

APPENDIX E

Responses to Comments Received on the Draft Environmental Impact Report

**CHEVRON PRODUCTS COMPANY EL SEGUNDO REFINERY
COKE DRUM RELIABILITY PROJECT
RESPONSES TO COMMENTS RECEIVED ON THE DEIR**

INTRODUCTION

This Appendix, together with other portions of the Draft Environmental Impact Report (Draft EIR), constitutes the Final EIR for the proposed Chevron Products Company El Segundo Refinery Coke Drum Reliability Project.

The Draft EIR was circulated for a 47-day public comment period starting on August 31, 2012 and ending on October 16, 2012. The Draft EIR is available at the South Coast Air Quality Management District (SCAQMD), 21865 Copley Drive, Diamond Bar, CA 91765-4182 or by phone at (909) 396-2039. The Draft EIR can also be downloaded by contacting the SCAQMD's CEQA web pages at <http://www.aqmd.gov/ceqa/nonaqmd.html>.

The Draft EIR contained a detailed project description, the environmental setting for each of the environmental resources topic areas where the NOP/IS determined there was a potential significant adverse impact, an analysis of the potentially significant environmental impacts including cumulative impacts, project alternatives, mitigation measures, and other areas of discussion as required by CEQA. The discussion of the project-related and cumulative environmental impacts included a detailed analysis of air quality, noise, and transportation/traffic.

The SCAQMD received two comment letters on the Draft EIR during the public comment period. The comments letters and responses to the comments raised in those letters are provided in this appendix. The comment letters are bracketed and numbered. The related responses are identified with the corresponding number and are included following each comment letter.

Comment Letter	Commenter
1	Native American Heritage Commission
2	Ms. Joyce Dillard

Comment Letter No. 1

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

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SACRAMENTO, CA 95814
(916) 653-6251
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de_nahc@pacbell.net



September 6, 2012

Dr. Steve Smith, Ph.D., Program Supervisor
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178

Re: SCH#2011010026; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Chevron Products Company El Segundo Refinery Coke Drum Reliability Project;" located in the South Bay – El Segundo area; Los Angeles County, California.

Dear Dr. Smith:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

1-1

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

1-2

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

1-3

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

1-4

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

1-5

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

1-6

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

1-7

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

1-8

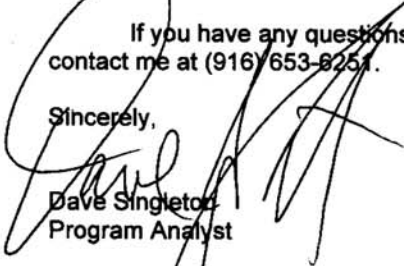
RESPONSE TO COMMENTS

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

1-9

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-8251.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
Los Angeles County
September 6, 2012**

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908
Los Angeles , CA 90086
samdunlap@earthlink.net
Gabrielino Tongva
(909) 262-9351 - cell

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax
Gabrielino Tongva

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
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GTTribalcouncil@aol.com
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(626) 286-1758 - Home
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Gabrielino-Tongva Tribe
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Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
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(310) 587-0170 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011010026; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Chevron Products Company El Segundo Refinery Coke Drum Reliability Project; located in the El Segundo area; Los Angeles County, California.

RESPONSE TO COMMENTS

**Native American Contacts
Los Angeles County
September 6, 2012**

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011010026; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Chevron Products Company El Segundo Refinery Coke Drum Reliability Project; located in the El Segundo area; Los Angeles County, California.

Responses to Comment Letter No. 1

**Native American Heritage Commission
September 6, 2012**

Response 1-1

The SCAQMD notes that the Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. Further, the comment states that the letter includes state and federal statutes relative to Native American historic properties. No further response is necessary.

Response 1-2

The SCAQMD is aware of the statues and regulations including Public Resources Code §21000-§21177 as well as all other relevant CEQA requirements and has prepared an EIR for the proposed project. This comment recommends a Sacred Lands Files search. However, as stated on page 2-20 of the NOP/IS, a records search was conducted in August 2005 that indicated that 14 archaeological investigations have been performed within a 0.5-mile radius of the Refinery, including three surveys of small linear areas within the Refinery boundaries. No Native American sacred lands are recorded within the Refinery boundaries or within a 0.5-mile radius of the facility. As stated on pages 2-32 through 2-35 in the NOP/IS, potential significant adverse impacts on cultural resources were not anticipated. This conclusion is based on the fact that there are no prehistoric or historic cultural resources or paleontological resources within the boundaries of the Refinery. Based on this information and the information provided in the following paragraphs, impacts to cultural resources, including Native American cultural resources, were not required to be further analyzed in the Draft EIR for the proposed project.

The entire Refinery site has been previously graded and developed and the proposed Project occurs at an existing Refinery Unit. The larger Refinery structures and equipment are supported on concrete foundations. The remainder of the site is unpaved. Any archaeological or paleontological resources that may have been present prior to development of the Refinery are not expected to be found at the site due to past disturbance and imported fill material.

If cultural resources were to be encountered unexpectedly during ground disturbance associated with construction of the proposed Project, proper procedures (i.e., contacting professional archaeologist and a Gabrielino/Tongva representative, temporarily halting or redirecting disturbance work in vicinity, etc.) will be taken. Further, the Refinery's site does not contain known paleontological resources and, thus, the proposed Project is not expected to adversely affect any sites of paleontological value.

As a result, based on historical activities at the site, the proposed Project was determined to not cause a potential "substantial adverse change in the significance of any historical resource" which would require a further evaluation of cultural resources in this EIR.

Response 1-3

The SCAQMD is aware of the requirements of Public Resources Code §§5907.94(a) and 5097.96. For this proposed Project, no known "Sacred Sites" have been identified and, as noted in response #1-2, cultural resources not are anticipated to be located at the facility. Should any NAHC "Sacred Sites" be identified they would be treat as confidential and exempt from the Public Records Act pursuant to California Government Code §6254(r).

Response 1-4

As noted in Response 1-2, additional archaeological investigation is not required for the proposed Project since no known "Sacred Sites" have been identified, so it is not necessary to contact the Native American Heritage Commission. Construction activities for the proposed Project at the Refinery include standard procedures for accidentally encountering any archaeological, Native American or cultural resources on-site. Compliance with all local, state, and federal regulations (and notifications) will occur in the event of an accidental discovery of any cultural or historic resources.

A mailing list of the Native American contacts provided by the commentator has been created by SCAQMD. Notice of availability of this EIR for proposed Project and all other projects where the SCAQMD is the lead agency under CEQA will be sent to the contacts provided by the commentator.

Native American consulting parties were included in the noticing process for the NOP/IS, DEIR, and have been included in all noticing processes during the CEQA process for the proposed Project.

Response 1-5

The proposed Project is not subject to NEPA or other requirements referenced. As stated in Response 1-2, the proposed Project is currently located within the Refinery in an area which has been previously graded. As such, no historical resources are expected to be encountered and no significant impacts to historical resources are expected.

Response 1-6

With regard to state protection of "Sacred Sites," as noted in Response 1-3, "historic properties of religious and cultural significance" will be considered confidential. However, it should be noted that no known historic properties of religious and cultural significance site have been identified within the confines of the Refinery, which includes the proposed Project site.

Response 1-7

As stated in the NOP/IS on pages 2-19 through 2-21, the likelihood of encountering cultural (and archaeological) resources is low, if such resources were to be encountered unexpectedly during the limited ground disturbance associated with the proposed Project, procedures are in place and will be followed to minimize impacts to the resource.

Response 1-8

As stated in Response 1-4, a comprehensive list of Native American contacts provided by the Native American Heritage Commission is maintained by the SCAQMD and all contacts on this list have been provided with notices of the proposed Project, for the NOP/IS and the Draft EIR.

Response 1-9

As stated in Response 1-2, the proposed Project is currently located within the Refinery in an area which has been previously graded. As such, no historical resources are expected to be encountered and no significant impacts to historical resources are expected. As stated on page 2-21 of the NOP/IS, the proposed Project is not expected to have significant adverse impacts on historic or prehistoric cultural resources. Therefore, CEQA Guidelines §15370(a) which defines mitigation by avoiding the impact altogether is not applicable for the proposed Project pursuant to CEQA Guidelines §15126.4(a)(3), which states “mitigation measures are not required for effects which are not found to be significant.”

Comment Letter No. 2

From: Joyce Dillard [dillardjoyce@yahoo.com]
Sent: Tuesday, October 16, 2012 3:29 PM
To: Jeffrey Inabinet
Subject: Comments to DEIR CHEVRON PRODUCTS COMPANY COKE DRUM RELIABILITY PROJECT due 10.16.2012

In Geological Hazards, you state:

Another significant fault in the immediate Refinery vicinity is the Palos Verdes Fault Zone. This fault extends approximately 72 miles from Santa Monica Bay south to Lausen Knoll in the southern San Pedro Channel. The Palos Verdes fault is considered capable of a 7.1 magnitude earthquake. As cited in the Final EIR for the Chevron-El Segundo Refinery CARB Phase 3 Clean Fuels Project, evaluations by the California Division of Mines and Geology (CDMG) indicate that there is a 10 percent probability of earthquake ground motion exceeding 0.45 gravity at the Refinery site over a 50-year period (CDMG, 1998).

2-1

You have had quakes in the area since this report.

Missing in this discussion are pollutant loads and contamination that can linger in the geology of the Santa Monica Bay and points north to Santa Barbara and south to Dana Point.

2-2

You need discussion on pollutants, odors and water quality in relationship to Beneficial Uses.

Air quality issues do affect water quality issues and the Clean Water Act.

There are effects on Impaired Water Bodies that need to be addressed in these air emissions issues.

2-3

Your scope is incorrectly stated.

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031

Responses to Comment Letter No. 2

Ms. Joyce Dillard
October 16, 2012

Response 2-1

The section of the NOP/IS cited is from Section VII. Geology and Soils under the discussion for questions 7. a), c), and d) Geological Hazards on page A-40 of Appendix A of this Final EIR. This information describes the expected behavior of the Palos Verdes Fault. While not quoted by the commentator, the discussion continues on page A-41 stating “Based on the historical record, it is highly probable that earthquakes will affect the Los Angeles region in the future.” The discussion also presents the purpose of the California Building Code applicable to new structures and requirements for the Chevron Refinery to obtain building permits, which require compliance with the California Building Code. It was concluded that no significant adverse impacts from seismic hazards are expected since the project will be in compliance with the California Building Codes. No changes have been made to the California Building Code since the NOP/IS was prepared.

Earthquakes occur frequently in the Southern California area in various locations and magnitudes, most of which produce no damage. As such, identification of recent earthquakes, which did not cause damage, would not alter the discussion or change the conclusions regarding adverse impacts on geology and soils.

Response 2-2

These comments are related to water quality, which was discussed in Section IX. Hydrology and Water Quality of the NOP/IS on pages A-48 through A-52 of Appendix A of the Final EIR. The proposed Project is not expected to change the quantity or quality of the water discharged by Delayed Coker Unit or any other Refinery activities. The Refinery has existing on-site treatment facilities which handle wastewater generated at the facility and are regulated by the Los Angeles Regional Water Quality Control Board under an NPDES permit. As such, no change to water quality, pollutant loads, or odors would occur as a result of the proposed Project as there will be no increase in water use or wastewater discharge. Therefore, a discussion on the fate and transport of pollutants and contamination of the Santa Monica Bay, effects of pollutants, odors, and water quality on Beneficial Uses is not warranted because no increase in pollutants to Santa Monica Bay is expected.

Response 2-3

These comments are related to air quality impacts on water quality. The proposed Project is subject to the Rules and Regulations of the SCAQMD and the U.S. EPA including the National and California Ambient Air Quality Standards. The ambient air quality standards are established to be protective of human health and the environment. A discussion of the proposed Project impacts to ambient air quality is presented in Section 4.2.2.4 of the Final EIR on pages 4-12 and 4-13. The modeling results presented in Table 4-6 on page 4-13 show that no significant impact

RESPONSE TO COMMENTS

to ambient air quality would result from the proposed Project. Therefore, no significant impacts to the environment including water quality would occur from the proposed Project.

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