April 19, 2002

South Coast Air Quality
Management District
21865 E. Copley Drive
Diamond Bar, California 91765
909-396-3439
909-396-3324 F

Mr. Barry Wallerstein
Executive Officer

Ms. Kathy Stevens
Planning-CEQA

Re: Ultramar, Inc. - SCH No. 2000061113
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Concerned Wilmington Resident, Ignacio Tone
816 E Opp St
Wil 90744

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Concerned Wilmington Resident,

Salvador Zamora
944 1/2 Lakme Ave
Wilm Ca
90744

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Concerned Wilmington Resident,

944 N Lakme Ave
Wilmington CA. 90744
4/18/02

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Concerned Wilmington Resident,

Skip Watkins
632 N. Broad Av.
Wilmington, CA 90744

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Concerned Wilmington Resident,

Vivian Barron
944 Lakme Ave
wilm ca
90744

April 19, 2002

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Concerned Wilmington Resident,

Glenda Sanders
1212. W. Manetano
Wilmington, Ca 90744

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Concerned Wilmington Resident,

George Kunis
124 E. CHANDLER ST
Wilmington, Ca 90744

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Concerned Wilmington Resident,

Edward Garcia
244 22nd Albatross
Wilmington, CA 90744

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Concerned Wilmington Resident,

Frances Hagen
1446 Marine Ave,
Wilmington, Ca.
90744

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Concerned Wilmington Resident,

ROSA HERNANDEZ
332 ROSS PL APT B
WILMINGTON CA 90744

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Concerned Wilmington Resident,

Artemisa R. Quijada
1033 Gulf Ave.
Wilm. Ca. 90744

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Concerned Wilmington Resident,

Josephine Cheneaga
1659 Broad Ave Wilm.
Ca 90744

COMMENT LETTER NO. 13
LETTERS FROM LOCAL COMMUNITY

April 19, 2002

Twelve letters from the public were submitted to the SCAQMD and are identical. The comments in each letter are numbered and bracketed. The letters are the same and the following is the response to each comment.

Response 13-1

We concur that the Draft SEIR contains accurate information on the negative health impacts associated with the proposed project. The health impacts associated with the proposed project were addressed in the SEIR, Volume II – Health Risk Assessment, which is summarized in Volume I, Chapter 4, Section A – Air Quality (pages 4-19 through 4-28). The results of the Health Risk Assessment indicate that the proposed project's impact on toxic air contaminants (as well as the emissions from all other sources at the Refinery) are expected to be less than significant. The carcinogenic health impacts to the MEIR, MEIW, all sensitive populations, and all other populations are expected to be less than 10 per million and, therefore, less than significant. The non-carcinogenic health impacts on all of the surrounding areas were also determined to be less than significant.

Response 13-2

The comment that "Ultramar has never conducted a health impact study" is incorrect. The health impacts associated with the proposed project were addressed in the SEIR, Volume II – Health Risk Assessment, which is summarized in Volume I, Chapter 4, Section A – Air Quality (pages 4-19 through 4-28). The SEIR included a Health Risk Assessment for the existing Ultramar facilities and a cumulative Health Risk Assessment for the Refinery, tank farms and terminal following all proposed modifications. The results of the Health Risk Assessment indicate that the proposed project's impact on toxic air contaminants (as well as the emissions from all other sources at the Refinery) are expected to be less than significant. The health impacts to the MEIR, MEIW, all sensitive populations, and all other populations are expected to be less than significant.

Response 13-3

The SEIR adequately described the local and regional existing air quality for the proposed project, as is required by CEQA. The regional air quality setting is described based on data from air monitoring completed by the SCAQMD and CARB for various monitoring stations around the South Coast Air Basin for both criteria and toxic air contaminants. The local air quality setting is described in the Final SEIR (see Final SEIR, Chapter 3 – Section A, Air Quality) using the following: (1) the existing refinery emissions based on annual emission fee data submitted for the last two years (see Table 3-3, page 3-6); (2) the criteria pollutant emissions data for the last five years of data from the closest monitoring station to the Ultramar facilities (see Table 3-2, page 3-5); (3) the existing toxic air contaminant emissions from the refinery (see Table 3-6, page 3-11); (4)

air monitoring data for toxic air contaminants conducted by CARB at the air monitoring station located closest to the Ultramar facilities (see Final SEIR, Table 3-4, page 3-7) (note the closest monitoring station is in North Long Beach which is downwind from the Ultramar Refinery. Monitoring stations located west of the Refinery would not be downwind from Ultramar facilities); and (5) air monitoring data for toxic air contaminants completed by the SCAQMD as part of the MATES II study (see Final, page 3-8). Based on the above analyses, the SEIR adequately described the air quality setting for the proposed project.

Response 13-4

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 13-5

CEQA does not require that a public hearing be held as part of the CEQA process for a proposed project. CEQA Guidelines §15202 states in part "CEQA does not require formal hearings at any stage of the environmental review process. Public comments may be restricted to written communication" (CEQA Guidelines §15202). At a meeting with Mr. Marquez on April 23, 2002 at the SCAQMD headquarters, the SCAQMD's Executive Officer agreed to hold a public meeting on

the proposed project in the Wilmington community on June 20, 2002. The meeting focused on the Draft SEIR for the proposed project and SCAQMD responses to comments on the Draft SEIR. Further, a town hall meeting was held in Wilmington on July 31, 2002 to obtain additional input from the Wilmington community on air quality issues, including Ultramar's proposed project, and the proposed environmental justice enhancements.

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

The Ultramar Draft Supplemental EIR document has been available for immediate public review and download from the SCAQMD's web site since March 8, 2002 (www.aqmd.gove/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.