

**CALIFORNIA STATE LANDS COMMISSION**

750 Alfred Nobel Drive, Suite 201  
Hercules, CA 94547



*Established in 1938*

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (510) 741-4950**  
**Contact Fax: (510) 741-4975**

December 19, 2024

File Ref: W9777.88

Roland Curry  
Senior Project Manager – Products Pipelines  
Kinder Morgan  
1001 Louisiana St. Suite #1000  
Houston, TX 77002

**SUBJECT: Kinder Morgan (KM) Marine Oil Terminal (MOT), Port of Los Angeles (POLA) Berth 118-119 – Updated Terminal Operating Limits (TOLs) Operations Agreement**

Dear Roland Curry:

The Marine Environmental Protection Division (Division) has reviewed Kinder Morgan's (KM) December 18, 2024 submittal "*Kinder Morgan (KM) Marine Oil Terminal, Port of Los Angeles Berths 118-119: Terminal Operating Limits (TOLs) Extension Request,*" including the attached Gantt chart titled "*Kinder Morgan POLA LAHT Berth 131 – MOTEMS Compliant Terminal*" marked "*Project Delivery Schedule, Updated: December 16, 2024*". This submittal is related to the Division's December 5, 2023 letter which conditionally granted approval of KM's updated TOLs diagrams (5 figures total, Rev. 12, dated 06-01-2022) for 10,000 MT DWT barges, 35,000 MT DWT tankers and 50,000 MT DWT tankers calling at the KM POLA Berth 118-119 MOT until December 31, 2024.

The Division understands that KM has made significant progress over the last year towards developing a fully MOTEMS compliant MOT at the newly identified POLA Berth 131, and is seeking a four-year extension through December 31, 2028 for the continued use of existing TOLs for POLA Berth 118-119.

To accommodate KM's operational demands while the new MOTEMS-compliant POLA Berth 131 MOT is designed and constructed, though the existing POLA Berth 118-119 is not MOTEMS compliant, the **Division hereby grants KM permission to continue utilization of the updated TOLs diagrams for barges and tankers calling at the KM POLA Berths 118-119 MOT,** provided KM abides by each of the following conditions:

1. **New Berth 131 MOT Progress** – KM shall pursue in good faith and steady progress design and construction of the new MOTEMS-compliant Berth 131 MOT at the POLA.
2. **New Berth 131 MOT Recurring Meetings** – To track progress on the new MOT design and construction, KM shall establish recurring meetings no less than quarterly with Division staff to present the new MOT Project progress and discuss pertinent topics.

3. **Use of TOLs Diagrams Approval at Berth 118-119** – Use of the updated TOLs diagrams (5 figures total, Rev. 12, dated 06-01-2022) for 10,000 MT DWT barges, 35,000 MT DWT tankers and 50,000 MT DWT tankers at the existing Berth 118-119 is approved for a limited time until December 31, 2028 (i.e. based on the construction progress identified in KM's December 16, 2024 Gantt chart), unless superseded by an earlier termination. Extension of this deadline will require Division approval and shall include documentation of work completed, milestones achieved, and an updated project Gantt chart to substantiate steady progress in the design and construction of the new MOTEMS-compliant Berth 131 MOT.
4. **Oil Spill Incidents** – If an oil spill incident occurs at Berth 118-119 or near the property, the Division may amend the conditions of this approval, as a result.
5. **Significant, Potentially Damage-Causing Event** – If a significant, potentially damage-causing event occurs at Berth 118-119 or near the property, including but not limited to an earthquake, storm, vessel impact, fire, or explosion, MOTEMS Section 3102F.4 post-event notification and inspection shall be required, and the Division may amend the conditions of this approval, as a result.
6. **Correction of New MOTEMS Deficiencies** – If KM, the MOTEMS Audit Team, or Division staff identify high-risk deficiencies during the MOTEMS compliance review process, KM, or the POLA, shall correct each of these deficiencies in a time-bound manner to the Division's satisfaction, or the Division may amend the conditions of this approval, as a result.
7. **Compliance with Commission's Operational Regulations** – KM shall comply with the Division's operational regulations to the Division's satisfaction, including Article 5. Marine Terminals Inspection and Monitoring (2 CCR §2300 *et seq*), Article 5.3 Marine Terminals Personnel Training and Certification (2 CCR §2540 *et seq*), and Article 5.5 Marine Terminals Oil Pipelines (2 CCR §2560 *et seq*).


In conclusion, the Division provisionally grants KM permission to use these updated TOLs diagrams for barges and tankers calling at Berth 118-119 while the new MOTEMS-compliant Berth 131 is under design and construction at the POLA, provided KM abides by the conditions above.

This review does not relieve the terminal operator or the Engineer(s)-of-Record of their responsibilities or for compliance with the specific provisions of the MOTEMS, including, but not limited to, referenced codes, guidelines, and recommended practices.

If you have any questions, please contact the undersigned at (925) 383-3480.

Sincerely,

DocuSigned by:

  
9FEE74B534424FD...

Ron Maria, Acting Division Chief  
Marine Environmental Protection Division

cc: Chris Brown, P.E. (Chief Harbor Engineer, POLA)