

**COMMUNITIES FOR A BETTER ENVIRONMENT
EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE
ASIAN PACIFIC ENVIRONMENTAL NETWORK
COALITION FOR CLEAN AIR
EARTHJUSTICE**

May 11, 2026

VIA: ELECTRONIC MAIL ONLY (mkrause@aqmd.gov)

South Coast Air Quality Management District
Attn: Michael Krause, Assistant Deputy Officer
21865 Copley Dr.
Diamond Bar, CA 91765

Re: Comments on PAR 1180/1180.1 - Working Group Meeting No. 1

Dear Mr. Krause –

We submit these comments expressing concern about proposed amendments to Rules 1180/1180.1 that would exempt oil refineries engaged in decommissioning activities from complying with real-time fence-line and community air monitoring requirements.

The decommissioning of structures, storage tanks, pipelines and other equipment at oil refineries presents various uncertainties and significant health and safety risks to workers and surrounding communities, including from potential airborne release of toxic air contaminants like benzene.¹ These hazards require transparency and robust oversight by South Coast AQMD, including real-time fence-line and community air monitoring. These monitoring requirements are critical to ensuring that regulators and the public are made aware of potential harmful releases throughout the decommissioning process to take necessary action.

For the reasons detailed below, an exemption from Rules 1180/1180.1 is improper. The South Coast AQMD's regulatory efforts should instead be focused on strengthening the air district's oversight of oil refineries during decommissioning activities.

¹ See, e.g., Jon Hurdle, *In a Refinery's Ashes, Hope for an End to Decades of Pollution*, YALE ENV'T 360 (Jan. 28, 2021), <https://e360.yale.edu/features/in-a-refinerys-ashes-hope-for-an-end-to-decades-of-pollution>; Tim Stelloh et al., *2 Dead in 'Chemical Release' at West Virginia Manufacturing Facility*, NBC NEWS (Apr. 22, 2026), <https://www.nbcnews.com/news/us-news/2-dead-chemical-release-west-virginia-manufacturing-facility-rcna341515> (two workers dead and dozens requiring medical attention after chemical release from tank decommissioning at catalyst refining facility undergoing closure).

- **Any Oil Refinery with Existing Operating Permits Must Continue to Comply with Fenceline and Community Air Monitoring Requirements Unless the Refinery Meets the Criteria to Exclude Pollutants Under the Applicable Guidelines.**

During the April 29 working group meeting, South Coast AQMD staff confirmed that Phillips 66 has not relinquished its operating permits and continues to utilize storage tanks. Any oil refinery that has ceased crude oil refining but continues to engage in other processes, including the storage of petroleum products, must comply with Health and Safety Code section 42705.6 requiring real-time fenceline and community air monitoring.²

Section 42705.6 does not contain any exemptions for operating oil refineries to avoid compliance. To the extent that decommissioning progress has eliminated the need for monitoring of certain pollutants required under Rules 1180/1180.1, refineries can already request a modification to existing monitoring plans in accordance with Rules 1180/1180.1 and South Coast AQMD Fenceline Air Monitoring Guidelines (Guidelines).³

Rules 1180/1180.1 allow refineries to submit a revised fenceline air monitoring plan (FAMP) after any planned or unplanned modification that “an approved or partially approved FAMP does not adequately address.”⁴ This would presumably include operational changes from decommissioning. In preparing a FAMP, the Guidelines direct refineries to explain why certain “compounds are not associated with the processes at the facility.”⁵

Under the current Guidelines, refineries must provide adequate technical justification to South Coast AQMD when asserting that monitoring of certain compounds is no longer necessary because of decommissioning. Under Rules 1180/1180.1, the public would then be provided with an opportunity to review and comment on the proposed revised monitoring plan.⁶

² See, e.g., Statement of Decision and Judgment, *Comite Progreso de Lamont v. San Joaquin Valley Unified Air Pollution Control District*, No. 20CECG01008, at 6-11 (Cal. Super. Ct. Fresno Cnty. Sept. 1, 2021), https://oag.ca.gov/system/files/attachments/press-docs/20CECG01008_DocketEntry__.pdf (declaring unlawful an exemption from Section 42705.6 for oil refineries not currently engaged in crude oil refining).

³ S. Coast Air Quality Mgmt. Dist., *Rule 1180 and Rule 1180.1 Fenceline Air Monitoring Plan Guidelines* (hereinafter “Guidelines”), at 12 (Jan. 2024), <https://www.aqmd.gov/docs/default-source/rule-book/support-documents/1180/rule-1180-guidelines.pdf>

⁴ S. Coast Air Quality Mgmt. Dist., Rule 1180, § (e)(4)(A), (B); Rule 1180.1, § (e)(2)(A), (B).

⁵ Guidelines, *supra* note 3, at 12-13.

⁶ S. Coast Air Quality Mgmt. Dist., Rules 1180 and 1180.1, § (g)(4).

- **The Operating and Maintenance Costs for Fenceline and Community Air Monitoring Systems Are Minor in Comparison to the Major Health and Safety Risks from Potential Releases During the Decommissioning Process.**

According to South Coast AQMD staff analysis, the annual operating and maintenance costs for fenceline air monitoring systems are estimated at about \$140,000 per refinery.⁷ Operating and maintenance costs for community air monitoring systems near the Phillips 66 Carson and Wilmington refineries are about a million per year.⁸ These are marginal expenditures for an oil company boasting “expanded capacity and continued strong operations,” including earnings of \$1 billion in the fourth quarter of 2025, and \$200 million in the first quarter of 2026 with \$5.2 billion of cash and cash equivalents on hand.⁹

In contrast, continued storage tank operations and ongoing decommissioning activities pose major health and safety risks to surrounding communities. The continued operation of storage tanks following refinery closure can result in flaring at tanks,¹⁰ as well as volatile organic compound emissions and potential fires, explosions, and spills that can create life-threatening and health-harming conditions.¹¹ Moreover, oil refinery decommissioning can unearth toxic legacy contamination, in addition to other pollution and hazards already identified at Phillips 66.¹²

⁷ S. Coast Air Quality Mgmt. Dist., Governing Bd. Meeting Agenda Item No. 31, at 6-7 (Dec. 1, 2017), https://www.aqmd.gov/docs/default-source/agendas/governing-board/2017/2017-dec1-031.pdf?sfvrsn=a2ebd461_5 (annual cost to operate the real-time fenceline air monitoring systems, including labor and electricity costs, totaled \$821,000 for eight refineries covered under the rule; and annual operating and maintenance costs for website design and development, mobile application and notification system totaled about \$41,000 per refinery).

⁸ S. Coast Air Quality Mgmt. Dist., *Rule 301: Permitting and Associated Fees*, § (aa)(2).

⁹ Phillips 66, *Phillips 66 Reports First-Quarter Results: Expanded Capacity and Continued Strong Operations*, <https://investor.phillips66.com/financial-information/news-releases/news-release-details/2026/Phillips-66-Reports-First-Quarter-Results-Expanded-Capacity-and-Continued-Strong-Operations/default.aspx>.

¹⁰ Communities for a Better Env’t, *Before the Last Drop: Lessons from the Phillips 66 Closure* (hereafter “Before the Last Drop”), at 22 (2025).

¹¹ See, e.g., David Marks, *Cause of NuStar Explosion and Fire Under Investigation, “No Concerns” About Integrity of Other Tanks*, KQED (Oct. 16, 2019), <https://www.kqed.org/news/11780224/shelter-in-place-order-issued-for-rodeo-crockett-following-fire-at-nustar-energy-facility> (hours-long fire at storage tanks that released large plumes of smoke and resulted in a 7.5-hour shelter in place order and freeway closures).

¹² Before the Last Drop, *supra* note 10, at 11 (summarizing previously confirmed contamination at Phillips 66, including “large underground pools of hydrocarbon liquids, buried hazardous wastes, and extensive groundwater contamination, including highly toxic and carcinogenic BTEX (benzene, toluene, ethylbenzene, and xylene) chemicals.”).

- **The South Coast AQMD’s Patchwork of Regulations Related to Oil Refinery Decommissioning Are Limited and Do Not Contemplate Ongoing Partial Operations and Potential Unexpected Decommissioning-Related Incidents.**

There are several South Coast AQMD rules associated with oil refinery decommissioning, including Rule 403 (fugitive dust from demolition and other earth-moving activities); Rule 1466 (toxic fugitive dust from grading, excavation, and other related earth-moving activities of soil that contains toxic air contaminants); and Rule 1403 (asbestos emissions from building demolition and renovation activities).¹³

These South Coast AQMD rules do not contemplate ongoing processes at a refinery or the potential for hazardous releases, beyond dust and asbestos, from decommissioning activities. For these reasons, continued compliance with applicable fenceline and community air monitoring requirements is critical to provide additional information in real-time regarding conditions at refineries engaged in decommissioning activities.

Rather than exploring exemptions from oversight and transparency during decommissioning activities, staff should focus on strengthening existing regulations and exploring new rules to address risks from decommissioning activities. Although some rules address the retirement of specific units, such as Rule 1109.1, there is no comprehensive rule requiring the surrender of operating permits and other measures to protect air quality and public health and safety during oil refinery decommissioning.¹⁴

For the reasons above, we urge South Coast AQMD to leave in place fenceline and community air monitoring at oil refineries that continue to engage in oil refinery-related processes and that have failed to demonstrate that these processes and decommissioning activities would not result in the release of compounds covered under Rules 1180/1180.1.

Sincerely,

Oscar Espino-Padron, Attorney
Nikki Bordokas, Attorney
Earthjustice

Julia May, Senior Scientist
Communities for a Better Environment

¹³ *Id.* at 64.

¹⁴ See, e.g., S. Coast Air Quality Mgmt. Dist., Rules 1180, § (f)(10) (detailing decommissioning requirements for units covered under the rule); see also Rule 1165, § (d)(6) (establishing requirements for decommissioning of municipal solid waste incinerators).

Cindy Donis, Youth Organizing Director
East Yard Communities for Environmental Justice

Christopher Chavez, Deputy Policy Director
Coalition for Clean Air

Seng So, Los Angeles Organizing Director
Asian Pacific Environmental Network

cc:

Heather Farr, Planning and Rules Manager hfarr@aqmd.gov

Yanrong Zhu, Program Supervisor yzhu1@aqmd.gov

Jen Vinh, Air Quality Specialist jvinh@aqmd.gov