

Marjorie Villanueva

From: Cerise Mayo <cerise.mayo@gmail.com>
Sent: Tuesday, July 20, 2021 9:47 AM
To: Marcy Hiratzka
Subject: Marin Resident

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.

Hello,

I am writing to voice my support for Rule 6-5. As a San Rafael resident, I am very concerned with the air quality and the pollutants from the Chevron Refinery. As a concerned citizen, I am very concerned about what those pollutants have done to the health of Richmond residents, more specifically.

Thank you for reading,

Cerise Mayo
San Rafael homeowner

Marjorie Villanueva

From: Allison Dang <agdang@gmail.com>
Sent: Tuesday, July 20, 2021 10:40 AM
To: Marcy Hiratzka
Subject: Rule 6-5

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.

Please vote for the strongest possible rules to prevent refineries from damaging health, threatening life, and making breathing dangerous.

We all need to breathe, and we count on you to make it safe!

Thank you

Allison Dang

Arbitrarily miscorrected by my iPad

Marjorie Villanueva

From: Trina Warren <trinawarren@hotmail.com>
Sent: Tuesday, July 20, 2021 12:04 PM
To: Marcy Hiratzka
Subject: 3000 deaths per year

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 BBAQMD Board Members,
3000 deaths per year
Increased rates of asthma
Slower lung development in children
Increased rates of cognitive impairment and dementia

Because of airborne PM2.5
And worse, the highest concentration of air pollution falls disproportionately on low-income communities of color

You have it within your power to lessen these tragedies.

Vote to limit PM2.5 output at Chevron Richmond and PBF Martinez. Wet gas scrubbing is commonplace tech and already in use at most U.S. refineries.
Installing this tech will also create more than 4,600 jobs.

Please help protect the air we all breathe.

Sincerely,
Trina Warren
retired school teacher

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 12:32 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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.

A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Trina Warren
Email: trinawarren@hotmail.com

Public Comment:

Vote to protect our air, and our health. And create more than 4000 jobs. Vote to limit PM emissions. Thank you.

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 12:55 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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.

A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Lindsey North
Email: lnorth_home@yahoo.com

Public Comment:

Rule 6-5 Please hold refineries accountable by enacting a strong Rule 6-5 greatly reducing PM2.5 levels. Our lives and our children's lives depend on it.

Marjorie Villanueva

From: TRACY TAYLOR <tracytaylorrd@comcast.net>
Sent: Tuesday, July 20, 2021 1:37 PM
To: Marcy Hiratzka
Subject: Rule 6-5 vote

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 Board Members,

Tomorrow July 21, the 24 members of the Bay Area Air Quality Management District Board will vote on Rule 6-5, which would limit the amount of PM2.5 that refineries can emit. The two refineries that would be cleaned up, Chevron in Richmond and PBF in Martinez, would be forced to reduce their PM2.5 by upward of 75% — saving lives, lessening profound racial inequities, and protecting health.

To comply with this rule, the refineries would likely have to install a commonplace technology called wet gas scrubbing, which is already in use at most U.S refineries, including Valero in Benicia. My understanding is that installing these wet gas scrubbers would protect public health while also supporting the economy. So many of us suffer from asthma.

Please uphold your mission is to create healthy air in the Bay Area while protecting public health and the climate [by voting for the strongest Rule 6-5](#) possible.

thank you for your consideration

Tracy Taylor

Marjorie Villanueva

From: Bob Thawley <bthawley@gmail.com>
Sent: Tuesday, July 20, 2021 1:40 PM
To: David Joe; Marcy Hiratzka; Supervisor Myrna Melgar; Mayor's Appointee Tyrone Jue
Subject: Please , for the sake of your communities, vote in favor of Rule 6-5

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 SF BAAQMD representatives and general Board,

Please , for the sake of your communities, vote in favor of Rule 6-5, which would limit the amount of PM2.5 particulates that refineries can emit. The two refineries that would be most cleaned up, Chevron in Richmond and PBF in Martinez, would be forced to reduce their PM2.5 by upward of 75%, saving lives, lessening profound racial inequities, and protecting health. These refineries have been among the most egregious in releases and have been engaging in a well-funded and specious campaign to distort the facts. Chevron's FCCU is the single largest point source of particulates in the City of Richmond. In addition, an economic analysis recently conducted by the UCLA Luskin Center shows that the rule would also be a significant producer of jobs in the local area. This proposed mandatory technology is already in use in Bay Area refineries and the majority in the US. Chevron and PBF are trying to get out of it in the name of profitability and at the expense of our public health.

Please vote in favor of rule 6-5

Bob Thawley
UCSF / Global Health Sciences researcher
(for identification only)
San Francisco, CA

Marjorie Villanueva

From: Kate Jennings <goldingbird@gmail.com>
Sent: Tuesday, July 20, 2021 2:17 PM
To: Marcy Hiratzka
Subject: vote for strongest Rule 6-5

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.

To the members of the board of BAAQMD,
I urge you to vote for the strongest Rule 6-5 possible. Please require Chevron and PBF to install wet gas scrubbers.
Thank you.
Kate Jennings, 30 year resident of Richmond

Marjorie Villanueva

From: Hubinger, Brian R (HUBI) <Brian.Hubinger@chevron.com>
Sent: Tuesday, July 20, 2021 2:55 PM
To: Marcy Hiratzka
Cc: Hope.Cahan@bos.sccgov.org
Subject: Chevron Comments Reg 6-5
Attachments: Chevron Comments - Reg 6-5 Myth Fact Signed.pdf

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.

Hi Marcy,

Please accept these comments from Chevron regarding the proposed Regulation 6-5. Appreciate your distribution to all Board members.

Regards,
Brian

Brian Hubinger

Senior Representative - Public and Government Affairs

Corporate Affairs

Chevron U.S.A. Inc.
841 Chevron Way
Richmond, CA 94801

Chevron



Linsi Crain
Manager, Corporate Affairs

July 20, 2021

Via E-mail

The Honorable Cindy Chavez
Chair, Bay Area Air Quality Management District
375 Beale Street
San Francisco, CA 94015

Dear Chair Chavez:

Making decisions on how to best protect the community is not an easy task, but it is one that businesses and governments must always consider when taking action. The best decisions can only be made when there is active engagement and up-to-date, factual information available. This can be difficult when your stakeholders' voices are drowned out by groups providing misinformation and pushing for action from BAAQMD that is inconsistent with other CA Air Districts or its own practices.

On June 2, you listened to public comments for more than five hours and will hear more before you vote on requiring a Wet Gas Scrubber for Bay Area Refineries. As you prepare to make your decisions, we believe it is important to differentiate between the myths and facts you've heard thus far. For example, Chevron's Modernization Project, which went through a very public approval process with significant community input, projected emissions reductions that would be achieved from more modern technologies to create a newer, safer, cleaner refinery; yet opponents continue to say the project was not enough. Since 2018, Richmond residents have already benefited from the 25 percent Particulate Matter (PM) emission reductions achieved through the Modernization Project. It is important to have updated data, like this, to truly understand the impacts of any policy.

Attached are some of the myths that need to be addressed to help make the best-informed decision.

Please keep these in mind.

Sincerely,



cc: BAAQMD Clerk of the Board
BAAQMD Board of Directors
Hope Cahan

Chevron Richmond Refinery
Chevron Products Company
841 Chevron Way, Richmond, CA 94801
Tel 510 242 2400
LinsiCrain@chevron.com

The Truth about Regulation 6-5

The best policy decisions are made when current and accurate information is the basis for these decisions. As you prepare to make your decision on this proposed rulemaking, we believe it is important to differentiate between the myths and facts you've heard thus far.

MYTH: Adding a WGS is the fastest and most efficient way to protect people from PM emissions

FACT: Chevron submitted a voluntary commitment for the Board's considerationⁱ that would immediately and significantly address PM emissions

- Chevron's voluntary commitment outlines how we can execute our plan to invest in immediate results for our community.
- Chevron would like staff to act on its 2017 application for an ammonia optimization permit so that we can immediately lower FCC PM emissions by 35 percent without building new equipment.

MYTH: Refineries have not submitted Emission Reduction Projects for consideration.

FACT: Chevron submitted an application to lower FCC PM emissions by 35 percent. Recently, Chevron's \$1 billion Modernization Project has resulted in real measurable PM reductions.

- In alignment with the current Reg 6-5, Chevron submitted a permit application related to the FCC in 2017. This project would have immediately lowered FCC PM emissions by 35% without building new equipment. No action from BAAQMD has been taken to date.
- Since 2018, Chevron Richmond has lowered its refinery-wide PM emissions by 25 percent because of its Modernization Project. This PM reduction is greater than the BAAQMD believes they will be able to achieve with Reg 6-5.

MYTH: The 2018 AB 617 EIR is sufficient analysis for Reg 6-5.

FACT: BAAQMD staff candidly admitted the need for a more detailed CEQA analysis and that the AB 617 EIR does not adequately analyze the impacts of Reg 6-5.

- Staff has backtracked on their 2018 commitment to the Board to further study Reg 6-5 in a detailed EIR.
 - *"[T]here will be a separate CEQA analysis for each and every single one of [the BARCT rules] as they are brought forward. That's when we're going to do the more detailed impacts on water and land and other types of environmental impacts."* (emphasis added) - Jack Broadbent, BAAQMD Executive Officerⁱⁱ
- Staff stated that there are substantial environmental impacts, particularly water usage, associated with WGS usage that need detailed CEQA analysis.
 - **2018 Staff Report: "Potential controls involving wet gas scrubbing would also need to be evaluated for other potential environmental impacts, as wet gas scrubbers may require substantial water usage."**ⁱⁱⁱ
- In addition to water usage, environmental impacts from hazardous waste generation, wastewater impacts and a large low-lying exhaust plume that may impact the community have not been analyzed in sufficient detail.^{iv}

MYTH: A WGS requires an insignificant amount of fresh water.

FACT: 150,000,000 gallons of fresh water per year is needed to operate one wet gas scrubber.

- The BAAQMD concluded that WGS water use is nearly five times greater than the District's own environmental significance levels.^v Yet no mitigations or alternatives were put forth by BAAQMD.
- Chevron Richmond's freshwater use will increase as much as 15 percent with a WGS.
- There is no additional reclaimed water available. Chevron already uses all available sources.^{vi} Additional reclaimed water use would require extensive infrastructure to treat and deliver new sources to the refinery.
- Installing a regenerative WGS could reduce water consumption. However, BAAQMD staff states this doubles their cost-estimates.^{vii}

MYTH: WGSs are an industry standard to control PM from FCCs

FACT: WGSs are NOT widely used to control PM at FCCs

- Only 2 of the 10 major refineries in heavily regulated California have a WGS and Chevron does not have one in its refining system.^{viii} The vast majority have an Electrostatic Precipitator to control PM from FCCs.
- Existing FCC WGS are primarily installed for SO₂ control, not PM control, as noted by BAAQMD staff.^{ix}

MYTH: A 0.01 PM standard is easily met with a WGS.

FACT: WGSs do NOT consistently comply with a PM standard of 0.01.

- Valero Benicia has stated in comment letters that their WGS cannot comply the 0.01 limit.
- 75 percent of FCCs with WGSs have PM emission results above BAAQMD's proposed limit.^x
- Source tests at U.S. refinery WGSs show PM levels as high as 0.078 gr/dscf.^{xi}
- BAAQMD's source test review includes one WGS never achieving PM levels below 0.02 between 2012 and 2020.^{xii}

MYTH: You must select the 0.01 limit to meet BARCT requirements.

FACT: Alternative limits and technologies meet the definition of BARCT and environmental, energy, and economic impacts must be considered.

- BARCT, unlike BACT, requires considering environmental, energy, and economic impacts.
- BAAQMD's General Counsel has stated that other alternatives, such as a 0.02 limit using an ESP, meet BARCT requirements.
 - "Yes, **both can meet the definition of BARCT**. One (a WGS) is more expensive than the other." – Brian Bunker, BAAQMD General Counsel (emphasis added)^{xiii}
- WGSs use significant amounts of water and increase refinery energy usage and GHG emissions. ESPs use no water and are less energy intensive.
- WGSs are not cost-effective. In fact, the proposed Reg 6-5 is an order of magnitude greater than any other rule proposed by the BAAQMD.^{xiv}

MYTH: BAAQMD must pass the most stringent rule to address community health impacts that determine BARCT.

FACT: The law defines BARCT and it does not require a health risk analysis.

- BAAQMD Staff outlines that health analysis is not typically considered in BARCT analysis
 - "**Modeling for health impacts is not required** for, nor is it a normal part of, the analysis of BARCT."^{xv}
 - "**There is no requirement for modeling of health impacts in connection with adoption of a BARCT rule**. Air District undertook this modeling exercise to provide context... However... whether modeling was done at all, is not prerequisite to adoption of the proposed amendments to Rule 6-5."^{xvi}
- BARCT is defined as "an emissions limitation that is based on the maximum degree of reduction achievable, **taking into account environmental, energy, and economic impacts** by each class or category of source."
- It is important to take the time to get the modeling right, even if it is to provide only context.
 - BAAQMD has:
 - Used Oakland's meteorological data instead of the BAAQMD's Richmond readings. Winds vary between locations; any model not using local meteorological data is misleading.
 - Used outdated 2018 emissions inventory^{xvii} instead of the 2019 emissions inventory BAAQMD had prior to publishing the May 2020 draft amendments for public comment.
 - This resulted in the failure to show Chevron's emissions were already 21 percent LOWER than 2018 emissions.

References

-
- i Chevron letter to BAAMQD dated May 27.
 - ii Statement made at December 19, 2018 BAAQMD Board Meeting
 - iii Regulation 6-5 Final Staff Report, Attachment A, pdf p. 18
 - iv Chevron letter from April 30, 2021, pages 27 - 31
 - v 2018 EIR, BAAQMD CEQA Threshold for water usage is 263,000 gallons per day. Pdf p. 179
[20210525 04 fsr 0605 app d-pdf.pdf \(baaqmd.gov\)](#)
 - vi June 7, 2021 EBMUD Letter to Chevron
 - vii Regulation 6-5 Final Staff Report, p. 26 [20210525 13 fsr 0605-pdf.pdf \(baaqmd.gov\)](#)
 - viii Review of Title V Permits for Major Refineries at [baaqmd.gov](#) and [aqmd.gov](#)
 - ix [bod presentations 060221 op-pdf.pdf \(baaqmd.gov\)](#), pdf pg 26
 - x Regulation 6-5 Final Staff Report, Appendix B [20210525 06 fsr 0605 app b-pdf.pdf \(baaqmd.gov\)](#);
[Also see Western States Petroleum Association letter from April 30, 2021, pages 2-5.](#)
[20210430 wspa 0605-pdf.pdf \(baaqmd.gov\)](#)
 - xi Regulation 6-5 Final Staff Report, Appendix B [20210525 06 fsr 0605 app b-pdf.pdf \(baaqmd.gov\)](#)
 - xii Regulation 6-5 Final Staff Report, Appendix B [20210525 06 fsr 0605 app b-pdf.pdf \(baaqmd.gov\)](#)
 - xiii Statement made at December 19, 2018 BAAQMD Board Meeting
 - xiv Regulation 6-5 Final Staff Report, p. 21 [20210525 13 fsr 0605-pdf.pdf \(baaqmd.gov\)](#)
 - xv Regulation 6-5 Response to Comments, pg 15 [20210525 12 summaryrtc 0605-pdf.pdf \(baaqmd.gov\)](#)
 - xvi Regulation 6-5 Response to Comments, pg 13 [20210525 12 summaryrtc 0605-pdf.pdf \(baaqmd.gov\)](#)
 - xvii Chevron letter from April 30, 2021

Marjorie Villanueva

From: Chris Krohn <ckrohn@cruzio.com>
Sent: Tuesday, July 20, 2021 2:31 PM
To: Marcy Hiratzka
Subject: Rule 6-5 Vote to limit amount of PM2.5

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.

RE: Rule 6-5, which would limit the amount of fine particulate matter (PM2.5) that refineries can emit from their catalytic cracking units, sometimes called cat crackers.

Dear Ms. Hiratzka, and The Bay Area Air Quality Management District Board,

I write to urge you to vote to limit the amount of PM2.5 that refineries can emit from their cat crackers, and honor your commitment to advance the cause of diversity and equity in Bay Area Air Quality Management Board policies, programs, and practices.

I believe your job does not include protecting the financial interests of the fossil fuel companies that for decades have been poisoning our air with very little accountability. These companies should be sanctioned for actively campaigning to hide the science of climate change and for fighting reasonable and responsible climate legislation.

Thanks for your service to the Bay Area community and the state of California.

best,

Chris Krohn

Chris Krohn

Politics Santa Cruz

[Twitter](#)

Santa Cruz Political Report

[BrattonOnLine.com](#)

Talk of the Bay

KSQD 90.7 & <https://ksqd.org/category/program/talk-of-the-bay/chriskrohn/>

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 4:07 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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.

A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Tony Lozoya
Email: tony_lozoya@thenewtrongroup.com

Public Comment:

My name is Tony Lozoya, I am a General Manager for a local firm employing two hundred Petro-chemical Contra Costa County employees. I'm asking you to ensure that the Bay Area has BOTH a healthy economy and a clean environment. It is a well-known fact that California's production methods are already among the cleanest and safest in the world, the industry is regulated by 25 federal and state agencies. Why would Californians want to give up their fuel self-sufficiency, while other states and countries with lower standards supply our demand... for a price. Remember Enron! Please vote down the .01 requirement and go with PBF's win-win solution for a healthy economy and clean environment. Tony Lozoya 925-229-2030

Marjorie Villanueva

From: Doria Charlson <doria.charlson@gmail.com>
Sent: Tuesday, July 20, 2021 4:13 PM
To: dcanepa@smcgov.org
Cc: Marcy Hiratzka
Subject: Urgent re: upcoming BAAQMD Meeting tonight

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.

Hello Supervisor Canepa,

I am a constituent from San Mateo writing regarding the amendment to Rule 6-5. I urge you to vote yes on implementing the strongest emission standard to employ the best available retrofit control technology. Your job as a board member of BAAQMD is to follow your mission statement to improve public health and air quality for all. This is both a health and a racial justice issue. This amendment was mandated to protect the health of the most vulnerable — predominantly communities of color — near the Chevron and PBF refineries. **Please do not bow to industry pressure.** Please vote yes for the strongest emission control standard and stand up for health!

Thank you,
Doria Charlson
Aragon, San Mateo 94402

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 4:22 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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.

A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Doria Charlson
Email: doria.charlson@gmail.com

Public Comment:

I am a constituent from San Mateo writing regarding the amendment to Rule 6-5. I urge you to vote yes on implementing the strongest emission standard to employ the best available retrofit control technology. Your job as a board member of BAAQMD is to follow your mission statement to improve public health and air quality for all. This is both a health and a racial justice issue. This amendment was mandated to protect the health of the most vulnerable — predominantly communities of color — near the Chevron and PBF refineries. Please do not bow to industry pressure. Please vote yes for the strongest emission control standard and stand up for health! Thank you, Doria Charlson Aragon, San Mateo 94402

Marjorie Villanueva

From: dave doering <davedoering@hotmail.com>
Sent: Tuesday, July 20, 2021 4:39 PM
To: Marcy Hiratzka
Subject: Amendment to Rule 6-5

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 Ms. Hiratzka,

I wanted to contact the 3 representatives of the City and County of San Francisco but could not find their email addresses online. Would you please see that they and, if possible, the other Board Members receive a copy of my email:

I am constituent from the City and County of San Francisco. I am writing regarding the amendment to Rule 6-5. I urge you to vote yes on implementing the strongest emission standard to employ the best available retrofit control technology.

As a board member of BAAQMD, I urge you to follow your mission statement to improve public health and air quality for all. This is both a health and a racial justice issue. This amendment was mandated to protect the health of the most vulnerable — predominantly communities of color — near the Chevron and PBF refineries. **Please do not bow to industry pressure.** Please vote yes for the strongest emission control standard and stand up for health!

Thank you,
David Doering

Please accept my appreciation in advance for conveying my message.

Marjorie Villanueva

From: Karly Wienker <kwienker@sbcglobal.net>
Sent: Tuesday, July 20, 2021 4:41 PM
Subject: Amendment to Rule 6-5

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.

I reside in Walnut Creek, Contra Costa County and am contacting you regarding amendment to Rule 6-5. Please vote yes on implementing the strongest emission standard to employ the best available retrofit control technology.

Your mission statement is to improve public health and air quality for all. Please uphold this.

Please do the right thing and protect the health of the vulnerable communities this will affect. This is both a health and a racial justice issue.

Thank you,
Karlyn Wienker
156 Springside Road
Walnut Creek, CA. 94597 Sent from my iPhone

Marjorie Villanueva

From: Robert Bacci <rmbsmf@pacbell.net>
Sent: Tuesday, July 20, 2021 4:49 PM
To: Marcy Hiratzka; john_gioia@bos.cccounty.us; supervisor-Mitchoff@bos.cccounty.us
Subject: Fw: Amendment to Rule 6-5

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.

I reside in Walnut Creek, Contra Costa County and am contacting you regarding amendment to Rule 6-5. Please vote yes on implementing the strongest emission standard to employ the best available retrofit control technology.

Your mission statement is to improve public health and air quality for all. Please uphold this.

Please do the right thing and protect the health of the vulnerable communities this will affect. This is both a health and a racial justice issue.

Thank you,
Sharilyn Fetterhoff-Bacci
164 Springside Road
Walnut Creek, CA. 94597

Marjorie Villanueva

From: Carol Long <cjlong3@sbcglobal.net>
Sent: Tuesday, July 20, 2021 5:18 PM
To: Marcy Hiratzka
Cc: SCCAN; scpel; Santa Cruz Progressive Alliance
Subject: Big Oil has fouled the Bay Area's air for too long

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.

To the The Bay Area Air Quality Management District board:

You will vote TOMORROW, 7/21/21, on Rule 6-5, which would limit the amount of fine particulate matter (PM2.5) that refineries can emit from their catalytic cracking units, sometimes called cat crackers.

I urge you to vote to limit the amount of PM2.5 refineries can emit from their cat crackers, and honor their 'commitment to advance the cause of Diversity and equity in [their] policies, programs, and practices.'"

Must I remind the board that your job does not include protecting the financial interests of the fossil fuel companies that for decades have not only poisoned our air with little accountability, but have actively campaigned to hide the science of climate change and fight responsible climate legislation.

Thank you for seriously considering my input on this ever more pressing issue.

Carol Long

Marjorie Villanueva

From: Bruce Preville <bruce@preville.net>
Sent: Tuesday, July 20, 2021 5:28 PM
To: Rob Rennie
Cc: Bruce Preville; Marcy Hiratzka
Subject: BAAQMD Vote on Chevron and PFB Refineries

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.

Hi Rob,
I am a constituent in Los Gatos.

I am writing regarding the amendment to Rule 6-5. I urge you to vote yes on implementing the strongest emission standard to employ the best available retrofit control technology. Your job as a board member of BAAQMD is to follow your mission statement to improve public health and air quality for all. This is both a health and a racial justice issue.

This amendment was mandated to protect the health of the most vulnerable — predominantly communities of color — near the Chevron and PBF refineries. Please do not bow to industry pressure. Please vote yes for the strongest emission control standard and stand up for health!

And please advocate with your other BAAQMD members for their YES votes and their advocacy on behalf of the people and not bowing to industry pressure!.

Thank you,
Bruce Preville

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 5:32 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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.

A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: David Vigil
Email: david.j.vigil@gmail.com

Public Comment:

I am strongly in favor of the installation of WGS at regional refineries in the Bay Area. As resource conservation professional serving Solano County and a native of Contra Costa, I have spent my life working, exercising, studying, and living in the shadows of these refineries. As air quality worsens as a result of wildfires, installing WGS technology is the minimum that we can ask of fossil fuel companies that have contributed so much to climate change.

Marjorie Villanueva

From: Jane Bender <janebender@sbcglobal.net>
Sent: Tuesday, July 20, 2021 5:33 PM
To: Marcy Hiratzka
Subject: Rule 6.5

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.

Please send this request to the other members of the board.

Hi Lynda

Please vote for the most stringent controls on emissions from refineries like the Chevron one in Richmond and the PFB refinery in Martinez. People living near these plants deserve the same quality of air as those of us living farther away.

Thanks Lynda

Jane Bender

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 5:41 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Kenji Yamada
Email: hajenso@gmail.com

Public Comment:

I am a resident of Contra Costa, Supervisorial District IV. I am especially asking my particular representative at BAAQMD, Vice-Chair and Sup. Mitchoff, as well as Sup. Gioia, to support Regulation 6 Rule 5 and make the health of your constituents the top priority in policy, in spite of industry pressure to the contrary. I believe you have already been presented with extensive research substantiating the claim that this rule is important for that purpose. Thank you for your patient attention to the voluminous public comment you have received and will be receiving on this item. I look forward to hearing that BAAQMD has passed the Cat Cracker Rule.

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 6:15 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Allison Dang
Email: agdang@gmail.com

Public Comment:

Please vote for the strongest possible rules to prevent refineries from damaging health, threatening life, and making breathing dangerous. We all need to breathe, and we count on you to make it safe! Thank you

Marjorie Villanueva

From: Matson, Brandon <Brandon.Matson@pbfenergy.com>
Sent: Tuesday, July 20, 2021 6:24 PM
To: Marcy Hiratzka
Cc: Jack Broadbent; Veronica Eady; David Joe; Damian Breen
Subject: Martinez Refining Company LLC's comments on Proposed Amendments to Regulation 6, Rule 5
Attachments: MRC-Reg_6_Rule_5-Comment_Letter 7_20_21.pdf

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.

Hello Marcy,

Please find attached Martinez Refining Company LLC's comments on Proposed Amendments to Regulation 6, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units; Response to Comments at June 2, 2021 Board Meeting. Please distribute this comment letter to Chair Chavez and the BAAQMD Board Members. Thank you for your assistance.

Sincerely,

Brandon Matson

Director, Government Relations
PBF Energy Western Region LLC

Cell: 310.938.5371

Email: brandon.matson@pbfenergy.com

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July 20, 2021

CERTIFIED MAIL AND ELECTRONICALLY VIA EMAIL

Hon. Cindy Chavez, Board Chair and Members of the Board of Directors
Bay Area Air Quality Management District
375 Beale Street, Suite #600
San Francisco, CA 94105

Subject: Martinez Refining Company LLC's Comments on Proposed Amendments to Regulation 6, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units; Response to Comments at June 2, 2021 Board Meeting

Dear Chair Chavez and Members of the Board of Directors,

The Martinez Refining Company LLC ("MRC") submits these additional comments on the Bay Area Air Quality Management District's ("District") Proposed Amendments to Regulation 6, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units ("PAR 6-5"). PAR 6-5 would impose new total particulate matter ("TPM") emissions limitations on petroleum refinery Fluidized Catalytic Cracking Units ("FCCUs"). MRC has previously submitted numerous detailed comments to the District identifying its concerns with PAR 6-5,¹ as have other Bay Area refineries and the Western States Petroleum Association ("WSPA"). Among other topics, MRC's comments clearly and repeatedly emphasized the lack of technological feasibility of installing a wet gas scrubber ("WGS") at the Martinez Refinery ("Refinery") as mandated by PAR 6-5 to meet a 0.010 grain per dry standard cubic foot ("grain/dscf") TPM limit due to demonstrated space constraints; the extremely high cost of installing WGS at the Refinery (particularly given the lack of available space); the District's failure to satisfy fundamental legal requirements regarding the assessment of costs, cost-effectiveness (including incremental cost-effectiveness), and feasibility; and the failure to comply with requirements of the California Environmental Quality Act ("CEQA").

Despite these clearly articulated rulemaking deficiencies, on July 15, 2021, the District released another PAR 6-5 Board package for consideration at its July 21, 2021 Board meeting ("Rule Package") that is essentially identical to the package considered at its June 2, 2021 Board meeting, which itself was essentially identical to the March 30, 2021 PAR 6-5 proposal. The Rule Package repeats the errors of the prior package and proposal by putting forth a technically and legally

¹ MRC incorporates into this letter by reference all prior comments submitted by MRC, WSPA, and other Bay Area refineries and stakeholders.

Hon. Cindy Chavez, Board Chair and Members of the Board of Directors,

RE: MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting
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flawed rule that will impose enormous costs for very little incremental environmental benefit as compared to other alternatives available and previously considered by the District. It is clear that the District staff developed PAR 6-5 and the Rule Package with a predetermined outcome and has decided to ignore public comments rather than grapple with the unreasonable and unlawful aspects of the proposed amendment.

As a result, if adopted as proposed, PAR 6-5 would violate the California Health and Safety Code ("HS&C"), CEQA, the California Constitution, and California common law. As MRC has repeatedly explained to the District, the adoption of PAR 6-5 would unreasonably and illegally impose an infeasible, cost-ineffective 0.010 TPM limit on its FCCU, i.e., Control Scenario B, mandating the installation of a WGS, that would force a shutdown of the Refinery, if litigation fails. A shut-down of the Refinery would lead to higher gas prices for Bay Area motorists, businesses, and governments, reliance on imported fuels sources that may be limited, and the elimination of hundreds of good jobs, as well as significant unintended environmental and other impacts

The District has developed Control Option B in a manner that violates fundamental procedural requirements, resulting in a proposal that also fails to meet substantive Best Available Retrofit Control Technology ("BARCT") requirements under the HS&C. PAR 6-5 is so unprecedented in the District's history that if a court somehow upheld the amendment as lawful, then PAR 6-5 would effectuate a taking of private property under the U.S. and California constitutions with respect to MRC. The rule would deprive MRC of all economically beneficial use of its property; would impose severe economic impacts; would extensively interfere with MRC's reasonable investment-backed expectations; and would be of a vastly disproportionate and invasive character.

The District should not move forward with such an unreasonable proposal, particularly when MRC has offered a "win-win" solution – a solution that benefits the environment, consumers, and workers. On May 18, 2021, MRC submitted to the District a formal offer in the form of a proffer to invest in a \$40 million dollar project to meet a 0.020 gr/dscf TPM limit, and achieve at least 70% of the benefits that the PAR 6-5's arbitrary set 0.010 gr/dscf TPM limit may obtain at the Refinery. Further, MRC's project will achieve these substantive TPM reductions at least two years earlier than PAR 6-5. MRC informed District staff of this project in August 2020 and several times thereafter. MRC's permit application for this project has been pending with the District for over a year.

Sadly, despite MRC's repeated attempts imploring District staff to bring its "win-win" solution before the Board for consideration as an alternative to PAR 6-5, as required by CEQA and the HS&C, considering the significant environmental and economic impacts of mandating a WGS, District staff has ignored these pleas and instead has repeatedly used misstatements and misrepresentations to illegally justify bringing PAR 6-5 before this Board for adoption. Most alarming of these, are the numerous misstatements and misrepresentations that District staff made at the June 2nd Board meeting in its presentation on PAR 6-5 and in responses to Board questions to urge adoption. Unfortunately, District staff has a history of this going back to the December 19, 2018 Board meeting wherein the Board adopted AB 617 Expedited BARCT Implementation

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Schedule and its Final Environmental Impact Report ("2018 FEIR), which is the basis for PAR 6-5 and the CEQA document being relied on by District staff for PAR 6-5.

To clarify the record, MRC submits these further comments and Attachment A in regard to statements made by District staff at the June 2nd Board meeting during the discussion of PAR 6-5. Comments and responses by District staff at that meeting evidence an intention to ignore comments provided by MRC and other refineries. As MRC noted in its June 1, 2021 comments, the District has not meaningfully responded to MRC and other refinery comments as required by law. This lack of substantive responses, along with the District's misstatements and misrepresentations of key facts in its oral presentations and responses to Board Member questions at the June 2nd meeting, misleads the public and fails to provide the Board with the information necessary to make a reasoned and informed decision. It also violates the law.

Additionally, in Attachment A, MRC address some of the responses that the District provided to Board member questions during the June 2nd Board meeting. As the Board members consider the responses provided by District staff at that meeting, they should also ask why the District staff did not adhere to its own statements and assurances staff provided to the Board at the December 19, 2018 Board meeting. During this meeting, staff presented the 2018 FEIR for the AB 617 Expedited BARCT Implementation Schedule to the Board for approval. At the time, staff assured the Board that the 2018 FEIR addressed only the schedule for bringing forward new BARCT rules, and not the impacts of the rules themselves.

Question: Director Scott Haggerty: "And what happens then, if the [wet gas scrubber] is the way to go, then where do we go from there [with respect to significant water demand]?"

Answer: Jack Broadbent: "[T]here will be a separate CEQA analysis for each and every single one of [the BARCT rules] as they are brought forward. That's when we're going to do the more detailed impacts on water and land and other types of environmental impacts I do know that there's also going to be a more detailed analysis subsequently, if that helps you." (Emphasis added.)

Fast forward to the June 2nd when District staff broke this assurance and stated:

Greg Nudd: "[In 2018] [w]e did a complete environmental impacts analysis [in the 2018 FEIR] for every rule that would come out of that schedule, including this one So we're going to continue to rely on that EIR" (Emphasis added.)

Among the many deficiencies as has been catalogued in detail by MRC, WSPA, and other refineries and stakeholders, the District has failed to bring forth the separate CEQA analysis for each and every one of its BARCT rules, including PAR 6-5, as promised to the Board, and as required by law.

* * *

Hon. Cindy Chavez, Board Chair and Members of the Board of Directors,

RE: MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting
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In sum, as we have repeatedly communicated, MRC supports the objective of the current rulemaking, which is to reduce the TPM emissions from FCCUs. However, we implore the District to advance this objective in a measured fashion rather than as reflected in the Rule Package.

However, the unresolved technical issues and cost and other concerns associated with PAR 6-5 make its adoption illegal and invalid if adopted in its current form. As a result, this necessitates that the PAR 6-5 rulemaking process be paused and/or slowed down so that all the critical issues discussed in this letter and Attachment A (including those in prior comments by MRC, WSPA, and other refineries and stakeholder) can be thoroughly addressed, including from a technical and cost perspective.²

Importantly, MRC has developed and offered the District "win-win" solution to PAR 6-5 that will improve the environment and avoid costly and drawn-out litigation, while supporting the District's goals, working families, and local communities. We sincerely urge the Board to accept our proffer to meet an 0.020 gr/dscf TPM limit, reject PAR 6-5, and stop the current PAR 6-5 rulemaking process.

Please note that in submitting this letter, MRC reserves the right to supplement its comments as it deems necessary, especially if additional or different information is made available to the public regarding the PAR 6-5 rulemaking process.

Please contact Gordon Johnson at (925) 313-3790 with any questions regarding MRC's comments.

Very truly yours,



Jerry Forstell
Refinery Manager
Martinez Refining Company LLC

Attachment (1)

cc: Jack Broadbent, Chief Executive Officer/APCO
Veronica Eady, Senior Deputy Executive Officer of Policy & Equity
Damian Breen, Senior Deputy Executive Officer of Operations
David Joe, Assistant Manager of the Rule Development Section

² To advance this process, MRC respectfully requests that the District respond in writing to each comment in this letter and Attachment A, its prior comment letters, and then meet with MRC representatives and other industry participants to resolve these issues and concerns before advancing the current (or any alternate) PAR 6-5.

ATTACHMENT A

MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

MRC offers the following comments in response to the District's July 15, 2021 Rule Package³ and the misstatements and misrepresentations made by District staff to the Board and public at the June 2, 2021 and December 19, 2018 Board meetings. This submission is made to specifically address the aspects of the rulemaking process that MRC believes do not comply with applicable law including by reason of PAR 6-5 being improper, unsupported, and premature. The Rule Package and District staff's misstatements and misrepresentations cannot white-wash the fact the District has failed to conduct a rational and legally adequate analysis of the technical feasibility, costs, and benefits, and CEQA impacts associated with PAR 6-5.

Unaddressed in the Rule Package are the many underlying assumptions that are incorrect but appear to be included as they are necessary to support the proposed 0.010 gr/dscf TPM limit as a pre-determined outcome. As further described in MRC's April 30, 2021 and June 1, 2021 comments, PAR 6-5 still fails to meet the requirements of certain provisions of California law, including the HS&C, and the CEQA, and this failure will render PAR 6-5 invalid if adopted in its current form. These comments, along with MRC's written and verbal comments provided to the District on the dates and forums shown in the Table 1 below, and WSPA's and other refineries' and stakeholders' comments⁴, must be considered and addressed before the District continues with its current PAR 6-5 rulemaking process.

Table 1

Forum	Dates
Face-to Face and Virtual Meetings	<u>2020</u> July 28 July 31 November 17 December 21 <u>2021</u> January 22 March 5 May 18
Refinery Tours	<u>2020</u> August 17 <u>2021</u> May 18
Submitted Written Comments	<u>2020</u> July 13

³ https://www.baaqmd.gov/~media/files/board-of-directors/2021/bods_agenda_072121_rev-pdf.pdf?la=en&rev=0678b6dc087a48e48cb5e8d599bee052; https://www.baaqmd.gov/~media/files/board-of-directors/2021/bods_presentation_072121-pdf.pdf?la=en&rev=b18a1e25b47d4e809cf7352fa8df9a58.

⁴ MRC incorporates by reference into its comments WSPA's comments and other refineries' and stakeholders' relevant AB 617 BARCT Implementation Schedule and PAR 6-5 comments.

ATTACHMENT A

MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

Forum	Dates
	<u>2021</u> March 1 April 29 April 30 May 18 June 2 July 13
Public Workshops/Meetings	<u>2020</u> July 29 October 1 December 17 <u>2021</u> February 4 March 15 April 7 June 2

I. INTRODUCTION

As the District marches towards adoption of PAR 6-5, the District continues to ignore numerous requirements of California law. As MRC and other stakeholders previously have pointed out, the District's rush to adopt new emissions standards from FCCUs comes at the expense of reasoned analysis and—if adopted—will result in a legally invalid rule. The District's Rule Package does not adequately consider MRC's comments or those of other stakeholders. MRC urges the Board to take a step back and reconsider this proposal in light of the substantive facts, applicable law, and its 0.020 gr/dscf TPM limit "win-win" solution.

The District does not regulate in a vacuum and must comply with the requirements of California law. The record supporting PAR 6-5 in the Rule Package, does not satisfy numerous requirements of California law, including CEQA, cost-benefit analysis, socioeconomic impacts, H&SC requirements, and other mandatory rulemaking requirements. In its prior comments to the District, dated April 29, 2021, April 30, 2021, and June 1, 2021, MRC indicated that the 0.020 gr/dscf TPM limit originally presented as Control Scenario A is technically feasible and cost-effective. Adopting a 0.020 gr/dscf TPM limit also would avoid most (but not all) of the CEQA issues since it would not require installation of WGSs and related environmental impacts. MRC strongly urges the District to not adopt PAR 6-5 and the Draft Resolution and accept its 0.020 gr/dscf TPM limit "win-win" solution that comports with California law.

ATTACHMENT A

MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

II. DISTRICT'S MISSTATEMENTS AND MISREPRESENTATIONS

A. District Staff Made A Promise To The Board To Conduct A Comprehensive CEQA Analysis For PAR 6-5; However, They Have Broken That Promise

During the December 19, 2018 Board meeting, District staff presented the 2018 FEIR for the AB 617 Expedited BARCT Implementation Schedule to the Board for approval. At the time, District staff assured the Board that the 2018 FEIR addressed *only the schedule* for bringing forward new BARCT rules, and *not the impacts of the rules themselves*. In fact, the FEIR only had two alternatives: 1) not implementing the Expedited BARCT Implementation Schedule, and 2) delaying the Implementation Schedule.⁵

Board Directors were concerned with making sure that they understood what the District staff was asking them to approve at the December 19, 2018 meeting. For example, the video recording of the Board meeting includes the following exchanges:⁶

Director Karen Mitchoff asked: *"I just have one question, just to make it as clear as possible. One of the recommendations here is to certify the CEQA Final Environmental Impact Report. That's on the [BARCT implementation] schedule. Because you mentioned earlier that there's going to be a CEQA on each one of those rules. So-- what we're voting on is just the EIR of the schedule, not the technicalities, if you will, of how that implementation will take place."*

District Executive Director, Jack Broadbent responded: *"That's correct, Director Mitchoff. I want you to be assured that the Staff, when we go through and identify explicitly what we're going to be proposing to you in those rules, we will have a CEQA analysis associated with it. So you'll have an opportunity to not only hear all the very detailed, there'll be a socioeconomic impact analysis in addition to a CEQA analysis. And those are all separate."*⁷

Director Katie Rice asked: *"Just so I'm crystal clear, looking at the chart on slide 12, those purple boxes, by the time we get to the end of the purple box [timeline], it actually includes the CEQA process. So the proposal is, or the projection is, that you'll be bringing to us the CEQA document to certify and the rule to approve by the time you get through those purple boxes [the timeline]."* Jack Broadbent responded: *"That's correct."*⁸

But even more telling regarding the District's understanding of the purpose and content of the 2018 FEIR is the exchange between Director Haggerty and Jack Broadbent:

Director Haggerty stated: *"So, I'm, a bit concerned and let me ask this. When we develop these rules, do we work with the Regional Water Quality Control Board? Do we get -- I realize this was an EIR, so, I'm sure. Did they comment on this? And the reason why is we have a rule coming*

⁵ December 19, 2018 Staff Report Appendix D at 4-2

⁶ See District December 19, 2018 Board meeting video recording http://baha.granicus.com/MediaPlayer.php?clip_id=4947.

⁷ *Id.* at approximately 2:15:00, http://baha.granicus.com/MediaPlayer.php?clip_id=4947.

⁸ *Id.* at 2:19:20, http://baha.granicus.com/MediaPlayer.php?clip_id=4947.

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MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

*into effect I think in June of next year in relationship to dust that requires more water usage and now if somebody uses the fluidized catalytic cracking unit there's a good chance there's going to be a significant increase in water usage. Director Ross just touch on the wastewater issue. **Water in California is almost more valuable than oil and I'm just curious when we look at these, are we taking in the fact that this many not be the best way to go?***"

Jack Broadbent responded: *Director Haggerty, so this is a, you can think of this as a programmatic EIR for all the potential rules that are going to be put forth for your consideration that we're calling BARCT. **But there will be a separate CEQA analysis for each and every single one of them as they are brought forward. That's when we're going to do the more detailed impacts on water and land and other types of environmental impacts.** And so, I do know that we reached out to water quality agencies and that's just part of this normal process, but I do know that there's also going to be a more detailed analysis subsequently, if that helps you.*"⁹

Executive Director Broadbent assured Director Haggerty, other Board Directors, and the public at large that, ***"there will be a separate CEQA analysis for each and every single one of them as they are brought forward. That's when we're going to do the more detailed impacts on water and land and other types of environmental impacts."*** (Emphasis added.)

It now appears that the District staff simply told the Board what they wanted to hear at the time, and then went down their own separate path. At the June 2, 2021 Board meeting discussing the proposed Rule 6-5 amendments to the Board for consideration—and despite prior assurances to the contrary—District staff told the Board that they would **not** be presenting an individual CEQA analysis for the Proposed Amendments.¹⁰

Greg Nudd stated: *"As David [Joe] discussed, when we asked the Board to consider the Expedited BARCT Schedule, that work was required under AB 617. **[In 2018] [w]e did a complete environmental impacts analysis [in the 2018 FEIR]** for every rule that would come out of that schedule, including this one. *We've looked very carefully at that old CEQA analysis, and there's nothing new that we're presenting here that wasn't considered in that analysis. **So we're going to continue to rely on that EIR, pursuant to CEQA Section 21166.***"¹¹*

This June 2nd statement cannot be reconciled with the District staff December 19, 2018 statements. It is a bait-and-switch tactic that misleads the Board and the public, and underscores the serious CEQA violation that has occurred: the District is now faced with PAR 6-5 that have no underlying CEQA analysis, as required by California law. Adopting PAR 6-5 without conducting such analysis is a clear violation of CEQA, as the District has previously admitted.

MRC provided comments, on multiple occasions, on the potential significant impacts of PAR 6-5 that were not addressed by the 2018 EIR and pointed out that since 2018, there have been changed conditions such as sustained drought conditions. As Director Haggerty stated back in 2018: *"Water in California is*

⁹ *Id.* at 1:50:00, http://baha.granicus.com/MediaPlayer.php?clip_id=4947, (emphasis added).

¹⁰ See District June 2, 2021 Board meeting video recording, http://baha.granicus.com/MediaPlayer.php?clip_id=8752.

¹¹ *Id.* at 1:26:00, http://baha.granicus.com/MediaPlayer.php?clip_id=8752.

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almost more valuable than oil and I'm just curious when we look at these, are we taking in the fact that this many not be the best way to go?" The fact is that the District never considered the tremendous freshwater consumption of a WGS (as we have previously commented upon), and this is new significant information (since 2018) that must be analyzed in an EIR. Furthermore, Director Haggerty made reference to another pending District rule regarding dust and was concerned about water usage with that rule as well. The cumulative impacts of these actions and their water use were never analyzed by the District.

The District has failed to carry out the assurances made by Executive Director Broadbent at the December 19, 2018 meeting that "there will be a separate CEQA analysis for each and every single one of them as they are brought forward. That's when we're going to do the more detailed impacts on water and land and other types of environmental impacts." The Board and the public relied upon those assurances and in its failure, the District has not complied with CEQA or the HS&C. The District is wrong in its assertion that the 2018 FEIR sufficiently addresses the significant environmental impacts of PAR 6-5; the District certainly did not believe that to be true in December 2018 (as evidenced by Executive Director Broadbent's comments at the time) and it is not the case now.

The District must not go forward with this flawed analysis. The District is required to analyze significant impacts of a severe drought on increased water demand for a WGS, the incremental differences between the 0.01 gr/dscf and a 0.02 gr/dscf TPM limit, as well as the other issues we raise in our previous comment letter. The District Board should demand the proper analysis, especially as huge consumption of water, the loss of jobs, and the demonstrated space restrictions on MRC property.

B. PM Source Tests

BOARD DIRECTOR QUESTION

Vice Mayor Mark Ross (Martinez) asked how well the District is able to differentiate PM resulting from FCCUs versus the PM resulting from heaters and other sources in the Refinery.

DISTRICT STAFF RESPONSE

District staff stated that they have individual stack tests for the FCCUs and are "very confident" in their ability to differentiate PM from the FCCUs versus other sources in the refinery.

MRC COMMENT

It is an exaggeration for District staff to say they are "very confident". There is a substantial amount of uncertainty in these assessments particularly in using outdated and unrepresentative emission factors compared to source test data.

PM sources include the FCCU and the Refinery's approximately 40 combustion units (e.g., heaters, boilers, furnaces, and cogeneration units). Source tests are used at the FCCU for compliance, and is one of the most accurate methods of determining PM from a specific source. By contrast, default published emission factors are used for the heaters, boilers, furnaces, and cogeneration units. These default emission

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MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

factors are not based on source tests at the actual refinery; they are based on source tests and other data collected at other facilities, generally well in the past. For this reason, default factors can return values much higher or much lower than the emissions from an actual refinery. Comparing FCCU source test data to calculated emissions for heaters, boilers, furnaces, and cogeneration units that are based on emissions factors is an apples-to-oranges comparison. For this reason, such analysis cannot create a high degree of confidence when attempting to differentiate FCCU PM emissions.

C. PM Dispersion Modeling

BOARD DIRECTOR QUESTION

Vice Mayor Ross asked about the accuracy of dispersion modeling outside the Refinery.

DISTRICT STAFF RESPONSE

District staff stated that because ambient air quality monitoring measures pollution from multiple sources, it is not possible to relate modeled FCCU emissions directly to the ambient monitoring data. Rather, District staff seek to compare the monitoring data to the modeled FCCU emissions and assess whether the modeling results make sense. The District staff asserted that the modeling results are consistent with the ambient monitoring.

MRC COMMENT

District staff's reply to Director Ross's question was contradictory and not responsive. First, staff asserted that one cannot relate actual ambient air monitoring data to the FCCU emissions modeling results. But then, they asserted that staff *did* compare the two to see if they "make sense," and concluded—without further explanation—that the results did make sense.

In fact, the District's own data, and that provided by commenters, show that modeled impacts of the refinery sources are simply so small—and background concentrations so variable—that it is extremely difficult to quantify the extent of a refinery's impact from ambient monitoring data. Because of the relatively small PM quantities (in relation to, for example, diesel particulate matter from vehicles) and high ambient variability, it is extremely difficult to tell from ambient monitoring data whether an FCCU has gone completely offline.

The District's staff's response that they compared the monitoring data to modeling results to see if they "make sense"/were consistent—with no further explanation—does not answer the question. This is not a simple task. The District has not provided any information regarding how that comparison (monitoring data compared to the modeled FCCU emissions) was conducted or the results of their comparison. Like so many other issues, this represents a continued failure by District staff to meaningfully respond to public comments—or in this case, the questions of Board Directors.

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D. WGS Space Constraints And Costs

BOARD DIRECTOR QUESTION

Mayor Rich Constantine (Morgan Hill) Raised That Martinez (MRC) Stated That It Could Not Place A WGS In Its Facility, And Asked Whether There Were Any Other Thoughts For How MRC Would Achieve That Number.

DISTRICT STAFF RESPONSE

District staff acknowledged MRC's assertion that we cannot install a WGS. However, the staff then claimed that MRC hadn't provided any detailed engineering analysis to support its assertion. In their view, District staff had "looked at their refinery and think [MRC] could move some stuff around and install that [WGS] equipment." The District staff acknowledged that WGS would be more expensive for MRC than for other refineries, because we are more space constrained.

BOARD DIRECTOR QUESTION

Similarly, Council Member Davina Hurt (Belmont) noted the significant differences in economic analyses between the Air District and other stakeholders, and asked District to explain how they arrived at their own numbers.

DISTRICT STAFF RESPONSE

District staff asserted that they used EPA methodologies for calculating costs, and that those cost estimates have been fairly accurate in the past. Staff asserted that the District had adjusted for California costs and inflation, and that the refineries have not backed up their own costs with engineering analysis and data. Staff asserted that where the refineries had provided the District data, those data were incorporated it into control costs—hence, the higher control costs for MRC. Staff stated that the District had heard estimates of \$1B and \$800M, but that those costs were asserted without support so the District lacked any basis for making an independent determination.

MRC COMMENT

The response of District staff to Mayor Constantine's question is misleading and ignores the multiple detailed comments previously provided by MRC regarding space constraints for the installation of a WGS at the Refinery, which District staff have seen for themselves, and MRC's detailed cost estimate of a WGS. MRC has repeatedly informed District staff in face-to-face meetings, during a site visit, at public workshops and meetings, and in public comments, that there is no physical space at MRC's Refinery to build a new massive WGS. (See MRC's April 30, 2021 letter, Attachment A, page 1.) It is not technically feasible. The footprint required for such a massive WGS far exceeds any available space at the Refinery. Additionally, there are no technically feasible ways to modify, reconfigure, and/or relocate existing other Process Units and related equipment at the Refinery in order to accommodate a new WGS. It is not a simple matter of being "more expensive."

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The response of District staff is a prime example of their misstatements and misrepresentations because MRC's public comments expressly detail the lack of physical space and the cost-prohibitive nature of installing a WGS for very little incremental environmental benefit¹². The District staff continues to ignore that it has received both a detailed cost estimate from MRC *and* participated in several discussions regarding the lack of physical space at the refinery.

MRC detailed these costs—totaling approximately \$800M—in its April 30, 2021 comments.¹³ This estimate includes details such as costs for demolition, earthwork, piling, concrete, piping, ductwork, insulation, instrumentation, electrical, tanks, scaffolding, painting, fire watch, turnkey facilities, labor, engineering services, records management, and escalation.

We reiterated these points in our June 1, 2021 comment letter. To date, the District has not pointed to any specific aspect of the MRC cost estimates that it disagrees with, or explained the basis for why staff believe MRC could feasibly “move some stuff around” at the Refinery to make space for a WGS. There is simply no underlying technical basis for that assertion by District staff, which contradicts the valid information submitted by MRC to the contrary. MRC has asked the District staff numerous times to identify where they would place the WGS, and they continue to ignore and/or dodge the question.

The reality is that MRC numerous integrated equipment that cannot be disassembled and moved. Among many other issues we identified, our prior (unaddressed) comments point out that the Light Oil Processing (“LOP”) block within the Refinery, which contains the FCCU, is densely occupied with existing process equipment. The LOP block contains multiple major processing units like the FCCU, over 25 large furnaces and heaters, hundreds of ancillary equipment (e.g. vessels, exchangers, pumps, compressors) and thousands of feet of piping. There is simply no room within the LOP block to construct a massive WGS, nor is there room elsewhere within the MRC Refinery to demolish and relocate existing equipment to accommodate WGS space requirements in the LOP block. The District has utterly failed to explain why it disagrees with this assessment, except to only say “move some stuff around”.

District staff also have stated that the District has included the costs to relocate equipment in their analysis. While MRC at one stage provided a \$35 million cost estimate to move its boiler feedwater plant, that estimate was based on a hypothetical exercise and a WGS (or Electrostatic Precipitator) *still* would not be feasible given the highly integrated nature of the LOP block process equipment and lack of physical space in the block or elsewhere at the Refinery. Simply moving one or two process equipment (even if possible, which it is not) would not create the required space for a massive new WGS. The District is misstating and misrepresenting this information to support its predetermined outcome.

If District staff disagrees with the detailed cost estimates provided by MRC and/or they are not space constraints, and therefore, a WGS can be built at the Refinery, then California law requires it to explain why it disagrees and how it is possible under the law for this to be accomplished. Saying “move some

¹² As pointed out in prior comments, the District considered both a 0.010 gr/dscf TPM limit, which would require a WGS to achieve, and a 0.02 gr/dscf TPM limit, which would not require a WGS, but which would achieve most of the desired PM reductions. The incremental benefit between the two standards is small, but the incremental costs are enormous and makes a WGS cost prohibitive.

¹³ See MRC Comments on Proposed Amendments to Regulation 6, Rule 5, at attach A., pages. 13–14 (Apr. 30, 2021) (discussing costs); *id.* at pages 3–6 (discussing space constraints).

ATTACHMENT A

MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

stuff around” does not meet this burden. It is the District, not the refineries, that is forging blindly ahead—ignoring public comments, acting without any reasoned basis for its cost determinations, and using misstatements and misrepresentations to reach a predetermined outcome.

E. WGS Wastewater Generation

BOARD DIRECTOR QUESTION

Mayor Constantine (Morgan Hill)—responding to the point of Supervisor Lynda Hopkins (Sonoma County) regarding wastewater—noted that the proposed amendment is vague on wastewater treatment costs, and asked whether the total cost of the WGS includes the treatment of the wastewater.

DISTRICT STAFF RESPONSE

District staff responded that the refineries have water use permits in that limit what they can discharge to the Bay. Staff explained that these permits are why the District's CEQA analysis says that wastewater treatment would be non-significant.

MRC COMMENT

The additional load on the MRC's Refinery's wastewater treatment plant will be significant, contrary to assertions by District staff. Moreover, MRC's wastewater treatment plant would likely require upgrades to handle the significant increase in water from a WGS (even if it were possible to install a WGS, which it is not).

MRC's wastewater treatment plant treats (“WWTP”) wastewater from the Refinery and discharges it directly to the Carquinez Strait. MRC's WWTP operates under National Pollutants Discharge Elimination System Permit No. R2-2017-0039 (“NPDES Permit”) from the San Francisco Bay Regional Water Quality Control Board (“Water Board”). MRC estimates that a WGS would cause an increase of approximately 250 gallons per minute of wastewater to its WWTP. This constant flow of wastewater from the WGS would need to be treated prior to discharge. The treatment of an additional and constant volume of wastewater may require upgrades to MRC's WWTP to ensure adequate wastewater treatment capacity. Additionally, MRC would need to amend its NPDES Permit with the Water Board to allow for this increased discharge. Since the District as promised in 2018 has not discussed the increase in wastewater discharge with the Water Board for the installation and operation of multiple WGSs in the Bay Area, it is unclear whether the Water Board would permit such an increase in discharge volume in the affected water bodies.

ATTACHMENT A

MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

F. Health Benefits

BOARD DIRECTOR QUESTION

Supervisor Myrna Melgar (County of San Francisco) asked about the cost of the externalities to the communities. She wondered if in the rulemaking process the committee quantified the health aspect of Option 1, 2, or 3 in terms of Asthma, Cancer, health care costs to those communities and those municipalities that provide healthcare to these populations. She further asked where these parts of the analysis are in the record.

DISTRICT STAFF RESPONSE

District staff responded that they used a standard EPA tool called BenMAP for to assess the health aspects of PAR 6-5. (Slides 14 and 13 were shown to show estimated monetized health benefits of the rulemaking.) The presented analysis purports to model health benefits in terms of dollars based on the implementation of the controls.

MRC COMMENT

The District acknowledged that its modeled health benefits contain uncertainties and did not present an accurate incremental analysis of the benefits of the two standards considered (i.e., 0.01 gr/dscf as compared to benefits of a 0.02 gr/dscf TPM limit). This failure to accurately portray the incremental benefits between the two substantive TPM limits misleads the public and the Board by presenting PAR 6-5 (with its proposed 0.01 gr/dscf TPM limit) as an all-or-nothing option. To the contrary, the District must also consider a 0.02 gr/dscf TPM limit that would achieve at least 70% of associated health benefits of 0.01 gr/dscf TPM limit a without imposing massive costs, creating massive new freshwater demand, and if litigation fails, forcing the closure of the MRC Refinery given that it cannot feasibly comply with a 0.01 gr/dscf TPM limit due to lack of space and cost-ineffectiveness of a WGS.

G. WGS Implementation Timing

BOARD DIRECTOR QUESTION

Supervisor Katie Rice (Marin) asked whether the 5-year timeline to implement scenario B is a conservative estimate, or if implementation could be sped up or extended out further.

DISTRICT STAFF RESPONSE

Air District staff responded that they think it is a realistic number—it could be potentially quicker it could be longer—but looking at the most recent WGS in the Bay Area they think that 5 years is realistic. Staff noted that one of the things that is a little bit of an uncertainty is when are the refineries going to do a turnaround? In order to switch over the FCCU from one control to another, they must shut it down, they do this on a regular basis for maintenance, just as a practical

ATTACHMENT A

MRC's Comments on PAR 6-5; Response to Comments at June 2, 2021 Board Meeting

matter to minimize overall emissions, they are going to want to time that installation with their next turnaround. But ultimately, 5 years is realistic—not too long or too short.

MRC COMMENT

As has become a pattern, District staff failed to acknowledge—much less meaningfully respond to—the comments that MRC and Chevron have submitted explaining that any WGS would take longer than five years to build. MRC disagrees with the District's assertion that constructing a WGS can be done within a five-year span and we have commented on this numerous times.

Despite a WGS being technically infeasible and cost-ineffective at MRC's Refinery, to engineer, design, permit, procure, and construct a WGS, involving long lead items and turnaround coordination, MRC's project schedule forecasting shows it would take a minimum of eight years or more for project completion. This eight-year projection also assumes this timing would match up with the FCCU's future turnaround cycle (and assuming space was available, which it is not). Accordingly, the five-year implementation deadline to install a WGS simply cannot be achieved.

H. PM Emission Reduction Projects

BOARD DIRECTOR QUESTION

Council Member Davina Hurt asked whether any of the refineries subjected to this rule presented any emission reduction capital plan projects.

DISTRICT STAFF RESPONSE

District staff stated that he was not familiar with any capital projects purely for emission reductions. Chevron's modernization project did result in emissions reductions as part of permitting rules. Staff also stated that projects to convert P66 and Marathon from refining crude oil to making lower carbon fuels were expected to result in significant reductions.

MRC COMMENT

Conspicuously missing from District staff's response was any mentioning of MRC's "win-win" solution – a solution that benefits the environment, consumers, and workers. On May 18, 2021, MRC submitted to the District a formal offer in the form of a proffer to invest in a \$40 million dollar project to meet a 0.020 gr/dscf TPM limit, and achieve at least 70% of the benefits that the PAR 6-5's arbitrary set 0.010 gr/dscf TPM limit may obtain at the Refinery. Further, MRC's project will achieve these substantive TPM reductions at least two years earlier than PAR 6-5. Adopting a 0.020 gr/dscf TPM limit also would avoid most (but not all) of the CEQA issues since it would not require installation of WGSs and related environmental impacts. MRC strongly urges the District to not adopt PAR 6-5 and the Draft Resolution and accept its 0.020 gr/dscf TPM limit "win-win" solution that comports with California law.

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 6:36 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Kate Jennings
Email: goldingbird@gmail.com

Public Comment:

I'm a 30 year resident and homeowner in Richmond and am requesting that you vote for the strongest Rule 6-5 possible. Chevron and PBF should be using wet gas scrubbers. Thank you

Marjorie Villanueva

From: Nora Privitera <noraprivitera@comcast.net>
Sent: Tuesday, July 20, 2021 6:38 PM
To: Marcy Hiratzka
Subject: Please circulate this to Nate Miley, David Haubert, and the Board. Thanks!

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.

Hello Nate Miley and David Haubert,

I am constituent from Oakland, Alameda County, writing regarding the amendment to Rule 6-5. I urge you to vote yes on implementing the strongest emission standard to employ the best available retrofit control technology. Your job as a board member of BAAQMD is to follow your mission statement to improve public health and air quality for all. This is both a health and a racial justice issue. This amendment was mandated to protect the health of the most vulnerable — predominantly communities of color — near the Chevron and PBF refineries. **Please do not bow to industry pressure.** Please vote yes for the strongest emission control standard and stand up for health!

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Tuesday, July 20, 2021 6:52 PM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Bryan Gildner
Email: bryangildner@gmail.com

Public Comment:

Please vote to keep our neighborhood and family safe from pollutants.

Marjorie Villanueva

From: Elsie Mills <emills1948@gmail.com>
Sent: Tuesday, July 20, 2021 7:33 PM
To: Marcy Hiratzka
Subject: BAAQM Rule 6-5 vote for 7/21

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Please forward to Supervisors Mitchoff & Gioia

Hello BAAQM Supervisors Mitchoff & Gioia,

I am a constituent from Concord, Contra Costa County writing regarding the amendment to Rule 6-5. I urge you to vote yes on implementing the strongest emission standard to employ the best available retrofit control technology. Your job as a board member of BAAQMD is to follow your mission statement to improve public health and air quality for all. This is both a health and a racial justice issue. This amendment was mandated to protect the health of the most vulnerable — predominantly communities of color — near the Chevron and PBF refineries. Please do not bow to industry pressure. Please vote yes for the strongest emission control standard and stand up for health!

Thank you,
Elsie Mills
3455 San Gabriel Dr
Concord, CA 94518

Marjorie Villanueva

From: Kristen Wendorf <k.wendorf@gmail.com>
Sent: Tuesday, July 20, 2021 8:25 PM
To: Marcy Hiratzka
Subject: Please limit PM2.5 emissions

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.

As a pediatrician who lives in Alameda County and works in Contra Costa County, I implore you to vote to limit the amount of PM2.5 that refineries can emit from cat crackers. Poor air quality affects all of us. But those hurt the most are racial minority children who live in the more polluted areas near these refineries. Many scientific studies have associated lung conditions such as asthma with air pollution and living near highways. This is our chance to improve our air (recently made worse by wildfires), and improve the lives of our children. The changes required here are minor and are already in place in many oil refineries including other local oil refineries. Let's bring these up to date for the sake of public health.

Thank you,
Kristen Wendorf, MD, MS

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Wednesday, July 21, 2021 7:00 AM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Carmelo Santiago
Email: carmelos@beniciafab.com

Public Comment:

As a resident of Martinez and a local business man in this industry, there needs to be balance and resolution that will benefit both the community and local business that depend on the refineries. The community and local business have already suffered by the shutdown of one refinery in the bay area. Lets work with each and soften the impact of such a regulation. Please vote against the 0.01 standard and keep our refineries in business.

Marjorie Villanueva

From: Jennie Dusheck <dusheck@gmail.com>
Sent: Wednesday, July 21, 2021 7:15 AM
To: Marcy Hiratzka
Subject: Rule 6-5

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To the Board of the BAAQMD:

Please vote to limit the amount of PM2.5 that refineries can emit.

Particulate matter is known to increase the risk of asthma and other lung diseases, cardiovascular diseases, and dementias. PM2.5 increases school absences, impacting children's education and school budgets.

Particulate matter impacts the health of everyone in the Bay Area and far beyond.

Jennie

Jennie Dusheck

Health & Climate, Writing & Editing

Ph: 831•427•1391

dusheck@gmail.com

Former employee of the Bay Area Air Quality Management District

Marjorie Villanueva

From: Dan Sakaguchi
Sent: Wednesday, July 21, 2021 8:53 AM
To: Marcy Hiratzka
Subject: Submitting Public Comment for Rule 6-5 Hearing

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.

Good morning Marcy,

I am clicking on the SUBMIT A COMMENT button for this agenda item, and it appears not to be working. I'm submitting this comment on behalf of Dr. Sally Hayati (sallyhayati@gmail.com) who wanted to weigh in on this hearing. Is there a way to add this to the public comments for this item?

I'm writing to support a Board vote, today, to adopt Rule 6-5/ Cat Cracker Rule, to reduce refinery PM2.5 emissions. My name is Sally Hayati, I'm a resident of Torrance, California where we experienced first-hand the deadly potential of the technology required under a weaker rule option, the dry electrostatic precipitator (ESP). The ESP at the Torrance Refinery, now owned by PBF, violently exploded in 2015, producing ground shaking equivalent to a magnitude-1.7 earthquake, terrifying residents and causing damage at nearby homes. Tons of debris blasted off the ESP crashed down on units nearby, a fire erupted, and hydrocarbon (HC) releases occurred. The ESP was destroyed and other units damaged, knocking the refinery out of commission for over one year, impacting California's gasoline and jet fuel supply.

The refinery's flares belched black smoke and shot flames hundreds of feet into the air for hours that day and following days. Spent catalytic dust rained down over our community for miles around, leaving a thick layer on cars, yards, trees, patios, streets, and roofs. Our children played in the falling debris, thinking it was "snow." My daughter, 7-months pregnant, swept it off her porch, raising a cloud. For days, dust flew everywhere as cars drove down streets. Spent catalytic dust is harmful if inhaled or in contact with the skin. A large refinery explosion is a very dangerous and potentially catastrophic event. Safer options should be chosen, which is why the District should not delay and should adopt a rule today requiring wet gas scrubbers to replace ESPs.

Thank you,
Dan

**COMMUNITIES
FOR A BETTER
ENVIRONMENT**
established 1978

Dan Sakaguchi [he/him], Staff Researcher
p: (510) 302-0430 ext. 17 c: (503) 781-8779
[Communities for a Better Environment](#)
CBE Action - a project of The Advocacy Fund
340 Marina Way, Richmond, CA 94801

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Wednesday, July 21, 2021 9:14 AM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Marinell Daniel
Email: marinelldaniel@gmail.com

Public Comment:

Dear Directors, I am asking the members to follow the recommendation of your staff and vote yes on Rule 6-5. Be bold and follow the mandate of your mission statement. Vote to protect the health of your communities and your grandchildren. Sincerely, Marinell Daniel, age 82

Marjorie Villanueva

From: Liore Milgrom-Gartner <liore@interfaithpower.org>
Sent: Wednesday, July 21, 2021 9:53 AM
To: BAAQMD Comments
Subject: Public comment for Proposed Amendments to Regulation 6, Particulate Matter, Rule 5

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I work with communities of faith and conscience across the Bay Area, including the communities impacted by the industries for which this regulation applies. Caring for people, the earth, and, most critically our neighbor. We have available technology to keep the communities healthy, allowing people to play, learn and pray like others across the Bay Area. Please vote for the strongest standards.

Best,
Liore

Liore Milgrom-Gartner
Northern California Director
CA Interfaith Power & Light
www.interfaithpower.org

I hope we can connect, even while we shelter in place. To speak by phone, please email to schedule a time.

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Wednesday, July 21, 2021 10:20 AM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Tracy Taylor
Email: tracytaylorrd@comcast.net

Public Comment:

Dear Board Members, Tomorrow July 21, the 24 members of the Bay Area Air Quality Management District Board will vote on Rule 6-5, which would limit the amount of PM2.5 that refineries can emit. The two refineries that would be cleaned up, Chevron in Richmond and PBF in Martinez, would be forced to reduce their PM2.5 by upward of 75% — saving lives, lessening profound racial inequities, and protecting health. To comply with this rule, the refineries would likely have to install a commonplace technology called wet gas scrubbing, which is already in use at most U.S refineries, including Valero in Benicia. My understanding is that installing these wet gas scrubbers would protect public health while also supporting the economy. So many of us suffer from asthma. Please uphold your mission is to create healthy air in the Bay Area while protecting public health and the climate by voting for the strongest Rule 6-5 possible. thank you for your consideration

Marjorie Villanueva

From: Callahan, Colleen <ccallahan@luskin.ucla.edu>
Sent: Wednesday, July 21, 2021 10:34 AM
To: Vanessa Johnson; Marcy Hiratzka
Subject: Testimony on PR 6-5
Attachments: UCLA testimony re_ BAAQMD Proposed Rule 6-5.pdf

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Dear Vanessa and Marcy -

I would like to submit my testimony into the record, attached and link below:

https://docs.google.com/document/d/1cqwp0Nb3rsp6c7_DsJl8MVAglkqdqL2Jy3vE2oDctNc/edit?usp=sharing

Unfortunately, I have a hard out at 10:30. I will now lower my hand.

Thank you for your attention to this email.

Sincerely,

Colleen Callahan
Deputy Director, Luskin Center for Innovation
UCLA Luskin School of Public Affairs
C: 323-839-8116

See our [decennial IMPACT report](#)
www.innovation.luskin.ucla.edu

Good morning, my name is Colleen Callahan. I'm the deputy director of the Luskin Center for Innovation at UCLA. Our research center collaborated with Communities for a Better Environment and Inclusive Economics on the jobs analysis that's been referenced.

UCLA's involvement was pro bono. We volunteered because we respect the important work that refinery workers do to provide needed energy and fuel. For these and all workers, it is critical that we have a just transition to a cleaner, more equitable economy that protects workers and communities. During this transition, it's important that we examine claims of jobs vs the environment. So often this narrative put forth by profitable, publicly subsidized companies is really about stakeholder profits, not jobs, not shut downs.

The bottom line from our analysis of this proposed rule is that the refineries likely can absorb the compliance costs, without any job impacts. The impacted facilities have a combined annual economic output of over \$16 billion. The total annualized cost of the Proposed Rule would likely represent less than half of 1% of this total annual output.

Moreover, historically, refinery upgrades including WGS installations, have not yielded job losses for California refineries, and instead have often been associated with job increases.

Critically, the capital upgrades required in the rule would result in thousands of additional jobs, not evaluated in the air district's analysis. These are regional, community supporting jobs that would be created through the passage of this proposed rule. We used the industry standard economic input-output model IMPLAN for our estimates.

In addition to these jobs created, the rule would support community health with associated economic benefits, which your own analysis values at upwards of \$27 million per year.

Our paper can be found at innovation.luskin.ucla.edu, specifically: [Economic Benefits of BAAQMD Proposed Rule 6-5 \(ucla.edu\)](https://innovation.luskin.ucla.edu/economic-benefits-of-baaqmd-proposed-rule-6-5)

Thank you for your time.

Marjorie Villanueva

From: webmaster@baaqmd.gov
Sent: Wednesday, July 21, 2021 10:59 AM
To: BAAQMD Comments
Cc: Justine Buenaflor; Aloha de Guzman
Subject: Public Comment Submitted - Board of Directors Special Meeting 7/21/2021 8:30:00 AM

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A public comment was submitted for Board of Directors Special Meeting 7/21/2021 8:30:00 AM:

Contact Details for Commenter

Name: Mel Sibony
Email: melsibony@earthlink.net

Public Comment:

I support Rule 6-5 and strongly support the BAAQMD to limit the amount of PM2.5 that refineries can emit from their cat crackers. Refineries must install wet gas scrubbers to protect public health which would benefit all bay area residents.

Marjorie Villanueva

From: Noreen <noreensf@gmail.com>
Sent: Wednesday, July 21, 2021 11:13 AM
To: Marcy Hiratzka
Subject: Rule 6-5

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We are residents of Martinez, and strongly support Rule 6-5!!!
Noreen Ambrose

Sent from my iPhone

Marjorie Villanueva

From: Nancy Fleischauer <icyspotnsf@gmail.com>
Sent: Wednesday, July 21, 2021 11:16 AM
To: Marcy Hiratzka
Subject: Re: Rule 6-5

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I am a resident of Martinez and I strongly support rule 6-5 for the refineries

On Wed, Jul 21, 2021, 12:13 PM Noreen <noreensf@gmail.com> wrote:

We are residents of Martinez, and strongly support Rule 6-5!!!

Noreen Ambrose

Sent from my iPhone

Marjorie Villanueva

From: Marcy Hiratzka
Sent: Wednesday, July 21, 2021 1:32 PM
To: Marjorie Villanueva
Subject: FW: Adopt the STRICTEST Rule

Here is one more

From: Climate Emergency Mobilization Task Force <cemtforg@gmail.com>
Sent: Wednesday, July 21, 2021 8:58 AM
To: Marcy Hiratzka <mhiratzka@baaqmd.gov>
Subject: Adopt the STRICTEST Rule

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July 21, 2021

Members of the Board of Directors

Bay Area Air Quality Management District (BAAQMD)

375 Beale Street, Suite 600

San Francisco, CA 94105

mhiratzka@baaqmd.gov

Transmitted via email

Re: The Climate Emergency Mobilization Task Force Recommends the Adoption of the Strongest Health and Safety Protections in the Amendments to Regulation 6, Rule 5 on Particulate Emissions From Petroleum Refinery Fluidized Catalytic Cracking Units

The Climate Emergency Mobilization Task Force urges the Board of Directors (“the Board”) of the Bay Area Air Quality Management District (“BAAQMD” or “the District”) to vote on July 21st for the strongest rule that will protect the livelihoods of local families from the air pollution emitted by some of the most polluting stationary sources in the Bay Area. The Task Force supports the proposed total particulates limit of 0.01 grains per dry standard cubic foot (gr/dscf) under BAAQMD Regulation 6: Particulate Matter, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units (“Strongest Rule 6-5”). The Task Force recommends the Board follow state environmental law and adopt this limit as the strongest potential health and safety protection for Bay Area residents, particularly the Black and Latinx communities who have suffered most from this pollution for decades.

The Climate Emergency Mobilization Task Force supports the Strongest Rule 6-5 as a matter of racial justice. For far too long the Black and Latinx residents of the Bay Area have disproportionately borne the health and safety burdens of particulate matter smaller than 2.5 microns (PM_{2.5}), the leading cause of death due to air pollution in the Bay Area that is responsible for 2,000-3,000 deaths every year. Greater than 92% of Atchison

Village and North Richmond—neighborhoods closest to the Chevron refinery affected by this rule—are with diesel burdens in the 84-95th percentiles, asthma burdens in the 99th percentile, and socioeconomic and pollution burdens in the 90-95th percentiles. This disproportionate exposure of Black and Latinx residents to the PM_{2.5} emissions from the Richmond Chevron refinery is an example of environmental injustice and racism, as BAAQMD has shown that Black and Latinx residents are exposed to 0.23 µg/m³ and 0.25 µg/m³ of PM_{2.5} emissions from the affected Chevron and PBF refineries on average, respectively, compared to 0.17 µg/m³ for White residents. Furthermore, as we mark the first year of the COVID-19 pandemic, the life-or-death stakes of air pollution regulations have never been clearer. Early studies have shown that PM_{2.5} exacerbates both the incidence and harm of COVID-19. As a result, Black and Latinx communities in the Bay Area have paid an incalculable price in human lives. If the pandemic is any indicator of our vulnerability to future acute climate crises, it is more urgent than ever to restore clean air to communities like Richmond and Martinez.

The substantial health benefits that this rule would provide for Bay Area residents overall is another reason why the Climate Emergency Mobilization Task Force supports the Strongest Rule 6-5. Given that fluidized catalytic cracking units (“FCCUs”) alone produce approximately 17% of the total particulate matter (PM) across all District-permitted facilities in the entire Bay Area, the Board has an extraordinary opportunity to improve air quality and invest in the health of residents. The District has indicated the most stringent limit would reduce particulate emissions from Chevron’s FCCU by two-thirds and PBF’s FCCU by more than three-quarters and in total would require twice the reduction in PM_{2.5} than the weaker alternative limit. Those emissions reductions would also be associated with public health benefits valued in the tens of millions of dollars as the large plumes of particulate matter from these sources would be drastically reduced in size from the current status quo where over a million Bay Area residents are affected.

The Climate Emergency Mobilization Task Force further believes the Strongest Rule 6-5 best aligns with the original legislative intent and purpose of California’s “Best Available Retrofit Control Technology” standard. The Task Force supports the Strongest Rule 6-5 as most aligned with the intent of the California Legislature in establishing the legal framework for this rule under the “Best Available Retrofit Control Technology” standard and Assembly Bill 617 (AB 617). The purpose of AB 617 was to address the disparate air pollution impacts experienced by disadvantaged communities throughout the state. It did so by requiring the establishment of Community Emissions Monitoring and Reductions Programs and for regional air districts to set Best Available Retrofit Control Technology (BARCT) standards on certain permitted units that have not had emissions-related permit conditions modified for the greatest period of time. Since the BARCT standard is defined in California Health and Safety Code Section 40406 as “an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source”, it follows that only the Strongest Rule 6-5 would allow for the **maximum** degree of reduction. Even so, the fact that US EPA data show that the “wet gas scrubbing” technology required under the Strongest Rule 6-5 is already widely used by refineries nationwide further indicates that this rule is not only “achievable”, but also economically feasible as well.

In summary, the Climate Emergency Mobilization Task Force urges the Board to adopt the Strongest Rule 6-5 not only because it is the option best aligned with state environmental policy, but also because it will reduce particulate matter emissions from one of the largest single sources of pollution in the City and mitigate some of the negative health and safety impacts that are disproportionately faced by Black and Latinx communities.