

SCAQMD-South Coast
Air Quality Management District
21865 E. Copley Drive
Diamond Bar, California 91765
909-396-3439 O
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April 22, 2002

Mr. Barry Wallerstein
Executive Officer

Ms. Kathy Stevens
Planning-CEQA

Ref: *Ultramar, Inc. - SCH No. 2000061113*
Sub: *Opposition to Issuance Of Permit to Ultramar, Inc.*

I heard about the Draft Subsequent Environmental Impact Report regarding SCAQMD's proposal to issue a new building permit to Ultramar. Inc. for expansion and I want to advise you that I am against the issuance of a permit for the reasons listed below:

1. My children's health is more important than Ultramar's request for a permit for expansion.
2. The air pollution in Wilmington is getting worse every year and the responsible parties need to be held accountable.
3. The report does contain accurate information on the negative health impact of Ultramar's Oil Refinery on Wilmington residents.
4. Ultramar has never conducted a health impact study in Wilmington so how can they say they have caused no health impact.
5. SCAQMD and Ultramar failed to hold a Public Hearing in Wilmington so that we could provide public comment and ask questions.

I request that a Public Hearing be held in Wilmington within 45 days so that we can assess the environmental impact on our community. I request that we be given another 45 days after the Public Hearing for additional public comment.

Concerned Resident,

Anita Lopez
33114th ST,
San Pedro Ca. 90731

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I heard about the Draft Subsequent Environmental Impact Report regarding SCAQMD's proposal to issue a new building permit to Ultramar, Inc. for expansion and I want to advise you that I am against the issuance of a permit for the reasons listed below:

14-1

1. My children's health is more important than Ultramar's request for a permit for expansion.

2. The air pollution in Wilmington is getting worse every year and the responsible parties need to be held accountable.

14-2

3. The report does contain accurate information on the negative health impact of Ultramar's Oil Refinery on Wilmington residents.

14-3

4. Ultramar has never conducted a health impact study in Wilmington so how can they say they have caused no health impact.

14-4

5. SCAQMD and Ultramar failed to hold a Public Hearing in Wilmington so that we could provide public comment and ask questions.

I request that a Public Hearing be held in Wilmington within 45 days so that we can assess the environmental impact on our community. I request that we be given another 45 days after the Public Hearing for additional public comment.

14-5

Concerned Resident,

*My name is Angelo
1329 N. Bonan - Wilmington, Ca. 90419*

COMMENT LETTERS NO. 14
LETTER FROM ANITA LOGAN and MANUEL ?

April 22, 2002

Response 14-1

Your comments regarding the Ultramar proposed project and your children's health are noted.

Response 14-2

The comment that "air pollution in Wilmington is getting worse every year" is incorrect. Ambient air quality data for the Long Beach area (the closest air quality monitoring station, which is downwind from the Wilmington area) are shown in Table 3-2 (page 3-5) of the Final SEIR. The data indicate that the concentration of criteria air pollutants in the area has been consistent or has shown a decrease in concentrations (e.g., carbon monoxide, nitrogen dioxide, and PM10).

While the proposed project is expected to result in emission increases, the project also is expected to result in regional emission reductions (see Final SEIR, Table 5-3, page 5-20) associated with vehicles that use the reformulated fuels. The benefits of improved air quality were not included in the calculated emissions estimates because they occur over a wide area, not just in the vicinity of the proposed project. However, air quality benefits resulting from lower vehicle emissions will also accrue in the local area of the Refinery and terminals. Please note that a number of mitigation measures have been imposed on the construction phase of the proposed project (see Final SEIR, page 4-28).

All new and modified components are required to comply with the SCAQMD's best available control technology (BACT) requirements as part of the proposed project. 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. Therefore, additional emission reductions for stationary sources through mitigation measures are not feasible, i.e., there is no other feasible control equipment. "Feasible" as used here is based on the definition contained in CEQA Guidelines §15364, which states "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors."

Response 14-3

The SCAQMD disagrees with the comment that the Draft SEIR "does not contain accurate information on the negative health impact" of the proposed project. The health impacts associated with the proposed project were addressed in the SEIR, Volume II – Health Risk Assessment, which is summarized in Volume I, Chapter 4, Section A – Air Quality (see Final SEIR pages 4-19 through 4-28). The results of the Health Risk Assessment indicate that the proposed project's impact on toxic air contaminants (as well as the emissions from all other sources at the Refinery) are expected to be less than significant. The carcinogenic health impacts to the MEIR, MEIW, all sensitive

populations, and all other populations are expected to be less than 10 per million and, therefore, less than significant. The non-carcinogenic health impacts on all of the surrounding areas were also determined to be less than significant.

Response 14-4

The comment that “Ultramar has never conducted a health impact study” is incorrect. See Response 14-3 regarding the Health Risk Assessment completed for the proposed project.

Response 14-5

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.

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 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).

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.