will be operated by the Ribost facility located on Pier C in Long Beach, California. Each tank will be capable of storing 25,000 barrels of petroleum products, will be capable of transferring to and from existing product lines and an existing truck rack, and will be capable of receiving from an existing crude oil pipeline from upstream oil production facilities operated in Long Beach.

This application package contains the information necessary for the SCAQMD to process and approve these applications, including facility information (Section 1.0), process and equipment descriptions (Section 2.0), emission estimates (Section 3.0), and rule applicability and compliance determinations (Section 4.0). Application forms and supporting information are provided in the appendices.

### 1.1 Facility Information

Facility information is included in Table 1-1

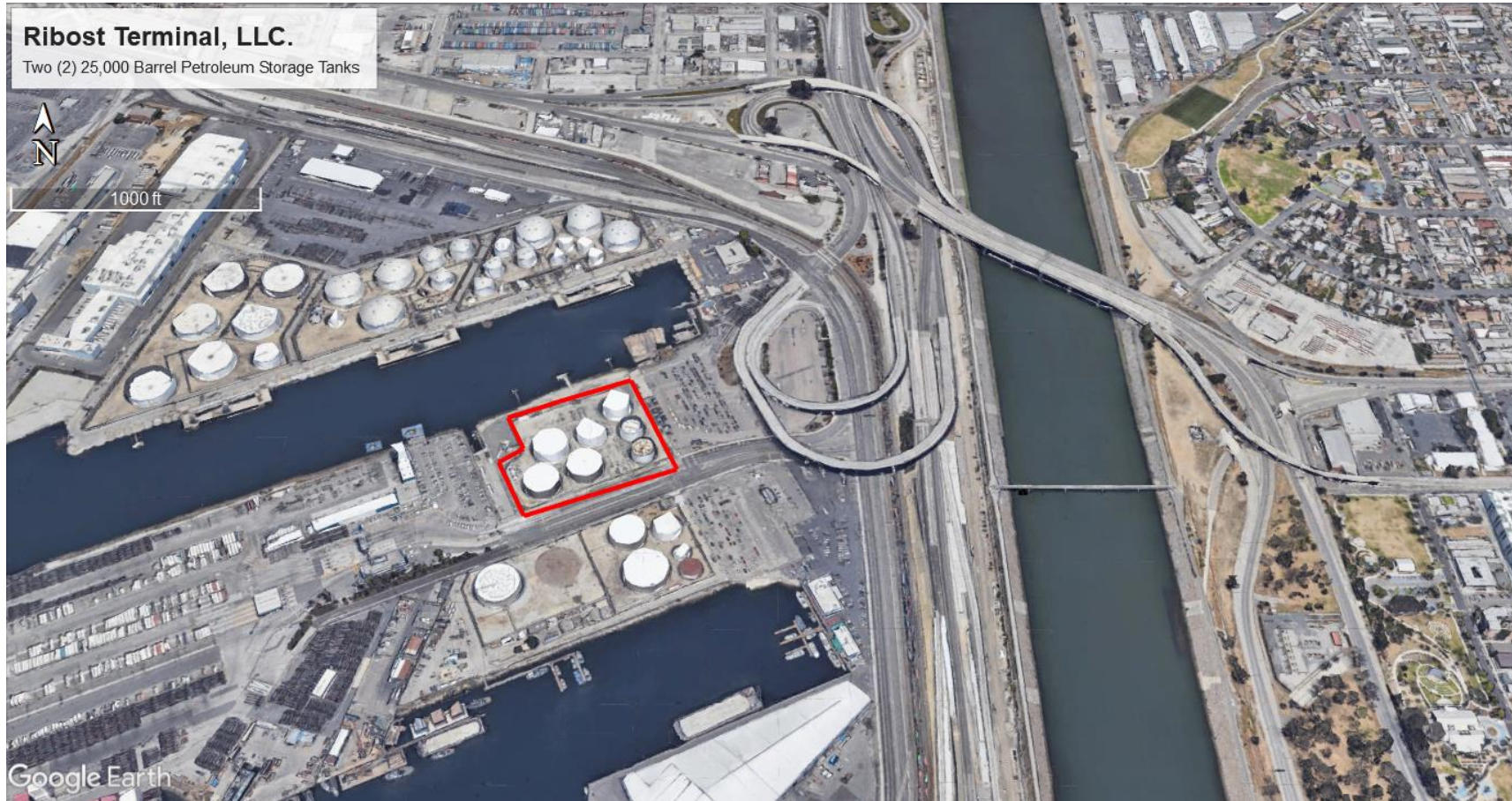
**Table 1-1: Facility Contact Information**

<b>Applicant's Name:</b>	Ribost Terminal, LLC
<b>Facility ID:</b>	111238
<b>Equipment Location:</b>	1405 Pier "C" Street Long Beach, CA 90802
<b>Mailing Address:</b>	9301 Garfield Avenue South Gate, CA 90280
<b>Responsible Official: Title: Telephone Number:</b>	Jeff Baxter Executive Vice President, Operations (562) 928-7000
<b>Contact: Title: Telephone Number:</b>	David Chetkowski Environmental Manager (562) 928-7000 ext. 2329

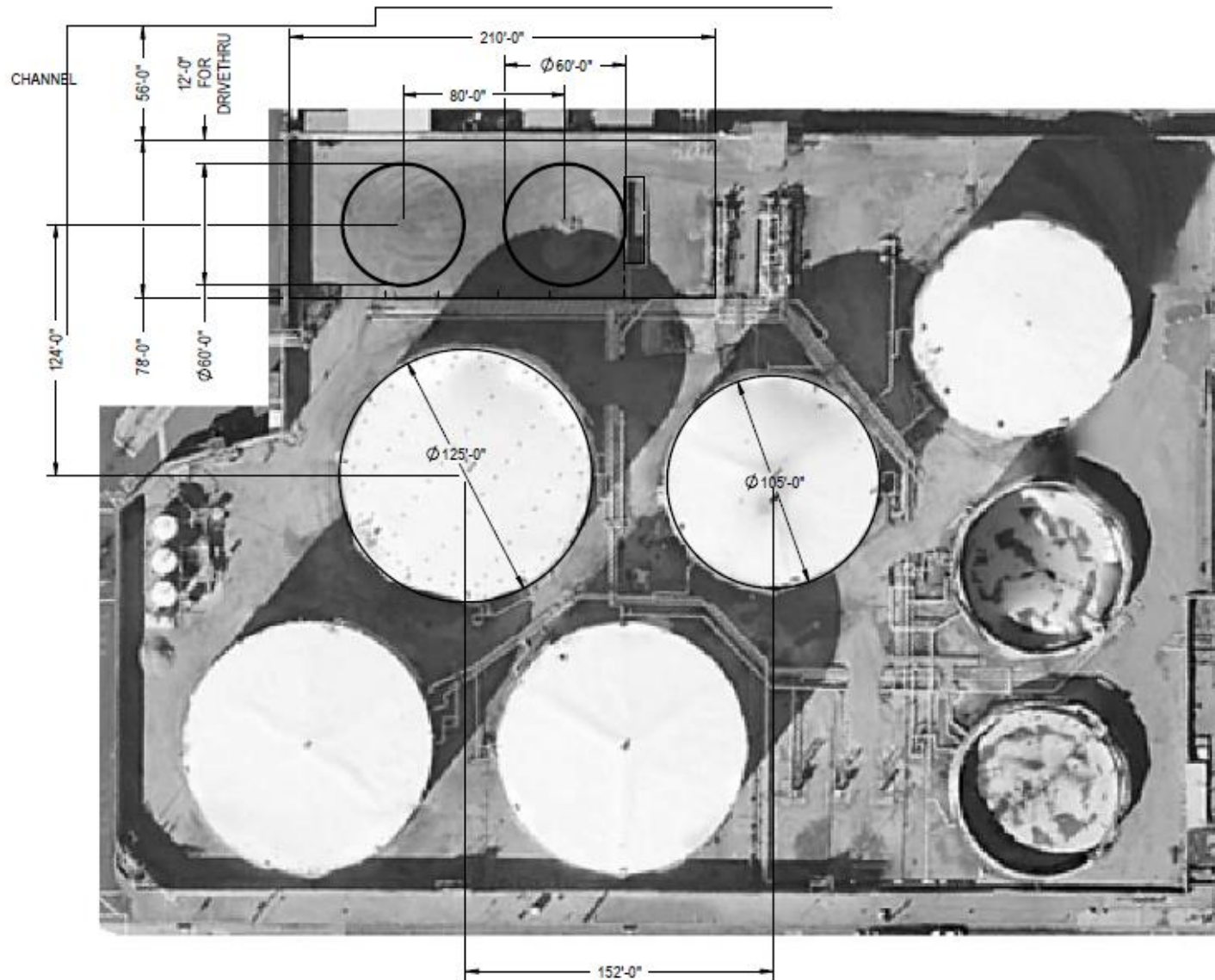
The Ribost facility is located in an industrial area of Long Beach. The tanks will be located at the Ribost terminal facility in Pier C. The two new storage tanks will be located in the north-west portion of the facility boundary. The nearest school is located approximately 3,145 feet southeast of this location. The facility is surrounded by other commercial business to the south and west of the facility location. As such, the nearest commercial facility is located approximately 275 feet from the facility location. An aerial photo depicting the Ribost facility and the surrounding area is provided in Figure 1-1. A more detailed visual of where the proposed two tanks will be built within the facility boundary is provided in Figure 1-2.

Permit to Construct/Permit to Operate: Two Additional Petroleum Storage Tanks  
Ribost Terminal, LLC.

**Figure 1-1: Map of Facility**



**Figure 1-2: Location of Tanks within Facility Boundary**



### 1.2 Proposed Permit Actions

Ribost is requesting a PTC/PTO for the two (2) 25,000-barrel internal floating roof petroleum storage tanks to be installed within the existing terminal facility location. The facility is not a Title V or RECLAIM facility. A list of application forms provided with this application is provided in Table 1-2. The application forms are provided in Appendix A.

**Table 1-2: Summary of Requested Permit Actions and Application Forms**

Device	Form	Title
Tank 1 (TK-1): 25,000 Barrel Petroleum Storage Tank	400-A	Application for Permit or Plan Approval
	400-E-18	Storage Tank
Tank 2 (TK-2): 25,000 Barrel Petroleum Storage Tank	400-A	Application for Permit or Plan Approval
	400-E-18	Storage Tank
Project	400-CEQA	California Environmental Quality Act (CEQA) Applicability

### 1.3 Application Preparation

This permit application was prepared by Nick Molzahn and Shirley Pearson of Yorke Engineering, LLC. Contact information is provided in Table 1-4.

**Table 1-3: Application Preparers**

<b>Nick Molzahn</b>	
<b>Yorke Engineering, LLC</b>	
Cellular:	(415) 897-6203
Email:	<a href="mailto:NMolzahn@YorkeEngr.com">NMolzahn@YorkeEngr.com</a>
<b>Shirley Pearson, PE, CPP</b>	
<b>Yorke Engineering, LLC</b>	
Work:	(949) 248-8490
Email:	<a href="mailto:SPearson@YorkeEngr.com">SPearson@YorkeEngr.com</a>

## 2.0 PROCESS AND EQUIPMENT DESCRIPTION

### 2.1 Process Description

The proposed project is to build two (2) additional 25,000-barrel storage tanks at the Ribost terminal facility and to integrate these tanks into all existing product transfer capabilities already existing at the facility. The new tanks will be able to transfer products to and from existing pipelines and also receive petroleum products from upstream oil production facilities also located in Long Beach, CA.

The new tanks will be designed in accordance with API-650 standards and South Coast Air Quality Management District (SCAQMD) Rule 463 for Class I or Class II liquids with RVP up to 10.0 psi. These standards will require key design features such as a ringwall foundation, closed roof with internal floating roof (IFR), foam protection to the vapor space, and corrosion and cathodic protection systems.

The capacity of the new tanks is intended to maximize the storage capacity to existing physical boundaries, which at present are 1) proximity to adjacent tanks, 2) peripheral access for emergency and utility vehicles, and 3) geotechnical conditions that may limit the height of the tanks. The proposed project will consist of two 60 foot diameter x 56 foot high tanks with approximately 500 barrels per foot (bbl/ft) capacity up to 50 feet working height.

### 2.2 Operating Schedule

Ribost can operate up to 24 hours per day, 7 days per week, and 365 days per year. The operating schedule is summarized in Table 2-1.

**Table 2-1: Operating Schedule**

Operating Parameter	Average	Maximum
Hours/Day	24	24
Days/Week	7	7
Days/Year	365	365
Weeks/Year	52	52



### 3.0 EMISSIONS

Emissions were calculated based on a product profile of RVP 10.0 psi available in the TANKS 4.09d (TANKS) program. Details of the tank fittings were provided by the facility and used to calculate accurate emissions from the tank. Where necessary, custom fittings were created in TANKS to align with the latest AP-42, Chapter 7.1 emission factors, specifically for ladder-slotted guidepole combinations. A final fitting detail can be provided to SCAQMD upon construction of the tank.

Fugitive emissions were estimated per SCAQMD “Guidelines for Reporting VOC Emissions from Component Leaks”, using the Correlation Equation (Method 2)<sup>1</sup> with a screening value of 500 ppm. Component counts and calculations are shown in Appendix B.

Table 3-1 shows the parameters used to define the tank in the TANKS program.

**Table 3-1: TANKS Parameters**

Parameter	Value	Comments
<b>Tank Dimensions</b>		
Shell Height (ft)	56	
Diameter (ft)	60	
Maximum Liquid Height (ft)	50	
Average Liquid Height (ft)	50	
Turnovers/yr	Varies	
Net Throughput (gal/yr)	37,800,000 (75,000 bbl./month)	
<b>Paint Characteristics</b>		
Internal Shell Condition	Light Rust	
Shell Color/Shade	White/White (D)	
Shell Condition	Good	
Roof Color/Shade	White/White (D)	
Roof Condition	Good	
<b>Rim Seal System</b>		
Primary Seal	Liquid-mounted Mechanical Shoe	Required Per Rule 463 and BACT
Secondary Seal	Rim-mounted	
<b>Deck Characteristics</b>		
Deck Type	Welded	
Deck Fitting Category	Detailed	Bolted, Gasketed Deck Fittings Refer to Form E-18 for details
<b>Meteorological Data</b>		
Location	Long Beach, CA	
<b>Product</b>		
Description	Petroleum Distillates	RVP Pressure: Gasoline (RVP 10)

<sup>1</sup> <https://www.aqmd.gov/docs/default-source/planning/annual-emission-reporting/guidelreportvocemiscomleaks.pdf?sfvrsn=15>

**Table 3-2: Summary of VOC Emissions**

<b>Criteria Pollutant</b>	<b>AHU/MHU (lb/hr)</b>	<b>AHC/MHC (lb/hr)</b>	<b>MDU/MDC (lb/day)</b>	<b>AA (lb/yr)</b>	<b>30DA (lb/day)</b>
<b>Tank 1</b>	1.42E-01	1.42E-01	3.41E+00	1,245.17	3.41
<b>Tank 2</b>	1.42E-01	1.42E-01	3.41E+00	1,245.17	3.41
<b>Fugitive Emissions</b>	8.91E-02	8.91E-02	2.14E+00	780.93	2.14
<b>Total</b>	<b>3.73E-01</b>	<b>3.73E-01</b>	<b>8.96E+00</b>	<b>3,271.27</b>	<b>8.96</b>

TANKS Losses (lb/yr) = Working Losses (lb/yr) + Breathing Losses (lb/yr)

For VOC:

AA (lb/year) = TANKS Losses (lb/year)

MDC (lb/year) = AHC/MHC (lb/hr) x 24

MDU (lb/day) = AHU/MHU (lb/hr) x 24

AHC/MHC (lb/hr) = AHU/MHU (lb/hr) = AA (lb/yr) / 8,760

### 3.1 TAC Emissions from the Storage Tanks

The storage tanks are designed to store petroleum products with RVP up to 10 psia, including atmospheric gas oil (AGO), heavy vacuum gas oil (HVGO), light vacuum gas oil (LVGO), fuel oil, crude oil, gasoline, and petroleum distillates. The product vapor pressure was compared to the data available in Chapter 7: Liquid Storage Tanks, AP-42, Fifth Edition, Volume 1. Another comparative analysis was taken from the toxic speciation data tables available in the SCAQMD Supplemental Instructions for Liquid Organic Storage Tanks which is a guideline document for calculating emissions for Annual Emissions Reporting (AER). Toxic speciation data is available for various gasoline and crude products except for residual oil. In the absence of this information, Yorke identified toxic data that best corresponds to the product with vapor pressure closest to the contents of the tank. Hydrogen sulfide emissions were calculated based on an assay of the stored crude oil; the contents which would have the highest hydrogen sulfide emissions.

As such, the crude oil speciation table was used to calculate toxic emissions from the storage tank. Table 3-3 provides a summary of the toxic emission associated with the operation of the two internal floating roof tanks.

**Table 3-3: Summary of Toxic Emissions (Aggregate Emissions from Two Tanks)**

Chemical	Rule 1401	CAS No.	Liquid Percentage (%)	MHU (lbs/hr)	MHC (lbs/hr)	MAC (lbs/yr)
Hexane (-n)	Yes	110543	0.40%	1.49E-03	1.49E-03	13.09
Benzene	Yes	71432	0.60%	2.24E-03	2.24E-03	19.63
Isooctane	No	26635643	0.10%	3.73E-04	3.73E-04	3.27
Toluene	Yes	108883	1.00%	3.73E-03	3.73E-03	32.71
Ethylbenzene	Yes	100414	0.40%	1.49E-03	1.49E-03	13.09
Xylenes	Yes	1330207	1.40%	5.23E-03	5.23E-03	45.80
Isopropyl Benzene	No	98828	0.10%	3.73E-04	3.73E-04	3.27
1,2,4 - Trimethylbenzene	No	95636	0.33%	1.23E-03	1.23E-03	10.80
Cyclohexane	No	110827	0.70%	2.61E-03	2.61E-03	22.90
Hydrogen Sulfide	Yes	7783064	0.00035%	1.31E-06	1.31E-06	0.01

Details of the criteria and toxic emissions which were calculated are provided in Appendix B of this application.

## 4.0 RULE COMPLIANCE EVALUATION

This section provides a review of the applicable requirements and describes how the equipment and emissions will comply with applicable standards.

### 4.1 Regulation II – Permits

#### 4.1.1 Rule 212, Standards for Approving Permits and Issuing Public Notice

The proposed equipment is not located within 1,000 feet of a K-12 school. The estimated VOC emissions from additional two tanks do not exceed the thresholds identified in Rule 212 (g). The Maximum Individual Cancer Risk (MICR) is expected to be below 1 in a million. Therefore, public notice is not required for this application.

**Table 4-1: Rule 212 Public Notice Evaluation**

Pollutant	Daily Emissions (lbs/day)	Rule 212 Notification Threshold	Notification Required? (Yes/No)
Total VOC's	8.96	30	No

### 4.2 Regulation III - Fees, Rule 301, Permit Fees

The application processing fees were determined using Rule 301 and are summarized in Table 4-2.

**Table 4-2: Application Processing Fees**

Equipment/ Item	Rule 301 Table IA/IB Description	Schedule	Proposed Permit Action	Fee
Storage Tank (TK-1)	Storage Tank, Fixed Roof with Internal Floater	C, FY 2020-2021	Permit Processing	\$4,659.33
Storage Tank (TK-2)	Storage Tank, Fixed Roof with Internal Floater	C, FY 2020-2021	Permit Processing (Identical)	\$2,329.67
			<b>Total</b>	<b>\$6,989.00</b>

### 4.3 Regulation IV - Prohibitions

#### 4.3.1 Rule 401, Visible Emissions

The internal floating roof tanks are expected to operate without visible emissions. Compliance with Rule 401 is expected.

#### 4.3.2 Rule 402, Nuisance

No nuisance odor is expected as a result of additional tanks operating at the terminal facility.

#### 4.3.3 Rule 463 – Organic Liquid Storage

This rule applies to any above-ground stationary tank with a capacity of 75,000 liters (19,815 gallons) or greater used for storage of organic liquids, and any above-ground tank with a capacity between 950 liters (251 gallons) and 75,000 liters (19,815 gallons) used for storage of gasoline.

Rule 463 applies to the two additional petroleum storage tanks. Best Available Control Technology (BACT) for liquid storage tanks that operate with internal floating roofs (IFR) requires Category A Tank Seals and compliance with Rule 463. Category A primary seals as identified within the rule are either: 1) Liquid mounted multiple wipers with drip curtain and weight or 2) Liquid mounted mechanical shoe. Secondary seals for Category A seals are identified as having multiple wipers. Tank roof requirements for internal floating roof tanks are identified in section (c)(2)(B) of the rule. For IFR tanks installed after June 1, 1984, tanks are required to have a single liquid mounted primary seal or a primary and secondary seal.

Based on the project description, the IFR storage tanks are to be constructed to comply with Rule 463 and will have a single liquid mounted mechanical shoe primary seal as well as a rim mounted secondary seal. Compliance with other requirements, as identified within the rule, is expected. Compliance with Rule 463 is expected.

#### **4.4 Regulation IX – Standards for Performance for New Stationary Sources (NSPS)**

##### ***4.4.1 40 CFR Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984***

This federal standard applies to storage vessels that have a capacity greater than or equal to 151 cubic meters (950 barrels) storing a liquid with maximum true vapor pressure greater than 3.5 kilopascals (0.51 psia). Based on the specifications of the tanks that are to be built, the facility is subject to the requirements in Subpart Kb. Inspection and recordkeeping requirements specified within the rule are expected and compliance is expected.

#### **4.5 Regulation XI – Source-Specific Standards**

##### ***4.5.1 Rule 1149, Storage Tank and Pipeline Cleaning and Degassing***

The purpose of this rule is to reduce VOCs and toxics emissions from roof landings, cleaning, maintenance, testing, repair and removal of storage tanks and pipelines. This rule applies to the cleaning and degassing of a pipeline opened to atmosphere outside the boundaries of a facility, stationary tank, reservoir, or other container, storing or last used to store VOCs. Compliance with Rule 1149 is expected.

##### ***4.5.2 Rule 1173 – Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Refineries and Chemical Plant***

This rule is intended to control VOC leaks from components and releases from atmospheric process pressure relief devices (PRDs). This rule applies to components at refineries, chemical plants, lubricating oil and grease re-refiners, terminals, oil and gas production fields, natural gas processing plants and pipeline transfer stations.

Final count of fugitive emissions after the construction of the two tanks and other modified valves, fittings, and headers will be inventoried. Overall, an increase in fugitive emissions from the facility are expected to be minimal and continued compliance with Rule 1173 is expected after the construction of the two tanks.

## **4.6 Regulation XIII - New Source Review; Rule 1303, Requirements**

### **4.6.1 Rule 1303(a) – Best Available Control Technology (BACT)**

*“The Executive Officer or designee shall deny the Permit to Construct for any relocation or for any new or modified source which results in an emission increase of any nonattainment air contaminant, any ozone depleting compound, or ammonia, unless BACT is employed for the new or relocated source or for the actual modification to an existing source.”*

BACT for liquid storage tanks with internal floating roofs requires Category A Seals and compliance with Rule 463. Rule 463 defines Category "A" seals as seals approved by the Executive Officer as most effective in the control of VOCs and are deemed Best Available Control Technology (BACT) according to the criteria set forth in Attachment A - "Floating Roof Tank Seal Categories." Section (c)(2)(B) of Rule 463 requires IFR tanks installed after June 1, 1984 to have a single liquid mounted primary seal or a primary and secondary seal. Based on the project description, the IFR storage tanks are to be constructed to comply with Rule 463 and will have a single liquid mounted mechanical shoe primary seal. A rim-mounted secondary seal will also be added as a feature of both tanks. Compliance with other requirements, as identified within the rule, is expected. Compliance with Rule 463 is expected and as such, compliance with BACT is also expected.

### **4.6.2 Rule 1303 (b)(1) – Modeling**

The Executive Officer or designee shall, except as Rule 1304 applies, deny the permit to construct for any new or modified source which results in a net emissions increase of any nonattainment air contaminant at a facility, unless the applicant substantiates with modeling that the modification will not cause a violation, or make significantly worse an existing violation according to Appendix A or other analysis approved by the Executive Officer or designee, of any state or national ambient air quality standards at any receptor location in the District. The additional two petroleum storage tanks do not emit quantities of emissions equaling or exceeding the non-combustion thresholds listed in Table A-1 of Rule 1304; therefore, modeling is not required.

### **4.6.3 Rule 1303 (b)(2) – Emission Offsets**

The Executive Officer or designee shall, except as Rule 1304 applies, deny the permit to construct for any new or modified source which results in a net emissions increase of any nonattainment air contaminant at a facility, unless the applicant offsets the emission increased by either Emission Reduction Credits (ERCs) approved pursuant to Rule 1309, or application from the Priority Reserve in accordance with provisions of Rule 1309.1 or allocations from the Offset Budget in accordance with the provisions of Rule 1309.2.

Yorke utilized SCAQMD Facility Information Detail (FIND) database to evaluate previous annually reported criteria pollutant emissions from Calendar Year (CY) 2019. In CY 2019, the facility VOC emissions were reported as 3.314 tons per year (tons/year). Emissions from the two additional storage tanks are projected to add approximately 1.64 tons of VOC emissions per year. As a result, the post modification emissions from the facility are projected to be over 4 tons of VOC emissions per year and the facility is required to provide offsets for the project. Ribost will work with SCAQMD permitting personnel to ensure the

appropriate amount of offset emissions are provided prior to the construction of the storage tanks. Compliance with Rule 1303 (b)(2) is expected.

#### **4.7 Regulation XIV - Toxics and Other Non-Criteria Pollutants**

##### ***4.7.1 Rule 1401, New Source Review for Air Toxics***

Rule 1401 applies to new, relocated, and modified permit units. Based on the toxic speciation data for crude oil, toxic emissions were calculated for both tanks. For compounds that are identified in Rule 1401, a Health Risk Assessment (HRA) was completed using the District's risk tool. Results from the HRA indicate that toxic emissions are below cancer risk thresholds for residential and commercial receptors. The toxic emissions associated with the tank passed based on results from the Tier II evaluation. Therefore, New Source Review for Toxics is not triggered, and compliance is expected.

A copy of the HRA completed is provided in Appendix D of this application package.

#### **4.8 California Environmental Quality Act (CEQA)**

A Form 400-CEQA is provided in Appendix A.

## APPENDIX A – SCHEDULE OF APPLICATION FORMS

Device	Form	Title
Tank A: 25,000 Barrel Petroleum Storage Tank	400-A	Application for Permit or Plan Approval
	400-E-18	Storage Tank
Tank B: 25,000 Barrel Petroleum Storage Tank	400-A	Application for Permit or Plan Approval
	400-E-18	Storage Tank
Project	400-CEQA	California Environmental Quality Act (CEQA) Applicability



## **APPENDIX B – EMISSION CALCULATIONS**

## **APPENDIX C – HEALTH RISK ASSESSMENT**

## **APPENDIX D – EQUIPMENT SPECIFICATIONS**

From: Bryan Quigley [<mailto:b@bryanquigley.com>]  
Sent: Tuesday, January 4, 2022 3:47 PM  
To: CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
Subject: Please do not approve World Oil Tank Installation (Agenda 26)

-EXTERNAL-

We need to do no more fossil fuel infrastructure - especially as this expands capacity when we need to be in drawdown.

Please do not allow any new fossil fuel instrasture in Long Beach.

Kind regards,  
Bryan Quigley

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

RE: January 4, 2022 – ITEM #26

Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Richard Aguilar and I am a Laboratory Administrator at World Oil Recycling. I have worked here for 2 years and have lived in the City of Long Beach for more than 20 years. My employment at World Oil Recycling has given me the opportunity to see what we do for the environment as well as for the many clients and customers we serve.

I support World Oil in its effort to modernize our facility at RIBOST Terminal in Long Beach.

I ask that you vote to support the project and approve the Resolution to uphold the decision by the Port of Long Beach Board.

Thank you,



Richard Aguilar

**From:** Faraz Rizvi [<mailto:faraz.r@ccaej.org>]

**Sent:** Tuesday, January 4, 2022 12:43 PM

**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>

**Subject:** Comments on Item 26: Appeal of the Board of Harbor Commissioners' adoption of the Final Initial Study/Negative Declaration (IS/ND) for the World Oil Tank Installation Project (Project)

**-EXTERNAL-**

My name is Faraz Rizvi and I am a member of the Center for Community Action and Environmental Justice. I'm here to express our strong opposition to the negative declaration approach (the no impact conclusion) for the World Oil Project. The potentially significant environmental impacts from this project require robust environmental review under an environmental impact report to assess appropriate mitigation and alternatives to this project.

Continued oil storage expansion in our region is out of sync with the rhetoric of the Port and Long Beach Mayor about advancing clean technologies and addressing pollution burdens. The negative declaration for this project ignores the reality on the ground in overburdened communities and the very real harmful impacts of this expansion. The World Oil Project would have a range of harmful impacts on surrounding communities, including:

Project would add to World Oil's existing oil storage capacity of 502,000 barrels

1. Project would produce 15,000 barrels of hazardous sludge over its lifetime
2. Project would free up to 188,000 barrels of oil storage for use by nearby refineries
3. Project will emit hundreds of thousands of pounds of toxic air pollution over its lifetime
4. Project would be about half a mile from two elementary schools, parks, and neighborhoods

The Long Beach City Council must demonstrate leadership and show their commitment to impacted residents and environmental justice.

We urge the Council to require the Port to prepare an environmental impact report for this project to protect public health and safety and the environment. We urge you to stand up to this powerful industry by not allowing storage tank projects to be rubber-stamped without robust environmental review.

--

Best,

**Faraz Rizvi**  
***Special Projects Coordinator***

**From:** Henry Rogers [mailto:Henry@greypinegroup.com]  
**Sent:** Monday, January 3, 2022 5:48 AM  
**To:** CityClerk <CityClerk@longbeach.gov>  
**Cc:** Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>  
**Subject:** Item 26- World Oil Tank Installation Project

**-EXTERNAL-**

Honorable Mayor and Council,

I am writing today on behalf of the Harbor Association of Industry and Commerce (HAIC), a non for profit industrial and trade association serving as the collective voice and advocate for the harbor business community. We write in support of item 26, the World Oil Tank Installation Project, on your agenda. This project will provide much-needed storage space for the blending of fuels to meet the current clean air standards and the transition to other fuels in the future, providing a cleaner, safer environment for generations to come.

Thank you in advance for your consideration and we respectfully request your approval of item 26.

Sincerely,

**Henry Rogers**

Executive Director

Harbor Association of Industry and Commerce



[562-355-3825](tel:562-355-3825)



[henry@greypinegroup.com](mailto:henry@greypinegroup.com)



[www.harborassn.com](http://www.harborassn.com)





HARBOR ASSOCIATION  
OF INDUSTRY & COMMERCE

www.harborassn.com

January 3, 2022

### Honorable Mayor and City Council

City of Long Beach  
411 W. Ocean Blvd.  
Long Beach, CA 90802

Dear Honorable Mayor and City Council,

On behalf of the Harbor Association of Industry and Commerce (HAIC), we are writing in support of the agenda **item 26 World Oil Tank Installation Project.**

World Oil is a family-owned company with deep roots in Southern California. They collect, transport, and recycle used waste oil products from over 20,000 auto repair and auto servicing sites in CA, NV, AZ, and NM. At their facility in South Gate, World Oil makes asphalts for paving and roofing applications. At their terminal in the Port of Long Beach, World Oil owns and operates RIBOST Terminal.

The proposed Project will install and operate two new 25,000-barrel storage tanks at its Long Beach terminal located at **1405 Pier C Street**. The new tanks would be connected to existing utilities, including electrical lines and petroleum pipelines. With the addition of the two smaller tanks, the RIBOST Terminal Project will provide surge capacity for blending and storage of marine fuels to meet cleaner IMO 2020 standards, which will directly benefit Port tenants who use these fuels.

The Project's combined construction and operation emissions health risks are estimated to be well below the South Coast Air Quality Management District (SCAQMD) health risk CEQA significance thresholds.

The Final IS/ND state that the Project will not cause or contribute to any significant impacts which is why a mitigated Negative Declaration or an EIR was not needed for this small project.

The construction of these tanks will employ 70 to 90 local workers including members of the LA/OC Building Trades.

(888) 454-2957

info@harborassn.com

HAIC



Thank you in advance for your consideration and respectfully request approval of item number 26 and its resolution to deny the appeals and uphold the Harbor Commissioners Adoption of the Final IS/ND of this important project.

Sincerely,



**HENRY ROGERS**  
EXECUTIVE DIRECTOR, HAIC

CC: Councilwoman Mary Zendejas

Councilwoman Cindy Allen

Councilwoman Suzie Price

Councilman Daryl Supernaw

Councilwoman Stacy Mungo

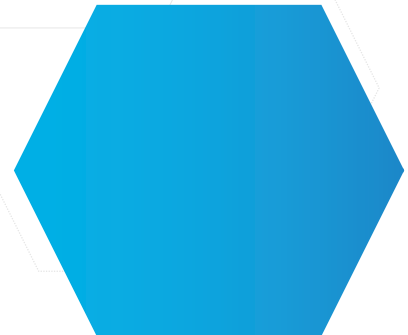
Councilwoman Suely Saro

Councilman Roberto Uranga

Councilman Al Austin

Vice-Mayor Rex Richardson

v



**From:** Henry Rogers [<mailto:Henry@greypinegroup.com>]  
**Sent:** Tuesday, January 4, 2022 10:55 AM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Cc:** Mayor <[Mayor@longbeach.gov](mailto:Mayor@longbeach.gov)>; Council District 1 <[District1@longbeach.gov](mailto:District1@longbeach.gov)>; Council District 2 <[District2@longbeach.gov](mailto:District2@longbeach.gov)>; Council District 4 <[District4@longbeach.gov](mailto:District4@longbeach.gov)>; Council District 3 <[District3@longbeach.gov](mailto:District3@longbeach.gov)>; Council District 5 <[District5@longbeach.gov](mailto:District5@longbeach.gov)>; Council District 6 <[District6@longbeach.gov](mailto:District6@longbeach.gov)>; Council District 8 <[District8@longbeach.gov](mailto:District8@longbeach.gov)>; Council District 7 <[District7@longbeach.gov](mailto:District7@longbeach.gov)>; Council District 9 <[District9@longbeach.gov](mailto:District9@longbeach.gov)>  
**Subject:** Item 26 World Oil

**-EXTERNAL-**

Honorable Mayor and Council,

I am writing today on behalf of **the South Bay Association of Chambers of Commerce (SBACC)**, a regional association of local chambers dedicated to regional issue advocacy in the South Bay of Los Angeles County. The SBACC represents seventeen chambers of commerce from Long Beach north to Westchester. We write in support of item 26, the World Oil Tank Installation Project, on your agenda. This project will provide much-needed storage space for the blending of fuels to meet the current clean air standards and the transition to other fuels in the future, providing a cleaner, safer environment for generations to come.

Thank you in advance for your consideration and we respectfully request your approval of item 26.

Sincerely,

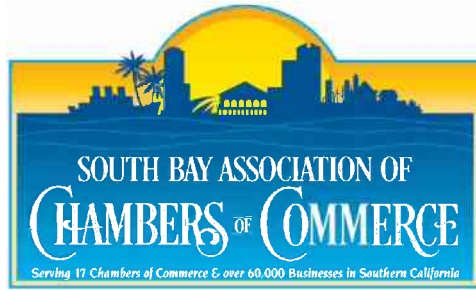
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**HENRY ROGERS**

Managing Principal, Grey Pine Group

[henry@greypinegroup.com](mailto:henry@greypinegroup.com)

[www.greypinegroup.com](http://www.greypinegroup.com)



January 4, 2022

**Honorable Mayor and City Council**

City of Long Beach

411 W. Ocean Blvd.

Long Beach, CA 90802

Dear Honorable Mayor and City Council,

On behalf of the South Bay Association of Chambers of Commerce (SBACC), we are writing in support of the agenda **item 26 World Oil Tank Installation Project.**

World Oil is a family-owned company with deep roots in Southern California. They collect, transport, and recycle used waste oil products from over 20,000 auto repair and auto servicing sites in CA, NV, AZ, and NM. At their facility in South Gate, World Oil makes asphalts for paving and roofing applications. At their terminal in the Port of Long Beach, World Oil owns and operates RIBOST Terminal.

The proposed Project will install and operate two new 25,000-barrel storage tanks at its Long Beach terminal located at **1405 Pier C Street**. The new tanks would be connected to existing utilities, including electrical lines and petroleum pipelines. With the addition of the two smaller tanks, the RIBOST Terminal Project will provide surge capacity for blending and storage of marine fuels to meet cleaner IMO 2020 standards, which will directly benefit Port tenants who use these fuels.

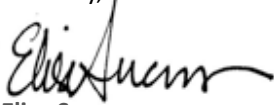
The Project's combined construction and operation emissions health risks are estimated to be well below the South Coast Air Quality Management District (SCAQMD) health risk CEQA significance thresholds.

The Final IS/ND state that the Project will not cause or contribute to any significant impacts which is why a mitigated Negative Declaration or an EIR was not needed for this small project.

The construction of these tanks will employ 70 to 90 local workers including members of the LA/OC Building Trades.

Thank you in advance for your consideration and respectfully request approval of item number 26 and its resolution to deny the appeals and uphold the Harbor Commissioners Adoption of the Final IS/ND of this important project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elise Swanson', written in a cursive style. The signature is positioned to the left of a vertical line.

**Elise Swanson**

SBACC CHAIR

CC: Councilwoman Mary Zendejas

Councilwoman Cindy Allen

Councilwoman Suzie Price

Councilman Daryl Supernaw

Councilwoman Stacy Mungo

Councilwoman Suely Saro

Councilman Roberto Uranga

Councilman Al Austin

Vice-Mayor Rex Richardson

1/3/2021

Mayor Robert Garcia  
Long Beach City Council Members  
411 E Ocean Blvd.  
Long Beach, CA 90802

Via email

**Subject: Agenda Item 26 - World Oil Tank Installation Project**

Dear Mayor Robert Garcia and Long Beach City Council Members:

We are contacting you on behalf of BizFed, the Los Angeles County Business Federation, an alliance of over 200 business organizations with over 400,000 employers in Los Angeles County, to write in support of item 26 on the January 4 council agenda, the World Oil Tank Installation Project. This project would provide additional storage capacity at their Port facility to increase the efficiency of their terminal operations.

World Oil is principally a recycler of used oils and waste antifreeze. The company collects, transports, and recycles used waste oil products from over 20,000 auto repair and auto servicing sites in CA, NV, AZ and NM. At its facility in South Gate, World Oil makes asphalts for paving and roofing applications. Its facility at the Port has 7 tanks that store feed for the asphalt plant and leases tanks for bunker fuel.

The proposed project will add two smaller tanks to add flexibility and increase the efficiency of its operations. With the addition of the two smaller tanks, the project will be able to provide surge capacity for blending and storage of marine fuels to meet cleaner IMO 2020 standards, which will directly benefit Port tenants who use these fuels. What's more, this Project will have no significant environmental impact, will not cause or contribute to new odors, and all neighbors are approximately 1/2-mile from the Terminal.

As California pushes towards our clean energy goals, it is important that we support industries who help our state become more resilient by utilizing recycled materials and using already existing infrastructure to meet our economy's critical infrastructure demands. We believe adding storage capacity to the World Oil facilities is a reasonable request and is working in the best interest of California policies.

We hope that you will support this project. If you have any questions, please contact [sarah.wiltfong@bizfed.org](mailto:sarah.wiltfong@bizfed.org).

Sincerely



Donna Duperron  
BizFed Chair  
Torrance Area Chamber



David Fleming  
BizFed Founding Chair



Tracy Hernandez  
BizFed Founding CEO  
IMPOWER, Inc.

# BizFed Association Members

7-Eleven Franchise Owners Association of Southern California  
Action Apartment Association  
Alhambra Chamber of Commerce  
American Beverage Association  
American Institute of Architects - Los Angeles  
Apartment Association of Greater Los Angeles  
Apartment Association, CA Southern Cities, Inc.  
Arcadia Association of Realtors  
AREAA North Los Angeles SFV SCV  
Armenian Trade and Labor Association  
Associated Builders & Contractors, Inc. Southern California Chapter  
Association of Club Executives  
Association of Independent Commercial Producers  
Azusa Chamber of Commerce  
Bell Gardens Chamber of Commerce  
Beverly Hills Bar Association  
Beverly Hills Chamber of Commerce  
Black Business Association  
BNI4SUCCESS  
Bowling Centers of Southern California  
Boyle Heights Chamber of Commerce  
Building Industry Association - Baldyview  
Building Industry Association - LA/Ventura Counties  
Building Industry Association - Southern California  
Building Owners & Managers Association of Greater Los Angeles  
Burbank Association of REALTORS  
Burbank Chamber of Commerce  
Business and Industry Council for Emergency Planning and Preparedness  
Business Resource Group  
CA Natural Resources Producers Assoc  
CalAsian Chamber  
Calabasas Chamber of Commerce  
California Apartment Association- Los Angeles  
California Asphalt Pavement Association  
California Bankers Association  
California Business Properties Association  
California Business Roundtable  
California Cannabis Industry Association  
California Cleaners Association  
California Construction Industry and Materials Association  
California Contract Cities Association  
California Fashion Association  
California Gaming Association  
California Grocers Association  
California Hispanic Chamber  
California Hotel & Lodging Association  
California Independent Oil Marketers Association (CIOMA)  
California Independent Petroleum Association  
California Life Sciences Association  
California Manufacturers & Technology Association  
California Metals Coalition  
California Restaurant Association  
California Retailers Association  
California Small Business Alliance  
California Self Storage Association  
California Society of CPAs - Los Angeles Chapter  
California Trucking Association  
Californians for Balanced Energy Solutions  
Carson Chamber of Commerce  
Carson Dominguez Employers Alliance  
CDC Small Business Finance  
Central City Association  
Century City Chamber of Commerce  
Cerritos Regional Chamber of Commerce  
Chatsworth/Porter Ranch Chamber of Commerce  
Citrus Valley Association of Realtors  
Claremont Chamber of Commerce  
Coalition for Renewable Natural Gas  
Coalition for Small Rental Property Owners  
Commercial Industrial Council/Chamber of Commerce  
Construction Industry Air Quality Coalition  
Construction Industry Coalition on Water Quality

Council on Trade and Investment for Filipino Americans  
Covina Chamber  
Crescenta Valley Chamber of Commerce  
Culver City Chamber of Commerce  
Downey Association of REALTORS  
Downey Chamber of Commerce  
Downtown Center Business Improvement District  
Downtown Long Beach Alliance  
El Monte/South El Monte Chamber  
El Segundo Chamber of Commerce  
Employers Group  
Encino Chamber of Commerce  
Engineering Contractor's Association  
EXP  
F.A.S.T.- Fixing Angelenos Stuck in Traffic  
FilmLA  
Friends of Hollywood Central Park  
FuturePorts  
Gardena Valley Chamber  
Gateway to LA  
Glendale Association of Realtors  
Glendale Chamber  
Glendora Chamber  
Greater Antelope Valley AOR  
Greater Bakersfield Chamber of Commerce  
Greater Lakewood Chamber of Commerce  
Greater Leimert Park Village Crenshaw Corridor Business Improvement District  
Greater Los Angeles African American Chamber  
Greater Los Angeles Association of REALTORS  
Greater Los Angeles New Car Dealers Association  
Greater San Fernando Valley Regional Chamber  
Harbor Association of Industry and Commerce  
Harbor Trucking Association  
Historic Core BID of Downtown Los Angeles  
Hollywood Chamber  
Hong Kong Trade Development Council  
Hospital Association of Southern California  
Hotel Association of Los Angeles  
Huntington Park Area Chamber of Commerce  
Independent Cities Association  
Industrial Environmental Association  
Industry Business Council  
Inland Empire Economic Partnership  
International Cannabis Business Women Association  
Irwindale Chamber of Commerce  
La Cañada Flintridge Chamber  
LA Fashion District BID  
LA South Chamber of Commerce  
Lancaster Chamber of Commerce  
Larchmont Boulevard Association  
Latin Business Association  
Latino Food Industry Association  
Latino Restaurant Association  
LAX Coastal Area Chamber  
League of California Cities  
Long Beach Area Chamber  
Long Beach Economic Partnership  
Los Angeles Area Chamber  
Los Angeles County Board of Real Estate  
Los Angeles County Waste Management Association  
Los Angeles Gateway Chamber of Commerce  
Los Angeles Gay & Lesbian Chamber of Commerce  
Los Angeles Latino Chamber  
Los Angeles Parking Association  
MADIA Tech Launch  
Malibu Chamber of Commerce  
Marketplace Industry Association  
Motion Picture Association of America, Inc.  
MoveLA  
Multicultural Business Alliance  
NAIOP Southern California Chapter  
Nareit  
National Association of Tobacco Outlets  
National Association of Waterfront Employers  
National Association of Women Business Owners - CA  
National Association of Women Business

Owners - LA  
National Federation of Independent Business  
National Hookah Community Association  
National Latina Business Women's Association  
Orange County Business Council  
Pacific Merchant Shipping Association  
Pacific Palisades Chamber  
Panorama City Chamber of Commerce  
Paramount Chamber of Commerce  
Pasadena Chamber  
Pasadena Foothills Association of Realtors  
PhRMA  
Planned Parenthood Affiliates of California  
Pomona Chamber  
Propel LA  
Rancho Southeast Association of Realtors  
ReadyNation California  
Recording Industry Association of America  
Regional Black Chamber-San Fernando Valley  
Regional Hispanic Chamber of Commerce  
Regional San Gabriel Valley Chamber  
Rosemead Chamber  
San Dimas Chamber of Commerce  
San Gabriel Chamber of Commerce  
San Gabriel Valley Economic Partnership  
San Pedro Peninsula Chamber  
Santa Clarita Valley Chamber  
Santa Clarita Valley Economic Development Corp.  
Santa Monica Chamber of Commerce  
Sherman Oaks Chamber  
South Bay Association of Chambers  
South Bay Association of Realtors  
South Gate Chamber of Commerce  
Southern California Contractors Association  
Southern California Golf Association  
Southern California Grantmakers  
Southern California Leadership Council  
Southern California Minority Suppliers Development Council Inc.  
Southern California Water Coalition  
Southland Regional Association of Realtors  
Sunland/Tujunga Chamber  
Sunset Strip Business Improvement District  
Torrance Area Chamber  
Town Hall Los Angeles  
Tri-Counties Association of Realtors  
United Cannabis Business Association  
United Chambers - San Fernando Valley & Region  
United States-Mexico Chamber  
Unmanned Autonomous Vehicle Systems Association  
US Green Building Council  
US Resiliency Council  
Valley Economic Alliance, The  
Valley Industry & Commerce Association  
Vermont Slauson Economic Development Corporation  
Vernon Chamber  
Veterans in Business Network  
Vietnamese American Chamber  
Warner Center Association  
West Hollywood Chamber  
West Hollywood Design District  
West Los Angeles Chamber  
West San Gabriel Valley Association of Realtors  
West Valley/Warner Center Chamber  
Western Electrical Contractors Association  
Western Manufactured Housing Association  
Western States Petroleum Association  
Westside Council of Chambers  
Whittier Chamber of Commerce  
Wilmington Chamber  
World Trade Center

December 28, 2021

Mayor Robert Garcia and City Councilmembers of Long Beach  
411 West Ocean Blvd  
Long Beach, CA 90802

RE: January 4, 2022 – Item 26

Dear Honorable Mayor Garcia and Long Beach City Councilmembers:

My name is Marlene Zimmerman, and I have been a resident of Long Beach for 35 years. I've worked for World Oil Recycling (WOR) as an Administrative Assistant for 12 years. They are an excellent company to work for who cares about community and the environment which I care very much about. I am proud to work for a company that cares about these things. I have also had the privilege of working closely with a local school on behalf of World Oil. Their generosity is very impressive.

I support the improvements to our Ribost facility. World Oil is an asset to any community.

Please vote to support this project!

Thank you,

A handwritten signature in cursive script that reads "Marlene Zimmerman". The signature is written in black ink and is positioned above the printed name.

Marlene Zimmerman