

WILMINGTON COALITION

FOR A SAFE ENVIRONMENT

140 West Lomita Blvd., Wilmington, California 90744-1223
WilmingtonCoalition @ Prodigy.net 310-609-9198

April 16, 2002

SCAQMD
Southern Coast
Air Quality Management District
21865 E. Copley Drive
Diamond Barr, California 91765-4182
909-396-2000 Off
909-396-3324 Fax

Attn: Ms. Kathy Stevens

Reference: Draft Subsequent Environmental Impact Report SCH No. 2000061113
Subject: Information Request

The Wilmington Coalition For A Safe Environment has become aware of as yesterday of the above referenced document, in which the project will have a permanent and significant negative environmental impact on our community. On behalf of the 50,000 affected Wilmington residents we request the following:

1. What prior public notice was provided to Wilmington residents?
ie. Press Releases, Public Hearings, Mailers, Local Meeting Attendance etc. 3-1
2. Since the report appears to be several hundred pages in length we would like to pick up three copies asap for distribution to Wilmington community organizations. 3-2
3. We request that a Public Hearing be held in Wilmington asap, a Press Release placed in our local newspapers and that the Comment Period be extended 45 days. 3-3
4. We request to be placed on your mailing list for all public notifications of EIR's, Draft EIR's, Scoping Meetings, Public Hearings, Town Hall Meeting's etc. and to be mailed a hard copy of each document. We have in the past automatically received information and notices. 3-4

For your information there are several local newspapers that service the Wilmington community:

1. Wilmington Community News (Free Distribution)
2. Daily Breeze
3. Random Lengths (Free Distribution)
4. View From the Hill (Free Distribution)

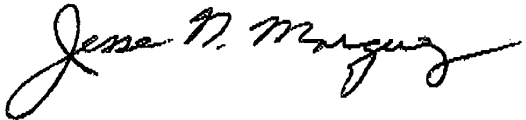
3-5

It has already been determined in a court of law that Public Notification in a non-local newspaper when one or more is available is not adequate Public Notification. In addition, Public Notification on a Web Site has also been determined inadequate and insufficient Public Notification.

I have enclosed a one page flyer of information about our organization. Please advise me asap at the following numbers when the three copies are available 310-704-1265 or 310-609-9198.

3-6

Cordially,



Jesse N. Marquez
Chairman

WILMINGTON COALITION

FOR A SAFE ENVIRONMENT

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Wilmington Coalition

The Wilmington Coalition For A Safe Environment is a coalition of Wilmington residents, senior citizens, students, non-profit organizations, business owners, harbor area employees and friends who are concerned with environmental, economic, health, welfare and safety issues affecting our children and community.

Mission Statement

1. To protect, preserve and restore our Mother Earth's delicate ecology and environment.
2. To protect the health, welfare and safety of our children, senior citizens, residents and community.

Wilmington's Location

Wilmington is one of many small communities that make up the City of Los Angeles and has a population of approximately 50,000 residents. The Port of Los Angeles and three major oil refineries are located in Wilmington. The Alameda Corridor Project and Port of Long Beach are our neighbors. Wilmington is located south of downtown Los Angeles between the City of Long Beach and San Pedro. Wilmington is primarily a minority Hispanic and low income community with some of the highest incidences of health problems caused by air, water, land, noise and light pollution.

Wilmington Coalition Officers

Chairperson	Jesse N. Marquez
Vice Chairperson	Miss Trish C. Salas
Treasurer	Cecilia L. Ponce

COMMENT LETTER NO. 3
LETTER FROM WILMINGTON COALITION FOR A SAFE ENVIRONMENT

Jesse Marquez
April 16, 2002

Response 3-1

Public notice of the proposed project was provided per the requirements of the California Environmental Quality Act (CEQA). The Public Resources Code (PRC) §21092 requires that notice “shall be given to the last known name and address of all organizations and individuals who have previously requested notice and shall also be given by at least one of the following procedures:” (A) Publication in a newspaper of general circulation in the area affected by the proposed project. “If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.” (B) posting of the notice on- and off-site in the area where the project is to be located; and (C) direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

Public notice of the availability of the Draft SEIR was provided in several different ways. First, notice was given via direct mailing to the last known name and address of all organizations and individuals who have previously requested notice, including all individuals and agencies that previously provided comments on the previous Notice of Preparation and the previous Draft EIR (§21092(b)(3)). Second, notice was provided in the Los Angeles Times, the newspaper of largest circulation on March 8, 2002. These actions comply with the minimum CEQA requirements. In addition to these minimum requirements, additional noticing was provided as follows. Per PRC §21092(b)(3)(B), the notice was posted off-site at the Los Angeles County Clerk’s Office (see also CEQA Guidelines §15187(d)). The notice was provided via electronic mail to a number of interested entities including environmental groups, public agencies and interested individuals that have expressed interest in receiving SCAQMD environmental notices. Finally, the document itself was available online at the SCAQMD’s website the first day of the public comment period and also hardcopies of the document were available the first day of the public comment period at the SCAQMD’s headquarters located at 21865 E. Copley Drive, Diamond Bar, California.

Based on the above, public notice has been provided on the proposed project in a manner that meets and exceeds the CEQA requirements for public notice on the availability of an EIR.

Response 3-2

An SCAQMD representative informed you that copies of the Draft SEIR were immediately available at the SCAQMD headquarters for your review and distribution.

Response 3-3

CEQA does not require that a public hearing be held as part of the CEQA process for a proposed project. CEQA Guidelines §15202 states in part “CEQA does not require formal hearings at any

stage of the environmental review process. Public comments may be restricted to written communication” (CEQA Guidelines §15202). At a meeting with Mr. Marquez on April 23, 2002 at the SCAQMD headquarters, the SCAQMD’s Executive Officer agreed to hold a public meeting on the proposed project in the Wilmington community on June 20, 2002. The meeting focused on the Draft SEIR for the proposed project and SCAQMD responses to comments on the Draft SEIR. Further, a town hall meeting was held in Wilmington on July 31, 2002 to obtain additional input from the Wilmington community on air quality issues, including Ultramar’s proposed project, and the proposed environmental justice enhancements.

With regard to noticing the proposed project, please refer to the Response 3-1.

The request for a public hearing and an extension of the public comment period was considered. Although Governor Davis has extended the date one-year for MTBE phase-out, the project has not changed since the Draft SEIR was released for public review, and it is still necessary to move forward with the proposed project as quickly as possible for a number of reasons. First, the currently proposed project is in response to unexpected contingencies faced by Ultramar that threatened to compromise its ability to meet the original phase-out deadline. Second, given the engineering complexities of the previously proposed project components of Ultramar’s CARB Phase 3 project, as well as the currently proposed components, Ultramar must still proceed expeditiously to comply with the new CARB Phase 3 requirements and deadlines. Third, it is anticipated that the petroleum industry will move forward with the MTBE phase-out ahead of the revised compliance schedule because of the environmental problems associated with MTBE. Because Ultramar relies on third party distribution systems, it will be necessary for Ultramar to comply with the industry imposed phase-out date which may be different from the state imposed phase-out date.

The Ultramar Draft Supplemental EIR document has been available for immediate public review and download from the SCAQMD’s web site since March 8, 2002 (www.aqmd.gov/ceqa/documents/2002/nonaqmd/ultramar/draft/ultDEIRhtml). Further, at a recent public meeting, you indicated that you were contacted by CBE and asked to provide comments on the Ultramar EIR and/or permits. CBE was mailed a hard copy of the notice of availability on March 6, 2002 and the notice of availability was sent electronically to CBE’s Oakland office on March 8, 2002. Consequently, you have been afforded the opportunity to obtain and review the Draft SEIR for the full 45-days public review period provided under CEQA.

In light of the above information, extending the public review period for this document would not serve the public’s interest to expeditiously provide cleaner-burning gasoline and phase-out the use of MTBE to eliminate the possibilities of future ground water contamination by this chemical. As a result, extending the public comment period will not be considered further. It should be noted that the SCAQMD responded to and considered all written comments on the Draft EIR, including those received after the close of the public comment period, and considered comments from the public made at the June 20, 2002 public meeting.

It should be noted, however, that if it can be determined that the SCAQMD has not complied with any substantive or procedural CEQA requirement during the public comment period for the proposed project that ended April 22, 2002, the problem will be corrected and the Draft SEIR will

be recirculated for a second 45-day public comment period. To date, the SCAQMD has evaluated assertions of impropriety, but has not discovered any such problems and, therefore, will proceed with finalizing the CEQA document for the proposed project.

Response 3-4

Your name has been added to the list of interested parties for this project and will be included on any further notices related to this project. Staff will place your organization's name and e-mail address on an e-mail list of parties interested in receiving notices for projects where the SCAQMD is lead agency under CEQA. To automatically receive notices and documents for all SCAQMD projects, it is necessary to contact the SCAQMD's Subscription Services Office (909-396-3792) and be placed on a mailing list. There is a fee, depending on which subscription service you subscribe to. Alternatively, the commentator could periodically check the SCAQMD's website for a list of meetings, notices, etc. The SCAQMD's web address is www.aqmd.gov. Click on the "Meetings and Agendas" icon for a listing of events, meetings, notices, etc.

Response 3-5

Your comment on the local newspapers is noted for future reference. Your comment regarding public notification is incorrect, as noted in Response 3-1. CEQA requires that the notice be published in "a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas" (§21092(b)(3)(A)). Publishing a public notice in the Los Angeles Times assures that the Wilmington area and other surrounding areas, e.g., Cities of Carson and Long Beach, also have adequate notice. The Los Angeles Times satisfies the CEQA public notice requirements.

CEQA requirements (§21092(e)) indicate that the public notice requirements "shall not preclude a public agency from providing additional notice by other means if the agency so desires . . .". The SCAQMD has found that electronic notices and providing CEQA documents on its web page provides immediate access to information for a number of individuals, interested parties and other public agencies. However, the SCAQMD does not rely on electronic notices as the only form of public notice. Providing notices by e-mail, and listing documents and notices on the SCAQMD's website goes beyond what is strictly required under CEQA.

Considering all the above information, adequate public notice regarding the availability of the Draft SEIR has been provided for the Ultramar proposed CARB Phase 3 project.

Response 3-6

The information regarding your organization is noted. You were informed that the Draft SEIR was immediately available at the SCAQMD's headquarters.