

April 20, 2002

South Coast Air Quality
Management District
21865 E. Copley Drive
Diamond Bar, California 91765

Mr. Barry Wallerstein
Executive Officer

Ms. Kathy Stevens
Planning-CEQA

Re: Ultramar, Inc. - SCH No. 2000061113
Su: Opposition to Draft Subsequent Environmental Impact Report
and Issuance Of Permit to Ultramar, Inc.

We are Senior Citizen and live in Wilmington. We heard about the Draft Subsequent Environmental Impact Report regarding SCAQMD's proposal to issue a permit to Ultramar, Inc. and we want to clearly state that we are against any further expansion of any refinery in Wilmington. 21-1

Wilmington already exceeds air pollution quality standards every year and there is no program or requirement in place to significantly reduce or eliminate air pollution. There are many people sick with asthma, bronchitis, allergies and other respiratory problems caused by air pollution. We want 100% clean air and no additional air pollution. 21-2

SCAQMD or Ultramar, Inc. did not hold a Public Hearing in Wilmington so that we could provide public comment and ask questions nor did you provide any proper public notice in our local community newspapers such as the Wilmington Community News, Random Lengths or the Daily Breeze. 21-3

This looks like another government agency and private business behind closed door done deal attempt and we are tired of this corruption and violation of our rights. 21-4

We request that a Public Hearing be held in Wilmington immediately and we want an extension of 90 days for more public comment. 21-5

Sincerely,

Arthur V. Macias
Clemencia S. Macias

Mr. Arthur V. & Mrs. Clemencia S. Macias
1430 E. Rubidoux Street
Wilmington, California 90744
310-834-0389

COMMENT LETTER NO. 21
LETTER FROM MR. AND MRS. MACIAS

April 20, 2002

Response 21-1

Your opinion regarding the Ultramar proposed project is noted.

Response 21-2

No additional 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.

The comment that there is “no program or requirement in place to significantly reduce or eliminate air pollution” is inaccurate. It is the goal of the SCAQMD and CARB to comply with the state and federal ambient air quality standards and plans are in place to achieve this goal, e.g., the Air Quality Management Plan and the State Implementation Plan. 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.

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). It is true that the South Coast Air Basin still exceeds standards for certain pollutants (e.g., ozone 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).

Further, the total emissions from the petroleum industry in southern California have been cut by 73 percent between 1979 and 2000 (WSPA, 2002). The 2001 ozone smog season in Southern California was the cleanest on record. For the third year in a row, there was no Stage 1 smog episode. SCAQMD records indicate that Southland smog levels have been steadily dropping since the late 1970s, with the number of Stage 1 episodes dropping from 121 in 1977 to zero since 1999. A Stage 1 episode is defined as occurring when ozone levels reach 0.20 parts per million.

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 21-3

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.

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 21-4

We strongly disagree with the commentator's opinion that this looks like a closed door deal. See Response 21-3. 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 21-5

See Response 21-3 regarding the public meeting. 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.