

COMMENTS FROM JUNE 20, 2002 PUBLIC MEETING

**PUBLIC COMMENTS FROM THE JUNE 20, 2002
SCAQMD PUBLIC MEETING ON THE ULTRAMAR REFINERY
DRAFT SUBSEQUENT EIR**

The SCAQMD held a public meeting on June 20, 2002 to accept public comments only on the Ultramar Refinery Draft SEIR. The meeting was held at the Banning Community Center in Wilmington, California. The meeting included a presentation by SCAQMD staff on the proposed project and related Draft SEIR, and public comments on the document. A transcript of the meeting was prepared and was used to prepare responses to comments raised during that meeting. The comments have been summarized from the transcript and the responses follow each comment. Responses to Comments not related to the proposed project analyzed in the Draft SEIR have not been prepared.

A. Staff Introductions

The following SCAQMD staff were available to present information and/or respond to comments: Dr. Barry Wallerstein, SCAQMD Executive Officer, Susan Nakamura, Planning and Rules Manager for CEQA and Socio-Economic Assessments, Steve Smith, Program Supervisor of the SCAQMD's CEQA Section, Barbara Baird, SCAQMD District Counsel, Pom Pom Ganguli, Public Advisor, Elaine Chang, Deputy Executive Officer for Planning and Rule Development, Pang Mueller, Manager, Refinery Permitting and Enforcement, Frances Keeler, District Counsel, Peter Mieras, Chief Prosecutor for the SCAQMD.

B. Staff Presentation

A brief presentation was made on the project description and the environmental analysis in the Draft SEIR.

C. Comments in Support of the Refinery and Proposed Project

The following individuals spoke on behalf of the Refinery in support of the proposed project and did not raise any issue that required a response.

- **Ken Gibson** - Kennymanta Industrial Service, Long Beach.
- **Mark Labrenz** – Environmental Consultant with the Source Group.
- **Mark Zeko** - Environmental Engineering and Contracting.
- **Paul Knox** - Suber Tech Technical Services.
- **Eric Freudenthaler** - Petrochem Insulation.
- **Jessie Flores** - Petrochem Insulation.
- **Peter Mendoza** – Former President of Wilmington Homeowners.
- **Valerie Toney** – Los Angeles City Fire Department.
- **Brian Payne** - EDM Services.
- **Bob Johnston** – Plumbers and pipefitters union.

D. Community Comments/Questions on the Refinery and Proposed Project

1. Comments from Augustine Cebadu

I want to thank you for coming here. This is the first time I know of that the SCAQMD has come to this community, the most impacted community in California. Five refineries in the area, with over 380 cancer victims per million, which is 379 above the EPA standards. We have all kinds of problems.

Ultramar is now going to do us the favor of cleaning up something, so they say. But they are going to site a tank 300 feet from a residential area. Watching the news on Monday night, there was a report there was a ship with 40 Al Qaeda members heading toward Los Angeles. When you have a 1.5 million-gallon tank, that makes a nice target. Don't do us so many favors. If the terrorists shot a bullet into an hydrofluoric acid tank, I pity the people in Wilmington, Long Beach and San Pedro.

Response: As lead agency for the CARB Phase 2 reformulated gasoline projects, the SCAQMD held eight public meetings in Carson and Wilmington to solicit community input on the refinery projects being proposed at that time.

The proposed project will not place tanks any closer to a residential area than currently exists. There are currently storage tanks located about 300 feet away from residential areas near the Olympic Tank Farm. Although the project includes installing two new tanks, it also includes removing 17 old, leaky tanks and replacing them with new upgraded tanks that comply with the SCAQMD BACT requirements and have more safety features in the event of an accidental release.

See Response 45-11 regarding the hazards related to terrorist attacks. The maximum distance that a fire hazard is expected to migrate is about 60 feet from the Olympic Tank Farm, which is within an industrial area. Therefore, there is sufficient distance between the existing Olympic Tank Farm and any residential areas so that hazards would not reach residential areas.

See Responses 7-26 and Response 44-9 regarding the use of HF acid at the Refinery. The proposed project will not result in significant impacts related to the use of HF acid at the Refinery, i.e., there is no change or increase in the use or storage of HF acid associated with the proposed project. None of the new or modified tanks that are part of the proposed project will be storing HF. Stored products will include gasoline, naphtha, and other gasoline blending components.

Mr. Cebadu: We have to have our priorities. We know MTBE mitigation is very important, but I think we need to have our priorities first. MTBE is a long-term killer. If there is any problem with your refinery (you claim it is the greatest safety thing), why is it that all the other refineries including Torrance have gotten rid of hydrofluoric acid, but you have not? Is it a question of you guys making more money? We have all of you here, earning thousands of dollars a month. You came in here and lined up first. The first dozen speakers were company flacks. Then the community gets its chance to speak.

Response: Please see Response 44-9 regarding the use of HF at other refineries. A number of refineries in the United States use HF acid. The Exxon/Mobil Torrance Refinery uses a modified HF, but still uses HF in its Alkylation Unit. Ultramar is currently investigating alternatives to the use of HF. Also, see Response 45-6 regarding SCAQMD's position on the use of HF.

Mr. Cebadu: In addition, your spokesperson says he is going to make an outreach to the community. They actually successfully stopped an outreach program.

Response: This comment is apparently regarding a proposed CBE sponsored program at a local high school. The principal of the local high school cancelled the program after reviewing the content of the program.

Mr. Cebadu: The tone of Steve Smith sounded like it was already approved, the way he laid it out. I don't think the role of the SCAQMD should be to have a staff person who looks like he has already gone for the approval. You should listen to what the community has to say, and consider it very strongly, because the people who live here are the ones who suffer daily. Besides the question of cancer, there is asthma, emphysema, sinusitis, and lead poisoning of the youth that play here. All the youth are suffering from all kinds of ailments, resulting not only from Ultramar, but a cumulative factor from the other ones. I am glad the SCAQMD is here to listen to what the people have to say at long last.

Response: First, Steve Smith is not the decisionmaker at the SCAQMD and, therefore, he has no authority to approve the proposed project. The presentation was simply a summary of the proposed project for those people who may be unfamiliar with CARB Phase 3 reformulated gasoline requirements and the refinery, terminal and tank farm modifications necessary to comply with these state mandated requirements.

The SCAQMD listened carefully to all comments on this project and cares about community comments. Part of the proof is that there is no legal obligation for the SCAQMD to hold a meeting prior to acting on the Draft SEIR or permit applications for Ultramar or respond to comments submitted on the Draft SEIR after the public comment period ended on April 22, 2002. The SCAQMD has gone above and beyond the legal requirements of CEQA to hold a meeting in the community and respond 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 and the proposed environmental justice enhancements.

2. Comments from Maria Quintero

We don't agree with everything that Steve has said. How do you explain why there is so much cancer and so many children with asthma? I personally have a sister-in-law who has been diagnosed with cancer. My son died of asthma, as a result of the environment in which we live. We demand that you withdraw the acid that Ultramar is using.

They have children also, maybe grandchildren, but they have something we don't have, they don't live here. We live here. We and our children and grandchildren live here and are damaged. But they don't worry about that. Their concern is to earn more money.

And where do we end up with all of our sicknesses? There are headaches that I suffer from, because for many years I have suffered sinusitis. My nose is always running. My ears always have infections. These aromas that we have every day make it impossible for us to breathe. They make our eyes burn. So I ask you for an explanation from the people who examine the air and that say it is clean. So what is happening? Thank you very much. My apologies.

Response: The Basin has made substantial progress with regard to improving air quality since the 1950's, but the Basin still has a long way to go to meet all federal and California clean-air standards. Within the jurisdiction of the SCAQMD in Southern California, the ambient air quality standards are violated for smog or ozone, particulate matter (PM10), carbon monoxide, and there are dozens of air toxics that are in the air that the SCAQMD is concerned about, although the SCAQMD continues to make progress in improving air quality. The SCAQMD's job is to come forward with programs that will help clean the air. The SCAQMD hopes that by the year 2010 or shortly thereafter, residents will be able to have clean air in Southern California, but it is going to take that long. The SCAQMD wants to make sure that there is continued progress each year towards that goal. Also, see Response 44-9 regarding HF acid.

3. Comments from Carole Piceno

I have mainly come to talk about my son. He has asthma. He has to take all kinds of medicine and nothing seems to work. So can you tell me, what can I do? If the air is not clean, he is going to be like this all his life. Or is he going to have a chance to live? When he grows up he would like to be a fireman, but if he doesn't get that chance, how can he do that? Where I live there are a lot of people dying of cancer. That scares me and my son. Can you tell me why?

Response: There are a number of factors, including poor air quality, that contribute to the number and severity of asthma cases in southern California. Asthma is a serious problem for many families in southern California. Recent medical studies completed at UCLA, USC and elsewhere by medical experts are showing a very direct linkage between air pollution levels and asthma. Improving air quality will contribute to improving public health of the people of southern California. To this end, the SCAQMD has adopted an Air Toxics Control Plan and is implementing that plan. The SCAQMD is the first local air district in the United States to develop such a plan. The SCAQMD is also moving forward with regulations to reduce the number of air toxic pollutants in the air. Further, the SCAQMD continues to implement control measures from its Air Quality Management Plan to further reduce emissions from all stationary sources, including local refineries.

The SCAQMD is funding studies that are helping to better understand asthma and the causes of it and the effects of air pollution to cause asthma. In the past, the SCAQMD has contributed funding to the American Lung Association to purchase equipment and fund staff that visit schools to test for and treat children with asthma and other respiratory

ailments. The SCAQMD is willing to explore the possibility of expanding the program to bring an asthma van to local schools to do testing to identify those children that suffer from asthma in the Wilmington area, that have not previously been identified. The program also advises the families on how to treat asthma. Local residents could take advantage of the asthma van free of charge.

Ms. Piceno: What did they do when the refinery exploded in 1989? They don't care about us. Steroids are not good for a little boy.

Response: The specific event referred to in this comment is not clear. The Ultramar Refinery did not "explode" or have any major fires in 1989. Under the Occupational Safety and Health Administration (OSHA) regulations [29 Code of Federal Regulations (CFR) Part 1910], facilities which use, store, manufacture, handle, process, or move highly hazardous materials, including Ultramar, must prepare a fire prevention plan. In addition, 29 CFR Part 1910.119, Process Safety Management (PSM) of Highly Hazardous Chemicals, and Title 8 of the California Code of Regulations, General Industry Safety Order §5189, specify required prevention program elements to protect the surrounding community and workers at facilities that have toxic, flammable, reactive or explosive materials. Prevention program elements are aimed at preventing or minimizing the consequences of catastrophic releases of the chemicals and include process hazard analyses, formal training programs for employees and contractors, investigation of equipment mechanical integrity, and an emergency response plan. Ultramar has developed and implemented the plans and programs identified above.

All residents are also invited to come to the SCAQMD Governing Board meetings every month of the year to participate in, and support the Board when reviewing and voting on rules and regulations to help reduce pollutants that cause asthma and the other adverse health effects.

4. Comments from Agustin Eichwa

I am from Communities for a Better Environment. First of I want to thank you for coming here. In all the years I have been working with CBE, we haven't had a community meeting like this in Wilmington by the SCAQMD. I would also like to thank Dr. Wallerstein for making the public announcement that he was going to work with us and community members to phase out hydrofluoric acid. If we indeed phase out hydrofluoric acid, the community will be behind that decision 100%.

There was an explosion in 1999 at the Tosco refinery, after which many people in Wilmington contracted asthma. We protested, but they said it was an accident. It was an accident because humans work at oil refineries. I don't believe there has been an accident at the Ultramar refinery, but an accident can happen.

With hydrofluoric acid at the refinery, a cloud could potentially spread up to 6 miles. If you inhale enough hydrofluoric acid, you can die. It does not need to be near an elementary school or near 55,000 residents in Wilmington.

Response: Comments regarding the Tosco Refinery are outside the scope of Ultramar's proposed project. The SCAQMD understands the concerns of the community regarding the use of HF acid at the Ultramar Refinery. However, the proposed project does not include modifications to the Alkylation unit or any other unit associated with the use or storage of HF. The proposed project will not result in a change in the use, amount transported, amount stored or hazards related to the use of HF. The use of HF and modifications to the use of HF is outside the scope of the proposed project. In absence of a significant impact, mitigation measures cannot be imposed on a project under CEQA (CEQA Guidelines §15126.4(a)(3)). Therefore, mitigation measures related to the use of HF cannot be imposed under the CARB Phase 3 Proposed Project SEIR.

The SCAQMD is exploring other ways to regulate HF acid at the Ultramar Refinery. One of these measures could include reviving SCAQMD Rule 1410 – Hydrofluoric Acid which could place additional controls, including elimination of the use of HF acid or use of modified HF. The SCAQMD released the SCAQMD's Environmental Justice Program – Proposed Enhancements for FY2002-03 for public review at its July 12, 2002 Governing Board meeting. One of the proposed enhancements includes the re-adoption of SCAQMD's Rule 1410 requiring the use of modified HF or alternative processes that eliminate the use of concentrated HF. Further control of HF acid at Ultramar is currently being investigated, however, it is being done outside the context of the current SEIR.

Mr. Eichwa: Addressing the question of MTBE. It is great that we are phasing out MTBE. But to all those in attendance who heard testimony earlier that it is good we are phasing out MTBE, CBE fought hard to get the MTBE phaseout. We were one of the groups that helped expose that MTBE was destroying our water. If it wasn't for the government mandate by Gray Davis, you wouldn't be phasing out MTBE. MTBE was made up by the petroleum industry. They made it from petroleum by-products, from waste. Now they are taking credit for getting rid of it. Credit should be given to those who fought to get rid of MTBE. How can someone get credit for shifting from MTBE to ethanol, something that was mandated by the Governor, as an excuse to make an expansion? Although they are getting rid of a lot of tanks, they are replacing them. And there will be a 32,000-barrel net increase in storage capacity. Is that an increase of 32,000 barrels a day?

Response: The refineries added MTBE to gasoline in January 1995 in response to federal and state regulations which required the use of oxygenates in fuels. MTBE was the preferred oxygenate because of its availability and the availability of infrastructure (primarily at marine terminals) to receive and distribute MTBE. The currently proposed project is to comply with the Governor's mandated phase-out of MTBE and the California Air Resources Board Reformulated Fuels Phase 3 requirements. The proposed project is not an expansion project, there will not be any increase in the refinery throughput capacity. There will be net increase in storage capacity. But an expansion implies the refinery will be refining more crude oil and Ultramar is not proposing to refine more crude oil. The additional storage capacity is needed because of the difference in the process of adding ethanol instead of MTBE. When gasoline with MTBE is produced, MTBE is added at the refinery. But with ethanol, it needs to be added at the terminals. Therefore, increased storage capacity is required to produce the reformulated gasoline.

Mr. Eichwa: But we have the tanks at 300 feet from the community. There needs to be some way to address that. We don't want it and we don't want the hydrofluoric acid.

Response: The proposed project will not place tanks any closer to a residential area than currently exists. There are currently storage tanks located about 300 feet away from residential areas near the Olympic Tank Farm. Although the project includes installing two new tanks, it also includes removing 17 old, leaky tanks and replacing them with new upgraded tanks that complies with the SCAQMD BACT requirements and have more safety features in the event of an accidental release.

A higher storage volume does not necessarily translate into higher emissions. The proposed new and modified storage tanks will be required to use the best available control technology, which includes primary and secondary seals with a dome.

See Responses 7-26 and Response 44-9 regarding the use of HF acid at the Refinery. The proposed project will not result in significant impacts related to the use of HF acid at the Refinery, i.e., there is no change or increase in the use or storage of HF acid. None of the new or modified tanks that are part of the proposed project will be storing HF. Stored products will include gasoline, naphtha, and other gasoline blending components.

Mr. Eichwa: That's fine. That's why we are here, to push for those things. You have also heard testimony of Ultramar asking for the community meeting and tour. We wanted a class at one of the schools here in Wilmington. We were going to teach people about air pollution. One of the refineries (Ultramar) that was present asked the principal of the school not to allow us to give that class. Ultramar is saying on the one hand we will have this community meeting and on the other hand, we don't want to teach high school students about air pollution.

Response: This comment is apparently regarding a proposed CBE sponsored program at a local high school. The principal of the local high school cancelled the program after reviewing the content of the program. The SCAQMD supports the education of all individuals regarding air pollution issues.

5. Comments from Scott Kuhn

I am a staff attorney with Communities for a Better Environment (CBE). I want to thank the SCAQMD for having a hearing here. My colleague and I were on a phone call with Dr. Wallerstein a few weeks ago and he agreed to have the meeting here. I also appreciate all the staff being here in the community. It is definitely overdue and I am also excited about the July meeting. I also want to thank all the people who are here from Ultramar and subcontractors with Ultramar. I think it is a good idea for Ultramar and its work force to interact with the community, that they see the benefits the refinery brings to the workers. But I think you will hear tonight that there are also things the community wants to be taken care of. They want their health and safety taken care of.

On that note, I wanted to ask, what is the approximate cost of the asthma van you mentioned earlier?

Response: The cost of the asthma van is approximately one-half million dollars to purchase a van and staff it with qualified nurses and associated equipment.

Mr. Kuhn: Are there grants available to do that? Are there pools of money out there?

Response: The SCAQMD will work on finding additional funding for the asthma van in Wilmington, but nothing has been finalized.

Mr. Kuhn: I would like to ask Mr. Bradshaw, the representative from Ultramar if he would make a public commitment here to pledge some amount toward that asthma van? I would like to ask that he do that tonight.

Response: The SCAQMD recommends that CBE follow up this question with Ultramar at a later date.

Mr. Kuhn: I do hope that he will have some kind of response in July on those tours.

The second point I want to make is that, while it is great that this public hearing is happening, and it is even better that it is being translated into Spanish, one of the concerns that we have is that the actual document we are talking about tonight, the Environmental Impact Report was not translated into Spanish. So the public notice for this meeting was in Spanish, there is a fact sheet here in Spanish, but the actual document we are talking about is not in Spanish. So while I think the SCAQMD is making strides in outreaching to people who speak Spanish, there is still more to go. Hopefully in the future that will be something that happens, that all of the documents are in Spanish and available for people to read and understand, not just short summaries. Not just public notices, but all of the documents.

There was a slide put up by Dr. Smith earlier of the remaining tasks in the project. I was wondering if you could put it back up and walk through what the timing of that was, and who the decision-makers are at SCAQMD, and also what appeal process, if any, there would be, so folks here understand the process. The approximate time from today forward. Is there another meeting or hearing on this project? What other ways can people get involved?

Response: Dr. Wallerstein is the decision-maker and responsible for certifying the CEQA documents. The process from here on is that the SCAQMD will review the written comments and comments from the public meeting, take them into consideration and then determine whether or not any of the analyses in the EIR need revision, if those revisions require recirculation of the SEIR, the SCAQMD will recirculate the document. The SCAQMD may determine the analyses are complete and the refinery is entitled to its permits. To date, the SCAQMD has not identified any factors or made substantive revisions to the SEIR that trigger any of the items in CEQA Guidelines §15088.5 that would require recirculation of the document.

Mr. Kuhn: Is there any appeal of your decision to any other body?

Response: Once the SCAQMD Executive Officer issues a permit, the public that has participated in the permit proceedings, which would include all those that filed comments, would have the ability to file a petition to the Hearing Board to appeal the issuance of that permit. That petition needs to be filed within 30 days of the decision being rendered.

Mr. Kuhn: Isn't it true that the SCAQMD Hearing Board has ruled that it does not have jurisdiction over CEQA reviews?

Response: The SCAQMD Hearing Board has made that ruling in a previous case.

Mr. Kuhn: Is it the District Counsel's position that the Hearing Board does not have jurisdiction over CEQA matters?

Response: It has been the agency's position that the Hearing Board does not have jurisdiction over CEQA matters. A petitioner does have the right to bring the matter of CEQA documents to Superior Court.

Mr. Kuhn: Is there any appeal of the Executive Officer's decision to the Governing Board for a permit approval?

Response: There is the right to petition the Governing Board to take action on a permit that is pending before the Executive Officer, but a petition would need to be filed with the clerk of the Governing Board, and that would have to be placed on the agenda for a Board meeting, and the Board would then determine whether or not to grant a public hearing on the item.

Mr. Kuhn: Do you know if the Board has ever granted such a public hearing request?

Response: The Board has not granted such a public hearing request recently. In the early 1990's a public hearing was held on the permits for the Spadra landfill.

Mr. Kuhn: A point of clarification. The Response to Comments says on Page 56, Response 7-3, that the EIR will be clarified to indicate that increasing gasoline production is to make up for the loss of volume by switching from MTBE to ethanol. So isn't it true that, after this project is implemented, the facility will produce more gasoline than it does today?

Response: Ultramar has indicated that there is no increase in gasoline production from current levels. The increased volume would allow Ultramar to maintain the same or a slightly less volume of gasoline sales compared to their current sales of gasoline which contains MTBE. Changes have been made to the Final SEIR to reflect that no increase in gasoline production is expected from the proposed project.

Mr. Kuhn: Another question. One of the slides that Dr. Smith put up and is in our handouts here, talks about the removal of several tanks from the Marine Terminal. My question and comment is, does the EIR for this project consider and mitigate the impact of the tank removal and remediation of any potential contamination of the air by the removal of the tanks?

Response: The SEIR does not analyze the impacts from the closure of portions of the Marine Terminal because the actual project to remove the tanks, remediate the site and redevelop the site is still under discussion between Ultramar and the Port of Los Angeles. Right now, there is no proposed project and to attempt to discuss the removal and remediation of the Terminal as a proposed project would be speculative. Refer also to responses 45-13, 45-14, and 45-15.

Mr. Kuhn: But it is true that the Air District is aware that Ultramar will be removing those tanks.

Response: The SCAQMD is aware that Ultramar is obligated to remove some storage tanks at the Marine Terminal.

Mr. Kuhn: And it is true that that is a result of a loss of a lease with the Port of Los Angeles, requiring those tanks to be removed.

Response: The SCAQMD understands that the loss of the lease for the portions of the Marine Terminal will require the removal of some storage tanks.

Mr. Kuhn: And has the SCAQMD consulted with the Port of Los Angeles about the tank removal? Have you met with anyone with the Port of Los Angeles about the tank removal?

Response: The Port of Los Angeles received all notices on the previous EIR as well as the current SEIR. A copy of the Draft SEIR was sent to the Port and the Port provided comments on the Draft SEIR which are included as a part of the Final SEIR. The SCAQMD contacted the Port on July 31, 2002 to discuss the status of the terminal redevelopment project. See Response 45-13 for additional information regarding information provided by the Port.

Mr. Kuhn: My closing point is there has been a lot of talk about environmental justice by the agency. The agency has an Environmental Justice Task Force and Principles, and we applaud the effort the agency has made to begin addressing environmental justice. But we think there is a long way to go.

Unfortunately I was reading on page 90 in the Response to Comments 7-105, I was really dismayed to read that the SCAQMD responded to the comments CBE made on environmental justice that there is no requirement to analyze environmental justice under CEQA. And then went on to quote Governor Wilson, of all people, saying that state environmental laws do not provide a separate, less stringent requirement or lower standards in low income or minority areas. Environmental laws are and should remain colorblind.

I think we all know that the history of this country and this area is that laws and institutions are not colorblind. And it is no surprise that the bulk of refineries in Los Angeles are located here in Wilmington, predominantly low-income communities of color. So the agency really needs to do more to push the envelope to do everything it can to address the existing inequities. If you read this document, it looks as if everything is fine. There is no harm, there is no foul. We will just keep

going on. But as long as the agency keeps doing that, things cannot improve in these communities. We need your environmental justice commitment to be real and to have follow-through. You guys have done a lot of good things, but to read something like this, really felt like a slap in the face. I just want to say that. I felt that I had to bring it up. This is what people feel. You know you say in long documents that are hard to read and aren't translated into Spanish, and you come here tonight and there are a lot of good things which are great, but I want the follow-through to be when we are not here at a public meeting. I recommend not using Wilson quotes in future EIRs.

Response: Previous responses regarding environmental justice will be reviewed and revised as necessary. At its July 12, 2002 public hearing, the SCAQMD Governing Board issued a proposal for 23 enhancements to its original environmental justice initiatives. SCAQMD representatives have met with community members and is proposing modifications to the environmental justice initiatives that will be submitted for public review. After public review, the environmental justice enhancements will be brought back to the Governing Board in 60 days for final approval. The SCAQMD expects that the Wilmington community will be very supportive of the measures on the whole and looks forward to any comments or suggestions the community may have. The SCAQMD has demonstrated its commitment to environmental justice issues in the past and continues this commitment with the proposed enhancements. The Wilson quote has been removed from the responses.

Mr. Kuhn: I have submitted some written comments. Is this being recorded and will there be a transcript of this evening's session?

Response: The SCAQMD did not intend for the meeting on June 20, 2002 to be a public hearing but rather a community meeting on a document that is before the agency. A transcript from the public meeting is available but the public meeting was not recorded.

Mr. Kuhn: Could you say publicly here what your opinion is on the HF issue at Ultramar refinery?

Response: The SCAQMD staff has had concerns about the use of unmodified HF. The SCAQMD is exploring other avenues to regulate HF acid at the Ultramar Refinery. One of these measures could include reviving SCAQMD Rule 1410 – Hydrofluoric Acid which could place additional controls, including elimination of the use of HF acid. The SCAQMD released the SCAQMD's Environmental Justice Program – Proposed Enhancements for FY2002-03 for public review at its July 12, 2002 Governing Board meeting. One of the proposed enhancements include the re-adoption of SCAQMD's Rule 1410 requiring the use of modified HF or alternative processes that eliminate the use of concentrated unmodified HF.

6. Comments from Jess Marquez

What does the SCAQMD propose to do about changing the mitigation requirements? What steps can the SCAQMD do to establish a regime to require onsite mitigation?

Response: See Responses 6-3, 7-56, 7-61, 46-2 through 46-4 regarding mitigating diesel emissions. The storage tanks at the Olympic tank farm have been at the site since 1920. These storage tanks were built with rivets. So by removing these tanks, and replacing them with storage tanks that comply with BACT, the emissions from the tanks will be controlled to the maximum extent feasible.

All of the storage tanks at the Olympic tank farm will be new or modified tanks and will be equipped with BACT, which includes a floating roof with primary and secondary seals and a dome. The emissions from the proposed project have been mitigated to the extent feasible through the use of BACT.

Mr. Marquez: Why is the company doing the project not mitigating the problem?

Response: Feasible mitigation measures have been evaluated and imposed where significant impacts have been identified. The impacts associated with the construction phase have been fully evaluated in the Draft SEIR (see Draft SEIR Chapter 4, Section A, and Appendix A). The impacts of the proposed construction phase have been considered to be significant and 14 mitigation measures have been imposed. The construction emissions will cease following completion of construction activities and do not impose long-term emission impacts.

All new and modified components are required to comply with the SCAQMD's best available control technology (BACT) and lowest achievable emission reductions (LAER) requirements as part of the proposed project. Modifications to existing equipment and new equipment are required to comply with BACT requirements in SCAQMD Rules 1303 or 2005. 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."

The main emissions from the proposed project are from the marine vessels. The SEIR comprehensively evaluated a large number of mitigation measures relative to marine vessels. However, the SCAQMD is precluded from imposing certain mitigation measures (see Responses 6-3, 7-56, 7-61 and 45-10) on marine engines, which are subject to either federal or international regulations. The Clean Air Act does not preempt "in-use" mitigation measures. However, "in use" measures do not mitigate air quality impacts or are infeasible since they have a tendency to increase emissions. The following "in-use" measures were considered and found to be infeasible or found to be ineffective as mitigation: limiting the hours of use or the number of engines used; prohibiting visits during first or second stage smog alerts; imposing fuel specifications; and reducing speeds. It was determined that imposing these types of mitigation measures would not be expected to be effective in reducing emissions in the Basin since they would only apply to one company. Other

companies would be able to transport the materials into the Basin without any such restrictions. Therefore, no real emission benefits would be expected. Also see the discussion in the SEIR, Chapter 4, Section A – Air Quality for further details.

There are a number of rules, regulations, and laws that Ultramar has complied or must comply with that serve to minimize the potential adverse impacts associated with hazards at the facility. Under federal OSHA, regulations have been promulgated that require the preparation and implementation of a Process Safety Management (PSM) Program (40 CFR Part 1910, Section 119, and Title 8 of the California Code of Regulations, Section 5189). Risk Management Programs (RMP) are covered under the California Health and Safety Code Section 25534 and 40 CFR Part 68, and Section 112r, by the Clean Air Act. No additional feasible mitigation measures have been identified, over and above the extensive safety regulations that currently apply to the Ultramar Facilities. Further, the commentator has not suggested any additional feasible mitigation measures for consideration.

Mr. Marquez: In the draft EIR, it states that studies have been made. Were any Wilmington residents given medical examinations to determine any negative health impacts to Wilmington residents?

Response: The Draft SEIR evaluated the potential health impacts associated with emissions from the proposed project (see Chapter 4, Air Quality). No epidemiological studies have been conducted, which are long-term studies that take many years to conduct. Epidemiological studies are very expensive, time consuming studies that are not required under CEQA and are outside the scope of the analysis of the proposed project analyzed in the SEIR.

Mr. Marquez: In determining the number of cancer deaths, were any studies done on Wilmington residents to determine how many Wilmington residents died as a result of cancer or any other type of chemicals?

Response: Any risk assessment associated with a CEQA document is done by a standard procedure, in which emissions associated with the project are estimated and risk factors for the various chemicals are used. The emissions from various chemicals are estimated and then computer modeling is completed to determine; based on meteorological conditions in the area in which the project is located, distance to the nearest sensitive population, stack height, stack velocity, and the amount of emissions; what the impacts would be, how many people live in the impact zone and, therefore, the estimated maximum individual cancer risk for the area. The analysis is considered worst-case because it assumes that the sensitive receptor would be exposed to the air toxic emissions 24 hours per day continuously for 70 years.

Mr. Marquez: The reason we are bringing this up is because citizens have come up to us and we have now discovered that the number of residents you claim on there are not correct. So the question is if the Wilmington residents want to have studies performed to determine any environmental impact by Ultramar or any mortality studies done on Wilmington residents, can that be done?

Response: The cancer risk from the proposed project was estimated according to standard methodologies using approved computer models. The cancer risk estimates for the proposed project are as accurate as possible. As noted in the previous response, an epidemiological study as suggested by Mr. Marquez is outside the scope of the analysis for the proposed project. However, in order to do this type of study, epidemiological studies would need to be conducted in conjunction with the state Air Resources Board. In order to conduct this type of study, the SCAQMD will need to talk to the state Air Resources Board.

Mr. Marquez: Will Ultramar be part of that responsibility?

Response: The SCAQMD is not aware of any legal requirement for Ultramar to either fund or contribute to a local epidemiological health study.

Mr. Marquez: Can Ultramar be invited to participate?

Response: Ultramar and other stakeholders could be contacted to see if they are interested in participating in any type of epidemiological study.

Mr. Marquez: Has Ultramar conducted or financed any type of medical studies in Wilmington?

Response: Ultramar has not funded medical studies, however, Ultramar has provided funding for the Wilmington Healthy Start Program. The Healthy Start Program is a free clinic that provides health examinations and free immunizations to school-aged children.

7. Comment from the Audience

I am a Wilmington resident and I have a question. Do any of you live in Wilmington?

Response: No

8. Comment from the Audience

I want to ask Ultramar about the big tanks you are taking out. If they are taking so many tanks out, why are you bringing in more great big ones? Is it to make more oil, more solution, why is it? Because you said earlier you would be taking so many tanks out, and bring in big ones. So if you get the permits to build bigger ones, is it to make more oil and more pollution to contaminate Wilmington?

Response: The proposed project is to comply with the Governor's mandated phase-out of MTBE and the California Air Resources Board Reformulated Fuels Phase 3 requirements. The proposed project is not an expansion project, there will not be any increase in the refinery throughput capacity. There will be a net increase in storage capacity. But an expansion implies Ultramar will be refining more crude oil and Ultramar is not proposing to refine more crude oil. The additional storage capacity is needed because of the difference in the process of adding ethanol into gasoline instead of MTBE. When gasoline with

MTBE is produced, MTBE is added at the refinery. But with ethanol, it needs to be added at the terminals. Refineries and terminals need the increased storage capacity to produce the reformulated gasoline because ethanol and reformulated gasoline containing ethanol cannot be transported via pipeline. Ethanol is added to the reformulated gasoline at the terminal and then trucked to gasoline stations.

9. Comment from the Audience

I really didn't like what Ultramar and the contractors said, "Oh we really give to Wilmington." That is a pay off. They give to the YMCA all the time, to certain cliques, and I don't go to the YMCA.

Response: The comment is noted. The citizens that use the YMCA facilities benefit from donations made to that organization.

10. Comment from the Audience

When are they going to start the thing for the asthma and how much will it cost? Because I am a working mother and I don't know how much I can afford to pay.

Response: The SCAQMD will look into funding an asthma van, but it takes a substantial amount of funds to equip and staff, approximately one-half million dollars. It would probably take about nine months or so to establish an asthma van program. The medical evaluation from the asthma van would be free of charge to the local citizens.

11. Comments from Stephanie Lee

I am a legal intern with CBE. I want to address a few points. I apologize if other people have already addressed them, but I think they are important points that bear repeating. First of all I want to discuss the environmental justice aspects of this project. The people of color bear a disproportionate impact of air pollution and of environmental hazards in Southern California. A recent Air District study found that those who are poor or young, black or Latino, bear a greater proportion of pollution than those who are wealthier or white or Asian. I think that this project needs to address how the project will affect communities of color, like the ones that live near the refinery. For example, ever since they found that the people who live in the Wilmington area suffer from some of the highest cancer risks in California. And obviously we have heard stories about that.

Response: See Responses 7-4, 7-105, 44-1, 44-2, 45-3 and 45-18 regarding environmental justice relative to CEQA requirements and the proposed project.

Ms. Lee: In addition, many children in Wilmington suffer from asthma, some of whom are in this room right now. And I think that the draft EIR fails to analyze both how the project is going to impact these children and also possible mitigation measures, because these children deserve to live healthy lives without asthma.

Response: 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. Further, all feasible mitigation measures within the authority of the SCAQMD to impose have been imposed on 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.

Recent medical studies completed at UCLA, USC and elsewhere by medical experts are showing a very direct linkage between air pollution levels and asthma. Also, there are literally dozens of compounds in the air that are identified as being potential sources of cancer. The SCAQMD has adopted an Air Toxics Control Plan and is in the process of implementing that plan. The SCAQMD is the first local air district in the United States to develop such a plan. The SCAQMD is also moving forward with regulations to reduce the number of air toxic pollutants in the air.

Ms. Lee: Also I want to reiterate some issues with the translation of materials into Spanish. According to the 1990 census, more than 700,000 people in Los Angeles speak Spanish and don't speak English very well or at all, and I think that number has probably increased since then. And so in order to have the public participation, you need to have all materials translated into Spanish and whatever languages are necessary.

Response: See Responses 3-1, 7-106, and 44-7 regarding the public notice and the need for Spanish translation. Due to requests by the public, Spanish translation was provided at the June 20, 2002 public meeting for the proposed project. At its July 12, 2002 meeting, the SCAQMD Governing Board released its Proposed Enhancements to the SCAQMD's Environmental Justice Program for review and comment by the public. Enhancement II-15 describes the SCAQMD's commitment to increase the involvement of minority communities in SCAQMD town hall or other meetings by making "further efforts to translate pertinent public notices into multiple languages, as applicable, to the cultural and ethnic populations of individual neighborhoods and communities." At this time, Enhancement II-15 does not apply to complex technical documents, such as CEQA documents.

12. Comments from Maria Hall

I am a legal intern with CBE. The report should require full mitigation of diesel emissions. While it is great that Ultramar is going to be required to use ultra-low-sulfur diesel, it should also be required to have better pollution controls on the ships and trucks transporting goods to and from the refinery. And I know that you said this isn't possible, but I am going to do a lot of research and try to find a way that it is possible. The report should also require the use of natural gas vehicles for all onsite construction and factory work.

Response: See Responses 6-3, 7-56, 7-61, and 46-2 through 46-4 regarding mitigation of diesel emissions. Also, see the SEIR, Chapter 4 – Air Quality for a further discussion of the mitigation measures for diesel emissions.

Ms. Hall: There is one omission in the draft report and that is that petrochemical facilities especially in the Port are very vulnerable to terrorist attack. Many recent news articles that I have submitted with written comments address that concern. I understand that Ultramar proposes to build new storage tanks only 300 feet away from residences. The report should require Ultramar, at a minimum, to prepare an evacuation plan of workers, residents and school children, as well as increase security and, most important, leave a buffer zone of safety of greater than 300 feet between storage tanks and residences.

Response: See Responses 4-1, 4-2, 45-11, and 46-5 regarding terrorist attacks at the Port.

13. Comments from Bahram Fazeli

I am Staff Researcher with CBE. Generally I want to say about the responses to CBE comments, that the general tone of the responses did not show an understanding of the SCAQMD's commitment to environmental justice principles. When you read the responses to our comments, you get the sense that the author of the responses was not familiar with the SCAQMD environmental justice principles, nor familiar with the views of SCAQMD that has been expressed in the CalEPA environmental justice principles, nor familiar with the views of SCAQMD that have been expressed in the Cal ARB environmental justice stakeholder meeting. It shows a lack of connection between different departments of SCAQMD, in that true environmental justice implementation only takes place when different departments of SCAQMD, from enforcement to legal, are really fully aware of the commitments of SCAQMD.

Response: In general, previous comments relative to environmental justice have asserted that the Draft SIER is somehow deficient because it did not specifically discuss environmental justice issues. The SCAQMD's responses discuss the fact that an environmental justice analysis is currently not required under CEQA. This fact is distinctly different from the SCAQMD's current and proposed environmental justice policies. See Responses 7-4, 7-105, 44-1, 44-2, 45-3 and 45-18 regarding environmental justice relative to CEQA requirements and the proposed project.

At its July 12, 2002 public hearing, the SCAQMD Governing Board issued a proposal for 23 enhancements to its original environmental justice initiatives. SCAQMD representatives have met with community members and is proposing modifications to the environmental justice initiatives that will be submitted for public review. After public review, the environmental justice enhancements will be brought back to the Governing Board in 60 days for final approval. The SCAQMD expects that the Wilmington community will be very supportive of the measures on the whole and looks forward to any comments or suggestions the community may have. The SCAQMD has demonstrated its commitment to environmental justice issues in the past and continues this commitment with the proposed enhancements.

Mr. Fazeli: So for example, one of the responses was that the MTBE phase out will result in trucks and cars using cleaner fuel. So basically, because the MTBE will be taken out, it will result in a cleaner fuel, so you wouldn't have the dangers associated with MTBE. Then that substantiates whatever the significant environmental impact of the project is. That should not really be a response. If the refinery is required by law to phase out MTBE, you do not count that in your response as if that is one of the benefits of this project. And that is going to basically make up for the significant environmental impact?

Response: The proposed project is being implemented to comply with the state mandated MTBE phase-out and to comply with the CARB Phase 3 reformulated fuels requirements. The CARB Phase 3 regulations include requirements for reformulated gasoline designed to assure that the current air quality benefits associated with the CARB Phase 2 gasoline remain and some additional benefits are expected. For example, CARB Phase 3 requirements include further reduction of benzene in gasoline which translate to further reduction in benzene emissions associated with the use of gasoline. In order to provide an accurate evaluation of the project impacts, both the negative (e.g., emission increases associated with transportation) and positive impacts (reduced toxic emissions) are disclosed and discussed in the SEIR. Further, should the SCAQMD approve the project, the SCAQMD is required to prepare a Statement of Findings and a Statement of Overriding Considerations. The beneficial impacts of the project are included in the Statement of Overriding Considerations.

Mr. Fazeli: The concept of environmental justice is that you want to make the community cleaner, you don't want to keep the status quo. The driving force behind environmental justice is not that the MTBE is out, so you have a little bit of effect here, so that seems to be balancing it out. This is not the way to think about environmental justice. The way you think about environmental justice, if you are the lead agency for a document, is to think what is everything that I can do, what are all the mitigation measures that I can suggest to the company, who is making a lot of profit by relying on California consumers, what are all the possible mitigation measures that I can suggest that would benefit the community? The refinery needs to leave the community cleaner than it found it before the project. This is the way that an author with an understanding of environmental justice needs to respond to comments that are raising environmental justice concerns. That tone and that philosophy was completely absent from the thinking and the logic of the responses in the document. So that is the main point I wanted to make.

Response: See Responses 7-4, 7-105, 44-1, 44-2, 45-3 and 45-18 regarding environmental justice relative to CEQA requirements and the proposed project. Previous responses regarding environmental justice will be reviewed and revised as necessary. At its July 12, 2002 public hearing, the SCAQMD Governing Board issued a proposal for 23 enhancements to its original environmental justice initiatives. SCAQMD representatives have met with community members and is proposing modifications to the environmental justice initiatives that will be submitted for public review. After public review, the environmental justice enhancements will be brought back to the Governing Board in 60 days for final approval. The SCAQMD expects that the Wilmington community will be very supportive of the measures on the whole and looks forward to any comments or suggestions the community may have. The SCAQMD has demonstrated its commitment to

environmental justice issues in the past and continues this commitment with the proposed enhancements.

See also Responses 44-1 and 44-2 regarding environmental justice. Please see Response 45-3 for the SCAQMD's environmental justice initiatives. Also, please note that mitigation measures are only required for those impacts that are determined to be significant and not as indicated in this comment, that the refinery needs to leave the community cleaner than it was before the project.

Mr. Fazeli: A specific point is there are some mistakes in the document, as Scott said, saying that the cancer risk in Wilmington is 300, when it is 1500 per million, and other points like that.

Response: The item mentioned by Mr. Fazeli is not a mistake. Please see page 3-8 of the Draft SEIR where the Mates II study is summarized. Also see Response 45-4 regarding the existing cancer risk.

Mr. Fazeli: In general we think that the document doesn't go as far as it can in suggesting mitigation measures. It is doing the very minimum that is required. It does not go out of its way to be very health-protective of the community, which is disproportionately impacted by cumulative pollution.

Response: Feasible mitigation measures are required where significant adverse impacts have been identified (CEQA Guidelines §15126.4). Feasible mitigation measures have been imposed and discussed in the Draft SEIR (see pages 4-28 through 4-35 (air quality) and pages 4-48 and 4-49 (hazards). The commentator has not provided any additional mitigation measures for review.

14. Comments from Jesse Marquez

I am the chairman of the Wilmington Coalition for a Safe Environment. We are celebrating our one-year anniversary. In a good way, that is something to celebrate, but in another way, it is something not to celebrate. The reason we came into being was there are too many people in Wilmington that are sick. There were too many parents that came to me saying we should form an organization to address health problems in Wilmington. That's what brought us into being.

We began to investigate how serious are the health problems and what types of health problems. As we sat one day in my living room and in other living rooms, we discovered every one of us and our families had someone sick. Every one of us has children sick. There was something wrong with this picture.

We then began to collect EIRs from refineries, from the Port of L.A., from the Port of Long Beach, from Caltrans, and as we began to look into this, we found out there were conflicts in the documents. As community representatives, as community residents, we began to realize, "Now wait a minute." We thought our public agencies, such as SCAQMD, ARB, and EPA, were supposed to be protecting us. What we found out is that every one of our government agencies, city, county, regional, state and federal, had all been sued in court and lost in court over the last 18

months for failure to protect the public's interest. That is what gave us a rude awakening -- that we were not being properly protected. And that is what prompted our organization and some of us to team up with other organizations, such as Communities for a Better Environment, the Coalition for Clean Air, and many others to find out more information about the seriousness of our problem.

Yes, Wilmington has five refineries as our neighbors and in our community, plus the Port of L.A. and the Port of Long Beach. But there is a word that we learned real quick. And that was cumulative impact of all these industries in our community. I then began to ask what type of studies have been done in Wilmington. I found out there has never been a health study done in Wilmington. There never has been a mortality study in Wilmington. So how can Ultramar, how can BP-Arco, Tosco-Philips, Equilon, and all these companies and semi-public businesses such as the ports, claim they are not having any impact, if they never have done a study in Wilmington? Just in asking our own families and friends, we have discovered that over 25% of all our children have health problems. Then we asked the next question. How many of you had this as a family history problem? We then found out that 90% of all the families never had a history of asthma, never had a history of emphysema, never had a history of bronchitis, never had a history of cancer in the family before.

Somebody is morally and financially responsible for our health problems. And the way our community is looking at it, everybody has a piece of that responsibility. Ultramar has a piece of that responsibility. So does BP-Arco, the Port. Everybody has some responsibility, because we have some serious health problems.

Yes, the air has gotten better than in the 1950s, 1960s, 1970s, 1980s. But, guess what, I was born in the 1950s. My parents are alive and living in Wilmington. My two grandmothers, one is 88, one is 94, my children were also born and raised in Wilmington.

Response: The SCAQMD understands that the Wilmington Coalition for a Safe Environment is concerned about the overall air quality of the area and the related health effects. The above comments are not directly related to the environmental analysis in the SEIR or the Ultramar proposed project.

Regarding cumulative air quality, the overall air quality in the region has been improving. The Basin has made substantial progress with regard to improving air quality since the 1950's, but the Basin still has a long way to go to meet all federal and California clean-air standards. Within the jurisdiction of the SCAQMD in Southern California, the ambient air quality standards are violated for smog or ozone, particulate matter (PM10), carbon monoxide, and there are dozens of air toxics that are in the air that the SCAQMD is concerned about, although the SCAQMD continues to make progress in improving air quality. The SCAQMD's job is to come forward with programs that will help clean the air. The SCAQMD hopes that by the year 2010 or shortly thereafter, residents will be able to have clean air in Southern California, but it is going to take that long. The SCAQMD wants to make sure that there is continued progress each year towards that goal. 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 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 Draft SEIR, Table 5-3, page 5-19) 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.

No epidemiological studies have been conducted, which are long-term studies that take many years to conduct. Epidemiological studies are very expensive, time consuming studies that are not required under CEQA and are outside the scope of the analysis of the proposed project analyzed in the SEIR.

The SCAQMD staff has had concerns about the use of unmodified HF. The SCAQMD is exploring other avenues to regulate HF acid at the Ultramar Refinery. One of these measures could include reviving SCAQMD Rule 1410 – Hydrofluoric Acid which could place additional controls, including elimination of the use of HF acid. The SCAQMD released the SCAQMD's Environmental Justice Program – Proposed Enhancements for FY2002-03 for public review at its July 12, 2002 Governing Board meeting. One of the proposed enhancements include the re-adoption of SCAQMD's Rule 1410 requiring the use of modified HF or alternative processes that eliminate the use of concentrated unmodified HF.

Mr. Marquez: We are experiencing cumulative impacts now in Wilmington. You hear us bringing up HF. We discovered a little problem we are now starting to look into. A year ago my mother could no longer walk on her own. She walks with a walker and a cane because her knees are giving out. The doctor stated it is because of a calcium-cartilage-bone problem. My mother asked me several months back, "In your looking at all these environmental pollution problems out there, is there any chemical out there that can cause some type of bone marrow, cartilage, calcium problem in the human body?" And then I discovered that HF can cause that problem. Not only does my mother have that knee problem, but I have a knee problem, Mrs. Seremota of Wilmington has that problem, Mr. Joe Selomo has that problem, Mr. Hernandez has that problem. Many people are now having these types of problems.

Response: The above comments are not directly related to the environmental analysis in the SEIR or the Ultramar proposed project. Please note that the proposed project is not changing or increasing the use of HF at the Refinery so that so significant impacts are expected related to HF.

The health effects associated with HF emissions from the existing Refinery were analyzed in the Health Risk Assessment (HRA) (see Volume II). The HF emissions from the Refinery are estimated to be about 84 pounds per year (0.0097 pounds per hour). When the HF emissions are modeled, the resulting ambient air concentration associated with the HF

emissions is a maximum of 0.0178 ug/m³ (maximum 1-hour concentration) and 0.001 ug/m³ (annual average concentration). The comparison of the estimated concentrations with the acute and chronic reference exposure levels (RELs) is as follows:

1-hour concentration

0.0178 ug/m³

Acute REL

240 ug/m³

Annual Average Concentration

0.001 ug/m³

Chronic REL

5.9 ug/m³

The HF emissions from the existing Refinery are well below the applicable REL. The RELs have been established as the levels below which no health effects are expected. The acute health effects associated with exposure to HF impacts the respiratory system. The chronic health effects are related to skeletal fluorosis, which is an increase in bone density. In a recent health effects study (Final Draft SRP, Chronic Toxicity Summary for Fluorides including Hydrogen Fluoride, July 2002) it was concluded that the REL for skeletal fluorosis is 30 ug/m³, based on occupational studies where workers were exposed to relatively high levels of fluorides. Exposure to HF concentrations below 30 ug/m³ would not be expected to result in skeletal fluorosis. The concentration of HF emitted from the Refinery is well below 30 ug/m³ (0.001 ug/m³) so no significant health impacts are expected due to the HF emissions from the existing Refinery.

The SCAQMD staff has had concerns about the use of unmodified HF. The SCAQMD is exploring other avenues to regulate HF acid at the Ultramar Refinery. One of these measures could include reviving SCAQMD Rule 1410 – Hydrofluoric Acid which could place additional controls, including elimination of the use of HF acid. The SCAQMD released the SCAQMD's Environmental Justice Program – Proposed Enhancements for FY2002-03 for public review at its July 12, 2002 Governing Board meeting. One of the proposed enhancements include the re-adoption of SCAQMD's Rule 1410 requiring the use of modified HF or alternative processes that eliminate the use of concentrated unmodified HF.

Mr. Marquez: Mr. Eddie Mora, who is not here tonight, has been in a hospital for three years. A little over three years ago, he was walking across the street from having Thanksgiving dinner and collapsed. Now he is hooked up to a lung machine 24 hours a day. Four months ago, he had a tracheotomy done. He will never leave the hospital. He never smoked, never used drugs, he was bookkeeper accountant in Wilmington.

You hear this word, "Sensitive receptor," and we think, "Okay, some people are more sensitive." No that is not the point. They are seriously sensitive to changes. Mr. Eddie Mora is now confined to the hospital permanently. That is a serious impact. A mother is here, her child died from asthma. That is a serious impact. Another friend of mine, Richard Gatewood, four months ago wasn't feeling good Friday at work and went home, because his asthma was bothering him. That Saturday morning, he was feeling bad and went to the hospital. That Saturday night, he went into a coma and on Sunday he died. He is a sensitive receptor that Ultramar, BP-Arco, Tosco, Equilon, Ports of Long Beach and LA want no responsibility or blame for.

Eddie Mora's doctor bill is \$150,000 per year. Yes, he had insurance, it was good for the first year. But people don't realize there are limits on your insurance to what they will pay. Who is footing his bill now? The taxpayers. Who is getting away with it? The refineries and all these big businesses who are concerned with one thing, making a profit.

Eddie Mora's \$500,000 doctor bill right now could have paid for a lot of brand new trucks not using diesel fuel.

Response: The SCAQMD understands that the Wilmington Coalition for a Safe Environment is concerned about the overall air quality of the area and the related health effects. The SCAQMD is concerned about the health impacts of air quality on all citizens within its jurisdiction. It is the agency's objective to attain and maintain compliance with the ambient air quality standards so that health related impacts associated with air quality are minimized. However, the above comment is not directly related to the environmental analysis in the SEIR or the Ultramar proposed project.

Mr. Marquez: And remember, we are talking about the phaseout of MTBE. The refineries did not volunteer to get rid of MTBE. It took non-profit organizations, public citizens and residents, the victims, to file a lawsuit. And to talk with legislators to force a law to protect us. The refineries did not volunteer this at all. They did not volunteer anything.

So this project here, this permit request has to be taken very seriously. It is not just a little improvement here and there for the better of everybody. We want major mitigation to address our health problems. They are responsible.

Response: The Ultramar project is being proposed to comply with the Governor's mandate to phase out MTBE from gasoline and to comply with the CARB Phase 3 reformulated fuel requirements. Feasible mitigation measures are required where significant adverse impacts have been identified (CEQA Guidelines §15126.4). Feasible mitigation measures have been imposed and discussed in the Draft SEIR (see pages 4-28 through 4-35 (air quality) and pages 4-48 and 4-49 (hazards). See also Responses 6-3, 7-56, 7-61, and 46-2 through 46-4.

Mr. Marquez: Our issue about this document, the draft is there was no public hearing. The response was, "It is not required to have a public hearing." When we are having major health problems in our community, we expect our government agencies to have public hearings to advise us of what is going on.

Response: A public meeting on the Ultramar proposed project and SEIR was held in Wilmington June 20, 2002. A town hall meeting to discuss local issues, including Ultramar's proposed project, was held on July 31, 2002.

Mr. Marquez: When we say there was no public notice, you write me a letter and tell me in response that you did give public notice when you put it in the *L.A. Times* classified ad section on March 8. That is not public notice, because the *L.A. Times* is not the largest paper in Wilmington.

The *Wilmington Citizen News* is the largest paper in Wilmington, because it is free. The second largest newspaper in Wilmington is *Random Links* out of San Pedro. The third largest is *A View from the Hill*, from Long Beach-Signal Hill. The next one is *Nueva Vida*. *L.A. Times* comes in fourth or fifth. Even *La Opinion* in Spanish has a higher readership/distribution in Wilmington. Your response was that you were doing the minimum legally required. That is not acceptable to the public, to the community.

Response: The SCAQMD will evaluate their public notice procedures. However, please note that adequate notice has been provided under the requirements of CEQA.

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 published in the Los Angeles Times, the newspaper of largest circulation in the area where the Ultramar Refinery, terminal, and tank farms are located, 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.

Mr. Marquez: We, the public, want your 100% commitment to protecting the public and our children’s interest, not a partial interest.

I had a meeting this past Saturday with Assemblyman Alan Lowenthal. He has agreed to some significant things that are going to help make a change. He agreed to sponsor a series of public hearings throughout the state of California to address changes to the CEQA law itself and to the Tidelands Act. It is us community victims that are making this happen. If anything, all the government agencies should be at the forefront of changing the laws to protect our interest, but they are not. Ultramar should voluntarily on their own be looking for every possible way and means to protect us and to give us clean air.

Response: The SCAQMD understands that the Wilmington Coalition for a Safe Environment is concerned about the overall air quality of the area and the related health effects. The SCAQMD is concerned about the health impacts of air quality on all citizens within its jurisdiction. It is the agency's objective to attain and maintain compliance with the ambient air quality standards so that health related impacts associated with air quality are minimized. Also, the SCAQMD follows all of the legislation and changes to the CEQA Guidelines and will monitor any changes to the CEQA requirements. Also, SCAQMD is going beyond regulating criteria pollutants and is further regulating air toxics by implementing its Air Toxics Control Plan.

Mr. Marquez: There are mechanisms at every factory. BP Arco had an accident. The law says they are supposed to report any type of emissions or leakage for any reason. They didn't do it. It took the public and community to complain. We complained about Tosco Philips. We reported them to the SCAQMD, to your hotline. But guess what? By the time your inspector arrived, they weren't polluting any more. Unless an inspector sees it, they cannot write it up. That loophole needs to be changed. We want it so if ten community residents see black smoke, or smell any type of contamination in the air, that company is cited. And not no measly \$5,000 or \$1,000, we want \$100,000, we want \$1 million to pay for the damage to our air and to our health, because people are sick, people are dying. And we can give you those names, because they are our families and our friends.

Response: This comment is not related to Ultramar's proposed project. However, the SCAQMD recommends that if anyone smells strong odors, call 1-800-CUTSMOG. The SCAQMD will send inspectors out, evaluate the frequency of the complaints, the time of day of complaints, which helps in tracking down and solving problems. The SCAQMD encourages all citizens to continue to call that number and so that any problems can be solved. The fines are imposed by the state legislature and implemented through SCAQMD regulations. The level of fines is based on the severity of each situation.

15. Comments from Marta Ramirez

I live close to Ultramar. I have a girl who is now 21 years old. She went into a coma for 9 months. First she was in a wheel chair and now a walker. They do hemodialysis on her. She needs a kidney transplant because of this. I think it is because there is a very strong, suffocating odor at night. Right now I am suffering from swellings and itching, and I have pain in my bones. I have become all swollen and I don't know if I will continue to get the same sickness as my daughter has. I plead that you support us and the children who need it very much.

And I hope that without offending anybody, I would like that the workers from Ultramar would live where we live, so that they would suffer the way we are suffering. I would not recommend my suffering to anybody. Thank you.

Response: The SCAQMD understands that the Ms. Ramirez is concerned about the overall air quality of the area and the related health effects. The SCAQMD is concerned about the health impacts of air quality on all citizens within its jurisdiction. It is the agency's objective to attain and maintain compliance with the ambient air quality standards so that health related impacts associated with air quality are minimized. Also, SCAQMD is going beyond regulating criteria pollutants and is further regulating air toxics by implementing its Air Toxics Control Plan. The SCAQMD cannot comment on the medical issues raised in this comment. Also, the comments do not address the Ultramar proposed project or analysis in the SEIR.

16. Comments from Dionicia Rivas

Good evening everybody. I thank God and all of you who are here. And to God because of the miracle that he has done for us, that you would take pity on us and He would take pity on you too, for the effort you have put forth.

But the main reason I am here tonight is because the same way you see that mother who is suffering, we have thousands like that in Wilmington. And because of that same reason, we ask you please, we don't want more of the hydrofluoric acid that Ultramar is using. I spoke with the Director in Sacramento, and also a doctor, an expert in environmental contamination. And he told me about that gas and said it was one that they used in the atomic bomb. Do you realize what we are going through in this city, the danger we are facing if they continue to use this gas? Please, we beg you to help us.

And thank you very much for being here. And we hope that at the next meeting, Ultramar will let the whole community know about this meeting, because those of us here present are few, because the people didn't know about this meeting. Please I ask for your support. Thank you.

Response: The SCAQMD understands the concerns regarding overall air quality of the area and the related health effects. The SCAQMD is concerned about the health impacts of air quality on all citizens within its jurisdiction. It is the agency's objective to attain and maintain compliance with the ambient air quality standards so that health related impacts associated with air quality are minimized. The SCAQMD cannot comment on the medical issues raised in this comment. The comment indicates that "that gas . . . was one that they used in the atomic bomb." It is difficult to respond to this comment because there is no indication to what is meant by "that gas." However, the atomic bomb is detonated using an explosive device (e.g., gunpowder) to start the nuclear fission reaction using a radioactive material (e.g., plutonium or uranium). No such radioactive material or material like gunpowder are used in the refining process.

The SCAQMD staff has had concerns about the use of unmodified HF. The SCAQMD is exploring other avenues to regulate HF acid at the Ultramar Refinery. One of these

measures could include reviving SCAQMD Rule 1410 – Hydrofluoric Acid which could place additional controls, including elimination of the use of HF acid. The SCAQMD released the SCAQMD’s Environmental Justice Program – Proposed Enhancements for FY2002-03 for public review at its July 12, 2002 Governing Board meeting. One of the proposed enhancements include the re-adoption of SCAQMD’s Rule 1410 requiring the use of modified HF or alternative processes that eliminate the use of concentrated unmodified HF.

17. Comments from Lucy Meja

I asked earlier about the round things you are going to put chemicals in. You say you are going to take them out of action and you are going to build a couple of big ones to take their place. I was going to ask and you couldn’t answer my question, “Why are you going to build bigger ones, if you have the smaller ones. Is it because when you get your permits, you going to make more gas, more pollution?”

Response: The storage tanks are bigger because additional tank storage is needed. The California Energy Commission (CEC) prepared a report which states that tank storage for clean products and product blending, which is currently already severely constrained in the Los Angeles Basin, will be reduced by 10 to 15% over the next seven years due to the need to comply with new air quality regulations to obtain emission reductions. The phase-out of MTBE has created the need to keep more products in segregated storage, which ultimately limits the effectiveness of tank usage and contributes to infrastructure restrictions. The issue is further complicated by the need to provide a separate tank for each product throughout the distribution system. Some MTBE tanks will be useful for the alternative materials, but the tankage system does not have the capacity or the additional number of spare tanks to meet the requirements of so many new streams. Especially in the Los Angeles Basin, tank space for all products from crude oil to clean, is currently extremely difficult to find, and refiners are forced to lease tank space (California Energy Commission, MTBE Phase Out in California, March 2002, P600-002-008CR).

The proposed project is to comply with the Governor’s mandated phase-out of MTBE and the California Air Resources Board Reformulated Fuels Phase III requirements. The proposed project is not an expansion project, there will not be any increase in the refinery throughput capacity. There will be net increase in storage capacity. But an expansion implies Ultramar will refine more crude oil and Ultramar is not proposing to refine more crude oil. The additional storage capacity is needed because of the difference in the process of adding ethanol instead of MTBE. When gasoline with MTBE is produced, MTBE is added at the refinery. But ethanol needs to be added at the terminals. Ultramar needs the increased storage capacity to produce the reformulated gasoline.

Also, larger tanks do not necessarily mean higher emissions. Emissions from the tanks depend on many things such as the type of product in the tanks, how often the product moves in/out of the tank, etc. The tank seal is very important to control the emissions associated with the tank. So in general, a larger tank with the same volume of product will result in less emissions (because a tank roof will move up and down less) than a smaller

tank with the same volume of product. Also the newer or improved tanks have better seals and controls. So just because a tank is larger, does not mean that it will have higher emissions than a smaller tank. All new and modified tanks associated with the proposed project will include BACT, which minimizes emissions to the maximum extent feasible.

Ms. Mejia: I have other questions. I am trying to be very nice. One thing I know about Ultramar, they are very good at. Every meeting they go to, they want to shut the people up, they pass out \$500 checks. And I don't like that. You have to belong to the Boys and Girls Club, you have to belong to the YMCA. And half of us here don't belong to those organizations. So it is not fair for the community. I am appalled at that.

Response: Comments regarding the community organizations that Ultramar supports are outside of the scope of the Draft SEIR.

Ms. Mejia: Another thing. I thought it was very interesting in how all the workers came but they didn't stay to listen to what our problems were, but we listened to them. Then they all left. I understand that it is their job and they are fighting for their jobs, but we are fighting for our health. And maybe that is not too interesting for you because you don't live here. But I want better air in Wilmington.

Response: The purpose of the public meeting is for the community to provide comments to the SCAQMD on the Draft SEIR. The order in which community members testified was based on the order in which they submitted "Request to Speak" cards to SCAQMD staff. The individuals that work for Ultramar provided their comments. SCAQMD staff remained through the entire public meeting and listened to all comments, which is important because it is the SCAQMD that will make a decision on the project.

18. General Comments from the Audience

Agustin Cebadu: Doesn't a larger surface area mean more evaporation?

Response: There are a number of factors that are involved in the generation of emissions from tanks. Larger tanks do not necessarily mean higher emissions. The older smaller tanks were built a number of years ago and do not comply with the current BACT requirements. Emissions from the tanks depend on many things such as the type of product in the tanks, how often the product moves in/out of the tank, etc. The tank seal is very important for controlling emissions associated with the tank. Therefore, a larger tank with the same volume of product will result in lower emissions (because a tank roof will move up and down less) than a smaller tank with the same volume of product. Also the newer or improved tanks have better seals and controls. So just because a tank is larger, does not mean that it will have higher emissions than a smaller tank. All new and modified tanks associated with the proposed project will include BACT, which minimizes emissions to the maximum extent feasible. BACT includes the installation of a floating roof with primary and secondary seals and a dome on the top of the tanks. The dome cuts down the wind speed and helps reduce emissions from the tanks.

Bahram Fazeli: How can you do the mitigation of vapor recovery systems?

Response: For fixed roof storage tanks, the best control is to send vapors through a vapor recovery system. For floating roof tanks, the seals are the controls and, since the roof tanks move up and down, there is no location for a vent where vapor can be directed to the vapor recovery system. The emissions for floating roof tanks are lower than fixed roof tanks, since the floating roof prevents the generation of emissions. The fixed roof allows more emissions to be generated, which must then be controlled by other types of vapor recovery systems.

Mr. Fazeli: You can recommend vapor recovery systems on the tanks.

Response: In order to vent hydrocarbon emissions to a vapor recovery system, the tanks need to have a stack. Floating roof tanks do not have stacks so they are not conducive to control of emissions using a vapor recovery system. The emissions of floating roof tanks are lower than fixed roof tanks, since the floating roof prevents the generation of emissions. The fixed roof allows more emissions to be generated, which must then be controlled by other types of vapor recovery systems.

The storage tanks at the Olympic tank farm have been at the site since 1920. These storage tanks were built with rivets. By removing these tanks and replacing them with storage tanks that comply with BACT, the emissions from the tanks will be controlled to the maximum extent feasible.

Mr. Fazeli: Mitigation doesn't mean that you have to, I am not saying that you have to put a vapor recovery system on the tank. I am saying a mitigation measure could be to retrofit vapor recovery on other existing tanks that do not need BACT. That can be a mitigation measure and SCAQMD is not suggesting that. You are saying you have this isolated tank and can't put on a vapor recovery system. Don't put it there, put it on other tanks that are not needing BACT. I am suggesting to SCAQMD to recommend that as a mitigation measure.

Response: All of the storage tanks at the Olympic tank farm will be new or modified tanks and will be equipped with BACT, which includes a floating roof with primary and secondary seals and a dome. This is not just an isolated tank. As explained in the above comments, floating roof storage tanks generate fewer emissions than fixed roof tanks. Therefore, fewer emissions will be generated under the proposed project, than as suggested with fixed roof tanks connected to vapor recovery. Further, a vapor recovery system at the Olympic tank farm would have to be constructed with would include a system to incinerate or burn the collected vapors and create other pollutants, such as NO_x and SO_x. The emissions from the proposed project have been mitigated to the extent feasible through the use of BACT.

The SCAQMD evaluated the fixed roof storage tanks at the Ultramar Refinery for additional emission controls. The results of the evaluation are listed below:

- Tanks D219-D224, D252 and D1129 (2,000 to 20,000 barrel capacity), are already vented to the refinery vapor recovery system.
- Tanks D217-D218 (25,000 barrels each) are limited through a permit condition to store material with vapor pressure of 0.1 psia or less and as a result, their emissions are negligible and the tanks are not required to be vented to air pollution control equipment.
- Tank D253 is currently vented to a dedicated carbon adsorber.
- Tanks D226, D234, D245, D279, D283, D567, D974, D975, D979, D980, D981 and D982 are relatively small (350 to 3,000 gallons) storage tanks which store chemicals, kerosene or diesel and are not vented to air pollution control equipment because the VOC emissions are negligible.
- Tanks D307 and D309 are currently vented to dedicated carbon adsorbers.

Based on the SCAQMD's evaluation, no storage tanks were identified at the Refinery where additional controls could result in substantial emission reductions.

Jesse Marquez: My question is in view of the testimony of the lady over there about her daughter being put in a coma and in a wheel chair and she relates this to the fact that at night Ultramar has emissions that come out strong. Is it within your jurisdiction to have monitors there at night, when I have heard from other people about the other refineries, when they want to vent certain chemicals, that they do it at night? Can SCAQMD monitor this, can they send people out here to monitor these 5 refineries around this city to check to see what they are putting out there and to check to see what hours they are doing it? Because people are being killed by these emissions. Can you do it?

Response: The SCAQMD conducts nighttime surveillance. The SCAQMD has recently received data that was collected under an SCAQMD regulation about refinery flaring activities. SCAQMD staff has been evaluating the data and is expected to finish this review in the near future. It is important to know that if anyone smells strong odors, call 1-800-CUTSMOG. The SCAQMD will send inspectors out, evaluate the frequency of the complaints, the time of day of complaints, which helps in tracking down and solving problems. The SCAQMD encourages all citizens to continue to call that number and so that any problems can be solved.

Audience: I have called it many times in the night and nobody was there.

Response: The SCAQMD staff is on call and once a certain number of calls has been received at night, an inspector is sent out to investigate.

Audience: I have called it and gotten no response, not even an answering machine.

Response: The SCAQMD believes that it would be a very rare occasion when there would be no response, not even an answering machine, at the 1-800-CUTSMOG phone number. When a message is received, a page goes out to SCAQMD staff that is on call so they can respond.

Typically, the SCAQMD sends an inspector out into the field if there are three calls. However, there are special situations in the community where inspectors could be called out to investigate when a different number of calls are received.

Audience: I have called it many times and not gotten an answering machine.

Response: The SCAQMD staff requested that this person meet with them afterwards so that they could go back through the logs and track down why the individual had not been called back.

Jesse Marquez: The 1-800-CUTSMOG number is not working 90% of the time.

Response: The SCAQMD disagrees with Mr. Marquez's comment that the 1-800-CUTSMOG number is not working 90% of the time. A number of community meetings have been held where people report that the system is working well. On several occasions, people have called in and the SCAQMD has been able to solve the problem.

Jesse Marquez: I want to show something to the Ultramar representatives and the people here. I have two air filters, one is clean, brand new. This other one has only 4 days of air in Wilmington on it. So this is 4 days collected on an air filter. The same stuff, whatever it is, is in my lungs 24 hours a day, every day of the year. All your contractors that were here were saying nothing ever happened to them.

Response: It is the SCAQMD's opinion that most of the material on the filter is undoubtedly diesel particulate from diesel trucks and railcars. Diesel particulates are generally the dark color present on the filters. Other particulates are probably also on the filter that are not visible to the human eye.

Audience: I really wanted to thank you for making the comment publicly on the HF. And I was just wondering if there could be a progress report on the HF at the next meeting?

Response: The SCAQMD released the SCAQMD's Environmental Justice Program – Proposed Enhancements for FY2002-03 for public review at its July 12, 2002 Governing Board meeting. One of the proposed enhancements include the re-adoption of SCAQMD's Rule 1410 requiring the use of modified HF or alternative processes that eliminate the use of concentrated HF.