

From The Desk Of  
**Ms. Anita Ponce**

April 17, 2002

**SCAQMD**  
**South Coast Air Quality Management District**  
**21865 E. Copley Drive**  
**Diamond Bar, California 91765**  
**909-396-3439**  
**909-396-3324 F**

**Barry Wallerstein**  
**Executive Officer**

**Ms. Kathy Stevens**  
**Planning-CEQA**

**Reference: ULTRAMAR, INC., Wilmington Refinery**  
**Subject: Opposition To Draft Subsequent Environmental Impact Report (SEIR)**  
**And Issuance Of Permit To ULTRAMAR, Inc.**

I live in Wilmington and it has come to my attention of the above Draft SEIR regarding the proposed issuance of a permit by SCAQMD to Ultramar. Inc. and I wish to state that I am against the issuance of a permit for the following reasons:

1. I suffer from serious allergies due to the terrible air quality. There are days I can not go to work because I am so sick.
2. Several months ago I had to go the doctor to get a stronger allergy medication.
3. I believe that Ultramar Oil Refinery is causing significant air pollution.
4. Ultramar takes no responsibility for the illness'es it is causing on our community and provides no significant corrective action to improve our air quality.
5. The Draft SEIR provide no "Mediation" to Wilmington and Harbor Area residents for the health care costs it is imposing. Why should we get stuck with high medical and prescription costs due to Ultramar's gross negligence.

10-1

10-2

10-3

10-4

6. SCAQMD & Ultramar failed to conduct a Public Hearing in Wilmington. ☐ 10-5

7. SCAQMD & Ultramar failed to provide Public Notice in the local Newspapers servicing Wilmington. ☐ 10-6

I want zero air pollution in our community. Technology exists to decrease air pollution by over 90% and I want all oil refineries to stop air pollution now. ☐ 10-7

I want absolutely no Permit to be issued until all of our concerns have been mitigated and the guilty parties held financially frespensible. ☐ 10-8

I request that a Public Hearing be held in Wilmington as soon as possible and the Public Comment Time be extended another 60 days from the date of the hearing. ☐ 10-9

Yours truly,



Ms. Anita Ponce  
1148 McDonald Ave.  
Wilmington, California 90744-1223  
~~310-834-7829~~

## **COMMENT LETTER NO. 10**

Anita Ponce  
April 17, 2002

### **Response 10-1**

Your comment regarding allergies is noted, however, this comment is not related to the environmental analyses in the SEIR. There is no question that poor air quality can exacerbate respiratory problems such as asthma. The SEIR discloses that the proposed project is expected to generate significant adverse regional air quality impacts, which could affect sensitive populations, especially those with respiratory problems. No localized air quality impacts, however, were identified for the proposed project. As a result, the SEIR fulfills the letter and intent of CEQA, i.e., to disclose information on potential adverse impacts to the public.

### **Response 10-2**

Your opinion regarding Ultramar is noted. Based on the results of the analysis in the SEIR, the air quality impacts associated with the proposed project are considered significant. Therefore, feasible mitigation measures have been imposed. CEQA requires that feasible mitigation measures be imposed for significant impacts, and that a statement of findings and overriding considerations be prepared.

The major portion of emissions in the South Coast Air Basin are generated by mobile sources including automobiles, trucks, trains, vessels, boats and airplanes. Emissions from stationary sources, such as Ultramar, have been controlled by rules and regulations, so that stationary sources generate much less emissions than mobile sources. Also note that the Environmental Defense Fund ranks Ultramar in the top 15 percent of refineries in pollution prevention performance, based on emissions data and other public information ([www.edf.org](http://www.edf.org)).

### **Response 10-3**

The Air Quality section of the SEIR includes a Health Risk Assessment (HRA) which addresses the health impacts to residents and workers near the Ultramar facility associated with the operation of all sources. The HRA indicated that the incremental cancer risk to the maximum exposed individual resident (MEIR) was less than the significance criteria. The cancer risk at all other residential areas is less than the risk at the MEIR and also less than significant. The health risk related to exposure to non-carcinogenic chemicals also was determined to be less than significant in the SEIR at the MEIR. This HRA assumes a conservative 70-year exposure (a continuous 24 hours per day, every day for 70 years) for every resident. The health risks at the MEIR and at all other areas are less than significant. Based on the above analyses, there is no evidence that Ultramar is responsible for local health impacts.

Feasible mitigation measures for air quality impacts are addressed in the Final SEIR (see pages 4-28 and 4-55). The SCAQMD has imposed feasible mitigation measures on the proposed project.

Also, note that the proposed project is expected to result in emission decreases associated with the vehicles that use the reformulated fuels, including a decrease in toxic air contaminant (benzene) emissions. Also see Response 10-7 regarding BACT.

#### **Response 10-4**

See Response 10-3 regarding health impacts. The commentator does not identify how “mediation” would be considered a feasible mitigation measure, i.e., how it could reduce significant impacts. Mediation would not be required under the requirements of CEQA because it would not provide mitigation of a potentially significant impact. Mediation would be outside of the CEQA process and the commentator should contact Ultramar directly to discuss this issue. It is the opinion of the commentator that Ultramar is responsible for “gross negligence” but no evidence of gross negligence has been provided.

#### **Response 10-5**

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.

#### **Response 10-6**

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 10-7**

Zero air pollution within an urban community is not an achievable goal. Air emissions are associated with all aspects of daily life including driving a car, using a stove and generating hot water (combustion of natural gas), turning on electrical appliances (generating electricity), and painting a house. Mobile sources (such as vehicles, trucks, ships, and airplanes) generate a major portion of the air emissions in the South Coast Air Basin.

It is the goal of the SCAQMD and CARB to comply with the state and federal ambient air quality standards. The emissions from stationary sources are generally controlled by the SCAQMD. Mobile emissions are generally controlled by CARB. The emissions from stationary sources are controlled through rules, regulations and the use of Best Available Control Technology (BACT). BACT, by definition, is control equipment with the lowest achievable emission rate. The use of BACT controls emissions to the greatest extent feasible for the new and modified emission sources. In addition, the fugitive components will be required to be included in an inspection and maintenance program, as required by SCAQMD Rule 1173, to ensure that the equipment is properly maintained. BACT will be imposed on all new and modified equipment associated with the proposed project.

Further, the proposed project is to comply with the CARB Phase 3 reformulated fuel requirements. Compliance with these requirements is expected to result in a decrease in emissions associated with vehicles that use the fuel, including a decrease in toxic air contaminants, thus providing air quality benefits to the area.

#### **Response 10-8**

Comment is noted. The SCAQMD will assure that all aspects of CEQA and its rules and regulations have been addressed before certifying the SEIR or issuing any permits for the proposed project. It is the commentator's opinion that "guilty parties" should be held financially responsible, but does not provide data to demonstrate who they believe is "guilty."

## **Response 10-9**

See Response 10-5 regarding a public hearing. CEQA does not require that a public hearing be held as part of the public review period (CEQA Guidelines §15087); however, the SCAQMD will held a public meeting on the proposed project on June 20, 2002.

The request for 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 SEIR 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](http://www.aqmd.gov/ceqa/documents/2002/nonaqmd/ultramar/draft/ultDEIRhtml)).

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.