



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

June 21, 2011

David A. Black  
ShadowCounsel LLC  
632 Vallejo Street  
Crockett, CA 94525

Re: Renewal of the ConocoPhillips Major Facility Review Permit, Facility A0016,  
Application 18921

Dear Mr. Black:

The District wishes to thank you for your comment of April 8, 2011, on the draft renewal of the ConocoPhillips Major Facility Review permit. We understand that your comment was that the comment period should be extended for sixty days, and you added some reasons why the comment period should be extended.

As you know, the District decided not to extend the public comment period. The District would like to let you know that the District has fulfilled all notification requirements in the District's rule, which are to publish a notice in a newspaper of general circulation, to provide at least 30 days for comment, and to notify persons who have requested to be informed of proposals of Major Facility Review permits.

The District also posted the permit on the District's website and sent notices out to persons who have signed up for the District's listserver.

The District has decided to formally propose the Major Facility Review renewal permit for ConocoPhillips to EPA for its 45-day review period.

The proposed permit and statement of basis can be viewed on the BAAQMD website at: <http://www.baaqmd.gov/Divisions/Engineering/Public-Notices-on-Permits.aspx>. If you have any questions regarding this project, please call Dennis T. Jang, Senior Air Quality Engineer, at (415) 749-4707.

Very truly yours,

Signed by Jeff McKay for Jack P. Broadbent  
Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

JPB:DTJ

Enclosure

H:\Engineering\TITLE V Permit Appls\1 ALL T5 Application Files here\A0016\renewal-18231\renewal post public notice docs\A0016\_2011-5\_Let\_Comment&Response\_Submittal1.docx

- ALAMEDA COUNTY**  
Tom Bates  
(Chairperson)  
Scott Haggerty  
Jennifer Hosterman  
Nate Miley
- CONTRA COSTA COUNTY**  
John Gioia  
(Vice-Chair)  
David Hudson  
Mark Ross  
Gayle B. Uilkema
- MARIN COUNTY**  
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Eric Mar  
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Liz Kniss  
Ken Yeager
- SOLANO COUNTY**  
James Spering
- SONOMA COUNTY**  
Susan Gorin  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

## Comment from Dave Black of April 8, 2011

**From:** Dave Black [mailto:shadowlegal@gmail.com@sendgrid.info] **On Behalf Of** Dave Black  
**Sent:** Friday, April 08, 2011 1:24 PM  
**To:** Brenda Cabral  
**Cc:** Jack Broadbent; Jeffrey McKay; 'William Nelson'  
**Subject:** ConocoPhillips, San Francisco Refinery - Recent Title V Permit Application

Mr. Kamboj,

With respect to ConocoPhillips' recent application for a new Title V. Permit, I respectfully request a 60-day extension for public comment on the proposed permit (from the current deadline of April 14 to a new deadline of June 14) for several important reasons:

- First, information alerting the public on projects such as this doesn't seem to be widely disseminated, or disseminated at all for that matter, but for a rather obscure posting on BAAQMD's web site. I don't know that this practice is sufficient to give average citizens adequate notification regarding agency regulatory activities such as this, and public comment deadlines thereto.
- Second, the application at issue is 866 pages in length. Even if, by happenstance, one found out that the draft application was available on or about March 8, the first date in which it was posted on the Web to my knowledge, approximately 5 weeks is arguably not enough time to adequately review the document in any meaningful way. I'm quite sure I'm one of the very, very few local people who know about this issue at all, and I just found out about it recently. To think that a document of this length and magnitude can be examined carefully in a week to 10 days defies logic and common sense.
- Third, ConocoPhillips' Rodeo Refinery in particular has, for roughly the past 18 mos., been operating the hydrocracker central to the company's Clean Fuel Expansion Project in violation of the very Land Use Permit that allowed its construction in the first place. Coupled with recent wastewater related violations and the refinery's, shall we say, "questionable" political tactics, the people of Rodeo, Tormey, Crockett and Port Costa no longer trust the folks who run this facility.

Please confirm receipt of this e-mail and provide me with a written response as soon as you possibly can. Thanks very much,

David A. Black  
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