

## **Appendix E**

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### **Comments Received on Draft Negative Declaration and Responses to Comments**



Department of Toxic Substances Control



Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Edwin F. Lowry, Director  
1001 "I" Street, 25<sup>th</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Gray Davis  
Governor

MEMORANDUM

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA SITE MITIGATION BRANCH

JUN 02 2003

RECEIVED

TO: Sayareh Amirebrahimi, Branch Chief  
Site Mitigation Program, Region 3

FROM: Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section

DATE: May 29, 2003

SUBJECT: TRANSMITTAL AND REVIEW OF LEAD AGENCY ENVIRONMENTAL DOCUMENTS FOR  
Chevron Products Company Refinery Hydrogen Plant-

2003051

The Department has received the project listed above. The project is being referred to you as a:

<input checked="" type="checkbox"/> Non-Essential/Information Item Only	A Courtesy Copy of the Notice of Completion Transmittal Form has also been sent to:
<input type="checkbox"/> Sensitive Land Use Project	<input checked="" type="checkbox"/> Permitting Branch (document not included)
<input type="checkbox"/> Non-Sensitive land Use Project	

The Department is encouraged to review this project and if applicable make comments pertaining to the project as it relates to hazardous waste and/or any activities which may fall within the Department's jurisdiction. Please have your staff: 1) conduct its review of the attached document prior to the end of the comment period; 2) complete the applicable items below stating whether the department made comments or that no comments were necessary for the document; and 3) return this original transmittal sheet and a copy of any response letter from your office to:

Planning & Environmental Analysis Section (PEAS)  
CEQA Tracking Center  
1001 I Street, 22<sup>nd</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806  
Fax (916) 323-3215

Date Comment Period Began: 05/23/2003  
Comments due to OPR: 06/23/2003

Reviewed by: ANVaido Date: 6/12/03

COMMENTS have been prepared and a copy has been provided to PEAS via:

Attached Copy  
 FAX (916) 323-3215

NO COMMENTS NECESSARY because:

All Department concerns have been adequately addressed; OR  
 Project does not fall within the Department's areas of responsibility

Thank you for your assistance with this project. If you have any questions, please contact Ken Tapon, CEQA Tracking Center, at (916) 322-5266.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

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Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

## Department of Toxic Substances Control

Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201



Gray Davis  
Governor

June 12, 2003

Mr. Michael A. Krause  
South Coast Air Quality Management District  
21865 East Copley Drive  
Diamond Bar, California 91765

### NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR THE CHEVRON PRODUCTS COMPANY REFINERY PROPOSED HYDROGEN PLANT PROJECT, SCH 2003051116

Dear Mr. Krause:

The Department of Toxic Substances Control (DTSC) has received your Notice of Intent to Adopt a Negative Declaration (ND) for the project mentioned above.

Based on the review of the document, DTSC comments are as follows:

If during construction of the project, soil contamination is suspected, construction in the area should stop, and appropriate health and safety procedures should be implemented. If it is determined that contaminated soils exist, the ND should identify how any required investigation and/or remediation will be conducted, and which government agency will provide regulatory oversight.

1-1

DTSC provides guidance for Preliminary Endangerment Assessment preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP please visit DTSC's web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov). If you would

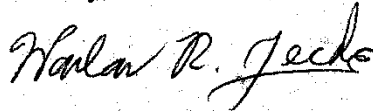
*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

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Mr. Michael A. Krause  
June 12, 2003  
Page 2

like to meet and discuss this matter further, please contact Mr. Alberto Valmidiano,  
Project Manager, at (818) 551-2870 or me, at (818) 551-2877.

Sincerely,



Harlan R. Jeché  
Unit Chief  
Southern California Cleanup Operations Branch – Glendale Office

Enclosure

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P. O. Box 3044  
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section  
CEQA Tracking Center  
Department of Toxic Substances Control  
P. O. Box 806  
Sacramento, California 95812-0806

**COMMENT LETTER NO. 1**  
**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

Harlan R. Jeché  
June 12, 2003

**Response 1-1**

The potential for soil contamination is addressed in the Negative Declaration (see pages 2-40 and 2-56). As explained on Page 2-40, construction activities could uncover hydrocarbon-contaminated soils. However, there is currently no evidence that soil contamination is located within the areas proposed for grading, trenching, or excavation. Contaminated soil, if discovered during construction, will be analyzed by a state-certified laboratory to verify and determine the concentration and type of contamination.

If soil contamination is suspected, the contaminated soil would be handled in accordance with appropriate federal, state, and local regulations, including SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil, the federal Resource Conservation and Recovery Act, the Regional Water Quality Control Board (RWQCB)'s Remedial Action Plan requirements, and the DTSC's Hazardous Waste Management Program. The government agency that will provide regulatory oversight depends on the extent of the soil clean-up. Currently, the Chevron Refinery is subject to numerous rules and regulations that help to minimize the release of hazardous substances including Federal OSHA regulations (29 CFR Part 1910, §119), Title 8 of the California Code of regulations (§5189), California Health and Safety Code §25534, 40 CFR Part 68, and Title 1, §112(2)(7).

June 24, 2003

Mr. Michael A. Krause  
C/O Office of Planning/CEQA  
SCAQMD Headquarters  
21865 East Copley Drive  
Diamond Bar, CA. 91765

FAX NO: (909) 396-3324

FOCUS COMMENTS ON NEGATIVE DECLARATION REGARDING CHEVRON PRODUCTS COMPANY REFINERY PROPOSED HYDROGEN PLANT PROJECT.

The Federation of Organizations For Conserving Urban Space - FOCUS, has reviewed the above referenced Negative Declaration and for the following reasons has found that due to errors, omissions and inaccuracies is not in compliance with the California Environmental Quality Act. FOCUS believes a full E.I.R. is needed in this case.

POST OFFICE BOX 1711 • SANTA MONICA, CALIFORNIA 90406 • TELEPHONE (310) 554-4398

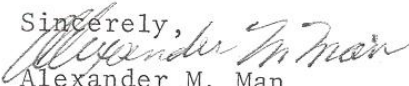
1) LIQUEFACTION: 7.c) and d): The El Segundo Chevron Refinery is located over a polluted water table (AQUIFER), that is approximately 30 feet below ground surface. At 7.c) and d) Liquefaction, it states: Liquefaction would most likely occur in unconsolidated granular sediments that are water saturated less than 30 feet below ground surface (Tinsley et al 1985). Based on the latest seismic hazard maps developed under the Seismic Mapping Act, the El Segundo refinery is located in an area of historic or has the potential for liquefaction (California Division of Mines & Geology, Map of Seismic Hazard Zones, Venice Quadrangle). IT IS AN ERROR TO ASSUME, AS IS DONE AT THE LAST SENTENCE OF PARAGRAPH 2, OF 7.c) and d) Liquefaction, THAT NO SIGNIFICANT IMPACTS FROM LIQUEFACTION ARE EXPECTED SINCE THE PROJECT WILL BE REQUIRED TO COMPLY WITH THE UNIFORM BUILDING CODES, CLOSE AS IT IS TO AQUIFER

2) OMISSION: FAILURE TO ACKNOWLEDGE SUBSTANTIAL INCREASE IN VOLUME OF STEAM DISCHARGED FROM REFINERY SMOKE STACK WHICH WILL DISCHARGE INCREASED AMOUNTS OF BENZENE INTO THE LOWER, LOCAL RESIDENTIAL ATMOSPHERE. SEE TABLE B-2, HEALTH RISK ANALYSIS. The characteristic of steam to absorb and pick up large quantities of benzene is well known. THE RESIDENTIAL COMMUNITIES DOWN WIND FROM THE CHEVRON REFINERY WILL BE SEVERELY IMPACTED BY BENZENE, WHICH IS EXTREMELY

*HARMFUL*

3) OMISSION: Failure to specifically list El Segundo Blue Butterfly as having been listed by the Fish & Wildlife Service of the U.S. Department of the Interior as an endangered species. The increased quantity of steam coming from the new hydrogen plant, which will likely bring benzene fumes into the El Segundo Blue Butterfly Sanctuary, possibly further endangering the survival of already endangered butterflies.

4) OMISSION: LACK OF MAPS SHOWING RELATIONSHIP OF EARTHQUAKE FAULT ZONES REFINERY: FAILURE TO INCLUDE DAMAGE TO CHEVRON REFINERY BY 1933 LONG BEACH EARTHQUAKE.

Sincerely,  
  
Alexander M. Man  
Chairman - FOCUS  
FAX NO. (310) 454-6398

2-1  
2-2  
2-3  
2-4  
2-5

**COMMENT LETTER NO. 2**  
**FEDERATION OF ORGANIZATIONS FOR CONSERVING URBAN SPACE**

Alexander M. Man  
June 24, 2003

**Response 2-1**

The SCAQMD disagrees with the opinion expressed in this statement. The Negative Declaration has been prepared in accordance with all relevant CEQA requirements. The issues raised in Comments 2-2 through 2-5 of this letter do not raise issues that require a substantial revision to the draft document (CEQA Guidelines §15073.5), i.e., (1) a new, avoidable significant effect has not been identified so mitigation measures or project revisions have not been added; or (2) the lead agency has not determined that, since no new significant impacts were identified, mitigation measures or project revisions are not required. As discussed in Responses 2-2 through 2-5 below, no significant impacts have been identified and no substantial revisions are required to the Negative Declaration. Therefore, the SCAQMD disagrees that an Environmental Impact Report is required for this project.

**Response 2-2**

The issue of liquefaction is discussed on page 2-29 of the Negative Declaration, which identifies the refinery as being in an area of historic or potential liquefaction. New structures must be designed to comply with the Uniform Building Code Zone 4 requirements since the project is located in a seismically active area where liquefaction could occur. The City of El Segundo is responsible for assuring that the proposed project complies with the Uniform Building Code as part of the issuance of the building permits and can conduct inspections to ensure compliance. The Uniform Building Code is considered to be a standard safeguard against major structural failures and loss of life. The goal of the code is to provide structures that will: (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage but with some non-structural damage; and (3) resist major earthquakes without collapse but with some structural and non-structural damage.

The Uniform Building Code bases seismic design on minimum lateral seismic forces ("ground shaking"). The Uniform Building Code requirements operate on the principle that providing appropriate foundations, among other aspects, helps to protect buildings from failure during earthquakes that could produce liquefaction. The basic formulas used for the Uniform Building Code seismic design require determination of the seismic zone and site coefficient, which represents the foundation conditions at the site.

Chevron must obtain building permits, as applicable, for all new proposed project structures. Chevron must submit building plans to the local cities for review. Chevron must receive approval of all building plans and building permits to assure compliance with the latest Building Code adopted by the City prior to commencing construction activities. The issuance of building permits, which is typically a ministerial approval, from the local agency will assure compliance with the

Uniform Building code requirements which include requirements for building within seismic hazard zones. Therefore, no significant impacts associated with liquefaction are expected.

### **Response 2-3**

The SCAQMD disagrees with the opinion expressed in this statement. The Negative Declaration includes estimates of toxic air contaminants that may be emitted from the new Hydrogen Plant. The emissions of benzene associated with the Hydrogen Plant are due to the combustion of natural gas or refinery fuel gas in the reformer heater. A Health Risk Assessment (HRA) was prepared for the proposed project (see pages 2-13 to 2-14 and Appendix B). As indicated in the Negative Declaration, the increase in emissions of toxic air contaminants (including benzene) is expected to result in an incremental cancer risk of  $4.0 \times 10^{-8}$  or about 0.04 per million, which is well below the significance criteria of 10 per million ( $10 \times 10^{-6}$ ). The steam generated by the Hydrogen Plant will not come into direct contact with petroleum products and “strip” benzene (or other organic compounds) as suggested in this comment. The only source of benzene emissions associated with the proposed project is as a by-product of the combustion of natural gas or refinery fuel gas and the impacts of these emissions were evaluated in the Negative Declaration.

As discussed in the Negative Declaration (see Table 4 and Appendix B), the maximum cancer and noncancer risks are below the significance thresholds. Therefore, no further significant health risks are expected. This analysis is highly conservative since no credit has been taken for reduction in off-site health risk impacts from the shutdown of the existing, older SMR Reformer. The emissions from the existing SMR Reformer are greater than the emissions from the new Hydrogen Plant. Therefore, the project is expected to have overall air quality benefits by reducing the emissions from the Refinery (see Table 3).

### **Response 2-4**

The SCAQMD disagrees with the opinion expressed in this statement. Page 2-16 of the Negative Declaration indicates that there are three sensitive, threatened, or endangered species in the immediate vicinity of the Refinery, including the El Segundo Blue Butterfly, the Pacific Pocket Mouse, and the Beach Spectaclepod. Under the discussion of the El Segundo Blue Butterfly, the document has been revised to indicate that the butterfly is listed by the Fish & Wildlife Service of the U.S. Department of the Interior as an endangered species. This modification, however, does not constitute significant new information.

Please see Response 2-3 regarding the effects of the project on refinery emissions, including benzene emissions. As indicated, the replacement of the old Hydrogen Plant with a new Hydrogen Plant is expected to result in overall emission reduction and an air quality benefit. The new Hydrogen Plant will be located about 1.5 miles away from the butterfly sanctuary, in the same general location as the existing Hydrogen Plant (which will be demolished). The location of both the new and existing Hydrogen Plants are a sufficient distance (1.5 miles) so that no significant impacts to the butterfly sanctuary have occurred or are expected.



## **Response 2-5**

The SCAQMD disagrees with the opinion expressed in this statement. Seismic maps are not specifically required to be included in CEQA documents. Although no map is provided, the potential magnitude of an earthquake and the distance of each fault to the Refinery is discussed in the Negative Declaration (see pages 2-23 through 2-27). The 1933 Long Beach earthquake is discussed on page 2-24 of the Negative Declaration. The Negative Declaration adequately discusses the earthquake faults in the area and indicates that, based on the historical record, it is highly probable that earthquakes will affect the Los Angeles region. In addition, there is the potential for damage to new structures in the event of an earthquake. However, as discussed in Response 2-2 and on page 2-28 of the Negative Declaration, those impacts are expected to be less than significant, due to the requirements of the Uniform Building Code.