

April 20, 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

Ref: ULTRAMAR, INC., SCAQMD Permit Request  
Sub: 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 Ultramar's request for a Building Permit and the preparation of a Draft Subsequent Environmental Impact Report and I wish to advise you that I am against SCAQMD issueing a permit. 22-1

The air quality is getting worse every year in Wilmington. I want every oil refinery and the Port of Los Angeles to stop polluting our air. I believe that Ultramar, Inc. Oil Refinery is causing significant air pollution. 22-2

The Draft SEIR contains inaccurate information and provides no mediation for the negative environmental impact and negative health impact the company is causing our community. 22-3

I did not hear of SCAQMD or Ultramar holding a Public Hearing in Wilmington and I believe that this is another political manipulation of the law to hide the real truth from Wilmington residents. Proposition 65 requires that there be proper Public Notification to inform the public and I did not read anything in any of our local newspapers. 22-4

*This appears to be another case of collusion between a government agency and private business to bypass legal public notification, public right to know and due process.* 22-5

I want a Public Hearing be held in Wilmington immediately before any SCAQMD Permit is issued. I also want the Public Comment Time be extended another 90 days. 22-6

Concerned Wilmington Resident,



Cecilia Mora  
613 Gulf Ave.  
Wilmington, California 90744  
310-834-2829

**COMMENT LETTER NO. 22**  
**LETTER FROM CECILIA MORA**

April 20, 2002

**Response 22-1**

Your opinion regarding the Ultramar proposed project is noted.

**Response 22-2**

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).

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)).

The emissions from all refineries are regulated by the SCAQMD. 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.

### **Response 22-3**

We disagree with the commentator's opinion that the Draft SEIR contains inaccurate information. Further, the commentator does not identify any information that is considered to be inaccurate so no further response is necessary.

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.

The SEIR addressed the potential impacts of the proposed project on health (See Final SEIR, Chapter 4 – Section A, Air Quality and Section C – Hazards). The project impacts on a regional basis were considered significant for air quality because the project air emissions (primarily associated with transportation emissions) are expected to exceed threshold levels. Therefore, feasible mitigation measures were imposed. The project impacts related to toxic air contaminants were evaluated (see Final SEIR, Chapter 4 – Section A – Air Quality, and Volume II – Health Risk Assessment). The proposed project impacts on toxic air contaminants are not expected to exceed threshold levels and are considered to be less than significant.

Finally, the project impacts related to hazards were evaluated in the Final SEIR (see Final SEIR, Chapter 4 – Section C – Hazards). The project impacts were determined to be potentially significant because the hazard zones could potentially extend further into industrial areas. The hazard zones would not extend into residential areas so that no significant impacts on residential areas are expected.

It should also be noted that the proposed project is expected to result in environmental benefits. 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, including reductions in toxic air contaminants, thus providing an air quality benefit. 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, tank farms and terminal. Also, the proposed project will eliminate the use of MTBE from gasoline, thus eliminating a potential source of ground water contamination.

Based on the above, the environmental impacts associated with the proposed project have been addressed as required by the CEQA Guidelines. Further, the commentator does not provide any specific comments or indicate where the Draft SEIR “fails to contain accurate and complete negative environmental impact information.”

#### **Response 22-4**

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 Proposition 65 regulations are separate from the CEQA requirements and not part of the CEQA document. However, based on the health risk assessment for the proposed project and the cumulative project, Proposition 65 notice is not required because the health risk at all facilities is below the public notification levels (e.g., less than 10 per million cancer risk). However, in order to provide full public disclosure, Ultramar provides public notification in local newspapers under Proposition 65 on a quarterly basis for all its facilities and will continue to do so.

#### **Response 22-5**

We strongly disagree with the commentator’s opinion that this looks like collusion between a government agency and private business. 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 22-6**

See Response 22-4 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](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.