



BOARD OF DIRECTORS  
COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE

April 22, 2024

BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

COMMITTEE MEMBERS

JOHN GIOIA – CHAIR  
JOELLE GALLAGHER  
SHAMANN WALTON

NOELIA CORZO – VICE-CHAIR  
NATE MILEY

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY  
COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC**

City of San Pablo City Hall  
Council Chambers  
1000 Gateway Ave  
San Pablo, CA 94806

**THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED**

**These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Community Equity, Health and Justice Committee reserves the right to conduct the meeting without remote webcast and/or Zoom access.**

**The public may observe this meeting through the webcast by clicking the link available on the air district's agenda webpage at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas).**

**Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/85058546343>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968.**

**The Webinar ID for this meeting is: 850 5854 6343**

**Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have two minutes each to address the Committee on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.**

**The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.**

# COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE SPECIAL MEETING AGENDA

**MONDAY, APRIL 22, 2024  
5:30 PM**

**1. Call to Order - Roll Call**

*The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.*

**2. Pledge of Allegiance**

**CONSENT CALENDAR (Item 3)**

**3. Approval of the Draft Minutes of the Community Equity, Health, and Justice Committee Meeting of March 13, 2024**

*The Committee will consider approving the Draft Minutes of the Community Equity, Health, and Justice Committee Meeting of March 13, 2024.*

**ACTION ITEM(S)**

**4. Community Emissions Reduction Plan for the Richmond, North Richmond, and San Pablo Path to Clean Air (PTCA) Area**

*The Committee will consider recommending that the Board of Directors adopt the Draft Final PTCA Plan and approve the determination that adoption of the Draft Final PTCA Plan is exempt from the California Environmental Quality Act (CEQA). This item will be presented by Diana Ruiz, Community Engagement Manager, and Wendy Goodfriend, Planning and Climate Protection Division Director.*

**INFORMATIONAL ITEM(S)**

**5. Air District Rule 6-5 Settlement Agreement: Community Air Quality Fund**

*Air District staff will brief the Committee about the \$20 million Community Air Quality Fund, established through the Rule 6-5 settlement agreement with Chevron; and the Committee will solicit public input to develop a process to determine how the funds should be spent. This item will be presented by Gregory H. Nudd, Deputy Executive Officer, Science and Policy.*

## **OTHER BUSINESS**

### 6. Public Comment on Non-Agenda Matters

*Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Committee. Members of the public will have two minutes each to address the Committee, unless a different time limit is established by the Chair. The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.*

### 7. Committee Member Comments

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

### 8. Report of the Acting Deputy Executive Officer of Equity and Community Programs

### 9. Time and Place of Next Meeting

*Wednesday, May 8, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Community Equity Health and Justice Committee members and members of the public will be able to either join in-person or via webcast.*

### 10. Adjournment

*The Committee meeting shall be adjourned by the Chair.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at [spesapati@baaqmd.gov](mailto:spesapati@baaqmd.gov).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
375 BEALE STREET, SAN FRANCISCO, CA 94105  
FOR QUESTIONS PLEASE CALL (415) 749-4941**

**EXECUTIVE OFFICE:  
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS**

**APRIL 2024**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Community Equity, Health and Justice Committee	Monday	22	5:30 p.m.	City of San Pablo City Hall Council Chambers 1000 Gateway Ave. San Pablo, CA 94806

**MAY 2024**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Budget Hearing	Wednesday	1	9:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Meeting	Wednesday	1	10:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	8	10:00 a.m.	1st Floor, Temazcal Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	8	1:00 p.m.	1st Floor, Temazcal Room
Board of Directors Finance and Administration Committee	Wednesday	15	10:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	15	1:00 p.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Community Advisory Council Meeting	Thursday	16	6:00 p.m.	California State University East Bay Oakland Professional & Conference Center Trans Pacific Center 1000 Broadway, Suite 109 Oakland, CA 94607

MV 4/18/2024 – 6:04 p.m.

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Community Equity, Health and Justice Committee

From: Philip M. Fine  
Executive Officer/APCO

Date: April 22, 2024

Re: Approval of the Draft Minutes of the Community Equity, Health, and Justice  
Committee Meeting of March 13, 2024

RECOMMENDED ACTION

Approve the Draft Minutes of the Community Equity, Health, and Justice Committee Meeting of  
March 13, 2024.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Community Equity, Health,  
and Justice Committee Meeting of March 13, 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Community Equity, Health, and Justice Committee Meeting of March 13, 2024



Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
(415) 749-5073

Community Equity, Health and Justice Committee  
Wednesday, March 13, 2024

### **DRAFT MINUTES**

*This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Community Equity, Health & Justice Committee (Committee) Chairperson, John Gioia, called the meeting to order at 1:07 p.m.

#### **Roll Call:**

Present, In-Person (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Chairperson John Gioia; Vice Chairperson Noelia Corzo; and Director Shamann Walton.

Present, In-Person Satellite Location (Napa County Administration Building, 1195 Third Street, Suite 310, Crystal Conference Room, Napa, CA 94559:) Director Joelle Gallagher.

Absent: Director Nate Miley.

2. **PLEDGE OF ALLEGIANCE**

### **CONSENT CALENDAR**

3. **APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY EQUITY, HEALTH & JUSTICE COMMITTEE MEETING OF NOVEMBER 15, 2023**

#### Public Comments

No requests received.

#### Committee Comments

None.

Committee Action

Director Walton made a motion, seconded by Director Gallagher, to **approve** Minutes of the Community, Equity, Health & Justice Committee of November 15, 2023; and the motion **carried** by the following vote of the Committee:

AYES: Corzo, Gallagher, Gioia, Walton.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Miley.

**INFORMATIONAL ITEMS**

**4. COMMUNITY ADVISORY COUNCIL (CAC) UPDATE ON THE NOVEMBER 30, 2023 AND JANUARY 18, 2024 CAC MEETINGS**

CAC Co-Chairperson, Latasha Washington, gave the presentation *Overview of the November 30th and January 18th Community Advisory Council Meetings*, including: requested action; outline; vote on the creation of a CAC Member Selection Ad Hoc Committee; advancing an equitable transition to clean and healthy buildings; CAC September 2023 retreat next steps; election of a third CAC Co-Chairperson; funding community benefits from penalty funds; and Compliance & Enforcement update.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed anticipation of the CAC’s thoughts on using penalty funds for community benefits.

Committee Action

None; receive and file.

**5. BAYVIEW HUNTERS POINT COMMUNITY STEERING COMMITTEE TOUR**

Bayview Hunters Point/Southeast San Francisco Assembly Bill (AB) 617 Community Steering Committee Co-Leads, Karen Pierce and Ariann Harrison, presented the recap of a community-led tour of the southeast San Francisco neighborhood of Bayview Hunters Point that was held on October 28, 2023. Attendees included members of the Bayview Hunters Point/Southeast San Francisco AB 617 Community Steering Committee, Air District employees, and Director Walton. The tour highlighted air pollution concerns in the neighborhood, including the burden of truck traffic and presence of industry in close proximity to residences.

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Maureen Brennan, Rodeo resident.

Committee Comments

The Committee and staff discussed appreciation for the collaboration between the Bayview Hunters Point/Southeast San Francisco AB 617 Community Steering Committee and Air; appreciation for the experiences of this community, which can serve as a model of environmental justice activism and mitigation for communities within the Bay Area experiencing similar issues; and the number and locations of air monitors in this community.

Committee Action

None; receive and file.

**6. CALIFORNIA AIR RESOURCES BOARD (CARB) COMMUNITY AIR PROTECTION PROGRAM BLUEPRINT 2.0 (AB 617 BLUEPRINT 2.0)**

Kevin Olp, Chief of Community Assessment Branch, Office of Community Air Protection at CARB, gave the presentation *New Directions for Community Air Protection: Blueprint 2.0*, including: foundation of the People’s Blueprint; Blueprint 2.0; consistently nominated communities; what’s in Blueprint 2.0; Part One: vision, mission, and guiding principles, and goals and actions; Part Two: implementation guidance; concurrent implementation tracks; two concurrent implementation tracks; Part Two: new implementation pathways; community air grants (CAG) – new project type; Community Emissions Reduction Program (CERP) versus Local Community Emissions Reduction Plan (L-CERP); CAG timeline; Cycle 5 CAG project types; community-focused enforcement; Community Air Protection Incentives Program overview; new and updated statewide incentive strategies; revised incentives guidelines timeline; and next five years for community air protection.

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Committee Comments

The Committee and staff discussed whether L-CERP groups must be appointed or approved by CARB; how an L-CERP would become established/created, and how the Air District would be involved in that process; and grant funding that will continue to help air districts facilitate CERP efforts.

Committee Action

None; receive and file.

**7. 2024 PROPOSED COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE AGENDA TOPICS AND WORK PLAN**

Marcia Raymond, Acting Deputy Executive Officer of Equity and Community Programs, gave the staff presentation *2024 Proposed Community Equity, Health, and Justice Committee Agenda Topics and Work Plan*, including: outcome; and 2024 Proposed CEHJ Agenda Topics and Work Plan (broken down by month).

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the potential topics in the proposed Work Plan were developed with community input.

Committee Action

None; receive and file.

**OTHER BUSINESS**

**8. PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments were given by Maureen Brennan, Rodeo resident.

**9. COMMITTEE MEMBER COMMENTS**

None.

**10. REPORT OF THE ACTING DEPUTY EXECUTIVE OFFICER OF EQUITY AND COMMUNITY PROGRAMS**

Marcia Raymond, Acting Deputy Executive Officer of Equity and Community Programs, had nothing to report.

**11. TIME AND PLACE OF NEXT MEETING**

Wednesday, April 22, 2024, at 5:30 p.m. at San Pablo City Hall, Council Chambers, 1000 Gateway Ave., San Pablo, CA 94806. The meeting will be in-person for the Community Equity, Health, and Justice Committee members and members of the public will be able to either join in-person or via webcast.

**12. ADJOURNMENT**

The meeting was adjourned at 2:40 p.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Community Equity, Health and Justice Committee

From: Philip M. Fine  
Executive Officer/APCO

Date: April 22, 2024

Re: Community Emissions Reduction Plan for the Richmond, North Richmond, and San Pablo Path to Clean Air (PTCA) Area

**RECOMMENDED ACTION**

Recommend to the Board of Directors that the Board (i) adopt the Draft Final PTCA Plan and (ii) approve the determination that adoption of the Draft Final PTCA Plan is exempt from the California Environmental Quality Act (CEQA).

**BACKGROUND**

Assembly Bill 617 (AB 617), signed in 2017, focuses on improving local air quality and health in disproportionately impacted communities. The law requires the California Air Resources Board (CARB) to work with community groups, air districts and others to select locations around the state where communities and their air district will work together to reduce local air pollution. In September 2018, CARB approved the Bay Area Air Quality Management District's (Air District) recommendation to develop a community air monitoring plan (CAMP) in Richmond-North Richmond-San Pablo to identify and understand areas of elevated air pollution exposure in these communities. The CAMP Community Steering Committee adopted the branding and name "Path to Clean Air" (PTCA). With the completion of the PTCA CAMP, the Air District recommended that Richmond-North Richmond-San Pablo (the PTCA area) begin the next phase of the AB 617 program with development of a community emissions reduction plan (CERP). In September 2020, CARB approved the Air District's recommendation to develop a CERP for the PTCA area.

The Draft Final Path To Clean Air CERP (Draft Final PTCA Plan) is available on the Richmond-North Richmond-San Pablo CERP webpage <https://www.baaqmd.gov/PTCA-CERP>.

## DISCUSSION

### **Draft Final Path to Clean Air Plan Overview**

The Draft Final PTCA Plan builds on work completed for the PTCA CAMP and the Air District's long history of leadership and innovation protecting air quality and public health. The Draft Final PTCA Plan also represents the work of a Community Steering Committee (CSC) over a three-year period. The Draft Final PTCA Plan was co-developed by the CSC, Air District, CARB, local governments, and key implementation partners. These partners participated in monthly committee meetings, ad hoc subcommittees, and writing and review teams, designed to center the CSC's community voice in the Draft Final PTCA Plan.

The PTCA area includes areas of Richmond and San Pablo and unincorporated Contra Costa County including North Richmond. The PTCA area has major pollution sources, and residents suffer from disproportionately high health burdens. To address the disproportionate pollution and health burdens, the CSC and partners set plan goals, identified major pollution sources and pollutants, and created strategies and actions to reduce local emissions and exposures. The Draft Final PTCA Plan stretches beyond the Air District's existing efforts to reduce local sources of air pollution, incorporates lived experience and expertise of community members, and reflects collaboration with partner agencies, including CARB and local governments.

### **The Four Plan Goals of the Draft Final PTCA Plan:**

**Goal #1 Just Transition:** In pursuit of our right to breathe clean air, promote environmental justice, and ensure the well-being of our residents and workers, our community-driven emissions reduction plan is rooted in Just Transition principles. This plan seeks to address the consequences of historical racial disparities by developing more stringent air pollution policies that advance social healing and restoration.

**Goal #2 Health:** In pursuit of reducing historically high rates of asthma, cancer, and other chronic health conditions, our plan seeks to lower our community's disproportionate exposure to air pollution by reducing toxic emissions from local sources by 30-50% by 2035.

**Goal #3 Community Engagement:** Through education and engagement, our plan aims to empower our community by providing resources and tools to promote understanding of air pollution and its impact on our health and environment.

**Goal #4 Hold Government Accountable:** Our goal is to hold our government accountable for implementing our plan, including its strategies and actions, to protect our health and environment and effectively enforce regulations on high-polluting industries and other toxic sources of emissions in our community.

## **Air Pollution Overview**

Keeping with the community-centered approach, the Draft Final PTCA Plan's air pollution overview draws from a community mapping project. The Air District worked with six nonprofit organizations from the PTCA area to collect and analyze over 500 public comments. The community mapping goals included gathering local knowledge and gaining diverse perspectives about community air pollution concerns, locations where people gather, and community strengths and assets.

The community mapping project identified the locations of pollution sources and the populations exposed to these sources, such as nearby residents and people visiting community resources such as schools, day care, recreation, and senior care centers.

Armed with the community-identified issues and challenges, the Air District completed a comprehensive technical assessment that categorizes air pollution contributions – in terms of both emissions and exposure – for the pollution sources identified as community concerns. These pollution sources include fuel refining and other industrial activities; cargo ships, rail operations, and construction equipment; goods movement and vehicle traffic; and fireplaces and gas appliances. The technical assessment quantifies and identifies pollutants, such as fine particulate matter (PM<sub>2.5</sub>) and air toxics, and attributes pollutants to each of the main sources; it also includes modeled exposure contributions.

PM<sub>2.5</sub> refers to fine inhalable particles with diameters of 2.5 micrometers or smaller. Fine particles are much smaller than the width of a human hair and can travel deep into the lungs and bloodstream, where they can cause or contribute to short-term health effects like bronchitis and asthma attacks, and long-term effects like cancer, heart attack, stroke, and respiratory conditions like emphysema. The technical assessment identifies two-thirds of PM<sub>2.5</sub> emitted in the PTCA area comes from permitted sources (fuel refineries and industrial uses). Sixty-three percent of local PM<sub>2.5</sub> emissions are from the Chevron Refinery; 19% are from fireplaces and water heaters; 7% are from ships, aircraft, rail, and construction equipment; another 7% is from cars, trucks, and buses; and 4% is from industrial facilities, gas stations, and autobody shops. Many of the Draft Final PTCA Plan's strategies seek to reduce PM<sub>2.5</sub> emissions and exposure due to its potential to contribute to respiratory diseases, cancer, and heart disease.

Air toxics are pollutants that are known or suspected to cause cancer and other serious health effects such as neurological, reproductive, developmental, cardiovascular, or respiratory conditions. CARB defines over 200 chemicals as air toxics. Some examples of air toxics include diesel particulate matter; particulate metals such as arsenic, manganese, and chromium; and volatile organic gases such as benzene and formaldehyde. The technical assessment evaluates air toxics through air monitoring, emissions inventory development, and modeling. Key local sources of air toxic emissions include fuel refining, vehicle traffic, and marine and rail operations. Many of the Draft Final PTCA Plan's strategies seek to reduce air toxics because exposure to air toxics increases risks for cancer and chronic health effects, such as asthma.

## **Turning Problems into Solutions**

Community-identified issues and challenges and the technical assessment informed the CSC's development of strategies and actions. Overall, the Draft Final PTCA Plan includes 140 actions that are grouped into 31 strategies across five community concerns: Commercial and Industrial, Fuel Refining, Marine and Rail, Public Health, and Mobile sources; as well as four cross-cutting issues: Compliance and Enforcement, Land Use, Properly Resourced CERP, and Urban Greening.

## **Community Steering Committee Brings a Strong Community Voice to the Process**

To ensure a strong community voice in the development of the Draft Final PTCA Plan, in March 2021 the Air District Board of Directors appointed individuals to a CSC to guide the development of the Draft Final PTCA Plan. The CSC co-developed the plan with the Air District, California Air Resources Board (CARB), local governments, and key implementation partners. The CSC members represent the diverse communities of the PTCA, bringing together an inclusive group of individuals with a range of knowledge and expertise. All the CSC members represent individuals who work, live, or grew up in the area. Since the CSC's first meeting on April 19, 2021, the CSC membership has included local stakeholders, including residents, community leaders, public agency staff, business representatives, and non-profit groups who have worked together and with Air District staff to create the Draft Final PTCA Plan.

The Air District selected CSC community members through an application process that included completing a Conflict of Interest form. To have an adequately diverse cross-section of the population with opportunities for all to be engaged in the process, the Air District decided that the CSC would have a minimum of 27 and a maximum of 31 members, with two non-voting members to represent local business and industrial companies, including Chevron.

Beginning in April 2021, the CSC scheduled monthly steering committee meetings that were open to the public. The CSC operated under the Brown Act from April 2021 through March 2023, which made community building a challenge. However, one-on-one conversations between CSC members were held in the first few months, laying a foundation of collaboration and trust.

The CSC decided at the February 2023 CSC meeting to request transition to a community-governed governance structure. The Board of Directors voted to dissolve the board-appointed CSC in April 2023. The creation of a community-governed CSC allowed for more community building without the formalities and rigidity that compliance with the Brown Act requires. The community-governed CSC also designated city and government representatives as non-voting members and expanded the two non-voting members of business and industrial companies to include trade unions.



During both the board-appointed CSC and the community-led CSC periods, to keep momentum going between monthly meetings, the CSC formed ad hoc working groups of CSC member volunteers who focused on specific issues and met more frequently than the monthly CSC meetings. These ad hoc working groups worked on CSC Governance issues, Community Outreach, the Draft PTCA Plan's Vision and Principles, Technical Assessment, and Community Description. The Ad hoc groups included strategy and action writing and review teams.

### **Public Comments and Revisions to Draft Path to Clean Air Plan**

On December 13, 2023, the Air District and the CSC released the Draft PTCA Plan. The public comment and review of the Draft PTCA Plan ended on Friday, January 19, 2024. A Public Workshop was held on January 11, 2024. The Public Workshop was attended by over 70 people, representing Richmond, North Richmond and San Pablo residents, community leaders, business owners, and other stakeholders.

The Public Workshop's opening remarks were made by CSC Co-chairs Y'Anad Burrell and Alfredo Angulo and the Air District's Environmental Justice and Community Engagement Officer, Suma Peesapati. After opening comments, a plenary session provided attendees with an overview AB 617; described the Draft PTCA Plan, including the goals, needs and purposes of the Draft PTCA Plan; highlighted the air quality concerns and sources of air pollution in the PTCA; and spotlighted solutions to air pollution developed in the Draft PTCA Plan. Next, attendees rotated through three breakout rooms to take a closer look at topical areas: Fuel Refining Strategies; Vehicles and Trucks, Streets and Freeways, and Logistics and Warehouses Strategies ("Mobile" Strategies) and Key Leads and Partners. By visiting each of the three breakout rooms, attendees learned more about the selected strategies and how these strategies address air quality and other community concerns the CSC identified in PTCA area. After breakout groups, attendees reconvened together for a final question and answer session.

Forty-eight individuals and organizations submitted comment emails on the Draft PTCA Plan. From the 48 comment emails, Air District staff identified 223 specific comments. These comments, along with staff responses, are summarized in Attachment A. The full text of each comment email is compiled in Attachment B.

The key themes that emerged from the comments include suggestions related to the Draft PTCA Plan's strategies and actions, calls for more certainty about plan implementation, comments related to air pollution health and the need for popular education, and comments and questions about the technical analysis. The comment summaries are grouped into four key themes: Strategies and actions, Implementation, Health and education, and Technical basis.

Air District staff organized the 223 comments into these four themes and evaluated each comment to determine if a substantive or non-substantive change to the Draft PTCA Plan was needed. Substantive changes are modifications that change the meaning, intent, or direction of a strategy or action; identify new action implementation leads; modify the timeline for implementation or impact; or add new findings or factual information. Air District staff made only non-substantive changes to the Draft PTCA Plan to create the Draft Final PTCA Plan. These non-substantive changes included clerical and grammatical changes, and clarifications to make the Plan more accessible and understandable to the public.

### **Compliance with CEQA**

Air District staff have reviewed all aspects of the Draft Final PTCA Plan and determined that it is exempt from CEQA.

First, as an overall matter, the Draft Final PTCA Plan is being adopted to benefit the environment and the health of residents of the PTCA area, and all the action items within the Draft Final PTCA Plan support this goal. Because the Draft Final PTCA Plan’s goal is to protect air quality and public health, its adoption is exempt from CEQA review under Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

Second, all the individual strategies set forth in the Draft Final PTCA Plan would be exempt if they were implemented on their own, apart from adoption of the Draft Final PTCA Plan. Strategies that would either not cause any physical changes to the environment or involve such minimal physical changes that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment fall within the commonsense exemption in CEQA Guidelines section 15061(b)(3). Strategies that call for feasibility and planning studies are exempt under Public Resources Code section 21150 and CEQA Guidelines section 15262. Strategies that would result only in the modification of existing facilities or the construction of new minor facilities are exempt under CEQA Guidelines sections 15301 (“Existing Facilities”; class 1) and 15303 (“New Construction or Conversion of Small Structures”; class 3). Strategies that call for information collection, inspections, enforcement, education, and workplace regulations are exempt under CEQA Guidelines sections 15306 (“Information Collection”; class 6), 15309 (“Inspections”; class 9), 15321 (“Enforcement Actions by Regulatory Agencies”; class 21), 15322 (“Educational or Training Programs Involving No Physical Changes”; class 22), and 15324 (“Regulations of Working Conditions”). Appendix I of the Draft Final PTCA *Plan Applicability Analysis for California Environmental Quality Act* is attached to this memo as Attachment C.

### **BUDGET CONSIDERATION/FINANCIAL IMPACT**

Resources to prepare the *Path to Clean Air* are included in the FYE 2024 budget. Initial implementation of the approved Final PTCA Plan is resourced in the FYE 2025 budget, however ongoing implementation will require additional resources from the state, Air District, and others.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Alison Kirk  
Reviewed by: Wendy Goodfriend

ATTACHMENTS:

1. Attachment A: PTCA Draft Plan Comment Summary and Responses
2. Attachment B: Public Comments Submitted on PTCA Draft Plan
3. Attachment C: Appendix I. Applicability Analysis for CEQA
4. Attachment D: Draft Final Path to Clean Air Strategies

# Attachment A: Summary of Public Comments and Staff Responses for Draft Path to Clean Air (PTCA) Plan

February 20, 2024

## Background

On December 13, 2023, the Air District and the Path to Clean Air (PTCA) Community Steering Committee released the Draft PTCA Community Emissions Reduction Plan (Draft PTCA Plan). The public comment period extended for five weeks from December 13, 2023 until January 19, 2024. The following document summarizes the public comments. A total of 48 public comments were received which covered 223 specific comment topics. The commenters had the following breakdown of affiliations.

- Thirty-eight (38) individuals
- Six physicians or nurses
- Two community-based organizations (Communities for a Better Environment and Sunflower Alliance)
- One industry (Chevron)
- One local jurisdiction (City of Richmond City Council)

Attachment 1 contains a table of all commenters and their affiliation. Attachment 2 contains a response to each comment received. Copies of all emails and comment letters received are included as Attachment 3 to this document.

## Approach to Reviewing and Summarizing Public Comments

After logging all comments into a spreadsheet, and assigning a theme, Air District staff evaluated each discrete comment to determine if a substantive or non-substantive change to the Draft PTCA Plan was needed and provided a response to each comment. As put forward in the “Path to Clean Air Strategy Review Process Guidance” a substantive change is defined as:

Significant **modifications that change the meaning, intent, or direction of a strategy or action**; identifies new action implementation leads; modifies the timeline for implementation or impact; adds new findings or factual information.

## Key Themes

The key themes that emerged included suggestions related to the Draft PTCA Plan’s strategies and actions, calls for more certainty about plan implementation, comments related to air pollution health and need for popular education, and comments and questions about the technical analysis. Each of these themes are summarized below. The comment summaries are grouped by the key themes as follows:

- Strategies and actions
- Implementation
- Health and education

- Technical basis

Summary responses to comment themes are provided below.

## Strategies and Actions

### Strengthen and Accelerate Reductions

Commenters commended commitments to update specific refinery regulations. Commenters asked for inclusion of legislative strategies to put limits on exports and require fuels be made from cleaner feedstocks. Additional comments asked for updates to regulations addressing the fuel refining process and for requirement of specific best available control technology. Commenters asked for enhancements to Rule 11-18 health risk assessment benchmarks, focused on tightening thresholds and upgrading certain facilities in the Rule 11-18 workload priority. Comments addressed specific sources such as unfiltered fireplaces and called out specific industrial facilities to be added to the Draft PTCA Plan's facilities of concern. Finally, comments related to odors reporting, asking for check boxes for health-related symptoms.

#### Summary Response to Comment Theme

Please refer to the Draft PTCA Plan Chapter 7 *Key Issues and Strategies*. Fuel Refining (FR) strategy 4 includes actions to reduce exposure and public health impacts from Toxic Air Contaminants (TACs) emitted by the fuel refining sector. Actions of note include FR 4.1 'amend Rule 11-18' (health risk-based rule) and FR 4.5 'evaluate and implement target single-source category controls.' We note that for Rule 11-18, facilities were assigned a ranking based on the current prioritization score. These rankings are a guide and will be reassessed each year. Fuel Refining strategy 5 lists actions to reduce exposure from particulate matter and other criteria air pollutants emitted by the fuel refining sector. Actions of note include FR 5.1 'implement Rule 6-5' (reduce emissions of particulate matter from petroleum refinery fluidized catalytic cracking units (FCCU)) and FR 5.5. initiate rule development to evaluate controls to reduce SO<sub>2</sub> emissions and Secondary PM<sup>45</sup> generated by Chevron and related industries in the PTCA area'. Please also refer to Public Health (H) action H 2.5 'reduce exposure to wood burning'.

### Improve Understanding of Emissions and Their Impacts

A variety of comments were put forward to improve understanding of emissions and their impacts. Commenters made specific suggestions about which pollutants to monitor and equipment to use, including calling for studies of new measurement technology. Commenters called for a comprehensive analysis of emissions and health impacts from major flaring events, like the one that occurred on November 27, 2023, as well as better alerts during flaring events. Commenters also called for specific actions for dust from contaminated clean-up sites and coordination with the California Department of Public Health on air monitoring improvements.

#### Summary Response to Comment Theme

Please refer to Fuel Refining (FR) action FR 3.14 which includes improvements to emissions monitoring for Chevron and related fuel refining facilities. In response to comments calling for specific monitoring technology, please refer to Fuel Refining strategies 2 and 3 (actions FR 2.4, FR 3.13, FR 3.14) that will consider the use of Fluxsense and other technologies. In response to comments calling for a comprehensive assessment of emissions from flaring events, please refer to Appendix C *Supplemental*

*Technical Information – Emissions and Modeling* which includes a detailed analysis of potential flaring impacts, which includes impacts under worst-case conditions rather than specific historical events. Please also refer to Fuel Refining strategy 2 related to providing more information and improving communication during and after incidents, specifically actions FR 2.2, FR 2.4 and FR 2.5. The Air District recognizes that contaminated sites undergoing cleanup and remediation are important concerns in the community. The Air District coordinates routinely with other state agencies (such as Department of Toxic Substances Control) and federal agencies (such as Environmental Protection Agency) that have jurisdictional authority or oversight with site cleanup and remediation. The Air District is continually working to improve these partnerships to help enhance monitoring study design, data accessibility, and communication of air monitoring results.

### Strengthen Compliance and Penalties / Improve Transparency and Reporting

Comments centered on more effective penalties and enforcement to improve industry practices and further emissions reductions. Commenters also called for making inspection documents public (for inspections of large industrial plants). Conversely, industry commented that enforcement should not be a public process.

#### Summary Response to Comment Theme

Please refer to Fuel Refining strategy 3 for legal, enforcement and accountability actions. Further, please refer to Fuel Refining strategy 2 for flaring actions related to improvements to the Community Warning System and improvements to the Air District's incident response program.

### Fuel Refining and Flaring

Commenters expressed appreciation for the updated flaring regulations included in the Draft PTCA Plan, however, there were repeated comments for more definitive goals and timelines for action around flaring events. Commenters wanted better flaring incident response strategies and accountability from Chevron. Commenters asked about best practices related to controlling flaring incidents and information on flaring standards in other countries.

#### Summary Response to Comment Theme

Please refer to the objectives for Fuel Refining strategy 2 to reduce flaring events to the lowest levels possible (in terms of frequency and emissions), including during emergencies/upset, via more consistent and competent operations, with an ultimate goal of zero routine or planned flaring.

### Warehouse Development, Active Transportation and Truck Impacts

Commenters expressed concern around warehouse developments within their community, in addition to truck and car traffic diverting from the Richmond Parkway to residential neighborhoods. Commenters also requested more public electric vehicle (EV) charging stations be made available. Finally, commenters supported more strategies for active transportation options such as cycling and walking.

#### Summary Response to Comment Theme

Please refer to Vehicles and Trucks, Streets and Freeways, Logistics and Warehouses (Mobile) strategies 3.1 and 3.2 actions related to a Truck Management Plan (TMP) to address issues related to trucks traveling on residential streets. In addition, please refer to Mobile strategies 1.3 and 1.4 for potential regulatory approaches to guide development of truck attracting businesses and further study of a Bay

Area Indirect Source (Magnet Source) Rule to regulate indirect sources (i.e., warehouses, distribution centers) that attract mobile sources of pollution. See Mobile strategy 5.3 which includes education, outreach, and incentives to support the transition of light-duty vehicles towards electrification. Additionally, businesses and fleets within the Draft PTCA Plan area may be eligible for Air District incentive or grant funding to help offset the cost of the electrification infrastructure. To learn more about Air District funding programs please visit <https://www.baaqmd.gov/funding-and-incentives/businesses-and-fleets/infrastructure>.

### Port Electrification

Commenters expressed the need for shore power electrification at the Chevron wharf.

#### **Summary Response to Comment Theme**

Please refer to Marine and Rail strategy 2.1, which discusses the implementation and enforcement of CARB's At-Berth Regulation, with the intention of reducing emissions from ocean-going vessels.

### Climate Mitigation

Comments around climate mitigation were focused on incorporating strategies to address impacts of sea level rise in the San Francisco and San Pablo Bay as an impact of sea level rise could include an increase in polluted groundwater.

#### **Summary Response to Comment Theme**

Climate mitigation measures to address sea level rise in the San Francisco and San Pablo Bay are not included in the Draft PTCA Plan.

### Legislative Authority

Comments related to legislative authority called for stronger action at the state level to aid in pollution reduction, enforcement, and regulation of industries. Commenters noted statewide policy addressing use of best-available technology, setting limits on fuel refining permitting, cleaner emissions, and reducing flaring activities could strengthen implementation of the Draft PTCA Plan.

#### **Summary Response to Comment Theme**

Please refer to Chapter 9 *Implementation and Reporting* of the Draft PTCA Plan. A Legislative Ad Hoc Committee, whose purpose will be to organize Community Steering Committee (CSC) support for legislative proposals that protect public health and reduce air pollution, is proposed. During the implementation phase of the PTCA Plan the Legislative Ad Hoc Committee, if formed, would work together to discuss statewide policy opportunities for emissions reduction, and, if necessary, advocate for legislation.

### Broader Applicability of Draft Plan Strategies

Comments called for refinery regulations to apply across the Air District's jurisdiction and for measures adopted in one plan to be replicated in other communities.

### **Summary Response to Comment Theme**

Air District rules and regulations are regional in nature; they apply across the entire Bay Area jurisdiction. Therefore, any updates made to Air District regulations would inherently be applied to all relevant sources in the Bay Area, not just those in the PTCA area. Measures included in community plans from within and outside the Bay Area were considered in developing the Draft PTCA Plan, and the PTCA Plan will be shared publicly to inform other communities.

### [Just Transition and Community Benefits Policy](#)

Commenters are in support of the Just Transition and Community Benefits Policy strategies. Commenters noted that further clarity was needed in regard to oversight of the Community Benefits Policy strategy and the inclusion of community members in the process.

### **Summary Response to Comment Theme**

Please refer to Fuel Refining strategy 1 and strategy 3 in Chapter 7 and Appendix A *Detailed Action Descriptions* for specific action details related to the Just Transition and Community Benefits Policy strategies.

## [Implementation / Process](#)

### [Timeline](#)

Commenters asked for a more concrete timeline for implementation.

### **Summary Response to Comment Theme**

Please refer to the strategies in Chapter 7 and detailed actions in Appendix A which include estimated timelines. Please also refer to Chapter 9, which describes the proposed implementation approach.

### [Accelerated Goals and Targets](#)

Commenters noted a lack of specific emission reduction targets and inadequate discussion of critical success factors. Commenters also questioned the feasibility of achieving reduction goals. Comments included asking for a target of reducing TACs by 30-50% by 2025.

### **Summary Response to Comment Theme**

Please refer to the objectives for Fuel Refining strategy 4 which include reducing exposure burden from TACs to the lowest level feasible and reducing Toxicity Weighted Emissions from the fuel refining sector with a goal of a 30-50% reduction before 2035. See also Appendix A which includes metrics for all actions. Furthermore, Goal #2 in the Draft PTCA Plan in Chapter 3: *Vision and Principles and Plan-levels Goals* states that “In pursuit of reducing historically high rates of asthma, cancer, and other chronic health conditions, our plan seeks to lower our community’s disproportionate exposure to air pollution by reducing toxic emissions from local sources by 30-50% by 2035.”

### [Accountability: Comments Addressing Chevron Accountability](#)

Comments demanded more accountability from Chevron in protecting public health. Commenters asked for Chevron to further regulate its emissions in the PTCA area and urged Chevron senior officials to participate in plan implementation. Many commenters expressed a desire to further impose fines on



Chevron. The commenters noted the failed promise of the Chevron Modernization Plan (2014) that was meant to reduce emissions but has not done so.

#### **Summary Response to Comment Theme**

Please refer to Fuel Refining strategy 3 which includes numerous accountability actions related to transparent inclusive updates, improved enforcement approaches, and improved fence-line and community monitoring.

#### [Accountability: Comments Addressing Air District and Other Agency Accountability and Partnerships.](#)

Commenters asked for the Air District to take a more active role in emissions reductions, especially as it relates to the Chevron Modernization Plan, serve as regional conveners of community, labor, and industry sectors towards renewable energy goals, all while improving the health of the community. Further, the Air District was implored to further regulate emissions with more ambitious goals and targets. Additional comments implored the accountability of other agencies, including the California Air Resources Board. Commenters shared a desire to begin implementation hastily and expressed the need for more coordination with the public health sector, the Richmond City Council, and the Contra Costa County Hazardous Materials Commission.

#### **Summary Response to Comment Theme**

Please refer to Chapter 9 which discusses the role of the Air District during implementation and notes the many agencies whose partnership will be needed to ensure success.

#### [Funding/Budget](#)

Commenters asked about the total budget for implementing the actions in the Draft PTCA Plan and where the funding will come from. Comments also included suggestions for potential sources of funding (including funding from polluters and funding from the government and imposing taxes to fund specific actions such as fireplace filters).

#### **Summary Response to Comment Theme**

Please refer to Chapter 7 and Appendix A where potential funding sources (such as incentives and grants) are discussed. Further work to identify specific funding sources will occur during implementation as discussed in Chapter 9.

#### [Engagement](#)

Engagement comments related to finding unconventional ways to reach people to expand involvement in this work including suggestions for improved engagement materials and presentations on the Draft PTCA Plan. Commenters also called for a summary table of strategies to be shared.

#### **Summary Response to Comment Theme**

As noted in Chapter 9, the CSC and its committees, including the Community Engagement Standing Committee, will continue to leverage personal and professional networks to engage community during implementation.

## Health and Education

Comments noted the need to educate the community about air pollution and its health impacts on the body. Commenters provided personal accounts and physicians' patient's accounts of health issues from living in the study area (i.e., childhood and adult asthma, respiratory issues, etc.). More research was requested, including analysis of how COVID is transmitted through poor air quality, indoors and out.

### Summary Response to Comment Theme

Please refer to Health strategy 2.1 which includes increasing access to home retrofit programs, Health strategy 2.2 which includes supporting transition to electric appliances and Health strategy 2.3 which calls for improving rental standards to include indoor air filtration. In addition, see Land Use (LU) strategy 1 and Urban Greening (UG) strategy 1. The goal of LU 1 is to focus on land use regulations, conditions of approval, and to create protective zones to reduce the cumulative impact and concentration of polluting sources within the PTCA area. The goal of UG 1 is to reduce exposure at the neighborhood level through increased tree canopies in priority areas.

## Technical Basis

### Emissions Data and Analysis

Commenters expressed a need to better understand the increase in TACs from the Chevron Refinery, including calling on improvements to the Chevron Refinery Modernization Plan. Commenters asked for a list of all permitted facilities and a list of all refinery combustion sources.

### Summary Response to Comment Theme

Please refer to Attachment 2 for information regarding air pollution trends and permitted sources.

### Modeling Data and Analysis

Comments related to the modeling data and analysis asked if pollutants were mischaracterized and noted that data was provided without citation.

### Summary Response to Comment Theme

Please refer to Attachment 2 for information regarding interpretation of modeling results and data sources.

### Monitoring Data and Analysis

Comments related to the monitoring data and analysis stated that the Air District should be wary of drawing conclusions of limited pollutant data sets. Comments stated that certain monitoring data was omitted. Comments further stated that data from ground level monitors should not be used for certain analyses. Comments also stated the rules for which compliance is achieved with ground level monitors.

### Summary Response to Comment Theme

Please refer to Attachment 2 for information regarding monitoring data and analyses.

### Enforcement Data and Analysis

Comments called out exclusion of woodsmoke complaints, requested a list of all emission-related penalties and further information about specific permit violations. Comments were also made about the number of inspectors assigned to the Chevron Richmond facility and about the facility's notices of violations.

#### **Summary Response to Comment Theme**

Comments related to exclusion of woodsmoke and the number of inspectors at the Chevron Richmond facility are respectfully noted. Requests for further information about specific penalties and permit information should be made via the to the Air District's Public Records Act requests portal: <https://www.baaqmd.gov/contact-us/request-public-records>.

## Attachment 1: Table of Commentors and their Affiliation

First Name	Last Name	Organization
Tarnell	Abbott	Richmond resident
Emily	Adamson	Physician at Lifelong Medical's William Jenkins Clinic
Yadira	Alvarez	Unknown
Floy	Andrews	Attorney in Richmond, CA
Maureen	Brennan	Contra Costa County Hazardous Materials Commission member
Y'Anad	Burrell	PTCA CSC co-chair, resident, Glasshouse Communications
Angel	Chavarin	Resident
Leticia	Chavez	North Richmond resident
Claudia	Citroen	Richmond resident
Suzanne	Coffee	PTCA CSC member, resident
Karen	De La Cruz	Resident, youth council
Steve	Early	Richmond resident, author of Author of Refinery Town: Big Oil, Big Money, and the Remaking of an American City (Beacon Press, 2017)
Gail	Eierweiss	Resident
Scott	Gelfand	Richmond resident
Megan	Goetz	Lifelong Medical Care, Americorps Fellow
Manuel	Gomez	Resident
Suzanne	Gordon	Point Richmond resident
Brent	Green	Unknown
Martha	Gruelle	Resident
Julie	Harris	Nurse in El Sobrante
Janis	Hashe	Richmond resident
Gary	Hurlburt	President and Executive Director, Richmond Tennis Association
Brenda	Illescas	Resident
Joel	Iniguez	Unknown
Trina	Jackson-Lincoln	City of Richmond City Council Liaison and Project Coordinator
Martine	Johanessen	NorCal Staff Researcher, Communities for a Better Environment
Janet	Johnson	Co-coordinator, Sunflower Alliance
Catalin	Kaser	Resident
Jeannette	Kortz	Unknown
Alison	LaBonte	A La Bonte advisors
Daniel	Lanis	Resident
Jackelyn	Ledesma	Richmond resident
Diana	Martinez	Resident
Jan	Mignone	Richmond resident
Carla	Morales	Resident
Jennifer	Mourelatos	Lifelong Medical Care Director
Niyi	Omotoso	PTCA CSC member and physician
Todd	Osterberg	Chevron
Hazel	Padilla	Resident

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Jaime	Perez	Richmond resident
Joseph	Puleo	Resident
Jacob	Rico	Resident
Laurie	Swiadon	East Richmond Heights resident
Sally	Tobin	Resident
Priya	V	Richmond resident
Kanwal	Waknis	Physician at Lifelong Medical's William Jenkins Clinic
Jan	Warren	Resident (Walnut Creek)
Susan	Wehrle	Richmond resident

# Attachment B: Full Text of All Comments Submitted on the Public Draft Path to Clean Air

**From:** [Angel Chavarin](#)  
**To:** [Air Quality Planning](#)  
**Subject:** (PTCA) path to clear air  
**Date:** Thursday, January 18, 2024 12:03:06 PM

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I like this plan to address air pollution in our community  
-Angel Chavarin

**From:** [Emily Adamson](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Path To Clean Air  
**Date:** Thursday, December 21, 2023 11:31:17 AM

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To Whom It May Concern,

My name is Dr. Emily Hunter-Adamson and I am a family medicine physician providing primary care to underserved residents of Richmond at Lifelong Medical's William Jenkins clinic. It is well known among healthcare providers in the Richmond area that asthma rates in particular are very high among the community we serve and that this is likely very deeply connected with the levels of air pollution the residents of these areas face on a daily basis. As I raise my own infant daughter, I am grateful for the privilege that I have for her to live in an area free of refineries and other industrial emissions that would increase her risk for poor health outcomes. My heart aches for the kids I see daily in clinic with preventable chronic health conditions that they suffer from simply because they must live in areas that have been deemed acceptable for high levels of air pollution.

On behalf of my patients, I would like to express my extreme support for the Path to Clean Air, and for any plan to dramatically reduce or eliminate fossil fuel emissions and to transition of the area to green energy. I believe it is an essential piece for equity and good health for the residents of Richmond and for our planet.

Thank you for your time,  
Dr. Hunter-Adamson

**From:** [Laurie Swiadon](#)  
**To:** [Air Quality Planning](#)  
**Subject:** wood smoke complaints  
**Date:** Thursday, December 14, 2023 12:14:06 PM

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Dear Planners,

In my neighborhood of East Richmond Heights, I dread the onset of cold weather every year because of the fireplace users who don't have EPA filters and are numerous and stubborn. Many people burn really stinking toxic materials as well as wood in my neighborhood, and my lungs and eyes are extremely sensitive. I have offered to buy EPA fireplace filters for these people very nicely, as I want to continue good relationships with my neighbors, and so far, only one family agreed to stop burning the wood (next to my house).

I noticed that the reduction plan contains the following language: "Air quality complaint confirmation rates exclude woodsmoke complaints."

Woodsmoke is toxic not just to sensitive people with reactive lungs, like me, and asthma, but everybody. What can we do to protect our population from these negative effects? I call for a ban on unfiltered fireplace burns. And maybe create a new tax to provide for installation of EPA-certified fireplace inserts for everyone who requests one. PLEASE!!

Sincerely,  
Laurie Swiadon

[REDACTED]



**From:** [Niyi Omotoso](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Public comment for PTCA draft plan  
**Date:** Saturday, January 6, 2024 3:28:53 PM

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I wholly support the PTCA plan. As a physician working with families with multiple generations with asthma and heart disease, and seeing their health impacted by the air pollution, I support the just transition principle set in the plan and strategies on public health to address this health inequity.

**From:** [Yadira Alvarez](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Clean Air  
**Date:** Monday, January 8, 2024 9:36:16 AM

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I support the intention of this plan!!

[Sent from Yahoo Mail for iPhone](#)

**From:** [Kanwal Merchant](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Path to Clean Air Plan  
**Date:** Wednesday, January 10, 2024 8:55:22 AM

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Hello,

My name is Kanwal Merchant Waknis. I am a physician working in Richmond. I would like to comment on the "Path to Clean Air Plan". I want to express my support for this plan overall, in order to improve the air quality and health outcomes of my patients, all living in the area. Specifically I appreciate Chapter 7 - Strategy 4 Large Industrial Sources. I believe that reducing particulate matter and toxic air contaminant emissions from large facilities will help to reduce health hazards.

Thank you,  
Kanwal Merchant Waknis, MD  
[REDACTED]

**From:** [Jeannette Kortz](#)  
**To:** [Air Quality Planning](#)  
**Subject:** My Comments Regarding the North Richmond-Richmond-San Pablo Community Emissions Reduction Plan  
**Date:** Thursday, January 11, 2024 1:13:15 AM

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Hello,

I have concerns regarding this plan. To me it does not go far enough to protect these communities. Please see my comments below. We need:

1. A full analysis of the emissions and health impacts of major flaring events - like the one we had on Nov 27th (4 flares spewing full bore for 12 hours plus additional flaring for 2 days)
2. A plan to reduce flaring 75% by next year. Get back to pre-Modernization project levels and aim for industry best practice levels.
3. A plan to reduce the top toxic contaminants by 30-40% with milestones between now and 2035 with critical success factors (PM and the top ten toxic contaminants)
4. A plan to force Chevron to participate actively in this emissions reduction process
5. A plan to improve our understanding of individual emission health risks
6. A plan to investigate legislative strategies for reducing pollution such as limits on exports or requirements to process cleaner crude oil with lower sulfur content. (Should Chevron get to pollute our community so that it can export jet fuel to China? Should Chevron get to refine dirtier oil in order to save \$5 or \$10 per barrel?)

Thank you for your time. I hope you will address my concerns.

Kind regards,

Jeannette Kortz



**From:** [julie Harris](#)  
**To:** [Air Quality Planning](#)  
**Subject:** AB 617; The Path to Clean Air Richmond, North Richmond & San Pablo DRAFT Community Emissions Reduction Plan  
**Date:** Tuesday, January 16, 2024 6:45:39 PM

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AB 617; The Path to Clean Air Richmond, North Richmond & San Pablo DRAFT Community Emissions Reduction Plan

PLEASE PLEASE pass it, do it, make it happen.

I am a retired Registered Nurse in El Sobrante with pollution-related COPD. Also helping to raise three small grandchildren in El Sobrante. Witnessing scary numbers of kindergarteners and preschoolers with asthma in West Contra Costa Unified School District classrooms. Make our air healthier, PLEASE.

Sincerely,  
Julie Harris  
El Sobrante

**From:** [Brent Green](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Toxic Air, Public Health, & AB617  
**Date:** Wednesday, January 17, 2024 10:05:47 AM

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The Plan (AB 617) must be strengthened prior to sending it for CARB approval.  
Among several urgent needs are:

- Stronger regulation of emissions
- More effective penalties & enforcement
- More accountability for major sources
- More accountability for BAAQMD
- More accountability for CARB
- Better help for major project reviews
- Better monitoring of emission spikes & flaring events with better alerts

Chevron MUST partner in good faith to address urgent public health issues from emissions.

As a public health professional we are ALL affected.

Thank you in advance.

Brent Green, Ph.D., MPH

**From:** [Floy Andrews](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Richmond-North Richmond-San Pablo Community Emissions Reduction Plan  
**Date:** Wednesday, January 17, 2024 8:46:41 PM

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January 17, 2024

Attn: Planning and Climate Protection Division  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105

Dear Planning and Climate Protection Division:

After years of effort expended by so many on the AB 617 Community Planning Committee in West Contra Costa County, as well as BAAQMD staff and many others, it's disappointing that even now we cannot articulate the true cost of a refinery like Chevron's on our community members' health.

We know PM2.5 emissions impact the human respiratory system as well as many other biological functions. After years of administrative review, BAAQMD finally set a date certain by when the local refineries, including Chevron, must install wet gas scrubbing technology, after the full-force advocacy of environmental groups, healthcare providers, local community leaders and members, elected officials and so many others. This is, however, only one step on the path to clean air and health in our communities.

At present, we still have no clear understanding of the impacts of so many other toxic contaminants refineries release into the air—the same air we breathe all day and at night as we sleep. Chevron is my neighbor in Richmond. Every year, on many occasions in the dark fall and winter months, I wander outside in the late or early hours of the night and notice a strong and pungent odor. What is the cause? Why only in the dead of night? I have never experienced such odors living anywhere but here, next to Chevron. My suspicions run wild, especially with the lack of information and data. How can I learn what contaminants are present in the air in my garden?

We know refineries exhaust toxins like sulfuric acid, benzene, nickel, manganese, arsenic, hydrogen cyanide, hydrogen chloride, formaldehyde, acrolein and cadmium. But

we haven't demanded adequate investment in research to understand how these chemicals, independently and especially in combination, impact human health. Where is the science?

As an attorney experienced in environmental issues, I have watched as the scientific and industrial hygienist communities have identified health concerns associated with many, many chemicals we had previously assumed were perfectly safe. We know that living next door to the Chevron refinery can result in elevated chronic health problems, even though cancer rates remain close to regional norms. Now we need to know which chemicals or combination of chemicals are the source of our community's health problems. Getting funding from the US EPA for this work is critical. It should be a top priority for BAAQMD, senior management at Cal EPA, CARB and OEHHA. Personally, I believe the polluter should bear a substantial portion of the cost of this effort.

I ask: Is it fair or right that local populations living adjacent to Chevron bear the cost, in terms of poorer health, for the fossil fuel economy Chevron's operations support, while Chevron's investors earn outsized returns on capital in the form of profits?

Sincerely,

Floy Elizabeth Andrews  
Attorney (SBN 187375)

[REDACTED]  
[REDACTED]  
[REDACTED]



**From:** [Joel Iniguez](#)  
**To:** [Air Quality Planning](#)  
**Subject:** My community  
**Date:** Thursday, January 18, 2024 9:22:19 AM

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Good morning hope this finds you well I'm sending this because I would like this plan to address air pollution in my community  
Sent from my iPhone

## Comments on AB 617 Draft CERP Plan

Gail Eierweiss

Fri 1/19/2024 3:42 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

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Thank you for the opportunity to comment on the draft plan. I appreciate the hours of work by both staff and community members. I attended the workshop, and I have read the 170 page document and some of the appendices. In particular, I am glad that the plan specifically calls for a 35-50% reduction in exposure for our disproportionately harmed residents over the next 10 years and that it also includes a focus on exposure reduction in our community through urban greening, traffic control, street sweeping, residential ventilation improvements, etc. We need it all.

I have lived in Richmond for 12 years and have followed the Chevron modernization plan from the beginning. I have seen the manifold increase in flaring that has become such a significant issue for our community SINCE the modernization project went online. I appreciate the data provided about individual emissions and their various sources - and the confirmation that our air has gotten significantly worse since 2018. I have also seen the complete lack of progress in either doming the Chevron storage tanks, or bringing shore power to the Chevron tankers. Any issue that has involved Chevron has seemed ignored or adjudicated in the company's favor. As a result of what I have witnessed living here, I put forward the following comments for your consideration:

- 1. Please include a plan for a 75% reduction in flaring at the Chevron facility in Richmond by 2026 at the latest.** This was a request made clearly by the Richmond City Council last May. Flaring has been increasing at an alarming rate ever since the " Modernization Project" went online in late 2018. BAAQMD approved the project in 2014. BAAQMD needs to fix the problem now - its credibility in the community is on the line here. In your document, there are no specific plans or goals.. There must be an aggressive and bullet proof plan to bring flaring down to a level equal to or lower than pre-Modernization project levels. What are the best practice numbers for refinery flaring incidents? What are the standards in Europe and Japan?
- 2. We need more focus on the toxic air contaminants - better data, analysis and milestones.** The plan says that BAAQMD does not know what toxic elements are released in these major flaring events. Or what emission reductions will be delivered by Rule 11-18. These deficiencies are not ok. There was a significant flaring event Nov 27 and there has been no public information describing what the emissions were, their potency, or their dispersal. No counter to Chevron's assertion that there was "no health impact." Nor does there seem to be much focus on the health impacts from the changes in "regular" operational emissions. There is more focus on PM2.5, NOx and DPM than on sulfuric acid, nickel, hydrogen cyanide, etc. Since "Modernization" there have been increases in 8 of the 10 most dangerous TAC emissions for chronic health, and yet the Plan is silent about the possible health impacts. How damaging was a 225% increase in sulfuric acid from 2019 to 2021? Did these emissions go up even more in 2022 and 2023? How long before we know? We need to better understand the sources and health risks of these top ten pollutants so that we can be focused on the most important

emission reductions and on the strategies that will deliver them. Maybe Chevron has to process lower sulfur crude for us to hit our goals. We need more analysis to get to a solid plan for 2027, 2030 and 2035.

**3. We need to get the community involved to combat Chevron's delaying tactics.** Chevron is battling in court against the Cat Cracker wet scrubber rule that is a top priority. BAAQMD wishes they weren't. Please explain in the plan what we can do to defeat Chevron's tactics. I'm very uncomfortable that such an important legal matter is being handled behind closed doors with little public input or organized pressure for "the system" to do the right thing. There should be buses full of people going to Sacramento to demand that this delay is put to an end. Same thing for the shore power issue.

**4. Make the plan more accessible and goal-oriented.** It really is overwhelming as well as somewhat fragmented. Few will read 700 pages. We need a clear way of understanding the total plan and how it will deliver our goals. I think we need two things. Firstly, we need a better slide deck that is simpler and more focused on goals, milestones and critical success factors. The City Council would appreciate this as well, and if it was presented at a City Council meeting, many residents would hear it - many Richmond residents tune in to watch City Council meetings. I can think of no better single forum for presenting the plan. Secondly, to make the complete plan more accessible, I strongly suggest that summary tables be added that allow the reader to see all of the emission reduction strategies together (including flaring!) and all of the non-emission reduction strategies in another. Each table would need columns for milestones, critical success factors, responsible agency and funding needs. And the emission reduction strategies table would need milestone reduction goals. Ideally, no more than 5 or 6 pages.

Thanks again for all the effort put into this

Gail Eierweiss  
Richmond resident

## Draft PTCA Community Emissions Reduction Plan

Jenny [REDACTED]

Fri 1/19/2024 7:06 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

[REDACTED] [Learn why this is important](#)

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Hello,

I am writing to express my support for the draft Path to Clean Air Community Emissions Reduction Plan. Thank you for engaging with the community to prepare a thoughtful and detailed report of the air quality issues that affect Richmond and surrounding communities, and identifying strategies to address them. The following are recommendations for an already excellent plan:

1. Strategy Mobile 5: Consider including an action that incentivizes and supports the development of electric vehicle (EV) charging for public use. This could be through shared infrastructure or land use zoning that encourages new multi-family development to include EV charging infrastructure if that development includes vehicular parking spaces.
2. Strategy Mobile 6: consider including actions that would encourage the development of infrastructure that makes walking and biking safer, and therefore a more desirable mode of transportation (for example, high visibility crosswalks , protected bike lanes, etc).
3. Overall, include strategy metrics that track whether implementation of the action led to more equitable outcomes.

Too often good plans, like this one, do not receive the institutional, political, and financial support necessary to implement the strategies identified. I hope that once the implementation plan is complete the decision making bodies of the affected communities within the CERP boundary take up this work with haste and full support.

I know these comments are coming after the 5 pm deadline, but hope you will consider them nevertheless.

Thank you,  
Jenny Delumo  
Richmond Resident

## Comments, Richmond-N. Richmond-San Pablo PTCA CERP

Janet at Sunflower Alliance [REDACTED]

Fri 1/19/2024 1:33 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

📎 1 attachments (315 KB)

SFA AB617 CERP comment 240119.pdf;

[REDACTED] [Learn why this is important](#)

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Good afternoon,  
Please find Sunflower Alliance's comments on the AB 617 PTCA CERP, attached. I would appreciate an email confirming receipt.  
Thank you!  
~janet

--  
Janet Scoll Johnson  
pronouns: she/her  
**Co-Coordinator, Sunflower Alliance**  
**Co-Chair, Richmond Shoreline Alliance**

*I actively occupy and benefit from stolen land of the Ohlone Chochenyo people, who looked after this land for centuries and still live here. I advocate and support efforts for Indigenous land to be returned to Indigenous ownership and management. Learn more at <https://sogoreate-landtrust.org>.*



January 19, 2024

Attn: Planning and Climate Protection Division  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
Sent via email to:  
[aqplanning@baaqmd.gov](mailto:aqplanning@baaqmd.gov)

**Re: Comments on Draft PTCA Community Emissions Reduction Plan (CERP)**

Dear BAAQMD staff and AB 617 CERP Steering Committee members,

Sunflower Alliance supports the efforts of the Richmond-North Richmond-San Pablo Path to Clean Air (PTCA) Community Steering Committee (CSC) and the Community Emissions Reduction Plan (CERP). We are especially encouraged by the CERP's focus on transparency and just transition planning.

In the comments that follow, we begin with some important oil refinery emission reduction measures that include those shared by the Wilmington Carson, West Long Beach (WCWLB) CERP. We then address other community concerns, notably air monitoring during remediation of contaminated sites and upgrading the priority of the City of Richmond Wastewater Treatment Plant. Our recommendations are noted in **bold**.

1. Refinery-related recommendations.

1.a) **Since the WCWLB CERP was one of the first developed in California, we recommend that some measures secured in it be considered by the Richmond Steering Committee for inclusion in the Richmond CERP.** We urge the CSC and BAAQMD to advocate with California Air Resources Board (CARB) to require that **measures adopted in one community be replicated in others**, so that each community does not have to reinvent the wheel.<sup>1</sup>

The follow-up implementation of the WCWLB CERP has resulted in development of new refinery regulations in the South Coast that will cut substantial oil refinery emissions for a number of primary pollutants. **We recommend that BAAQMD follow SCAQMD's lead, as follows:**<sup>2</sup>

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<sup>1</sup> California Environmental Justice Alliance, May 27, 2020, CARB, "An approach that focuses on reducing pollution in specific sectors and reducing overall cumulative emissions burdens will help ensure that impacted communities not selected for CERPs are not left further behind." and "Statewide, sector-based approaches tied to strong regulatory guidelines can mitigate harms such as these and lead to emissions reductions."

<sup>2</sup> Table 5b-2: Refinery Emission Reduction Goals by 2030, WCWLB CERP, p. 5b-5, available at <https://ww2.arb.ca.gov/sites/default/files/2020-01/Final%20CERP%20WCWLB.pdf>.<sup>2</sup> Table 5b-2: Refinery Emission Reduction Goals by 2030, WCWLB CERP, p. 5b-5, available at: <https://ww2.arb.ca.gov/sites/default/files/2020-01/Final%20CERP%20WCWLB.pdf>.

1.a.1) **Adopt a plan to cut refinery emissions by substantial percentages.** The adopted WCWLB CERP included a commitment to cut a minimum of 50% of refinery emissions of Nitrogen Oxides (NOx), Volatile Organic Compounds (VOCs), and Sulfur Oxides (SOx) by 2030, or earlier if feasible.

1.a.2) **A commitment to adopt tightened refinery regulations to accomplish the following emissions reductions:**

1.a.2.1) NOx – South Coast reductions are achieved primarily through an updated Refinery Boilers and Heaters regulation (SCAQMD Rule 1109.1). This rule requires addition of Selective Catalytic Reduction (SCR) on most refinery heaters, boilers, and other combustion units. **We recommend that BAAQMD adopt a similar regulation.**

1.a.2.2) **We recommend that BAAQMD adopt an updated Refinery Storage Tank Regulation to address fugitive VOCs.** In the South Coast, a Fluxsense study published in 2017 found that every oil refinery measured had far higher VOC emissions (including benzene) than were included in the emissions inventory.<sup>3</sup> Most reductions in the South Coast will be achieved by updating the Refinery Storage Tanks regulation (Proposed SCAQMD Rule 1178).<sup>4</sup> The SCAQMD draft Rule 1178 includes the following requirements:

- adding a second roof to external floating roof tanks;
- vapor recovery for fixed roof tanks (cutting 98% of emissions);
- weekly OGI (Optical Gas Imaging) to identify leaks on all tanks.

**We recommend that BAAQMD carry out a complete Fluxsense-type study of refineries in the project area and perform OGI imaging to identify storage tank leaks.**

1.a.2.3) SOx – This was achieved in the South Coast area primarily through Refinery Flare Rule tightening (SCAQMD Rule 1118). Through this process, the WCWLB CERP CSC received detailed data from specific refinery flaring events and their causes over the previous three years. **We recommend the adoption of refinery flaring prevention measures included in their plan:**

- improve Flare Minimization Plans;
- tighten requirements to carry out root cause analysis;
- impose much higher fines;
- ensure refineries have sufficient compressor capacity;
- slow down planned flaring; and
- provide better public access to flaring data and other measures.

In addition, to further reduce refinery flaring **we recommend that the District provide a list of refinery flaring events and root causes to evaluate what kinds of events are causing flaring and how to prevent them.**

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<sup>3</sup> "Emission Measurements of VOCs, NO<sub>2</sub> and SO<sub>2</sub> from the Refineries in the South Coast Air Basin Using Solar Occultation Flux and Other Optical Remote Sensing Methods"

<https://www.courthousenews.com/wp-content/uploads/2017/06/FluxSense-Study.pdf>

<https://www.cbecal.org/wp-content/uploads/2017/05/CBE-Decoder-Socal-Refinery-Study-Emissions-Underreported.pdf>

<sup>4</sup> <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-1178>

1.a.3) The WCWLB CERP also provided the community with a list of all oil refinery combustion sources (boilers, heaters, furnaces, etc.) that included their size, emissions, and whether they were controlled with SCR or not, which helped the community and SCAQMD prepare for the rule-making process. **We recommend that a similar list be provided to the PTCA CSC.**

1.b) **Improved enforcement:** Regulations require a commitment to strong enforcement to ensure emissions reductions from all regulations are achieved. **We recommend the following:**

- Ensure the concerted implementation of the Draft PTCA Plan Fuel Refining Strategy Actions 3.13, 3.14 & 3.15 for more robust fence line and community monitoring of refinery emissions from Chevron and other major industrial sites.
- Most importantly, support Strategy Actions: 3.13, to improve Refinery Air Monitoring and Data Accessibility;
- 3.14, to improve refinery fence line and community air monitoring programs; and
- 3.15, to improve source emissions monitoring and reporting for sources at the Chevron Refinery and fuel refining–related facilities.

1.c) **The Air District should install CCD cameras pointed at refinery flare stacks.** This will provide the community and the Air District with accessible visual documentation of the flaring behind their complaints, and there will be a historical record of each flaring event.

1.d) **The Air District should make sure that all complaints of reported (and possible) particulate matter depositions are followed up with CAM-17 testing.** In the past, there has been inconsistent and arbitrary use of different data analysis methods of heavy metals and particulate matter; at times, no analysis has been performed. This inconsistency can prevent the accurate identification of the specific metal types emitted by the emission source (i.e., its metals signature, or speciation). This inconsistency will then, by default, tend to nullify a complaint's validity or defeat its potential ability to help identify the emission source. When responding to complaints of visible particulate matter depositions in refinery communities, BAAQMD uses “semi-quantitative” and inferior heavy metal detection methods (i.e. EDS/Energy Dispersive X-ray Spectroscopy) that are known to lack the more accurate, regulatory-level metals speciation capabilities of the CAM-17 method (i.e. ICP-MS/Inductively Coupled Plasma Mass Spectrometry). At times, refinery community members have been forced to pay, at considerable expense, for regulatory-level CAM-17 samples testing. Yet at other times, government agencies performed CAM-17 on deposits, as when both BAAQMD and the Contra Costa Health Department responded to the Thanksgiving 2022 Martinez PBF refinery releases.

1.e) **The Air District should adopt more sensitive methane detection methods.** Fugitive methane not only poses explosive risks, it is also an ozone-forming compound and so contributes to respiratory disease. A recent airborne laser flyover study conducted by BAAQMD in collaboration with the Jet Propulsion Laboratory and Stanford researchers found 6 to 23 times higher levels of methane than previously estimated by the US EPA, CARB or BAAQMD.<sup>5</sup> The airborne laser survey assessment significantly surpassed the findings from traditional methods using EPA Methods 21 (Optical Gas Imaging, or OGI) and 18 (Flame Ionization Detection, or FID).

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<sup>5</sup> Guha et al. Assessment of Regional Methane Emissions Inventories through Airborne Quantification in the San Francisco Bay Area. <https://pubs.acs.org/doi/10.1021/acs.est.0c01212>



The EPA and Aeris Technologies, a company based in the Bay Area, have developed an advanced methane detector known as the MIRA Pico, which potentially enables detection from beyond the refinery fence line in certain scenarios and distinguishes landfill methane from natural gas methane. This ultrasensitive device can identify methane plumes from over 100 yards away at parts per billion concentrations, a significant improvement over the parts per million sensitivity of EPA Methods 21 and 18, which require close proximity to potential leaks. The MIRA Pico is particularly effective in distinguishing natural gas leaks.<sup>6</sup>

The capabilities of the MIRA Pico underscore the limitations of EPA Method 21, which although generally superior to Method 18, is still not designed for both remote and standoff leak detection and cannot map the extensive boundaries of methane plumes effectively.

1.f) Along with the WCWLB CERP Community Steering Committee, **we recommend that the CERP consider adding a measure to begin planning refinery phaseout.** As part of California's Greenhouse Gas (GHG) Scoping Plan, the state will need to begin reviewing the phasedown of oil refining statewide. In 2035, gas-fired vehicles will not be sold in California. Refinery phasedown will result in eliminating harmful local air pollution and global climate-destroying GHGs.

2. Other recommendations.

2.a) Increased monitoring for VOCs. The Richmond-N.Richmond-San Pablo area is highly industrialized. For this reason **we recommend that the CSC request that BAAQMD perform regular and frequent VOC monitoring of all sites that process plastics or use solvents or other petrochemicals in their processes.**

2.b) Shore Power: **Shore power must be available by 2027, and all vessels must use shore power by 2032.**

2.c) Improved air monitoring and reporting at toxic cleanup sites. **We recommend that BAAQMD advocate with the California Department of Toxic Substances Control (DTSC) and/or USEPA to improve air monitoring and reporting at cleanup sites, as follows:**

- air monitoring data be reported in real time and be presented in a form that is understandable and readily accessible to all community members;
- monitor for smaller particle size (PM 2.5 vs the current PM 10);
- timely analysis to determine if dust particles carry contaminants of concern.

**We recommend that the Air District and CSC (1) ask the CA Dept of Public Health what improvements in air monitoring they suggest, and (2) how can DPH better follow up with a community for “harm” after a suspected dust release at a contaminated site.** In the two-year unsuccessful remediation at Richmond’s Superfund-qualified AstraZeneca site starting in 2004-2005, more than 300 community members in the downwind Harbor Front Tract small business area reported serious, life-threatening illnesses (many thyroid cancers, endocrine-related health issues, etc. including deaths). During the cleanup operation, street lights turned on during the day; visibility was reduced to something seen in the worst CA wildfire areas of 2020. The community was so traumatized that when the CA Dept of Health several years later knocked on doors at the behest of the Richmond Southeast Shoreline Area Community Advisory Group, community members still remaining in the area would not talk to them.

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<sup>6</sup> MIRA Pico Mobile LDS Natural Gas Leak Detection System w/GPS by Aeris Technologies.  
[https://aerissensors.com/wp-content/uploads/2019/12/MIRA-PicoMobile-LDS\\_191208\\_FINAL\\_quartz.pdf](https://aerissensors.com/wp-content/uploads/2019/12/MIRA-PicoMobile-LDS_191208_FINAL_quartz.pdf)

2.d) Rule 11-18: Reprioritize the City of Richmond Wastewater Treatment Plant. **We recommend that the Air District upgrade the Rule 11-18 priority of this facility from “Medium” to “Top.”**<sup>7</sup>

From December 4 through 6, 2023, sensors recorded hydrogen sulfide (H<sub>2</sub>S) concentrations greater than 60 ppb, the limit set by Richmond’s Water Resource Recovery Program; these levels reached a high of 345.6, nearly six times the limit. Nor was this an isolated event: at a special Richmond City Council meeting called to address the problem, a community member noted that the facility exceeded the 60 ppb threshold more than a hundred times in 2023.<sup>8</sup>

Richmond residents have experienced health impacts even at levels below the 60 ppb alert limit. Washington Elementary School is located only 1/3 of a mile from the facility, as is a residential neighborhood.

Thank you for your consideration. If you have questions, please feel free to contact us at [action@sunflower-alliance.org](mailto:action@sunflower-alliance.org)

Sincerely,

Janet Scoll Johnson  
Co-Coordinator, Sunflower Alliance

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7

[https://www.baaqmd.gov/~media/files/ab617-community-health/facility-risk-reduction/hra-facilities/20231231\\_rule\\_1118\\_phase\\_ii\\_facilities\\_2023-pdf.pdf?rev=751be65001334e438c8c454b1303070e](https://www.baaqmd.gov/~media/files/ab617-community-health/facility-risk-reduction/hra-facilities/20231231_rule_1118_phase_ii_facilities_2023-pdf.pdf?rev=751be65001334e438c8c454b1303070e)

<sup>8</sup> <https://www.ci.richmond.ca.us/ArchiveCenter/ViewFile/Item/13568>

**From:** [Jan Mignone](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Comments on Path to Clean Air  
**Date:** Friday, January 19, 2024 8:09:20 AM

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BAAQMD Members,

I was born and raised in Richmond and have had contact with this city for over 65 years. I have lived all around the Bay Area when I did not live in Richmond. I returned to Richmond in 2007 and in 2010 was diagnosed with asthma. There are days when it hurts to breathe and I must stay in the house. I enjoy walking my dog and being out in the parks in Richmond. Please make sure you do all you can do to protect our air and make it breathable for all.

Jan Mignone  
Richmond, CA

## comments on draft PTCA community emissions reduction plan (CERP)

Jan Warren [REDACTED]

Fri 1/19/2024 4:42 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

📎 1 attachments (16 KB)

Comments on Draft Richmond PTCA.docx;

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Attn: Planning and Climate Protection Division of BAAQMD,

Date: January 19, 2024

Attn: Planning and Climate Protection Division BAAQMD,

Comments on Draft Richmond/N.Richmond, San Pablo Path to Clean Air Plan (PTCA)

Plan does a great job of educating the community, showing the history and ongoing harm from pollution that has negatively impacted the health of residents for generations.

The organization of areas of concern, visuals, key concerns, and areas of pollution are easy to follow.

In general, there needs to be more specific timelines for the action suggestions under strategies. As an example, strategy 1 uses the words evaluate, advocate, analyze. Under strategy 2 similar words are used: undertake, conduct, and evaluate. Under strategy 4, only 2 out of 6 strategies have a hint of specificity; implement rule 11-18. Let's add no later than (date?), particularly since BAAQMD has been working on an amendment to this reg for years. Check each action item to make sure it is actionable.

Under strategy 5, please add Veolia wastewater treatment plant since excessive ongoing flaring of hydrogen sulfide continues, with no public notifications to the public, enforcement measures, or assurance that the causal issues have been resolved.

While the flaring rule was originally incorporated as a safety feature, it has become an excuse to hide causes. Add to this plan that within a specific period of time the location, date of flaring, notice when BAAQMD was notified, amount of fine, date and specific action(s) taken to remedy the cause of flaring. This information should be easily available to the public and the incident updated.

In Chapter 5 it is stated that PM 2.5 and certain toxic air contaminants (TACs) have not improved over the past 10 years. The Richmond community has worked on the PTCA for 3 years. Now the plan talks about implementation over the next 10 years.

Under #4 actions on page 100, add/rephrase "during the year after final adoption of PTCA work to put a timeline on the action implementation statements.

Under #5 actions rephrase the objective to reduce the fuel refining section by 30-50%, to breakdown the term fuel refining to VOCs, TACs, GHGs, with each of their own target percentage reductions. Add a baseline to measure the reductions by 2035.

Name the role BAAQMD can play to bring members of the community, labor, and industry together to address how to move to renewable energy, maintain living wage jobs, and

improve the health of the community?

Because Richmond/N Richmond and San Pablo are impacted individually and cumulatively by freeways, port, rails, and large industrial plants, add inspections of these areas to document visible, and odorous sites that need to be documented, addressed, and if needed, referred to other agencies. Implement as part of BAAQMD outreach to engage and give stipends to young adults in the community to engage with the community on what they're experiencing that is affecting their health. Document and share with BAAQMD for follow-up how to address.

Update odor rule to adapt the reporting form to include check off boxes. People can't always describe what they're experiencing; however, they know what they're feeling. Add terms like headaches, nausea, eye irritation, breathing difficulties, metallic taste in mouth, heavy air. Ask those on PTCA to help describe other experiences.

Portable H2S monitors could be used in neighborhoods that are consistently reporting these types of experiences. Monitoring in general needs lots of improvements. Seek a grant to get handheld monitoring units for people to borrow for a week or two at a time to use in their kitchen to test the indoor health. Have them document on a created form the results. For those who participate and have asthma, help them fill out forms to get clean air filtering devices, etc.

Find more ways to go to where the people meet. Pay community ambassadors to educate, listen, and find out what people most need and want. Then seek grants and work with the community to implement the programs.

The Mobile 3 strategy actions for goods movement looks like a good start.

The Mobile 4 strategy actions for street sweeping needs some promoting, or incentivizing. I recently heard about a city that had access to some environmental funds and so they bought a street sweeping machine. It's now not being used because people wouldn't move their cars. These machines can go around if it's just a few cars not moved. If it's most of the cars that aren't moved, or the street is too narrow to go around, it won't work.

I believe it was Richmond who got a grant for elderly and/or disabled to access a pick up to ride in a clean, new EV within a central area. The zero emission bus fleets by 2040 is great.

It would have been helpful at the recent January 11 workshop a way could have been allowed to add public comments that were actually kept. I couldn't find my notes.

Thanks for the opportunity to share some comments. Every time I've read through this plan I've seen something else. I trust after it is adopted work will continue to implement the priorities first, while continuing to engage the local community for improvements.

Jan Warren

Walnut Creek, CA 94598

## FW: Path to Clean Air public comment

Diana Ruiz [REDACTED]

Fri 1/19/2024 4:58 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

See below.

Diana

---

**From:** Maureen Brennan [REDACTED]

**Sent:** Friday, January 19, 2024 4:54 PM

**To:** Diana Ruiz [REDACTED]

**Subject:** Path to Clean Air public comment

[REDACTED] [Learn why this is important](#)

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1/19, 2024

I hope I am sending my public comment to the right address, for the "Path to Clean Air" draft. Please forward as needed.

I've read through the draft and find it formative and comprehensive. I appreciate the thoughtful work that has gone into this document. I also like that the studies spread the blame around, as it were. It's not just the refinery with toxic emissions, but a variety of sources, that create health harms. I have to remind my colleagues on the Hazmat Commission, that AB617 is state law. It's time we support the law, and stop denying it's existence. I think the study group has done a great job identifying the problem, and have come up with a variety of very workable solutions. Thanks.

Maureen Brennan, Rodeo CA  
[REDACTED]

## Path to Clean Air comments

Martha Gruelle [REDACTED]

Fri 1/19/2024 3:10 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

[REDACTED] [Learn why this is important](#)

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Friends,

I am a Richmond resident and live within 2 miles of most of the stacks at the Chevron Richmond refinery. I appreciate that under AB 617, serious efforts are underway to reduce the health impacts of air pollution in our community. The unacceptably high levels of asthma among our kids is just one distressing example of these effects.

Yet I am concerned that the BAAQMD is not completely fulfilling the promise of the AB 617 process:

- Flaring at the refinery is quite frequent and has increased. We need a full accounting of the effects of these events, and we need action by Chevron to greatly reduce the number of flaring events to industry-low levels.
- There are high levels of multiple toxics from the refinery. We need a serious plan to reduce the most dangerous rather quickly. Chevron needs to take positive action on this, whether or not they find it convenient.
- Discussions of toxic air contaminants and their health effects get very technical, very fast. The Richmond community has a right to plain-English (and Spanish) explanations of what we are facing when we breathe every day.

Richmond City Council also provided comments, in the form of a council resolution, in May 2023. At the very least, these comments from our elected leaders should be thoroughly addressed in the final report.

Thank you for your work and your attention to these comments.

Martha Gruelle  
[REDACTED]

## PTCA CERP Comment Letter

Martine Johannessen [REDACTED]

Fri 1/19/2024 12:49 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>  
[REDACTED]

 1 attachments (326 KB)

CBE PTCA CERP Comment Letter.pdf;

[REDACTED] [Learn why this is important](#)

**CAUTION:** This email originated from outside of the BAAQMD network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear BAAQMD team,

Thank you for the opportunity to comment on the draft PTCA CERP. I am submitting the attached letter on behalf of Communities for a Better Environment. Thank you for your consideration!

All the best,  
Martine





January 19, 2024

(Submitted via electronic mail to [aqplanning@baaqmd.gov](mailto:aqplanning@baaqmd.gov))

**Re: Draft Path to Clean Air Community Emissions Reduction Plan**

Dear BAAQMD and the Community Steering Committee,

Thank you for the opportunity to comment on the draft Path to Clean Air (PTCA) Community Emissions Reduction Plan (CERP). We want to first commend the work that the Community Steering Committee (CSC) has completed in collaboration with BAAQMD since 2018, and the great achievement of publishing this plan. Given the tight turnaround for public comment and the winter recess, Communities for a Better Environment (CBE) is submitting comments focused on the *Fuel Refining, Storage Facilities, Support, and Distribution* section in *Key Issues and Strategies*. In the future, we strongly encourage BAAQMD to present the plan within one week of releasing the draft and expand the public comment window beyond 30 days to ensure the public has time to thoroughly read, digest, and comment on hundreds of pages of dense content.

The following comments are informed by CBE's decades of experience organizing and working alongside community leaders in Richmond to achieve environmental health and justice, as well as technical knowledge of the oil refining process, feasible emissions reductions, and reduction commitments in the South Coast Wilmington-Carson-West Long Beach (WCWLB) and South LA CERPs.

First, we want to celebrate the plan's strengths. We were pleased to see Key Issue #4 in *Fuel Refining, Storage Facilities, Support, and Distribution*: "Move towards a Just Transition." We wholeheartedly agree that a transition away from fossil fuels that centers community health and the impacts of the transition on workers and communities is imperative to the future of Richmond. We support the inclusion of this critical framework in the Richmond-North Richmond-San Pablo Plan.

We also commend BAAQMD and the CSC for including commitments to update specific refinery regulations namely (1) refinery combustion sources (i.e., boilers, heaters, and other combustion sources) and (2) flare regulations. These commitments suggest promising collaboration between Air Districts across the state. Regarding combustion sources, the South Coast Air District demonstrated that these regulatory agreements were achievable through their updated and adopted Boilers & Heaters regulation, which will result in an over 75% reduction in

NOx.<sup>1</sup> Regarding flaring, we appreciate BAAQMD updating its flare regulation as the South Coast rewrites its own regulation, expected for adoption in April or May. The South Coast is also using BAAQMD's flare reporting system as a model to improve its public reporting of flare emissions online, indicating that tools and strategies can move effectively across districts.

There are weaknesses, however, in the *Fuel Refining, Storage Facilities, Support and Distribution Section* that should be updated to strengthen the PTCA CERP. One key refinery regulation in the South Coast CERP for Wilmington, Carson, and West Long Beach is missing from the PTCA CERP – an updated Refinery Storage Tanks regulation, newly adopted by SCAQMD last year.<sup>2</sup> Storage tanks are major sources of VOCs including toxic benzene emissions, which have been shown in multiple venues to be grossly underestimated. **We urge BAAQMD to add a commitment to update its Refinery Storage Tanks regulation, reviewing the already-adopted South Coast update and others as measures to include in Bay Area rule updates.**

SCAQMD also hosted and published the Fluxsense study in 2017, which corrected historical underestimates of VOC emissions,<sup>3</sup> finding that VOCs (including benzene) were drastically underestimated at every single refinery in the jurisdiction.<sup>4</sup> Similar results were found

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<sup>1</sup> SQAQMD staff found an overall 7.7 to 7.9 tons per day reduction out of approximately 10 tons per day, in other words a 77 to 79% reduction. (“Certify the Final Subsequent Environmental Assessment for Proposed Rule 1109.1,” November 5, 2021, <https://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-Nov5-034.pdf?sfvrsn=6>, 1; “Rule 1109.1 - Landing Rule for Refineries Working Group Meeting #1,” <https://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1109.1/pr1109-1-wgm1-final.pdf?sfvrsn=20>, slide 12).

<sup>2</sup> South Coast Air Quality Management District, “Rule 1178: Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities,” Proposed Amended Rule 1178 § (September 2023), <https://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1178/par-1178-draft-rule-language-final.pdf?sfvrsn=6>.

<sup>3</sup> Johan Mellqvist et al., “Emission Measurements of VOCs, NO<sub>2</sub> and SO<sub>2</sub> from the Refineries in the South Coast Air Basin Using Solar Occultation Flux and Other Optical Remote Sensing Methods,” April 11, 2017, [https://www.aqmd.gov/docs/default-source/fenceline\\_monitoring/project\\_1/fluxsense\\_scaqmd2015\\_project1\\_finalreport\(040717\).pdf](https://www.aqmd.gov/docs/default-source/fenceline_monitoring/project_1/fluxsense_scaqmd2015_project1_finalreport(040717).pdf).

<sup>4</sup> VOCs were found to be on average six times higher, and benzene on average 34 times higher compared to the District inventory. The Fluxsense study found that the standard EPA emissions assessment (the “TANKS” model) couldn’t account for tank degradation over time. See Johan Mellqvist et al., “Emission Measurements of VOCs, NO<sub>2</sub> and SO<sub>2</sub> from the Refineries in the South Coast Air Basin Using Solar Occultation Flux and Other Optical Remote Sensing Methods,” p. 94-5, which states: “the observed discrepancies between measured emissions and reported inventories (based on the AP-42 standard (US-EPA 2013)) are considerably higher than what can be explained by measurement uncertainties or short-term sampling alone...Refineries and tank farms are complex environments with a large number of installations and numerous potential emission sources (e.g. tank seals, valves, gauges, flares, vapor recovery units, etc.). Many of these components can show degrading performance over time, and to accurately account for the impact of non-ideal performance in emissions inventory reporting is, we believe, an impossible task.”

Also see CBE’s decoder of Fluxsense study: Julia May, “Full Report on Innovative Study Now Available – LA Oil Refineries’ VOC & Benzene Emissions Grossly Underestimated,” April 20, 2017, <https://www.cbecal.org/wp-content/uploads/2017/05/CBE-Decoder-Socal-Refinery-Study-Emissions-Underreported.pdf>.

in Texas<sup>5</sup> and other regions, and affirmed by many experts.<sup>6</sup> **The Bay Area would greatly benefit from carrying out the same Fluxsense study for Chevron and other Bay Area refineries to understand and verify the full scope of emissions.** Still, the commitment to update the Refinery Storage Tanks regulation should not wait for the completion of that study. As stated previously, BAAQMD can begin by reviewing measures in other state regulations such as the recently upgraded South Coast Storage Tanks rule.

Another issue in the *Fuel Refining, Storage Facilities, Support, and Distribution* section is the lack of specific emission reduction targets that have been set and achieved in other parts of the state (specifically, the other major refinery region of California – the South Coast District). The Richmond-North Richmond-San Pablo Plan does not include commitments for percentage reductions in emissions for refineries in the area, namely the Chevron Refinery. By contrast, the WCWLB CERP included a measure to cut emissions *50% or more in NOx, SOx, and VOC emissions by 2030 or sooner* if feasible for all the refineries in the region.<sup>7</sup> **We urge adding these targets, and strengthening the PTCA CERP’s existing PM 2.5 reduction goal of “30-50% by 2034” to match the other reduction goals – 50% or more by 2030.** In fact, a 50% emission reduction is likely too low at this juncture, since South Coast rulemaking has shown much higher reductions were achievable.<sup>8</sup> BAAQMD should consider more ambitious reduction targets of 75% or higher.

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<sup>5</sup> Johansson et al., “Emission Measurements of Alkenes, Alkanes, SO<sub>2</sub>, and NO<sub>2</sub> from Stationary Sources in Southeast Texas over a 5 Year Period Using SOF and Mobile DOAS,” *Journal of Geophysical Research: Atmospheres* 119 (January 4, 2014), <https://doi.org/10.1002/2013JD020485>.

<sup>6</sup> For example, Daniel Hoyt and Loren H. Raun found that emissions factors provided unreliable results, causing consistent underestimation of emissions, particularly at storage tanks. As Hoyt and Raun put it, “*The results of this study indicate estimated emissions were never higher and commonly lower than the measured emissions. At one source location, VOC emissions were found to be largely representative of those measured (i.e., the catalytic reformer), but more often, emissions were significantly underestimated (e.g., up to 448 times greater than estimated at a floating roof tank). The sources with both the largest relative error between the estimate and the measurement and the largest magnitude of emissions in this study were a wastewater treatment process, an aromatics concentration unit and benzene extraction unit process area, and two sets of tanks.*” See Daniel Hoyt and Loren H. Raun, “Measured and Estimated Benzene and Volatile Organic Carbon (VOC) Emissions at a Major U.S. Refinery/Chemical Plant: Comparison and Prioritization,” *Journal of Air & Waste Management* 65, no. 8 (June 11, 2015): 1020–31.

<sup>7</sup> Refineries include 2 Tesoro, 2 Phillips 66, and 1 Valero refinery. The “Minimum emission reduction goal by 2030 or earlier if feasible” is given at 50% for VOCs, NO<sub>x</sub>, and SO<sub>x</sub>, in the WCWLB CERP. See South Coast Air Quality Management District, “Community Emissions Reduction Plan,” September 2019, <https://ww2.arb.ca.gov/sites/default/files/2020-01/Final%20CERP%20WCWLB.pdf>, p. 5b-5.

<sup>8</sup> For example, SCAQMD’s combustion regulation (i.e., Rule 1109.1, the Boilers & Heaters rule) showed a 95% reduction in NO<sub>x</sub> was achievable through meeting BARCT (Best Available Retrofit Control Technology) SCR controls, according to SCAQMD, “Rule 1109.1 - Refinery Equipment,” <https://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1109.1/pr1109-1-wgm4.pdf?sfvrsn=6>. As stated in Footnote 1, SCAQMD staff reported a 77 to 79% reduction in the adopted regulation Governing Board packet. See “Certify the Final Subsequent Environmental Assessment for Proposed Rule 1109.1,” November 5, 2021, <https://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-Nov5-034.pdf?sfvrsn=6>, p. 1 and “Rule 1109.1 - Landing Rule for Refineries Working Group Meeting #1,” <https://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1109.1/pr1109-1-wgm1-final.pdf?sfvrsn=20>, slide 12).

**In addition, we urge BAAQMD to update its refinery regulations to achieve these emission reduction percentages District-wide, not only in the PTCA CERP area, so that all residents in the Air District will be protected by technology and requirements *already demonstrated as achievable in the South Coast*. SCAQMD did not stop at implementing new rulemaking solely for the refineries in the cities covered by the WCWLB CERP; it extended rulemaking to the whole South Coast District, to include the Torrance and Chevron El Segundo refineries.<sup>9</sup> In the Bay Area, extending BAAQMD rulemaking beyond the cities covered by the PTCA CERP is particularly critical for neighboring communities including Rodeo, Martinez, and Benicia, which are greatly impacted by oil refineries and their emissions, but have not been selected for a similar CERP process.**

We want to reinforce this point, as updating refinery rulemaking District-wide is also consistent with CARB's updated AB617 Community Air Protection Blueprint.<sup>10</sup> The Blueprint highlights the importance and urgency of best available retrofit technology for refineries, encouraging “Air District development of expedited schedules to implement best available retrofit pollution controls on certain industrial sources by 2023, including facilities such as oil refineries, cement plants, glass manufacturers, and oil and gas operations” for “communities impacted by stationary sources.” These technology requirements are also mandated by state Health & Safety Code § 40920.6(c). Although the 2023 statutory deadline has already passed, it is still imperative for the PTCA CERP to include best available retrofit control technology for refinery equipment, commit to implementing these technologies quickly, and expand these standards District-wide.

Finally, we want to emphasize that while the majority of this letter has focused on strengthening and clarifying regulations for existing refineries, we support the CERP not only as a way to reduce emissions and exposure to those emissions, but as part of the path towards a larger transition *away from fossil fuels*, and towards a Richmond, North Richmond, and San Pablo beyond Chevron. As such, Just Transition principles – decommissioning the fossil fuel industry while centering community health and the impact on workers and local communities – should guide the implementation of the entire plan, particularly the distribution of economic and technological resources, not just those strategies listed under Key Issue #4, Just Transition. **Language similar to that included in FR 3.9 (Development of a Community Benefits Policy guided by criteria based on Just Transition principles) would be a welcome addition throughout the CERP, and the implementation process, better linking the wide range of goals to a Just Transition.** One example could be in FR 5 (Reduce Exposure to and Health Impacts from PM2.5 and other CAPs Emitted by Refineries). BAAQMD could connect these strategies to FR 3, and the broader Just Transition goal by including a commitment to greater public accountability and input on these reductions (1) making all newly collected data on

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<sup>9</sup> SCAQMD, “Proposed Rule 1109.1: Emissions of Oxides of Nitrogen from Petroleum Refineries and Related Operations,” <https://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1109.1/pr1109-1-presentation---community.pdf?sfvrsn=6>, slide 4.

<sup>10</sup> CARB, Community Air Protection Blue Print, October 2018. [https://ww2.arb.ca.gov/sites/default/files/2020-03/final\\_community\\_air\\_protection\\_blueprint\\_october\\_2018\\_acc.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/final_community_air_protection_blueprint_october_2018_acc.pdf).

refinery emissions publicly accessible in multiple languages (e.g., Spanish, Mandarin, Lao) including notices and public records and (2) working with the Just Transition Subcommittee specifically to explore how the outcomes of emissions and related public health studies could legally and politically support a transition away from fossil fuels District-wide.

Given the outsized impact of oil refineries, particularly the Chevron Refinery, on air pollution and community health, we believe that updating the plan to include all of these measures is critical. We celebrate the milestone reached to get to this point of an important public process and thank you for your consideration.

Sincerely,

**Martine Johannessen**

NorCal Staff Researcher

Communities for a Better Environment

**Kerry Guerin**

Attorney & Just Transition Fellow

Communities for a Better Environment

**Lazuli Trujano**

Richmond Community Organizer

Communities for a Better Environment

## Comments on Path to Clean Air draft plan

Suzanne Coffee [REDACTED]

Fri 1/19/2024 4:44 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

[REDACTED] [Learn why this is important](#)

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As a member of the CSC I consider it a great honor and privilege to have been part of this process. I believe that the commitment to represent the voice and the needs of the community is its greatest strength of this plan. There are a multitude of strategies laid out in this plan and even with my inside view as a CSC member I know it is going to take time to take it all into consideration. It is a complex problem and there is no direct path, but I believe this plan with its multiple strategies has the potential to have highly effective results long term because it engages with the the problem in so many ways. Not the least of with is the commitment to engaging with the community. Many people living in the project area, myself included, are unaware of the extent and affects of air pollution in our community. I believe in order to continue to improve air quality and hold polluters accountable we will have to have a greater demand for change from the public. I believe the engagement and education of the public as strategy will be a driver of many of the changes that will lead to cleaner air in our future.

## Public Comment Submission - AB 617 Community Emissions Reduction Plan

Trina Jackson-Lincoln [REDACTED]

Fri 1/19/2024 2:27 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>  
[REDACTED]

📎 2 attachments (567 KB)

Jimenez Martinez BAAQMD List of Improvements Letter - AB617.pdf; List of Requested Improvements to the D...sions Reduction Plan for Richmond.pdf;

[REDACTED] [Learn why this is important](#)

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Hello,

On behalf of the City of Richmond, the attached Cover Letter and List of Improvements the Draft AB 617 Community Emissions Reduction Plan for Richmond, San Pablo, and North Richmond from the Richmond City Council is being sent for review and consideration.

Best regards,

Mrs. Trina Jackson-Lincoln  
City Council Liaison and Project Coordinator  
Richmond City Council Office





Office of the Richmond City Council

January 18, 2024,

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105

**Subject:** Public Comments on Path to Clean Air (PTCA) Community Emissions Reduction Plan Submission

To whom it may concern,

At the January 16, 2024, meeting of the Richmond City Council, the City Council approved a list of improvement requests; and directed staff to submit them to Bay Area Air Quality Management District before the deadline for Public Comments on January 19, 2024.

The Community Emissions Reduction Plan (CERP) Steering committee is committed to work in collaboration with Bay Area Air Quality Management District (BAAQMD) to create this draft plan. Due to the community engagement work, this draft plan is the first community plan to name Just Transition of all 19 communities across the state, to bring the local union into regulatory practices, to ask for community benefits policy, and to ask for a 35 percent – 50 percent reduction in exposure for disproportionately harmed residents in 10 years.

While the draft plan is directionally positive and provides much valuable information about our pollution problems and many positive strategy ideas, the Richmond City Council finds it lacking in its distillation of the critical success factors for significant emissions reduction and missing the aggressive milestones expected for its top strategies for public health improvement.

The City of Richmond is hereby submitting public comments to be taken into consideration for the final plan. Please refer to the attached list of improvement requests.

Best regards,

*Claudia Jimenez*

Claudia Jimenez, Vice Mayor  
Elected Council Member, District 6  
City of Richmond

*Eduardo Martinez*

Eduardo Martine, Mayor  
City of Richmond

**Attachment:** List of Requested Improvements to the Draft AB 617 Community Emissions Reduction Plan for Richmond, San Pablo, and North Richmond from the Richmond City Council

CC: Richmond City Council



**List of Requested Improvements to the Draft AB 617 Community Emissions Reduction Plan (CERP) for Richmond, San Pablo, and North Richmond from the Richmond City Council**

Richmond City Council would like to thank the work that CERP Steering committee in collaboration with BAAQMD has done. Here some major gains in the plan:

1. It is the first community plan to name Just Transition of all 19 communities across the state
2. It is the first plan to bring the local union into regulatory practices
3. It is the only plan to ask for community benefits policy.
4. It is the only plan to ask for a 35%-50% reduction in exposure for disproportionately harmed residents in 10 years

In the spirit of collaboration and the project’s purpose, we are submitting public comments to assist with the discussion on how to strengthen the plan so that the plan gets implemented. First, we would like to request BAAQMD for an extension of public comment period. We deeply appreciate the work of the CERP Steering Committee. However, this draft was not released until Dec 13, 2023, when many organizations were closed or community members were with family for the holidays.

Our comments fall into the following themes:

1. A need for greater focus on the critical success factors for our key emission reduction strategies.
2. More aggressive timelines and milestones for our key strategies.
3. The need to receive critical missing data and better analyzed data.

Concern/Improvement	Current Plan (text or point of view)	Completion Timeframe	Specific Needs & Rationale
Include a complete profile of the November 27 <sup>th</sup> Flaring Event (4 flares full bore for twelve hours plus periodic flaring afterwards)	No complete profile or analysis of any flaring event	Q2 2024	Produce a model report based on case scenarios on: <ul style="list-style-type: none"> <li>• Total emissions by flare and type of pollutant</li> <li>• Peak 1-hour emissions and dispersion of health impacts</li> <li>• Complete causal analysis</li> <li>• A dispersion model that shows the path and distance release</li> </ul>
Faster Development of tougher Flaring Rule amendments with goals	FR 2.6. Air District will initiate a rule development effort, further evaluating potential updates to flaring rules (Rule 12-11 and Rule	2024 Q2 Draft Q3 Public Comment	Amendments are not like new rules. They can be done more quickly. We need:

	12-12), by the end of 2024. Rule development efforts will aim to incorporate health impacts analyses, enhance rule enforceability, and establish new and/or more stringent limits	Q4 Board Approval	<ul style="list-style-type: none"> <li>• An event classification system based on cause and health impacts.</li> <li>• Effective Chevron reporting requirements</li> <li>• New penalties by type of event or total annual events, with multipliers for repeat offenses.</li> </ul>
Discuss 75% Reduction in annual flaring events with Chevron senior management.	No suggestion in the plan that this is important. No clear analysis of the causes of the 3-4X overall increase in flaring since 2018. No specific goals, despite the fact that many large refineries keep flaring events to mid-single digits	Q2 2024	When the city council or mayor declares that these events are impacting the community negatively, Chevron should come to talk to the city council after 10 days of the incident
Discuss the health impacts of the significant 2019 to 2021 increases in 8 of 10 of the most dangerous TAC emissions from the refinery and their legal fight against the Cat Cracker wet scrubber rule (6-5) with Chevron senior management.	No analysis of why these changes happened, although we assume it is the higher sulfur content of the crude being processed. No measurement of the increase in health risks. No explanation of Chevron's arguments against Rule 6-5.	Q2 2024	When the city council or mayor declares that these events are impacting the community negatively, Chevron should come to talk to the city council after 10 days of the incident Let's hear them explain, for example, the 275% increase in sulfuric acid and their plans for reduction.
Beef up Rule 11-18. Pass the amendments by the end of 2024. Model the impact of tightening the chronic health & cancer risk thresholds in Rule 11-18 by 20 and 30%. What reductions in which emissions would these changes likely force? Analyze with Chevron and	Currently, the plan says: <ul style="list-style-type: none"> <li>• Rule 11-18 is our key strategy for reducing TAC emissions and lays out a strategy for fixing the implementation delays (no impact in last 5 years).</li> </ul>	Q2-4 2024  Some of this must be in the Plan to show clear direction; further analysis can be added later in	BAAQMD needs to do 2 things to make 11-18 work. One is to make sure Chevron complies with tighter regulations that force faster emission reductions. The 2nd is setting emission reduction goals and modeling the various ways to achieve them,

<p>ChemTrade If these reductions are possible at current production levels and with current feedstock sulfur levels.</p>	<ul style="list-style-type: none"> <li>• BAAQMD doesn't know what emission reductions to expect.</li> <li>• BAAQMD will need to provide better information on how they are planning to achieve any reductions within the next 4 years. (A rule passed in 2018 will have no impact until 2028 and remains highly uncertain)</li> </ul>	<p>annual reports</p>	<p>uncovering the limits of 11-18 and considering all possible ways to achieve the 30-40% reduction goal, including export limits.</p>
<p>Request the California Air Resources Board and OEHHA review the current state of basic health research for our ten highest impact pollutants. Evaluate whether some existing risk factors could underestimate the health impacts. Create a range of risk factors to support sensitivity analysis. Secure funding for more research on our most damaging pollutants (sulfuric acid, nickel, benzene, particulate matter (PM), etc.)</p>	<p>The plan suggests that the Air District and Community Steering Committee (CSC) advocate for basic research, track funding cycles, and make proposals.</p> <p>While it is clearly possible that the health risk factors we currently use could understate certain risks, there is no urgency or priority in the plan to test and improve our knowledge. If the toxicity rating for one TAC such as sulfuric acid was underestimated by 25-50% (very possible!), it would dramatically affect our understanding and priorities.</p>	<p>2025</p>	<p>This is the fundamental research needed by all California refinery communities and US EPA funding should be easy to obtain. We need this to ensure the best possible targeting of our emissions reduction strategies and tactics.</p>
<p>Provide a list of all emission-related penalties of \$5,000 or more over the last 5 years. Include firm, date of violation, and specific violation.</p>	<p>No data and no analysis or commentary in the plan</p>	<p>Q2 2024</p>	<p>This should be a living document that is actively updated with the most current data to provide information to the public. This can be linked to the information provided by the plan.</p>

<p>Provide a list of all permitted facilities whose emissions are included in our current emissions inventory reports.</p>	<p>Not in the plan</p>	<p>Q2 2024</p>	<p>We have the impression that there are some polluting firms or some operations of polluting firms that are not currently included. What's missing?</p>
<p>What were the 841 Title V permit violations in 2019-2022 about? What enforcement actions have been taken? What's the plan for compliance in this area?</p>	<p>Not in plan</p>	<p>Q2 2024</p>	<p>Has BAAQMD spoken with senior management at Chevron about this? How did it go?</p>
<p>Add 2 Strategy Summary tables, one for emission reduction strategies and the other for all other strategies. Target length for both together would be around 8-10 pages.</p> <p>Each row should include a clear one sentence description of the strategy, key implementation milestones, critical success factors, funding requirements if any, and responsible agency</p>	<p>The current plan is overwhelming and fragmented. It is difficult to work with. It often buries the real strategies in the individual actions, and it is difficult to see the whole picture, in part due to the lack of specific goals and firm target dates. There is no place where you can see the whole plan with milestones, responsibilities, and impacts in a few pages.</p> <p>Diving down into a single strategy, look at <u><i>Reduce Exposure and Public Health Impacts from Toxic Air Contaminants Emitted by the Fuel Refining Sector</i></u>. It includes only a general end state goal of 30-50% by 2035. That's great but it lacks crisp, aggressive milestones. We see nothing on what to expect by 2026 or 2030. Or what the critical success factors are. Also note we could have 2 strategies as 4 Actions could</p>	<p>Q2 2024</p>	<p>Maybe this format and this length is helpful to BAAQMD, but it is not good for transparency, community engagement or accountability. Who is this plan for?</p> <p>See previous point about needing to model the impact of health risk threshold reductions on the impact of Rule 11-18. Without doing this, you can't fill out the row in the requested table</p>

	be combined. all related to implementing Rule 11-18.		
What's the budget for all of this?	<p>No description of costs or funding sources in the plan</p> <p>Some of these strategies must require new funding. How and when do we find out which strategies can be funded adequately from which sources? How will we set priorities in a world of limited resources?</p>	2025	The Richmond City Council would like to participate in any discussions about priorities
Schedule a presentation of the final draft Community Emissions Reduction Plan to the Richmond City Council by BAAQMD's CEO with a focus on the critical path and key milestones for goal achievement. Show how we will get to a 30-40% reduction in PM2.5, NOx and toxicity-weighted TAC emissions by 2035 and a 75% reduction in flaring event by 2025. Review the status of the funding picture as well as our legal challenges, current delays, and possibilities.	Not in the plan	Q2 or Q3 2024	There needs to be an in-person meeting with face-to-face discussion and commitments.

# Attn: Planning and Climate Protection Division: Comments to Richmond-San Pablo AB617 Draft CERP

Osterberg, Todd [REDACTED]

Fri 1/19/2024 2:46 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

📎 1 attachments (418 KB)

Final Draft Path to Clean Air Plan\_CVX comments\_20240119 .pdf;

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Good afternoon,

Chevron appreciates the opportunity to review and comment on the Bay Area Air Quality Management District's December 2023 Path to Clean Air, Draft Community Emissions Reduction Plan. Chevron acknowledges the efforts of the community to engage with stakeholders, including emissions sources, in an effort to work collaboratively to achieve the AB 617 goals. We thank you for the opportunity to comment on these matters. If you have questions regarding our comments, please contact Todd Osterberg at (510) 242-2813. Thank you.

***Todd E Osterberg***

Advocacy Specialist

Chevron Richmond Refinery

**Health, Safety & Environmental**

**Chevron Manufacturing**





**Kris Battleson**  
HSE Manager, Richmond Refinery

January 19, 2024

**via email: [aqplanning@baaqmd.gov](mailto:aqplanning@baaqmd.gov)**

Planning and Climate Protection Division  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105

**RE: Comments on Draft AB617 Path to Community Emissions Reduction Plan**

Chevron appreciates the opportunity to review and comment on the Bay Area Air Quality Management District's ("BAAQMD") December 2023 Path to Clean Air, Draft Community Emissions Reduction Plan ("the Plan"). Chevron is a major refiner and marketer of petroleum products and renewable fuels in the state of California, and Chevron's Richmond Facility is located in the BAAQMD.

The approximately 3,000 people that work at Chevron Richmond are proud of what we do and how it benefits the community and economy we share. Our business activity empowers our community with good jobs, local spending, community support and affordable, reliable and ever-cleaner energy. Chevron has a long-standing commitment to reduce emissions at our Richmond facility. Our recent major investment in our Modernization Project is a great example of efforts and increase the safety and reliability of the facility. For example, this project enabled an approximate 40 percent reduction of particulate matter emissions facility-wide. Chevron recognizes the value of complete and accurate air quality data to support the AB 617 process. In fact, for nearly 10 years the Chevron Richmond Refinery has supported an independent community air monitoring program within our neighboring communities and has made that data available publicly through the third-party website [richmondairmonitoring.org](http://richmondairmonitoring.org). It is imperative that the Plan's focus areas are grounded by real and up to date air quality measurements and data. Chevron Richmond remains committed to working collaboratively as a member of the steering committee and with the BAAQMD throughout this process. Chevron recommends that BAAQMD consider the below overarching legal comments in addition to technical comments made herein.

Following are Chevron's comments in response to topics discussed in the Plan.

**I. Legal Comments**

***A. There must be underlying legal authority to conduct the actions in the Plan.***

The Plan includes myriad strategies and actions for achieving the core vision and principles of the Plan. Regulatory agencies such as BAAQMD and the California Air Resources Board ("CARB"), however, are creatures of statute and only possess the authority granted to them by the



legislature.<sup>1</sup> For example, as described in the Plan, BAAQMD and CARB have varying, and often distinct, authority based on geography and source type.<sup>2</sup> The mechanism for implementing this authority is often done pursuant to rulemaking. Rulemaking, at either the CARB or BAAQMD level, is required to be done pursuant to specific procedural processes described in the California Administrative Procedure Act (“APA”), the California Environmental Quality Act (“CEQA”) and/or the Health & Safety Code.<sup>3</sup> This includes both the initial rulemaking for a given goal and any amendments to that rulemaking. Importantly, any actions taken by BAAQMD or CARB with respect to the Plan’s elements must be authorized either by statute or by a duly promulgated rule adopted by the agencies. Where no such authority exists in existing rules or regulations, CARB or BAAQMD must undergo rulemaking, pursuant to the requirements of the Health & Safety Code or the APA, as applicable, before any such action can be taken.

#### 1) Permitting Activities

The Plan vaguely refers to “permitting actions to address permitted facilities.”<sup>4</sup> BAAQMD issues permits and permit amendments pursuant to specific permitting regulations (e.g., BAAQMD Rule 2-1 and 2-2). These regulations, and the underlying statutes authorizing the permitting program, are limited to the construction of new sources and the modification of existing sources.<sup>5</sup> BAAQMD cannot unilaterally open a permit and impose new requirements absent one of these triggering events.<sup>6</sup> Accordingly, any permitting action, including the imposition of permit conditions, best available control technology, or other limitations is only authorized when triggered pursuant to actions described in the existing rules. To impose any other changes via permit, there must be rulemaking conducted pursuant to the Health & Safety Code.

#### 2) Emissions Monitoring

The Plan discusses using enhanced monitoring and data analysis to help improve emissions modeling, rule development, compliance and enforcement, and public communication.<sup>7</sup> Additionally, the Plan lists actions BAAQMD proposes to undertake to reduce pollution and negative health impacts associated with stationary sources. One of these actions is to “[i]mprove source emissions monitoring and reporting for the Chevron Refinery and fuel refining-related facilities.”<sup>8</sup> Changes to monitoring and reporting requirements must be made pursuant to existing regulatory authority or by promulgating new rules. Modifications to existing permits are

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<sup>1</sup> See California Health & Saf. Code §§39002, 39003, 40000 et seq.

<sup>2</sup> See Draft Clean Air Plan. at 58; Health & Saf. Code §§39002, 40000.

<sup>3</sup> See Govt. Code §11340-11365; Health & Saf. Code §40725 et seq.

<sup>4</sup> Draft Clean Air Plan at 86.

<sup>5</sup> See BAAQMD 2-1-101 (“The purpose of Regulation 2 is to provide an orderly procedure for the review of new sources of air pollution, and of the modification and operation of existing sources, and of associated air pollution control devices, through the issuance of authorities to construct and permits to operate.”)

<sup>6</sup> The only exception is that a permit can be modified upon annual renewal where a permit is found to omit conditions adequate to ensure compliance with and enforceability of rules which were in effect at the time the permit was issued or modified, or when a rule, subsequently adopted, is made retroactively applicable to the relevant equipment. See Health & Saf. Code §42301(e).

<sup>7</sup> Draft Clean Air Plan. at 97.

<sup>8</sup> Id. at 99.





authorized only in specific situations, as described above, and BAAQMD may not modify a permit without an underlying applicable requirement.

3) Flaring Activities

The Plan seeks to reduce flaring activities to “an ultimate goal of zero routine or planned flaring.”<sup>9</sup> This objective is based on concerns over increased flaring events and emissions associated with such flaring. Flaring is a highly regulated activity within the BAAQMD and is only permitted under specific circumstances. Chevron Richmond remains focused on minimizing and preventing flaring. However, flaring is an important safety mechanism for refineries and is allowed under BAAQMD rules (e.g., BAAQMD Rule 12-11, BAAQMD Rule 12-12). Moreover, in some cases, flaring is the desired abatement for emissions associated with refinery processes (e.g., BAAQMD Rule 13-5). Thus, any action taken pursuant to this objective must be done pursuant to duly promulgated rulemaking pursuant to the Health & Safety Code, and any other applicable law, recognizing the important safety function that flares provide.

4) Out of Scope Activities

The purpose of AB617 is to “reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden (overburdened communities) to these forms of air pollution.”<sup>10</sup> The Plan, however, includes action items unrelated to air pollution. For example, the Plan asserts that it is rooted in “Just Transition principles,” but these principles are not included in AB 617, nor the California Air Resources Board’s Blueprint 2.0,<sup>11</sup> which is the legal basis for this Plan. The concept of a “just transition” does not relate to emission reductions and is more akin to providing a safety net for workers and residents impacted by the State’s goals of eliminating an entire industry.<sup>12</sup> While certain historical and community needs and goals are important (e.g., addressing redlining, reparations, and food access), they are likewise outside of the scope of AB 617 as they do not address emission reductions and should be removed and addressed through a different process.

***B. Enforcement is not a public process.***

The Plan also lists as an objective to reduce pollution and negative health impacts associated with stationary sources that BAAQMD “will coordinate on enforcement with federal, state (USEPA, CARB, and the Attorney General’s Office) and local enforcement partners (District Attorneys, City and County Counsel) on fuel refining violations, enforcement, and other legal issues, as appropriate.”<sup>13</sup> Such extensive coordination and resources should only be used when appropriate. The vast majority of notices of violation, or those with little or no public impact, for

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<sup>9</sup> *Id.* at 95.

<sup>10</sup> CARB, *Community Air Protection Program Blueprint 2.0* at 1, [https://ww2.arb.ca.gov/sites/default/files/2023-09/BP2.0\\_Final\\_Draft\\_9.24.2023\\_FD.pdf](https://ww2.arb.ca.gov/sites/default/files/2023-09/BP2.0_Final_Draft_9.24.2023_FD.pdf) (Sept. 2023).

<sup>11</sup> *Community Air Protection Program Blueprint 2.0* at [https://ww2.arb.ca.gov/sites/default/files/2023-09/BP2.0\\_Final\\_Draft\\_9.24.2023\\_FD.pdf](https://ww2.arb.ca.gov/sites/default/files/2023-09/BP2.0_Final_Draft_9.24.2023_FD.pdf)

<sup>12</sup> See Executive Order N-79-20.

<sup>13</sup> *Draft Clean Air Plan* at 99.



example, should not be subject to enforcement at multiple government levels because it would create an overly burdensome and inefficient process.

In addition, the Plan requires increased community engagement regarding penalties and enforcement. In particular, the Plan requires coordination with the Community Steering Committee (“CSC”). The Plan states that BAAQMD will “provide quarterly and annual updates to CSC about penalties assessed against fuel refining sector facilities and all other sources in the PTC area.” BAAQMD “will collaboratively develop, with the CSC, and pilot legal enforcement approaches for fuel refining facilities within one year of final approval of the PTCA Plan” to be expanded to cover all PTCA sources.<sup>14</sup> Enforcement is not a public process, and penalty determinations are made pursuant to statutorily prescribed penalty amounts, mitigation factors, and long-held principles of proportionality and parity, the authority of which is bound to the air pollution control officer (and the District) exclusively and provides no authority for public input or participation.<sup>15</sup>

## II. Technical Comments: Draft Plan

Chevron provides miscellaneous comments below on various aspects of the Plan.

- The below statements about Chevron’s Richmond facility are inaccurate:
  - Table 5-11 lists emissions associated with Chevron Refinery.<sup>16</sup> As previously acknowledged by the District in the 12-15 Emissions Inventory (EI) for Reporting Year (RY) 2019, the emissions value for hexavalent chromium should be 3.17 lbs. Emissions of other TACs in Table 5-11 were inflated above the values reported in the RY2019 12-15 EI as follows: Arsenic (50%), Benzene (42%), Hydrochloric Acid (37%), Manganese (407%), Nickel (3%). These values should be corrected as shown in the table.
  - Key Issue 2 on page 91 states that there is a “*lack of accountability with respect to compliance with Air District Regulations*” because “*86% of Air District Notices of Violations within the PTCA area are associated with Chevron and other fuel-refining related sources.*”<sup>17</sup> Chevron takes compliance with applicable rules and regulations seriously and employs dozens of full-time staff who are focused on implementing programs to ensure compliance, for such requirements such as permit conditions issued by BAAQMD. Unfortunately, the above statement is misleading for several reasons. First, Chevron Richmond is the largest regulated stationary source in the Plan’s area, having approximately 600 sources. Second, the existence of NOV’s does not equate to a “*lack of accountability.*” In fact, 90% of NOV’s for the Refinery are the direct result of Chevron self-reporting permit deviations, many of which are not related to a physical air quality exceedance (i.e., late report submittal). Third,

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<sup>14</sup> *Id.*

<sup>15</sup> See Health & Saf. Code §§40752 (duties of APCO), 42400 et seq. (penalty limits and required mitigation factors).

<sup>16</sup> *Draft Clean Air Plan* at 47

<sup>17</sup> *Id.* at 91.



compliance inspections are conducted by BAAQMD enforcement staff one (1) to two (2) times per week. This is more frequent than any other facility in the Plan’s area. The Plan should utilize a more accurate analysis for determining which facilities are characterized as ‘frequent violators’ by normalizing the data to number of NOVs per source and then examining and comparing the results.

- The number of BAAQMD inspectors assigned to the Refinery is incorrectly stated on page 59<sup>18</sup>, BAAQMD has six inspectors dedicated to the Refinery, four full-time and two part-time inspectors.
- The Plan should recognize the significant progress Chevron has made regarding emissions reductions:
  - Page 21 of the Plan states that “air monitoring data shows that levels of some pollutants including fine particulate matter (PM2.5) and certain toxic air contaminants (TACs), have not improved over the past ten years.”<sup>19</sup> The Plan should acknowledge the significant progress Chevron has made regarding emissions reductions. Chevron’s Modernization project, for example, has reduced PM2.5 from the refinery by approximately 40%. Please see below for the PM2.5 emissions reductions from 2018 – 2022 per the 12-15 EI. Additionally, Appendix B states that Chevron “emits more fine particulate matter and sulfur dioxide than all other contribution sources in our community combined[.]”<sup>20</sup> This sentence is not supported by the analysis in Chapter 5 and should be deleted. It should also be recognized that Chevron made several commitments, as part of the recent Modernization Project Conditional Use Permit with the City of Richmond, related to air quality. These include no net increase in criteria air pollutants, no net increase in health risk from TACs, and no physical increase in greenhouse gas emissions compared to the Project’s baseline.

Year	PM Emissions (tons/yr)	Reduction compared to 2018
2018	539.567	-
2020	367.704	-32%
2021	348.296	-35%
2022	229.764	-57%

<sup>18</sup> *Id* at 59.

<sup>19</sup> *See also id.* at 57, 91.

<sup>20</sup> *Id.* Appendix B at B-1.



- The plan mischaracterizes pollutants in the following places:
  - On page 40, the Plan incorrectly discusses ammonia as a Criteria Air pollutant when it is actually a Toxic Air Contaminant.<sup>21</sup>
  - On page 91, the Plan incorrectly describes PM<sub>2.5</sub>, NO<sub>x</sub>, and SO<sub>x</sub> as “toxic emissions.”<sup>22</sup>
  - The Plan discusses manganese emissions throughout the document.<sup>23</sup> However, the Plan fails to acknowledge that Health Risk Assessments (“HRA”) show that manganese does not significantly contribute to health risks because it contributes little to chronic toxicity and does not cause cancer or acute toxicity.<sup>24</sup> Also, the bioavailability of manganese differs based on whether it is ingested or bound to something and not bioavailable (such as in food, soil, and particulate). The Plan should distinguish between these two kinds of exposure in its discussion of community exposure to manganese.
  - Figure 5-16 shows benzene concentrations for January through March 2022.<sup>25</sup> BAAQMD should be wary of drawing conclusions from such a limited data set. Additional data, spanning more than three months, is needed to understand the data and emissions trends. Additional information on Benzene monitoring conducted by all US Refineries can be found on EPA’s fence line Monitoring Data Collection and Reporting website [https://awsedap.epa.gov/public/extensions/Fenceline\\_Monitoring/Fenceline\\_Monitoring.html?sheet=MonitoringDashboard](https://awsedap.epa.gov/public/extensions/Fenceline_Monitoring/Fenceline_Monitoring.html?sheet=MonitoringDashboard).
  - Table 5-10 shows emissions from selected TACs and includes acrolein emissions.<sup>26</sup> As pointed out by BAAQMD’s Air Toxics New Source Review Program HRA Guidelines, CARB has identified that there is currently no CARB-approved test method for acrolein from stationary sources. Accordingly, BAAQMD stated that they will “exclude acrolein emissions from the final HRA results on which risk management decisions will be based.”<sup>27</sup> Thus, acrolein should not be considered in any Plan activities until such time as an approved

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<sup>21</sup> *Draft Clean Air Plan* at 40.

<sup>22</sup> *Id.* at 91.

<sup>23</sup> *Id.* Figure 4-2 at 18, 45, 52, 54.

<sup>24</sup> BAAQMD, *Air Toxics Control Program Health Risk Assessment Guidelines* at 7, [https://www.baaqmd.gov/~media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215\\_hraguidelines-pdf.pdf?la=en&rev=eb18ff83f96049fa84d54552b58baee3](https://www.baaqmd.gov/~media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215_hraguidelines-pdf.pdf?la=en&rev=eb18ff83f96049fa84d54552b58baee3) (Dec. 2021).

<sup>25</sup> *Draft Clean Air Plan* at 39.

<sup>26</sup> *Id.* at 46.

<sup>27</sup> BAAQMD, *Health Risk Assessment Guidelines*, at 10 (Dec. 2016) [https://www.baaqmd.gov/~media/files/planning-and-research/permit-modeling/hra\\_guidelines\\_12\\_7\\_2016\\_clean-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en).



test method is available.

- Page 51 discusses combined emissions values for various categories, concluding that “[f]or chronic HI, vehicles and trucks and fuel refining are again important accounting for about 90% of the...value that is attributable to local sources.”<sup>28</sup> The Plan should acknowledge that these levels (chronic HI) are 10 times below any benchmark level of concern.<sup>29</sup> Additionally, the phrase “chronic risks” is used in this section to describe pollutants. This phrase is usually associated with cancer risk discussions, and the listed chemicals are not all carcinogens (manganese, sulfuric acid). The Plan should use the phrase “health hazard” instead of “health risk.” This same change should also be made on page 54.
- The Plan should include citations for all data used. Below are instances where the Plan presents data without citations.
  - General comment: There are numerous discussions of, and references to Chevron Richmond refinery emissions. All such discussions and references should include citations for all figures and dates for those emissions.
  - Figure 5-19 shows modeled contributions from local sources to chronic hazard index and applies population weighting to the data.<sup>30</sup> Any data depiction of hazard index should include source and date of data. No citations are included for this data and the application of population weighting contradicts USEPA guidance. For example, USEPA (2009) guidance for inhalation risk assessment from a point source explains that you may use an exposure concentration to represent various microenvironments, but under USEPA guidance, such calculations do not “weight” findings according to the population of any given site under assessment.<sup>31</sup>
  - Figures 5-22 and 5-25 lack citations.<sup>32</sup> Citations are essential to show the source of all data and year of analysis. Citations are also lacking for discussions of this data on page 54.
  - The Plan states that “approximately half of harbor craft and other marine vessel activity in the PTCA area are connected to Chevron and other fuel refining operations.”<sup>33</sup> However, there are no citations for this statement, and it is unclear how this was determined.

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<sup>28</sup> *Draft Clean Air Plan* at 51.

<sup>29</sup> See BAAQMD Rule 11-18-218.

<sup>30</sup> *Draft Clean Air Plan* at 51.

<sup>31</sup> See EPA *Risk Assessment Guidance for Superfund, Vol. I: Human Health Evaluation Manual (Part F, Supplemental Guidance for Inhalation Risk Assessment)* (Jan. 2009).

<sup>32</sup> *Draft Clean Air Plan* at 53, 54, 56.

<sup>33</sup> *Id.* at 56.



- The section “Source Attribution Analyses” identifies emissions contributions by sources based on “areas of concern identified by the community.” The Plan should include a citation for documentation of what these areas of concern are and when they were identified by the community.<sup>34</sup>
- Figures 6-9 and 1-10 are missing legends.<sup>35</sup>

### III. Technical Comments: Appendix C

- Appendix C, Page C-8 states “*For example, in its rulemaking for the current national 1-hour SO<sub>2</sub> standard of 75 parts per billion (ppb), the U.S. Environmental Protection Agency noted that exposure to SO<sub>2</sub> at levels as low as 200 ppb for 5-10 minutes has been experimentally shown to cause moderately or severely decreased lung function in some exercising asthmatics.*”<sup>36</sup> There is no 5–10-minute standard for SO<sub>2</sub>. The Plan should not rely on unverified experimental results.
- Appendix C, Page C-10 states “*Insights from modeling can sometimes be corroborated by air monitoring if some of the modeled potential scenarios actually occurred. As noted above, model predictions carry a degree of uncertainty, which is generally larger for more specific predictions (like what would happen under a single set of circumstances, rather than across a range of possibilities), so it is unreasonable to expect perfect agreement. Holding this aside, if air monitoring data do not show the same distribution of SO<sub>2</sub> levels that the modeling predicted (in this case, 1-hour averages over 75 ppb), it still does not mean that such impacts could not occur in the future under the right combination of conditions. Predicted impacts could also have occurred in the past, but at a location that did not have an SO<sub>2</sub> monitor.*”<sup>37</sup> This statement appears to dismiss monitoring data. Actual monitoring data, where available, should always take precedence over modeling results.
- Appendix C, Page C-10 states “*Numerous occurrences of hourly SO<sub>2</sub> concentrations above typical hourly levels were observed, including some occurrences of hourly concentrations approaching 75 ppb (Figure A- 3). While none appeared to be traceable to a reported flaring event,<sup>10</sup> the possibility still remains of flaring-related impacts at non-monitored locations, as well as the potential for future impacts at any location in the PTCA region.*”<sup>38</sup> This conclusion is not scientifically justifiable. Dismissing ambient monitoring data from BAAQMD or Chevron monitors in favor of modelling data is not a sound approach.

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<sup>34</sup> *Id.* at 51.

<sup>35</sup> *Id.* at 69.

<sup>36</sup> *Id.* Appendix C at C-8.

<sup>37</sup> *Id.* Appendix C at C-10

<sup>38</sup> *Id.* Appendix C at C-10



#### IV. Technical Comments: Appendix D

- Appendix D, Pages D-1 and D-2, monitors operated by PSE Health Energy are omitted from the 'Background and Resources On Air Monitoring Programs And Projects' section.<sup>39</sup>
- Appendix D, Page D-2, states “*These air sensors (Groundwork Richmond, Ramboll,), their siting/placement, and the data they provide do not undergo the same rigorous quality control and assurance protocols that are used for the Air District’s fixed-site air monitoring network. However, the data from these networks can still show relatively large differences between locations or times that are helpful in identifying potential sources of fine particulate matter.*”<sup>40</sup> Given that these low-cost air sensors do not undergo the same siting and QA/QC as Air District’s fixed-site air monitoring network, the Plan should not make assumptions about the data produced from such sensors without verifying that data utilizing trusted scientific methods.
- Appendix D, Page, D-3 states  
“*Data from the refinery ground-level monitors are not subject to the NAAQS since they are inside a facility fenceline, but they do show numerous occurrences of SO2 concentrations approaching and exceeding the NAAQS (75 ppb) at the Chevron-Castro monitor.*”<sup>41</sup>  
“*Data from the refinery ground-level monitors are not subject to the NAAQS since they are inside a facility fenceline, but they do show numerous occurrences of SO2 concentrations approaching and exceeding the NAAQS (75 ppb) at the Chevron-Castro monitor.*”<sup>42</sup> Data gathered by GLMs cannot be compared to the NAAQS. There are several reasons for that; NAAQS monitors are designed and sited for the purpose of measuring regional air quality. Whereas Refinery GLMs are designed to measure local air quality and are sited inside the Refinery perimeter which is not appropriate for a NAAQS monitor.
- Appendix D, Page D-6, states “*Chevron operates fenceline air monitoring systems for compliance with Air District Regulation 12, Rule 15 (Rule 12-15)18 as well as the U.S. EPA’s Refinery Maximum Achievable Control Technology (MACT) Rules.19,20 These air monitoring systems are intended to provide information about refinery emissions that cross the refinery fenceline into neighboring communities*”<sup>43</sup>

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<sup>39</sup> *Id.* Appendix D at D-1 and D-2.

<sup>40</sup> *Id.* Appendix D at D-2.

<sup>41</sup> *Id.* Appendix D at D-3.

<sup>42</sup> *Id.* Appendix D at D-3.

<sup>43</sup> *Id.* Appendix D at D-6.



These GLMs were installed for compliance with BAAQMD Rules 9-1 and 9-2 prior to the existence of Rule 12-15. While GLMs are intended to provide data on potential refinery emissions, as with any ambient air monitor, GLMs measure emissions from all sources in the area. There are numerous anthropogenic and natural sources of pollution in the PTCA area that may contribute to GLM measurements.

- Appendix D, Page D-6 states *“Under an agreement with the City of Richmond, Chevron also operates three community air monitoring sites that provide measurements for several pollutants...”* This statement should be changed to the following, as Chevron presently funds the third-party operation of these monitors at the Company’s discretion. *“Chevron also funds the third-party operation of three community air monitoring sites that provide measurements for several pollutants, including PM2.5 and selected VOCs.”*

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Chevron acknowledges the efforts of the community to engage with stakeholders, including emissions sources, in an effort to work collaboratively to achieve the AB 617 goals. We thank you for the opportunity to comment on these matters. If you have questions regarding our comments, please contact Todd Osterberg at [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Battleson", with a horizontal line extending to the right.

Kris Battleson



**From:** [Joseph Puleo](#)  
**To:** [Air Quality Planning](#)  
**Subject:** AB 617. Public comments  
**Date:** Friday, January 19, 2024 11:22:44 AM

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**CAUTION:** This email originated from outside of the BAAQMD network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

In 2014 BAAQMD approved Chevron's refinery modernization plan. The modernization allowed Chevron to refine feed stock with much higher Sulphur content. This feed stock contains higher amounts of toxic elements such as heavy metals and produces other pollutants such as sulfuric acid, hydrogen cyanide, formaldehyde, and benzene among others.

This is due to both the cheaper grade of crude and the large increase in flaring to over 20 incidents per year.

BAAQMD failed to require Chevron to mitigate the dangerous effects until 2021 when it required Chevron to install wet scrubbers to reduce these pollutants. CBE had requested BAAQMD do so in 2014 but its request to install said scrubbers was ignored.

Chevron filed suit soon thereafter the wet scrubbers were required.

It is now ten years later and the refinery's pollution is much worse than in 2014.

What is BAAQMD's plan to defeat this lawsuit? Has BAAQMD any plan to pursue other avenues such as legislation, regulation or other legal venues?

We demand at least an 80% reduction in flaring and a large reduction in toxic air contaminants.

There must be a hard timeline to achieve this result with periodic goals along the way.

Fining Chevron is useless. Any such fine is just absorbed as a minor cost of doing business.

We know this reduction is eminently possible and that Chevron knows how to achieve it.

A denial of the use of cheaper high Sulphur feed stock, rather than a fine, would pose a serious penalty to Chevron's bottom line.

Respectfully submitted; Joseph Puleo

**From:** [Susan Wehrle](#)  
**To:** [Air Quality Planning](#)  
**Subject:** AB617  
**Date:** Friday, January 12, 2024 9:51:53 PM

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My family supports the Path to Clean Air Community Emissions Reduction Plan. We are Richmond residents, and we recognize that we all have a right to clean air and good health. Let us make this a reality.

Sincerely,  
Susan Wehrle

[REDACTED]

**From:** [TARNEL ABBOTT](#)  
**To:** [Air Quality Planning](#)  
**Subject:** comments - Draft Community Emissions Reduction Plan  
**Date:** Thursday, January 18, 2024 9:01:24 AM

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The Draft Community Emissions Reduction Plan is a good start, but, as our Richmond City Council asked for, before finalization it needs significant improvement to strengthen it such as more and better analyzed data, tougher strategies, and more milestones with goals. BAAQMD should use this proposed plan to live up to its Mission Statement: "The Air District aims to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate." Instead, it allows the long-standing practice of protecting Chevron's profits over the health of residents to continue.

It is well documented that Chevron's Richmond refinery is the biggest greenhouse gas/ air polluter in the downwind communities of Richmond, North Richmond and San Pablo. These are environmental justice communities with majority low income and people of color populations, and according to CalEnviroScreen 4.00 these communities rank highest (80-100 percentile) for pollution. The cumulative impacts of toxic air pollutants that burden residents have caused higher rates of asthma, cardiovascular disease and other health problems.

Where is the plan to reduce flaring to a minimum such as 5 to 7 incidents per year instead of 20 plus? If big fines were imposed, would they upgrade their equipment to prevent flaring? There is no analysis of the emissions and health impacts of bad flaring events such as the one in November 2023. Lacking this, the plan is incomplete and unacceptable. What kind of regulations can be imposed on Chevron to "create a healthy breathing environment" ? The draft plan doesn't show how we reduce PM2.5, NOx, and toxic air contaminants by 40%. There are no milestone steps and it just seems too fuzzy and uncertain. Do we need to limit exports or force Chevron to use cleaner feedstocks to get to a 40% reduction?

Chevron is very profitable; maybe they need to pay more to protect the health of the people who live here. When will BAAQMD demand that human and environmental health needs to count for more than industry profit?

Tarnel Abbott, Richmond Resident

**From:** [Steve Early](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Comments on Path to Clean Air (PTCA) Community Emissions Reduction Plan  
**Date:** Sunday, January 14, 2024 3:48:50 PM

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**CAUTION:** This email originated from outside of the BAAQMD network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

1. I am a Richmond resident and Chevron refinery neighbor, responding to BAAQMD's request for comment on the draft CERP. Last year, our City Council urged to develop a plan that would reduce flaring by 75% - back to the level before the company's "Modernization Project" was approved by the city in 2014.

Reading this plan, we find that BAAQMD doesn't know what pollutants are being emitted or what the possible health impacts really are. There isn't a clear plan for forcing Chevron to reduce the number of flaring events per year - just some sort of vague commitment to having such a plan in the future. This is unacceptable. The smoke from the last major flaring event in November was worse than the fire of 2012.—I was here for that one too. Until you address this major issue appropriately for real flaring reduction, your CERP isn't ready for approval.

If our state legislature was committed to funding an effort to reduce pollution in our most polluted communities, they should be open to the possibility that completely new regulatory initiatives may be needed. While we work to make the traditional best available technology-based rules succeed and work with the legislature to create tougher penalties, we should, at the same time, look into new ideas - like export limits as a way to reduce the amount of fuel refining we permit and requiring that fuels be made from cleaner feedstocks.

These non-traditional approaches to regulation would, of course, be legally contested by Chevron. But, if implemented, they would certainly help us move faster toward our goal of reducing toxic pollution by 30-50%. And we might not be able to succeed without them. Why should Richmond be badly polluted to help Chevron sell gas and jet fuel to Asia? Or to save \$5-10/barrel on dirtier, higher-sulfur feedstocks?

In 2014 BAAQMD recommended approval of Chevron's Modernization project and said it would have no negative impact on emissions or public health. Now, ten years later in Richmond, 8 of 10 of the top TAC pollutants for chronic health risk have increased significantly, with sulfuric acid up 275% from 2019 to 2021. Chevron clearly misrepresented the impact of its project and BAAQMD accepted its projections and thus did not foresee the actual adverse health impacts.

Given how successful Chevron has been at delaying and obstructing the implementation of past process safety rule making and/or environmental protection enforcement by the state, BAAQMD should be cutting the company no slack now or in the future—on issues like flaring reduction—given this company's long history of misbehavior in our community.

Steve Early

**From:** [Garry Hurlbut](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Comments on Path to Clean Air (PTCA) Draft Community Emissions Plan  
**Date:** Friday, January 19, 2024 10:17:56 AM

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## CHEVRON EMISSIONS – HEALTH RISK AND RECOMMENDATIONS

Perspective and Background: I am fortunate to have been exposed to many large-scale projects in my career and learning from a number of successful large projects as well as some missteps along the way. After serving as a fighter pilot during the Vietnam War, I went back to school to get a master's degree in Mathematics, Technology and Project Management. I was privileged to get hired by Ross Perot from Electronic data Systems (EDS) to lead projects for large companies. I had a chance to observe and learn about the factors that lead to successful implementation of big projects as well as some of the considerations that led to the failure to achieve critical objectives. I then moved to Kaiser Permanente (KP) to serve as the Chief Operations Officer of Information Technology. After the successful implementation of the Electronic Information Project at KP, I retired and moved to Point Richmond.

My wife, Maryn, and I continue to participate and manage volunteer projects within Richmond. In fact, Maryn, who consulted with me on this email, had established and managed an international company, Technology Affiliates International, which completed many successful large projects for manufacturing, airline and utility companies before she retired.

The reason that we are listing this background is to help establish some project management credibility from our experiences in the past and our observations of the shortcomings in past (and recent) 'project management' efforts by Chevron and BAAQMD.

First off: The exhibits produced by Jeff Kilbreth and Marisol Cantu relating to AB 617 that outline the health risk to our community residents (and children) are impressive and well based on the analysis and recommendations that they produced. The exhibits contain many of the critical elements necessary to achieve the success of their proposed strategy and project (actually, much more than a single project, it is a strategy that comprises many sub-projects).

Just a couple examples:

- The need for a complete analysis of the Nov. 17<sup>th</sup> flares that lasted a full 12 hours that would show the actual extent of emissions and pollutants along with remedial actions proposed and scheduled for their implementation.

- The need for specific goals and timelines and action plans necessary to achieve those goals.

The Resolution No. XX recently passed by the Richmond City Council specifies 4 strategies that need to be fleshed out and addressed:

1. 75% reduction in the number and extent of the flares
2. Aggressive plans for identifying the extent and reduction of dangerous pollutants.
3. Shore power to tankers idling at the wharf.
4. Education and information sharing to residents of plans and progress toward goals.

We hope that BAAQMD will be more assertive in pursuing specific goals, timelines and contingencies for the various initiatives that are required to produce a healthier environment for residents of Richmond and surrounding communities.

--

Garry Hurlbut  
President and Executive Director  
Richmond Tennis Association (RTA)



Check out "news and events" on <http://www.rta-ca.org>  
Like us on <https://facebook.com/richmondtennisca>

**From:** [Sally Tobin](#)  
**To:** [Air Quality Planning](#)  
**Cc:** [Eduardo Martinez](#); [Gayle McLaughlin](#); [Claudia Jimenez@ci.richmond.ca.us](#); [soheila\\_bana@ci.richmond.ca.us](#); [doria\\_robinson@ci.richmond.ca.us](#); [Cesar Zepeda@ci.richmond.ca.us](#); [melvin\\_willis@ci.richmond.ca.us](#); [John Gioia](#)  
**Subject:** Comments on the Draft PTCA Community Emissions Reduction Plan (CERP)  
**Date:** Thursday, January 18, 2024 12:54:15 PM

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Comments on the Draft PTCA Community Emissions Reduction Plan (CERP)

To the Air District and the PTCA Community Steering Committee:

I was able to attend the first hour of the BAAQMD meeting on January 11; a very collegial, cooperative, and incremental approach was described. From one perspective, such an approach is responsible in committing to gather information and feedback from all parties as the process moves forward. However, this approach also upsets me because more and more children and adults in Richmond and the surrounding communities will be exposed to pollution and develop lifelong medical conditions as the project inches slowly forward. I hope there will be a way to accelerate the process because area residents are already suffering severely.

The Chevron refinery is unquestionably the biggest contributor to the polluted air that Richmond residents breathe. Emissions from the refinery contribute to damaging particulates and toxic emissions. Chevron seems to be using the community as disposable guinea pigs instead of using updated standards for emissions that would lower the burden of hospitalizations and diseases such as asthma for communities that live near (especially downwind from) the refinery. Over the years, Chevron has lost any ability to pretend corporate good will.

If Chevron were really serious about protecting the local community, we would have already seen actions like these:

1. Chevron would have moved to carry out direct measurements (smokestack monitoring) of the particulate matter and toxics given off by all smokestacks, including tankers moored to the Chevron Wharf, tugboats, and all refinery emissions. Fenceline monitors do not reveal the true level of Chevron's lack of responsibility to the region and to the planet because they do not identify the specific source or the magnitude of the pollution.
2. Chevron would have stopped its delaying tactics and would already have installed "shore power" on the Chevron Wharf, so that tankers would no longer need to fire up their diesel engines, some of which emit huge clouds of blue smoke, sometimes as often as every fifteen minutes. Vessels wishing to dock at the Wharf would already be pre-screened for their ability to comply with local clean air standards to protect Richmond residents.
3. Chevron would already have initiated a series of public meetings to explain the reasons for the huge increase in recent flaring activity. They would be open about the effective actions that they are instituting to reduce flares.
4. Chevron would have been proactive about their plans to deal with sea level rise. They would have already engaged an independent and reputable company to assess and characterize toxic sites on the entire Chevron property (not merely the refinery). They would have presented a public plan to protect both San Francisco Bay and San Pablo Bay from being poisoned by mobilization of toxins as sea levels rise and flood contaminated areas. In addition to flooding, sea level rise causes ground water rise, and rising ground water spreads any soil toxins. Chevron would have already presented plans to protect the public and the environment from spread of any toxins.

But where are these efforts (and others)? Why does Chevron find it so difficult to operate a refinery that takes its community responsibilities seriously? Which brings us to the heart of the problem: Chevron's apparent absence of any sense of ethical corporate behavior that is evident in their delaying tactics. Since it can reasonably be concluded that they are uninterested in the health and well-being of area residents in their pursuit of financial gain, then the only way to ensure responsible behavior in the future would seem to be financial consequences. And such consequences are not present in the draft document. The document needs a major rewrite that includes not only substantial consequences and penalties for future noncompliance, but also project milestones, so that regular progress toward goals will be ensured. Please add some teeth!

For example, you could require Chevron to reduce flaring to pre-modernization levels. I am guessing that the numerous recent flares result from Chevron's switch to cheaper crude with a higher sulphur content. Local people should not be subjected to illness in order to increase Chevron's profits. Perhaps one milestone could be a requirement that if flaring does not decrease to pre-modernization levels over the next six months, then Chevron will be required to purchase only low-sulphur crude oil for 5 calendar years.

Residents of Richmond and the surrounding communities are getting sick while baby steps are taken. How many low birthweight babies and childhood asthma cases and premature deaths does it take for you to stand up to Big Oil?

Sincerely,  
Sally Tobin



**From:** [Janet at Sunflower Alliance](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Comments, Richmond-N. Richmond-San Pablo PTCA CERP  
**Date:** Friday, January 19, 2024 1:33:13 PM  
**Attachments:** [SFA AB617 CERP comment 240119.pdf](#)

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Good afternoon,  
Please find Sunflower Alliance's comments on the AB 617 PTCA CERP, attached. I would appreciate an email confirming receipt.  
Thank you!  
~janet

--

Janet Scoll Johnson  
pronouns: she/her  
Co-Coordinator, [Sunflower Alliance](#)  
Co-Chair, [Richmond Shoreline Alliance](#)

*I actively occupy and benefit from stolen land of the Ohlone Chochenyo people, who looked after this land for centuries and still live here. I advocate and support efforts for Indigenous land to be returned to Indigenous ownership and management. Learn more at <https://sogoreate-landtrust.org>.*

**From:** [daniel lanis](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Community Emissions Reduction Plan Support  
**Date:** Thursday, January 18, 2024 4:12:13 PM

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Hello,

I'm a Richmond resident concerned about air pollution. I support the adoption of the Community Emissions Reduction Plan and have a particular interest in viable mobility options for all ages and abilities, especially for pedestrians and bicyclists.

Kind regards,

[Dani Lanis](#)

**From:** [Priya V.](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Draft PTCA Community Emissions Reduction Plan - Written Comments from Priya V.  
**Date:** Saturday, January 13, 2024 11:21:25 PM

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Hello,

My name is Priya and I am a Richmond community member. This is my written comment for the Draft PTCA Community Emissions Reduction Plan:

Clean air includes clean indoor air. In light of the US going through one of the biggest covid surges in January 2023, it is clear that covid and other airborne viruses (such as RSV and the Flu that are peaking this winter) are still a risk to the public health of Richmond citizens. As a result, Covid and disease prevention/mitigation through clean air must be part of this comprehensive air pollution plan, since these viruses pollute the air we breathe and affect our ability to live, work, and play. Better ventilation in public spaces is critical and must be included in this plan, as well as having seasonal (if not year-round) mask requirements in healthcare settings to keep immunocompromised and disabled citizens safe from these viruses. Covid also predominantly impacts BIPOC, low-income, houseless, and other vulnerable communities who have less access to PPE, so ensuring the availability of masks is critical to keeping the air clean and keeping people safe.

A coordinated effort with the public health sector must be made to bring clean indoor air to stop the spread of these harmful viruses. The plan's Vision Statement itself discusses the "severe health risks" that pollution causes, so covid must be identified as one of these pollutants in the plan explicitly. The best way to keep our community safe and together is by ensuring our indoor air is clean and free of viruses through improving ventilation standards in public spaces and communicating public health practices. If you truly want to remove "barriers to health equity for all residents" and ensure a "significant reduction of pollution-driven respiratory illness rates in children," a plan that includes covid prevention is necessary. Continuing wastewater data is also critical in this endeavor as it can show us the prevalence of covid, flu, RSV, etc. and tell us when we may need to take stricter measures and communicate to the community to take precautions. Holding an invisible virus accountable may seem hard, but is actually quite simple through acknowledgment and inclusion in this plan to ensure a coordinated effort with the public health department that ultimately keeps our indoor air clean too. This is what community care would look like in the Bay Area.

Thank you for your time and consideration.

Sincerely,  
Priya V.

**From:** [Diana Ruiz](#)  
**To:** [Air Quality Planning](#)  
**Subject:** FW: BAAQMD Workshop Confirmation  
**Date:** Wednesday, January 17, 2024 11:06:24 AM

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See below  
-Diana

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**From:** [REDACTED]  
**Sent:** Thursday, January 11, 2024 5:00 PM  
**To:** [REDACTED]  
**Subject:** Re: BAAQMD Workshop Confirmation

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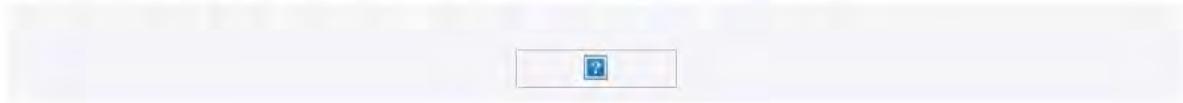
Hello,  
I'm probably going to have to review a recording of this as I have a conflict. Can you however help answer my question about who will fund the Draft Plan actions? [This FAQ document](#) says that "BAAQMD has the primary responsibility for completing, adopting and implementing the Plan. The California Air Resources Board is the State agency responsible for implementing AB 617 and provides support for this work."

However, it seems too good to be true to think that BAAQMD and CARB have the funding in place to carry out all of the identified actions in the plan.  
If you don't have the answer, if you are willing to point me to someone who does, that would be wonderful.

Sincerest thanks and appreciation,  
Alison

Alison LaBonte  
[REDACTED]

On Jan 11, 2024, at 4:45 PM, Bridget Brown | MIG <[no-reply@zoom.us](mailto:no-reply@zoom.us)> wrote:



Hello Alison LaBonte,

Thank you for registering for BAAQMD Workshop. You can find information about this meeting below.

**BAAQMD Workshop**

Date & Time	Jan 11, 2024 05:30 PM Pacific Time (US and Canada)
Meeting ID	869 5409 1560

[Add to Calendar\(.ics\)](#) | [Add to Google Calendar](#) | [Add to Yahoo Calendar](#)

To edit or cancel your registration details, [click here](#).

**From:** [JAIME PEREZ](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Fwd: Great Idea - A few edits  
**Date:** Wednesday, January 17, 2024 4:05:02 PM

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Dear people,

My name is Jaime Perez. I have lived in my home at [REDACTED] since 2015. My phone number is [REDACTED]

Please find below my response as specified in your webpage <https://www.baaqmd.gov/community-health/community-health-protection-program/richmond-area-community-health-protection-program/community-emissions-reduction-work>. I hope that you will give full considerations to these comments and suggestions:

#### Urgent Action Needed:

Provide a comprehensive analysis of emissions and health impacts from major flaring events, like the recent Nov 27th incident.

Provide a plan to reduce flaring by 75% by 2025 or 2026, aiming for industry best practice levels.

Provide a full plan for a 30-40% reduction in the toxic contaminants causing chronic health problems by 2035, with clear milestones and critical success factors.

Force Chevron senior management to participate.

Enhance understanding of individual emission health risks. How does sulfuric acid compare to PM2.5?

Investigate legislative strategies for pollution reduction, including export limits and cleaner crude oil requirements.

#### Issues with Current Plan:

Lack of specific target reduction numbers and inadequate discussion of

critical success factors.

Insufficient milestones and clarity on Chevron's obligation to reduce flaring events.

Unanswered questions regarding the feasibility of achieving reduction goals.

Need for a better working relationship with Chevron and creative approaches to ensure cooperation.

No serious plan to improve our understanding of the true impacts of toxic air contaminants.

No exploration of non-traditional regulatory approaches, such as export limits and cleaner feedstocks, to expedite pollution reduction.

No recognition of past failures or the need for new ideas.

BAAQMD could use some humility. BAAQMD missed the impact of the "Modernization" project on public health. And it has struggled to make its "best available control technology" rules actually stick and get implemented. While attempting to improve these rules and strengthen penalties, we should also explore legislative measures that are more resistant to delay.

The comprehensive approach presented here is vital for the well-being of our community and effective pollution reduction.

Thankyou very much in advance for your support and best regards,

Jaime Perez

**From:** [Jacob Rico](#)  
**To:** [Air Quality Planning](#)  
**Date:** Thursday, January 18, 2024 11:59:39 AM

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“ I grew up in Richmond and I like this plan to address air pollution in my community.

**From:** [Suzanne Gordon](#)  
**To:** [Air Quality Planning](#)  
**Cc:** [REDACTED]  
**Subject:** My comments on Path to Clean Air plan...  
**Date:** Saturday, January 13, 2024 5:04:19 PM  
**Attachments:** [SGsiq4.png](#)

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Dear BAAQMD Board & Staff-

I writing to comment on your AB 617 CERP draft.

I have been a close Point Richmond neighbor of the Chevron refinery for the last 12 years. I have been directly impacted by its frequent lapses and mishaps, which adversely affect workplace safety and community health, not to mention the future of the planet.

So I have a strong interest in more effective regulation of its corporate behavior, particularly in the area of pollution reduction. And, after reading it, I found your draft "Path to Clean Air" plan to be deficient in several areas:

1) Your document pretty much ignores the fact that Chevron neighbors are exposed to toxic pollutants at a level not found in other places—and I'm referring here to sulfuric acid, nickel, manganese, hydrogen cyanide, hydrochloric acid, formaldehyde, arsenic, benzene and cadmium. We need a Rule 11-18 with stronger annual benchmarks and special focus on these hazardous Richmond refinery by-products. From a regulatory standpoint, this part of the proposed plan—if implemented as is—will take much too long to have the desired impact and is overly vague in its details, goals, and milestones.

2) As someone who has taken several Chevron neighbor refinery tours and followed the company's 2014 "modernization plan" approval process, and related community benefits agreement negotiations, I am angered, but not surprised, to learn that management is now trying to avoid installing wet scrubber technology on its "Cat Cracker" equipment. The whole plan for PM2.5 reduction depends on this process change improvement—and the BAAQMD needs to be on the side of getting this done—and soon.

3) Every day, I look out my front window and see three or four tankers, docked at the Chevron wharf, burning diesel fuel, while their holds are pumped out—a daily routine that is one source of the above mentioned arsenic exposure risk for refinery neighbors (not too much fuel spills like we had not long ago).



When is the BAAQMD and its parent organization, CARB, going to do something about that? Why should a company as rich as Chevron be given many additional years to convert to shore power, when the Port of Oakland required this long ago to improve air quality and reduce toxic exposure in that city. This shore power conversion needs to happen by 2027, if not before—and definitely not ten years later! Why should one important path to cleaner air be allowed to become such a long, winding road????


I don't think allowing endless Big Oil foot-dragging is a great "alternative, innovative concept"—we need regulatory action sooner, rather than later, with no loop-holes for Chevron.

4). I've lived in Richmond long enough to know that too many residents suffer from chronic health conditions that are refinery related. I'm talking the many thousands of people, who live in downtown Richmond, North Richmond, and other neighborhoods, which are down-wind of its basic operations, not the few thousand more well-off folks, like myself, who live on the Bay side of Point Richmond and just downwind from the wharf (although hardly immune from other sources of toxicity cited in #1 above, particularly in the form of endless flaring "accidents.")

I'm no scientist, just a concerned citizen and tax-payer. As such, it seems to me that the BAAQMD should be partnering with other state and federal agencies on further research on the specific health impacts of the worst TACs - sulfuric acid, nickel, manganese, hydrogen cyanide, etc. The AB 617 effort requires this. All of our Contra Costa and Solano County refinery towns would benefit from it. And future BAAQMD community planning and advisory processes like the current one would be better informed as a result.

Best wishes, many thanks for the hard work you do, and your consideration of my in-put,

Suzanne Gordon

 *Suzanne Gordon*

Author, *Our Veterans, Wounds of War*  
Senior Policy Fellow, Veterans Healthcare Policy Institute



**From:** [Diana Martinez](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Path to Clean Air draft plan  
**Date:** Thursday, January 18, 2024 5:45:42 PM

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Hello I'd like to support the intention of this plan. Thank you.

Sincerely, Diana Martinez

**From:** [Y'Anad Burrell](#)  
**To:** [Air Quality Planning](#)  
**Subject:** PTCA Draft Plan Comments  
**Date:** Thursday, January 18, 2024 8:45:45 PM

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Here are my comments. Thank you.

### **Fuel Refining**

Strategy 3/FR3.9 (pg. 99): Investing 'up to 100%' of the penalty money could mean as little as 2% of those funds would be invested back to the PTCA. Recommendation: 50% - 100% of the penalty money will be invested back. Additionally, there is no clarity on what 'body' will be the oversight group for the Community Benefits Policy. Members should be majority community members.

Strategy 4 (pg. 99): First line of paragraph, delete the words 'Click here to enter text.'

### **Marine and Rail**

Strategy 1/M&R 1.3 (pg. 104): What is 'find and fund'?

### **Public Health**

Strategy 1/H1.1 (pg. 112) - Promote and advocate to 'who' for a guaranteed income pilot?

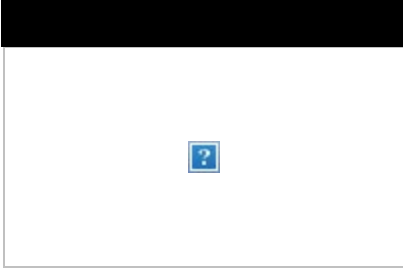
Strategy 1/H1.3 (pg. 112) - The plan is asking a county health system to move the dial on a state-wide (California) healthcare program. This is worded in a way to 'assume' if there is no movement, then CCHS did not make an effort to support this strategy.

Strategy 2/H2.1 & 2.2 - 'Support' meaning?

Strategy 4: Table/Narrative on how section: When the word 'government' is mentioned, in most contexts, there is an immediate connotation that nothing will get done. To have this wording as part of the 'success' of this strategy does not give hope to the community that it will happen. Additionally, to say that 'depending on Air District staff capacity' further discourages that this strategy has hope of even happening. Community and community partners are always willing so more emphasis should be put on their involvement in the success of this strategy. FYI/Note: There are a ton of churches in the CERP area and their buildings are large and often empty Monday - Saturday. There is an opportunity to partner with them to enhance/remodel parts of their building to become resilience centers.

--

Y'Anad Burrell, MPA/MHA  
Glass House Communications  
*(Public Relations, Media Relations, Public Affairs  
Event Planning and Strategic Communications)*  
WBE/MBE/SBE Certified  
*Freelance Journalist - Post News Group*



**From:** [Jennifer Mourelatos](#)  
**To:** [Air Quality Planning](#)  
**Subject:** PTCA Public Comment on Draft  
**Date:** Thursday, January 18, 2024 9:41:57 AM  
**Attachments:** [lmclogo\\_color\\_46997572-635c-4c1e-9c0e-903bdaad7a80.png](#)  
[facebook\\_32x32\\_1030a511-e287-423f-89dd-151861571b1f.png](#)  
[twitter\\_32x32\\_9dc45865-07d6-4c2d-b78d-7e36cd38f7c4.png](#)  
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[youtube\\_32x32\\_7f9e5413-1642-4f01-87ad-438ca71fb273.png](#)

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Good morning,

As someone who works full-time in the area, I see the effects of air pollution, and the increased asthma rates in the children; I completely support the draft plan to improve the air quality and health of our community.

Thanks for your work in this area,  
Jennifer



**Care.  
Compassion.  
Community.**



## Jennifer Mourelatos

Center Director

LifeLong William Jenkins Health Center  
P.O. Box 11247  
Berkeley, CA 94712



510.981.4100 | Main



[www.lifelongmedical.org](http://www.lifelongmedical.org)

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**From:** [Karen De la cruz](#)  
**To:** [Air Quality Planning](#)  
**Subject:** PTCA  
**Date:** Thursday, January 18, 2024 6:21:02 PM

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Hello, this is Luz from youth council and I wanted to stated that I support the intention of this plan. Thank you.  
Sent from my iPhone

**From:** [Brenda Illescas](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Public Comment  
**Date:** Thursday, January 18, 2024 4:10:07 PM

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I'm a Richmond resident who suffers from asthma. I have two young children and am concerned about exposure to harmful air quality caused by Chevron and car traffic in my community. I support the Community Emissions Reduction Plan and encourage the Air District to adopt it.

Thank you,  
Brenda Illescas

**From:** [Catalin Kaser](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Public Comments on Community Emissions Reduction Plan  
**Date:** Friday, January 19, 2024 1:09:06 PM

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Hello,

I'm writing to you as a Richmond resident since 2009. I love this community, which has many wonderful qualities and also much room for improvement. I am particularly interested in moving our city into a post-fossil-fuel future to remediate and reduce the current health problems in our area due to multiple sources of pollution and car-dependent infrastructure.

I write today to urge you to adopt the recommendations made in the Community Emissions Reduction Plan for Richmond/San Pablo.

I am especially eager to see better bike and pedestrian infrastructure put into place, including traffic calming measures to reduce pollution AND make it safer for more people to get around by foot and bicycle. The fewer people in cars and the more people walking and biking, the safer and more resilient our community becomes.

Thank you for your consideration and your work to improve our shared air,  
Catalin Kaser

[REDACTED]

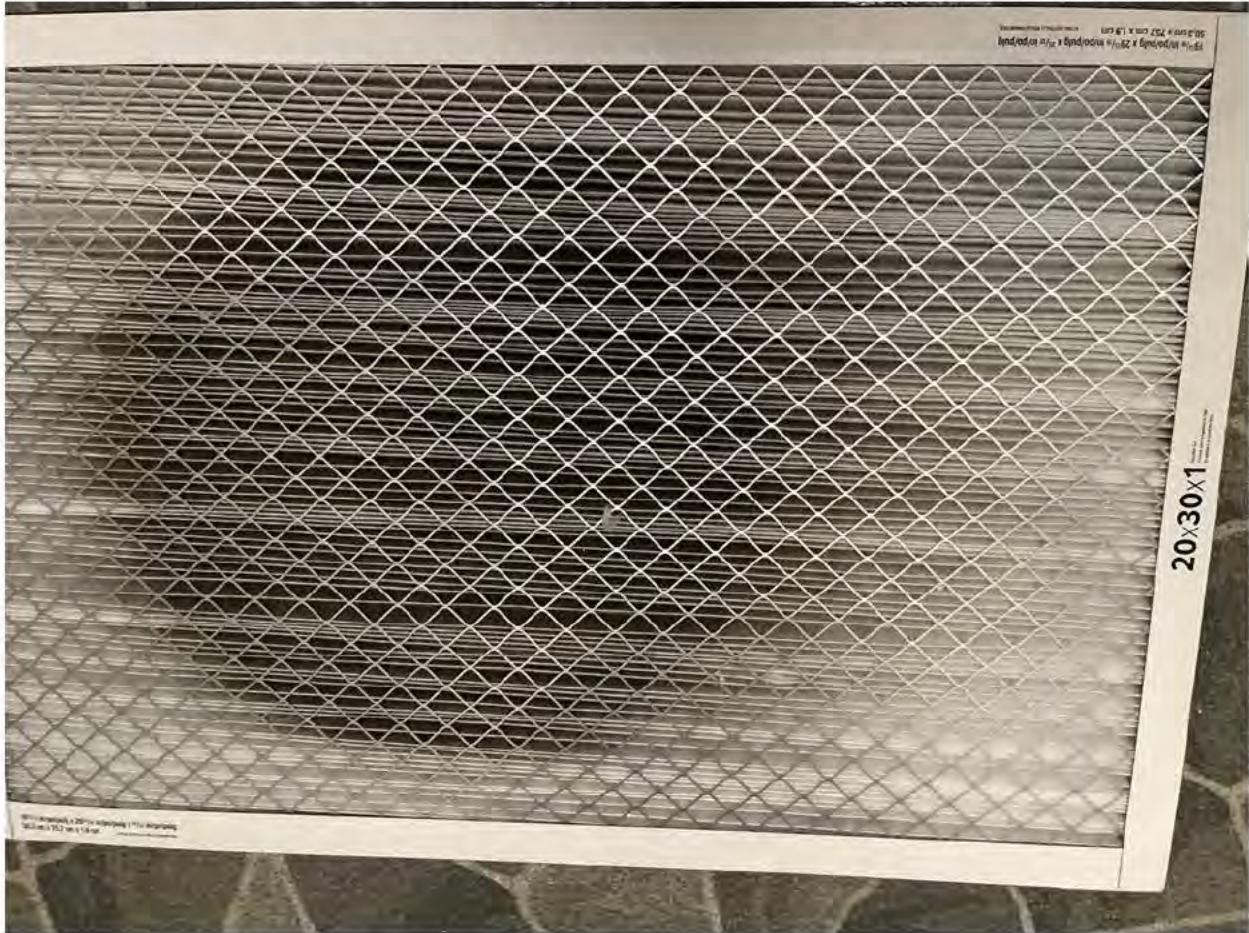


From: [redacted]  
To: [redacted]  
Subject: [redacted]  
Date: Wednesday, June 10, 2020 9:52:52 AM

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The report lists a plethora of air monitoring data and aggregated compounding factors. However, it seems to lack actual evidence based chemical analysis of accumulated substances in residential homes' furnace filters. Attached is a photo of mine, installed on 12.01.23, replaced on 01.01.24. The 1,000sqh home (North East Richmond near Garvin 2463) has an energy efficient forced air unit which runs 4x daily for 30 minutes. Any Chevron flaring, depending on wind direction, directly impacts my health (painfully burning and swollen eyes, persistent respiratory coughing and headaches). Considering the sheer number of recent Chevron incidents it's not surprising that the high density HVAC filter turned pitch black.

My question: will you be willing to expand data collection and include analyzing hvac filters. I gladly offer mine, I am concerned! The filter usually lasts 3 months and isn't that black, one exception was the aftermath of the 2012 Chevron fire. Please ensure participating room audience can see the filter!



Best,  
Claudia Citroen

"Be useful. Be mindful. Be kind. Be bold."  
Antonio Guterres

**From:** [Leticia Chavez](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Richmond North Richmond San Pablo comm Path to clean air workshop  
**Date:** Saturday, January 13, 2024 11:09:08 AM

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Hello, I attended to the presentation about the Richmond, North Richmond and San Pablo path to clean air thank you very much for it, and I just would like to share with you some thoughts of mine, I live in North Richmond for almost 20 years now, lately there is an increased times of a really bad smell like manure and sometimes like burned plastics in the air, I tried to reported to baaqmd but it's hard when trying to do it online because it request the adres where it's happening, about this smell I always thought it came from the dump but to my surprise I passed by the refinery and the same odor was there, so it's hard to identify and address for odors, but very necessary to get it investigated so would b nice to figure a way to make it easier. And would be nice to see or hear about progress on the complaints.

Another thing is North Richmond is already affected by pollution from refinery and dump and now to add to the problem there is a bloom of warehouses and businesses with big trucks which I I fear will make the air worst for us who live here and have no choice to move to other places. Even with the request of the business having electric vehicles in the future might help the problem it's now, for kids and people living here and being affected right now. I may help having someone who is checking the business to comply with what they are only allowed to do and not over using or abusing what they are doing could help, I see many trucks in some places parked like using every little space they have and looks overcrowded to me, to be specific about one site that I could think of and pass by every day is on the corner of Pittsburg av and Fred Jackson (North Richmond), not forgetting that close by is Verde school. Adding to that we have a lot of cars who try to avoid the Richmond Prkway traffic and use ours neighborhood streets like Fred Jackson and some big trucks still use our streets even when they are not supposed to do so

I know there is a lot of work to do about environmental impacted communities and getting a clean air to breath but I'm thankful to see the work in progress, I'm just sharing trying to see if I could help a little sharing the experience of living here and thank you for your work and help to our communities.

Leticia Chavez.

**From:** [Carla Morales](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Support for PTCA plan  
**Date:** Thursday, January 18, 2024 4:59:36 PM

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I like this plan to address air pollution in my community.

**From:** [Megan Goetz](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Support for the CERP & PTCA  
**Date:** Thursday, January 18, 2024 10:05:55 AM  
**Attachments:** [lmclogo\\_color\\_46997572-635c-4c1e-9c0e-903bdaad7a80.png](#)  
[facebook\\_32x32\\_1030a511-e287-423f-89dd-151861571b1f.png](#)  
[twitter\\_32x32\\_9dc45865-07d6-4c2d-b78d-7e36cd38f7c4.png](#)  
[instagram\\_32x32\\_f8a89d55-82d2-49d1-a7e2-4921ef66166a.png](#)  
[linkedin\\_32x32\\_70734617-5bc5-44ef-88e7-45adffa53bee.png](#)  
[youtube\\_32x32\\_7f9e5413-1642-4f01-87ad-438ca71fb273.png](#)

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Hi!

I'm writing today to voice my support for the Community Emissions Reduction Plan for the Path to Clean Air. I live in North Richmond and work at LifeLong William Jenkins as a health educator. We see the effects of air pollution in our patients, with increased incidence of childhood asthma and respiratory illnesses in adults. It would be amazing if this plan passed and we were able to improve the air quality and health of our community.

Thank you for your time,  
Megan Goetz



**Care.  
Compassion.  
Community.**



**Megan Goetz**  
AmeriCorps Health Fellow

LifeLong William Jenkins Health Center  
P.O. Box 11247  
Berkeley, CA 94712

[REDACTED]  
510.981.4100 | Main

[REDACTED]  
[www.lifelongmedical.org](http://www.lifelongmedical.org)

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**From:** [Janis Hashe](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Support for the Path to Clean Air Community Emissions Reduction Plan  
**Date:** Thursday, January 11, 2024 4:03:33 PM

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As a Richmond resident, who lives in the frontline community of Atchison Village, I fully support the PTCA and urge all entities to implement it.

Sincerely yours,

Janis Hashe  
[REDACTED]

**From:** [Jackelyn Ledesma](#)  
**To:** [Air Quality Planning](#)  
**Subject:** Support of PTCA plan  
**Date:** Thursday, January 18, 2024 8:54:01 AM

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I like this plan to address air pollution in our community.

From: [Steve Early](#)  
To: [REDACTED]  
Subject: Why I don't support the plan!  
Date: Friday, January 12, 2024 8 53 53 PM

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Hi Nancy and Lazuli-

Thanks for email reminder below about your briefing last night and deadline for formal comment, which I will send in this weekend.

In the meantime, since you asked for feedback, this draft plan looks, to me, like it's taking "pragmatism" much too far, while not being "aspirational" enough about much needed improvements long opposed by the our Richmond Chevron refinery, whose property line is three houses away and whose mile-long wharf extends out into the Bay, just in front of our house.

In the 12 years we've lived in this spot, we were driven indoors by a disastrous fire in the summer of 2012, have experienced endless flaring incidents and other dangerous mis-haps over the years, a diesel spill that fouled beaches in this neighborhood, and the company's refusal to do what the the Port of Oakland has long required of its container ships to do—which is shift from burning diesel fuel to using electric power while its vessels are docked and unloading their fossil fuel cargo.

As someone downwind from that daily process, I find it shocking that this proposed change is not among your recommended "strategies" for pollution reduction? Hopefully, that and other shortcomings of the draft document will be addressed by Richmond residents during the public comment period and what I know is a very concerned Richmond City Council, at its meeting this week.

If you want to better distinguish BAAQMD Community Engagement Department messaging about "clean air" efforts from that of the Chevron Public Affairs Dept. on the other side of the hill (and I have some personal experience dealing with them), the Air Quality Board and staff might want to start by putting themselves in the place of near refinery neighbors, who have seen nothing but corporate obfuscation and foot-dragging for years.

Best wishes,

Steve Early

[REDACTED]

Author of *Refinery Town: Big Oil, Big Money, and the Remaking of an American City* (Beacon Press, 2017);

For book ordering or speaking event information, visit: <http://steveearly.org/>

Hello Richmond Community,

I am forwarding this message from our community member, Nancy, who has helped develop the Path to Clean Air (PTCA) Community Emissions Reduction Plan. Join TONIGHT, **Thursday, January 11, at 5:30 PM to learn more about this plan.** The [project web page](#) will have meeting details including the Zoom link. More information is below.

Best,  
Lazuli

---

From: Nancy Peace <>  
Sent: Thursday, January 11, 2024 1:22 PM  
To: Lazuli Trujano [REDACTED]  
Subject: AB 617 CERP Public Comment Open

Hi Lazuli, Happy New Year!

I'm happy to share that the Path to Clean Air (PTCA) Community Emissions Reduction Plan that I've been working with fellow residents of Richmond, North Richmond, and San Pablo is now available for review and public comment. The plan includes a lot of both pragmatic and aspirational steps that our governments can take to improve the air we breathe and the health of our communities. The full plan is [here](#), and while I don't expect you to read all 160 pages, take a minute to read the executive summary, which tells the story of how this plan came about.

Most importantly, please send an email to [aqplanning@baaqmd.gov](mailto:aqplanning@baaqmd.gov) saying that you support the plan. It can be one or two sentences, and feel free to personalize it with an aspect of the plan that matters to you. The public comment period closes at **5pm on January 19th**, so please send your email before then.

Lastly, mark your calendar for **Thursday, January 11, at 5:30 PM.** The Air District will host a virtual public workshop on the draft plan. The [project web page](#) will have meeting details including the Zoom link. Objectives of the public workshop are that participants will:

- Understand the AB 617 program and the activities in the PTCA

Acquire knowledge of air quality concerns in the PTCA area

- Learn about the core elements of the draft PTCA Plan

Please feel free to forward and share with our membership and networks.

Thank you so much!

Nancy



## Community Emissions Reduction Plan

scott gelfand [REDACTED]

Thu 1/11/2024 4:06 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

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To whom it may concern,

[REDACTED] wanted to voice my concern and encouragement regarding this plan, and I will vote accordingly to have leaders in our community who prioritize health and air quality over business needs and lack of accountability.

The plan as is doesn't do enough to ensure success.

PLEASE consider these changes and upgrades to the plan to address insufficiencies..

1. A true analysis of the emissions and health impacts of major flaring events. They happen too often these days. It's not enough to just say it'll be fine.
2. Reduce flaring - to health rules in 2024 -or bring accountable punishments/fines.
3. Reduce toxic contaminants all together! You can't poison children and older adults and think it's their fault for living there. The business must be held accountable for their emissions
4. Force Chevron to participate actively in this planning process, or be fined
5. Educate Richmond residents on individual emission health risks
6. Legislative strategies for reducing pollution such as limits on exports or requirements to process cleaner crude oil with lower sulfur content. Again - the business must adhere to the community health around it. It cannot do business as usual.

Thank you for allowing me to comment,

Scott Gelfand  
[REDACTED]

## Path to Clean Air Draft Plan

Manuel Gomez [REDACTED]

Thu 1/18/2024 9:29 AM

To: Air Quality Planning <aqplanning@baaqmd.gov>

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<https://aka.ms/LearnAboutSenderIdentification> ]

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I support this plan for the clean goals it sets to achieve in my community.  
Sent from my iPhone

## PTCA

Hazel Padilla [REDACTED]

Thu 1/18/2024 12:21 PM

To: Air Quality Planning <aqplanning@baaqmd.gov>

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Hello,

I strongly support this draft plan and believe it will help bring awareness to air pollution in our community.

Best,  
Karely

## Appendix I: Applicability Analysis for California Environmental Quality Act

The California Environmental Quality Act (CEQA) is a state law that requires public agencies to consider the environmental impacts of certain projects they undertake or approve. For projects that are subject to CEQA, the statute imposes specific legal requirements that agencies must follow before carrying out or approving the project. This appendix evaluates whether CEQA applies to this project – the Community Emissions Reduction Plan (CERP) for the Richmond-North Richmond-San Pablo area. As explained in more detail later in this discussion, Bay Area Air Quality Management District (Air District) staff have reviewed all aspects of the CERP and determined that it is exempt from CEQA, for multiple reasons.

First, as an overall matter, the CERP is being adopted to benefit the environment and the health of residents of the Richmond/San Pablo community, and all of the action items within the CERP support this goal. Therefore, adoption of the CERP is exempt from CEQA review under Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies, as authorized by law, to “assure the maintenance, restoration, enhancement, or protection of the environment.” The Air District is a regulatory agency charged with the protection of air quality in its jurisdiction. Because the goal of the CERP is to protect air quality and public health, its adoption fits within the category of actions subject to this exemption.

Second, all of the individual strategies set forth in the CERP would be exempt if they were implemented on their own, apart from adoption of the CERP. For example:

Strategies that would either not cause any physical changes to the environment or involve such minimal physical changes that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. These strategies fall within the common sense exemption in CEQA Guidelines section 15061(b)(3). Examples include actions that involve encouraging local governments to establish vegetative buffer zones (Urban Greening actions 1.1, 1.3), advocating for municipalities to modify their zoning or land use regulations (Land Use actions 1.1, 1.3), and developing model policies or ordinances for possible future adoption by other entities (Mobile actions 1.2, 1.4, 4.2; Health action 3.4).

Strategies that call for feasibility and planning studies, which are exempt under Public Resources Code section 21150 and CEQA Guidelines section 15262. (“A project involving only feasibility or planning studies for possible future actions which the agency . . . has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors.”) Examples include preparing an initial feasibility assessment and needs analysis for a Truck Management Plan (Mobile action 3.1), conducting a study to identify areas that would benefit most from street sweeping initiatives (Mobile action 4.1), and investigating the feasibility of a Bay Area Indirect Source Rule or zero-emission vehicle zones (Marine & Rail action 1.4).

Strategies that would result only in the modification of existing facilities or the construction of new minor facilities, which are exempt under CEQA Guidelines sections 15301 (“Existing Facilities”; class 1) and 15303 (“New Construction or Conversion of Small Structures”; class 3). These strategies include the installation of air filters and monitoring equipment, the construction of electric vehicle charging stations, or the maintenance of existing roadways.

Strategies that call for information collection, inspections, enforcement, education, and workplace regulations, which are exempt under CEQA Guidelines sections 15306 (“Information Collection”; class 6), 15309 (“Inspections”; class 9), 15321 (“Enforcement Actions by Regulatory Agencies”; class 21), 15322 (“Educational or Training Programs Involving No Physical Changes”; class 22), and 15324 (“Regulations of Working Conditions”). These categorical exemptions would exempt CERP strategies that include activities like air quality monitoring or other data collection, performance inspections or compliance checks, certain enforcement actions involving permit enforcement or revocation, development of webpages or community outreach campaigns, and changes to air district staffing or coordination practices.

The Air District also considered the strategies included in the CERP that will involve undertaking rulemaking activities to address specific air quality concerns. These rulemakings include proceedings to further reduce public health impacts from toxic air contaminants, to finalize a methodology to account for health risk from Particulate Matter (PM), and to address Nitrous Oxides (NO<sub>x</sub>) emissions from combustion sources at petroleum refineries. These rulemaking proceedings could potentially be subject to CEQA review when they occur, depending on the nature of any rules the Air District may propose to adopt in them. At this point, however, the CERP merely calls for these proceedings to be initiated in the future, generally following a period of study to determine how to approach a particular issue. The CERP has not identified, let alone committed to, any particular type of new or more stringent rule or regulation that would be developed or adopted in these rulemaking proceedings. Given that it is uncertain what the result of those regulatory proceedings would be, it is not possible at this stage to determine whether they could result in significant environmental impacts. Therefore, CEQA review is not required because the nature and extent of any environmental impacts would be too speculative for evaluation at this point. When Air District initiates a specific rulemaking process, it will determine whether and what level of CEQA review is required.

**Attachment D: Draft Final Path to Clean Air Strategies**

<b>Concern</b>	<b>Strategy #</b>	<b>Strategy Name</b>	<b>Key Responsible Parties</b>	<b>PTCA Chapter 7 Page #</b>
Commercial & Industrial	1	Control Fugitive Dust	Air District, Local Governments	86
Commercial & Industrial	2	Utilize Permitting to Address Commercial & Industrial Sources Near Community	Air District	87
Commercial & Industrial	3	Reduce Exposure from Food Preparation	Air District	88
Commercial & Industrial	4	Reduce PM, TACs & Health Hazards from Large Industrial Sources	Air District, Local Governments	89
Commercial & Industrial	5	Address Community Concens with Commercial & Smaller Industrial Facilities	Air District, Local Governments	91
Fuel Refining, Support Facilities, Storage & Distribution	1	Move Towards a Just Transition	CSC	94
Fuel Refining, Support Facilities, Storage & Distribution	2	Reduce Persistent Flaring & Improve Incident Response	Air District, City of Richmond, CSC	96
Fuel Refining, Support Facilities, Storage & Distribution	3	Hold Chevron and Other Emitters Accountable for Reducing Pollution & Negative Public Health Impacts from their Operations	Air District	98
Fuel Refining, Support Facilities, Storage & Distribution	4	Reduce Exposure & Public Health Impacts from Toxic Air Contaminants Emitted by the Fuel Refining Sector	Air District, CSC	101
Fuel Refining, Support Facilities, Storage & Distribution	5	Reduce Exposure & Public Health Impacts from PM and Other CAPs Emitted by the Fuel Refining Sector	Air District	102
Marine & Rail	1	Reduce Cancer & Chronic Health Risk from Rail Operations & Facilities	Air District, CARB, OEHHA	105
Marine & Rail	2	Reduce Cancer & Chronic Health Risk from Ocean Going Vessel Operations	Air District, CARB, OEHHA	106
Marine & Rail	3	Reduce Cancer & Chronic Health Risk from Commercial Harbor Craft	Air District, CARB, OEHHA	107
Marine & Rail	4	Reduce Cancer & Chronic Health Risk from Cargo Handling Equipment	Air District, CARB, OEHHA	108
Marine & Rail	5	Reduce Cancer & Chronic Health Risk from Cumulative Impact Facilities & Operations	Air District, CARB, OEHHA	109
Public Health & Reducing Exposure	1	Increase Health Resilience & Improve Social Determinants of Health	Air District, Contra Costa Health Services, CSC	111
Public Health & Reducing Exposure	2	Reduce Air Pollution at Home	Air District, Contra Costa Health Services, Local Governments	113
Public Health & Reducing Exposure	3	Promote Healthy Food Access	Contra Costa Health Services, Local Governments	114

<b>Concern</b>	<b>Strategy #</b>	<b>Strategy Name</b>	<b>Key Responsible Parties</b>	<b>PTCA Chapter 7 Page #</b>
Public Health & Reducing Exposure	4	Promote Resilience Centers	Air District, Local Governments, CSC	116
Public Health & Reducing Exposure	5	Pollution & Public Health Education, Outreach, Accountability, & Health Data Tracking	Contra Costa County Health Services	118
Public Health & Reducing Exposure	6	More Complete Health Risk data & HRAs, Including Pollutant Interactions	Air District, CARB, OEHHA, CSC	119
Vehicles & Trucks, Streets & Freeways, Logistics & Warehouses ("Mobile")	1	Truck-Attracting Businesses	Air District	122
Vehicles & Trucks, Streets & Freeways, Logistics & Warehouses ("Mobile")	2	Prioritize Air Quality Benefits of Traffic Calming & Other Safety Improvements on Local Streets & Freeways	Air District, Contra Costa Transportation Authority	124
Vehicles & Trucks, Streets & Freeways, Logistics & Warehouses ("Mobile")	3	Multi-Jurisdictional Truck Management Plan	Air District, West Contra Costa County Transportation Advisory Committee	125
Vehicles & Trucks, Streets & Freeways, Logistics & Warehouses ("Mobile")	4	Equitable Street Sweeping	Air District, Local Governments	127
Vehicles & Trucks, Streets & Freeways, Logistics & Warehouses ("Mobile")	5	Supporting Transition to Clean Fleets	Air District, CARB	128
Vehicles & Trucks, Streets & Freeways, Logistics & Warehouses ("Mobile")	6	Public Transit, Bike, & Pedestrian Infrastructure	Transit Agencies, City of Richmond	129
Compliance & Enforcement	1	Compliance & Enforcement	Air District	130
Land Use	1	Land Use Strategy	Air District, Local Governments, CSC	132
Resource PTCA Implementation Strategy	1	Resource PTCA Plan Implementation Strategy	Air District	134
Urban Greening	1	Urban Greening Strategy	Air District, Local Governments, CSC	135

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Community Equity, Health and Justice Committee

From: Philip M. Fine  
Executive Officer/APCO

Date: April 22, 2024

Re: Air District Rule 6-5 Settlement Agreement: Community Air Quality Fund

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Per the Chevron 6-5 Settlement Agreement, Chevron is required to pay into a Community Air Quality Fund that will be established under the direction of the Air District. Projects and programs receiving Community Air Quality Funds will help to mitigate the harm from the PM emissions from Chevron's fluid catalytic cracking unit (FCCU) while Chevron is in the process of coming into compliance with the Rule 6-5 PM emission limit. The Community Air Quality Fund is addressed in Section 5 of the Chevron 6-5 Settlement Agreement and is not a penalty payment.

There is \$20 million available for projects or programs approved by the Air District Board of Directors that reduce PM emissions from other sources in the vicinity of the Richmond Refinery or reduce exposure to PM. Chevron will pay another \$3.5 million per year into the fund for each year that it operates in violation of Rule 6-5 after July 21, 2026, effective date.

Per the agreement, the Air District will consult with interested stakeholders on the process to determine projects and programs to recommend for funding and will also consult with interested stakeholders on selection of the projects and programs to be recommended. The Air District will solicit input from all interested stakeholders including but not limited to community members, local officials, Chevron, and others.

Up to 10% of the funds can be used for overhead including compensation and expenses for advisors engaged in the community consultation process at rates typically provided by the Air District and costs of Air District staff time and resources spent implementing and administering the fund.



BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Wendy Goodfriend  
Reviewed by: Gregory H. Nudd

ATTACHMENTS:

1. Community Air Quality Fund Settlement Language

## Community Air Quality Fund Settlement Language

### 5. COMMUNITY AIR QUALITY FUND

5.1 Chevron shall provide funding to the Air District to establish a fund (the “Community Air Quality Fund”) to provide funding for projects and programs to reduce PM emissions from other sources in the vicinity of the Richmond Refinery and to reduce PM exposures as set forth in this Section 5.

5.2 Chevron shall make payments to the Air District to provide funding for the Community Air Quality Fund as follows:

- a. Chevron shall pay Twenty Million Dollars (\$20,000,000) to fund the Community Air Quality Fund, which shall be established under the direction of the Air District. In developing and identifying the projects and programs to be funded, input will be solicited from all interested stakeholders, including but not limited to community members, local officials, Chevron, and others. Until July 21, 2026, Chevron shall pay such funds as needed to fund projects as they are identified and approved for funding. No later than July 21, 2026, Chevron shall pay into the Community Air Quality Fund any remaining portion of the Twenty Million Dollar initial payment that has not yet been paid by that date.
- b. Chevron shall make further payments into the Community Air Quality Fund of Three Million Five Hundred Thousand Dollars (\$3,500,000) per year, for each year in which Chevron’s FCCU is in violation of the TPM Emission Limit after July 20, 2026. Each annual period shall run from July 21 through the following year on July 20. In the event that Chevron achieves Final Compliance with the TPM Emission Limit part way through a year, the annual Community Air Quality Fund payment payable under this Section 5.2.b shall be pro-rated based on the number of days during the year on which Chevron operated the FCCU in violation of the TPM Emission Limit up until the date on which Chevron achieves Final Compliance with the TPM Emission Limit.
- c. Chevron shall make the annual Community Air Quality Fund payments required under Section 5.2.b above within sixty (60) days after the end of the annual period for which the payment is due (i.e., by September 19 of each year). In the event that Chevron achieves Final Compliance with the TPM Emission Limit part way through a year, Chevron shall pay the prorated payment for the final year within sixty (60) days following the date on which Chevron achieves Final Compliance with the TPM Emission Limit, and all payment obligations under Section 5.2.b shall be complete.

5.3 The Community Air Quality Fund may pay for reasonable administrative and overhead costs necessary to administer the Community Air Quality Fund, in an amount no greater than ten percent (10%) of the total funding provided, including but not limited

to (i) compensation and expenses for community advisors at rates typically provided for community advisors for participation on Air District advisory bodies such as the Community Advisory Council and the Path To Clean Air Community Emissions Reduction Plan Community Steering Committee, and (ii) costs of Air District staff time and resources spent in implementing and administering the Community Air Quality Fund (including but not limited to time and resources spent working on the development of a community consultation process). The Air District shall provide annual summaries to the community summarizing the progress and results of the projects and programs supported by the Community Air Quality Fund.

5.4 The Parties intend and construe Chevron's funding of the Community Air Quality Fund to be amounts paid for restitution or remediation of property in the form of emissions reduction measures or mitigating effects caused by emissions. The Parties do not intend or construe any portion of Chevron's payments under this Section 5 as a penalty.

The full text of the settlement may be found at this location under the 2/12/2024 agreement with Chevron, Inc.: <https://www.baaqmd.gov/news-and-events/penalties-and-settlements>