

South Coast Air Quality
Management District
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April 21, 2002

Mr. Barry Wallerstein
Executive Officer

Ms. Kathy Stevens
Planning-CEQA

Reference: SCH No. 2000061113
Subject: *Opposition To Issuance Of Permit To Ultramar, Inc.*

I live in Wilmington with my two daughters and son. Last Thursday evening I attended the Wilmington Citizen's Committee community meeting and heard about the Draft Subsequent Environmental Impact Report regarding SCAQMD's proposal to issue a permit to Ultramar, Inc. and I want to inform you that I am against the issuance of a permit for the reasons listed below:

1. The health and safety of my children is more important than Ultramar's request for a permit to expand and cause more air pollution.
2. I want no more air pollution. If Ultramar can not operate without polluting our air, then they should be shut down.
3. Ultramar has never conducted a health impact study in Wilmington to determine the negative health impact they have caused.
4. SCAQMD failed to hold a Public Hearing in Wilmington so that residents could attend and learn more about the project and voice our concerns.

15-1

15-2

15-3

15-4

I request that a Public Hearing be held in Wilmington so that we can assess the environmental and health impact on our community. I request that we be given more time for Public Comment.

Concerned Wilmington Mother,

Vicky Concha Garcia
Vicky Concha Garcia
820 Broad Ave. # 1
Wilmington, Ca. 90744

COMMENT LETTER NO. 15
LETTER FROM VICKY CONCHA GARCIA

April 21, 2002

Response 15-1

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

Response 15-2

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.

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 does not require that a facility that generate air emissions be closed, only that feasible mitigation measures be imposed for significant impacts, and that a statement of findings and overriding considerations be prepared.

Response 15-3

The comment that "Ultramar has never conducted a health impact study" is incorrect. The health impacts associated with the proposed project were addressed in the Final SEIR, Volume II – Health Risk Assessment, which is summarized in Volume I, Chapter 4, Section A – Air Quality (pages 4-19 through 4-28). The Final SEIR included a Health Risk Assessment for the existing Ultramar facilities and a cumulative Health Risk Assessment for the Refinery, tank farms and terminal

following all proposed modifications. 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 health impacts to the MEIR, MEIW, all sensitive populations, and all other populations are expected to be less than significant.

Response 15-4

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.