



US Army Corps
of Engineers®

Regulatory Division
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Pacific Refining Company Marine Terminal Deconstruction

NUMBER: 2008 - 00419S

DATE: 11/28/2008

RESPONSE REQUIRED BY: 12/28/2008

PROJECT MANAGER: Nina Cavett

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1. **INTRODUCTION:** Pacific Refining Company (PRC), 2 North Nevada Avenue, #466 Colorado Springs, Colorado 80903, through its agent Jeff Olberding, 1390 Willow Pass Road, Suite 370, Concord, California 94520 has applied for a Department of the Army permit to deconstruct and remove the inactive Pacific Refining Company Marine Terminal and abandon in place five buried petroleum pipelines and two utility pipelines offshore of the City of Hercules, in San Pablo Bay, Contra Costa County, California. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The inactive (PRC) Marine Terminal is located in San Pablo Bay, 1.3 miles offshore of the City Hercules (Figure 1). The Marine Terminal Consists of an offshore structure approximately 1,200 x 60 feet long, supported by 259 concrete piles and protected by 178 creosote-treated timber fender piles (Figure 2). The Marine Terminal was formally used for the loading and unloading of crude oil and petroleum products. At that time the terminal was served by seven submerged buried pipelines/conduits that run in a 50-foot-wide trench. The pipelines start at the shoreline just south of Lone Tree Point, run northwest for approximately 500 feet, and then move northeast for approximately 6,750 feet to the Marine Terminal. The Marine Terminal ceased operation in 1997 and was placed in caretaker status in June 1998.

At that time the pipelines from the Terminal were flushed with water, fitted with blind flanges, and taken permanently out of service. In 2003, as part of the final PRC Marine Terminal decommissioning plan the block valves for the Marine Terminal petroleum pipelines were removed. The five former transfer pipelines that connected from the block valves to the Marine Terminal were pigged, cleaned, tested, and filled with test water. Onshore facilities to be removed include a vault on the edge of the shoreline where the buried pipelines surface from the Bay (Figure 3). From the vault, the pipelines continue 160 feet under the pacific railroad tracks, and terminate under the Victorian-By-Crescent Open Space.

Project Description: In order to fulfill California State Land Commission lease conditions, the termination of PRC'S lease would include the deconstruction and removal of the Marine Terminal and the abandonment of the remaining seven pipelines. The applicant plans to complete the project between June 15, 2009 and October 31, 2009. Deconstruction would consists of the following: a) removal of appurtenant facilities, b) removal of Marine Terminal fixtures, c) deconstruction of the concrete deck, d) deconstruction of catwalks, e) removal of piles, and f) removal of submerged debris (if any) and marker buoys. Removal of appurtenant facilities and fixtures would occur largely over deck surfaces so as to minimize the potential for equipment and debris to fall into the Bay. The concrete deck and catwalk would be secured, cut, and then loaded by crane onto a barge and transported to the shore base

staging area for further processing. A total of 437 piles would be removed. Pile removal would occur in one of two ways: vibratory hammer or barge mounted crane. Due to uncertainties of successful removal, PRC plans on determining the most feasible and practical method through trial. The piles would be cut off a minimum of two feet bellow the mudline. Sediment around the piles may be jetted away to provide access for the cutting tool. All piles would carefully be lifted by crane onto a barge and transported to the onshore staging area. The applicant proposes to take necessary precautions against debris and contaminants entering the water column. The seven pipelines would be abandoned in place and sealed at both ends of the pipe. Data collected from hydrostatic tests concluded that the pipelines are in good condition and meet the requirements for abandonment. In addition, sediment toxicity results collect at the site show that sediments in the project area are benign for toxic substances.

Purpose and Need: The basic need for this project is to remove PRC'S inactive Marine Terminal from San Pablo Bay. According to the applicant, the overall project purpose is to return the area back to pre-leased conditions by removing the Marine Terminal and abandoning the seven pipelines.

Impacts: The proposed project would result in the disturbance of 2.6 acres of substrate within Corps jurisdictional waters resulting from the removal and subsequent discharge of 1,100 cubic yards of sediment. Sediment removal would be done using water jetting techniques. Adverse effects to the aquatic ecosystem from suspended sediment are anticipated to be temporary and minor to moderate in magnitude.

Minimization Measures: The proposed project is expected to temporarily suspend a maximum of 1,100 cy of sediments over the entire course of pile removal activities, this sediment discharge will occur in tens of small episodes daily as each pile has 5 to 10 cy of sediment jetted away from its base. The jetted sediments will be temporarily suspended into the water column of the localized

area of deconstruction in the San Pablo Bay. Environmental controls for the Project will include specific requirements for controlling and/or mitigating potential impacts to water quality such as debris, or oil spills; air quality; traffic; biological resources and noise. Project plans call for preparation and approval by the CSLC of the following plans: a Spill Prevention and Countermeasures Pollution Control Plan, Marine Safety Plan, Seafloor Debris Removal Plan, Rigging and Lifting Plan, Traffic Control Plan, Critical Operations and Curtailment Plan, Marine Communication Plan, Marine Transportation Plan, Navigation Marking and Lighting Plan, Anchoring Plan, and Oil Spill Response Plan. These plans will be prepared once construction bids are awarded and prior to the start of construction. All plans will be reviewed and approved by CSLC prior to implementation.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, and 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered

species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include steelhead trout (*Oncorhynchus mykiss irideus*), chinook salmon (*Oncorhynchus tshawytscha*), and North American green sturgeon (*Acipenser medirostris ayres*). The Corps has determined the proposed project may affect, but is not likely to adversely affect, the above listed species, and is initiating informal Section 7 consultation with NMFS.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). Fishery Management Plans (FMPs) in place for fish present in San Pablo Bay are the FMPs for Pacific salmon, for Coastal pelagics and for Pacific groundfish. The proposed project would impact approximately 2.60 acres of EFH. The Corps initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California Waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341); an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has submitted a copy of their Section 401 Conditional Water Quality Certification and Waiver of Waste Discharge Requirements has been obtained from the San Francisco Bay Regional Water Quality Control Board (File No. 2188.07). No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid

request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is/is not within the Coastal Zone.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably

may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Nina Cavett of our office at telephone 415-503-6765 or E-mail: Christina.A.Cavett@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal.