

April 21, 2002

SCAQMD- South Coast
Air Quality Management District
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Barry Wallerstein
Executive Officer

Ms. Kathy Stevens
Planning-CEQA

Ref: Ultramar, Inc. (SCH No. 2000061113)
Sub: Opposition To Draft Subsequent Environmental Impact Report
And Issuance Of Permit To Ultramar, Inc.

I live in Wilmington with my family and we have recently been informed of the above Draft SEIR regarding the proposed issuance of a permit by SCAQMD to Ultramar, Inc. and I wish to advise you that I am against the issuance of a permit for the following reasons:

- 1. Several of my children suffer from allergies and respiratory problems which are being caused by the terrible air quality in Wilmington.
- 2. No representative of Ultramar or SCAQMD came to any Wilmington community meeting to inform us of this proposed expansion.
- 3. SCAQMD and Ultramar did not hold a Public Hearing in Wilmington so that local residents could ask questions and be informed.
- 4. No copy of the Draft SEIR was distributed in Wilmington for our review and comment.
- 5. I am told that there is no mediation being offered for the damage to our air quality and health impact on our community. My wife and I are the ones having to pay high medical plan and prescription costs.

12-1

12-2

12-3

12-4

12-5

I request that a Public Hearing be held in Wilmington immediately and the public comment time be extended another sixty days from the date of the Public Hearing.

12-6

Sincerely,



Mr. Paul Garcia
823 E. 256th Street
Wilmington, CA 90744
310-830-6833

COMMENT LETTER NO. 12
Mr. Paul Garcia

April 21, 2002

Response 12-1

Your comment regarding the allergies and respiratory problems of your children is noted, however, this comment is not related to the environmental analyses in the SEIR. There is no question that poor air quality can exacerbate respiratory problems such as asthma. The SEIR discloses that the proposed project is expected to generate significant adverse regional air quality impacts, which could affect sensitive populations, especially those with respiratory problems. No localized air quality impacts, however, were identified for the proposed project. As a result, the SEIR fulfills the letter and intent of CEQA, i.e., to disclose information on potential adverse impacts to the public.

Response 12-2

Public notice of the proposed project was provided per the requirements of the California Environmental Quality Act (CEQA). CEQA does not require that representatives be sent to community meetings. The Public Resources Code (PRC) §21092 requires that notice “shall be given to the last known name and address of all organizations and individuals who have previously requested notice and shall also be given by at least one of the following procedures:” (A) Publication in a newspaper of general circulation in the area affected by the proposed project. “If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.” (B) posting of the notice on- and off-site in the area where the project is to be located; and (C) direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

Public notice of the availability of the Draft SEIR was provided in several different ways. First, notice was given via direct mailing to the last known name and address of all organizations and individuals who have previously requested notice, including all individuals and agencies that previously provided comments on the previous Notice of Preparation and the previous Draft EIR (§21092(b)(3)). Second, notice was provided in the Los Angeles Times, the newspaper of largest circulation on March 8, 2002. These actions comply with the minimum CEQA requirements. In addition to these minimum requirements, additional noticing was provided as follows. Per PRC §21092(b)(3)(B), the notice was posted off-site at the Los Angeles County Clerk’s Office (see also CEQA Guidelines §15187(d)). The notice was provided via electronic mail to a number of interested entities including environmental groups, public agencies and interested individuals that have expressed interest in receiving SCAQMD environmental notices. Finally, the document itself was available online at the SCAQMD’s website the first day of the public comment period and also hardcopies of the document were available the first day of the public comment period at the SCAQMD’s headquarters located at 21865 E. Copley Drive, Diamond Bar, California.

Based on the above, public notice has been provided on the proposed project in a manner that meets and exceeds the CEQA requirements for public notice on the availability of an EIR.

Response 12-3

CEQA does not require that a public hearing be held as part of the CEQA process for a proposed project. CEQA Guidelines §15202 states in part “CEQA does not require formal hearings at any stage of the environmental review process. Public comments may be restricted to written communication” (CEQA Guidelines §15202). At a meeting with Mr. Marquez on April 23, 2002 at the SCAQMD headquarters, the SCAQMD’s Executive Officer agreed to hold a public meeting on the proposed project in the Wilmington community on June 20, 2002. The meeting focused on the Draft SEIR for the proposed project and SCAQMD responses to comments on the Draft SEIR. Further, a town hall meeting was held in Wilmington on July 31, 2002 to obtain additional input from the Wilmington community on air quality issues, including Ultramar’s proposed project, and the proposed environmental justice enhancements.

Response 12-4

The comment that “No copy of the Draft SEIR was distributed in Wilmington” is incorrect. See Response 12-2 regarding the public notice that was provided for the Draft SEIR.

Response 12-5

The Air Quality section of the SEIR includes a Health Risk Assessment (HRA) which addresses the health impacts to residents and workers near the Ultramar facility associated with the operation of all sources. The HRA indicated that the incremental cancer risk to the maximum exposed individual resident (MEIR) was less than the significance criteria. The cancer risk at all other residential areas is less than the risk at the MEIR and also less than significant. The health risk related to exposure to non-carcinogenic chemicals also was determined to be less than significant in the SEIR at the MEIR. This HRA assumes a conservative 70-year exposure (a continuous 24 hours per day, every day for 70 years) for every resident. The health risks at the MEIR and at all other areas are less than significant. Based on the above analyses, there is no evidence that Ultramar is responsible for local health impacts.

Feasible mitigation measures for air quality impacts are addressed in the SEIR (see Final SEIR pages 4-28 through 4-55). The SCAQMD has imposed feasible mitigation measures on the proposed project.

Also, note that the proposed project is expected to result in emission decreases associated with the vehicles that use the reformulated fuels, including a decrease in toxic air contaminant (benzene) emissions.

The commentator does not identify how “mediation” would be considered a feasible mitigation measure, i.e., how it could reduce significant impacts. Mediation would not be required under the requirements of CEQA because it would not provide mitigation of a potentially significant impact.

Mediation would be outside of the CEQA process and the commentator should contact Ultramar directly to discuss this issue.

Response 12-6

See Response 12-3 regarding a public meeting. The request for an extension of the public comment period was considered. Although Governor Davis has extended the date one-year for MTBE phase-out, the project has not changed since the Draft SEIR was released for public review, and it is still necessary to move forward with the proposed project as quickly as possible for a number of reasons. First, the currently proposed project is in response to unexpected contingencies faced by Ultramar that threatened to compromise its ability to meet the original phase-out deadline. Second, given the engineering complexities of the previously proposed project components of Ultramar's CARB Phase 3 project, as well as the currently proposed components, Ultramar must still proceed expeditiously to comply with the new CARB Phase 3 requirements and deadlines. Third, it is anticipated that the petroleum industry will move forward with the MTBE phase-out ahead of the revised compliance schedule because of the environmental problems associated with MTBE. Because Ultramar relies on third party distribution systems, it will be necessary for Ultramar to comply with the industry imposed phase-out date which may be different from the state imposed phase-out date.

The Ultramar Draft Supplemental EIR document has been available for immediate public review and download from the SCAQMD's web site since March 8, 2002 (www.aqmd.gov/ceqa/documents/2002/nonaqmd/ultramar/draft/ultDEIRhtml).

In light of the above information, extending the public review period for this document would not serve the public's interest to expeditiously provide cleaner-burning gasoline and phase-out the use of MTBE to eliminate the possibilities of future ground water contamination by this chemical. As a result, extending the public comment period will not be considered further. It should be noted that the SCAQMD responded to and considered all written comments on the Draft EIR, including those received after the close of the public comment period, and considered comments from the public made at the June 20, 2002 public meeting.

It should be noted, however, that if it can be determined that the SCAQMD has not complied with any substantive or procedural CEQA requirement during the public comment period for the proposed project that ended April 22, 2002, the problem will be corrected and the Draft SEIR will be recirculated for a second 45-day public comment period. To date, the SCAQMD has evaluated assertions of impropriety, but has not discovered any such problems and, therefore, will proceed with finalizing the CEQA document for the proposed project.