

## **Appendix U— Responses to Public Comments**

**Application #31157 (Rodeo Renewed Project)  
Phillips 66  
1380 San Pablo Avenue  
Rodeo, CA 94572  
Air District Facility No. A0016**

This document presents the responses of the Bay Area Air Quality Management District (“Air District”) to comments received from members of the public on the Air District’s proposed issuance of Authorities to Construct, Permits to Operate, and Certificates of Exemption for the Phillips 66 Rodeo Renewed Project under Application #31157.

These Responses to Public Comments are organized by the subject matter of the comments received:

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## **I. General Statement to Commenters regarding Application #31157**

*The Bay Area Air Quality Management District (Air District) has received your comments regarding the proposed Rodeo Renewed Project.*

*The Air District understands that you are concerned about the Rodeo Renewed Project because of the proximity of the refinery to the surrounding community and the current and potential impacts from existing and proposed refinery operations on local air quality. The Air District greatly appreciates the vigilance and dedication from the local community to notify us of any instances of noncompliance. This continued support from the local community helps bolster the Air District's existing efforts and commitment to enforce applicable air quality regulatory requirements and to take prompt and appropriate action on noncompliance.*

*The Air District carefully reviews and considers all comments received during the 30-day public comment period prior to making a final determination regarding whether the project is approvable. However, the Air District's discretion in reviewing an application for an Authority to Construct and/or a Permit to Operate is limited. For instance, the Air District could deny an application if the proposed project would violate an applicable air quality regulatory requirement and is incapable of achieving compliance. The Air District does not have the authority to deny a project for reasons unrelated to compliance with the applicable air quality regulations.*

*The Air District has carefully analyzed the proposed project in Application #31157 and found that it complies with all applicable air quality requirements. Therefore, the applicant is entitled to receive the Authority to Construct and Permit to Operate such that the Air District is proposing to approve the application.*

*Please see below for the specific comments regarding the proposed Rodeo Renewed Project and the Air District's responses.*

## II. General Comments

**Comment #1 (Annette Batchelor):** Opposition to the project due to potential harmful elements.

**Air District Response #1:** Please see the General Statement above. Additionally, Phillips 66's transition from petroleum feedstocks to renewable feedstocks is expected to reduce emissions of toxic air contaminants since renewable feedstocks are food grade materials and are not expected to contain any toxic air contaminants, as shown in the Safety Data Sheets provided by the feedstock suppliers. Permit conditions have been imposed to:

- a. require any revisions (such as any changes to chemical compositions) to Safety Data Sheets to be submitted,
- b. require periodic monitoring and testing to be performed at the sources that process renewable feedstocks and the corresponding recordkeeping to confirm that emissions at these sources do not exceed the levels allowed in the permit conditions, and
- c. require periodic and continuous monitoring and testing of the associated abatement devices and the corresponding recordkeeping to confirm that they are properly maintained and achieve emissions reductions according to the device manufacturers' guaranteed levels.

**Comment #2 (Nancy Rieser):** Request to withhold approval until the State of California conducts a community biomonitoring study of people living in affected, downwind neighborhoods.

**Air District Response #2:** As explained in the General Statement above, the Air District's discretion in reviewing an application for an Authority to Construct or a Permit to Operate is limited, and we do not have authority to deny a project for reasons unrelated to compliance with a specific set of regulatory requirements. While we share the commenter's concern for the health and well-being of those who live and work near the facility, the Air District does not have the legal authority to either delay project approval until the state conducts blood testing or another form of biomonitoring or to require Phillips 66 to perform such testing or monitoring. For information about biomonitoring in California, please visit the California Environmental Contaminant Biomonitoring Program website at <https://biomonitoring.ca.gov/>.

**Comment #3 (Judith Sullivan, Member of Benicians for Safe and Healthy Communities, voicemail):** Opposition to the project, will be very toxic for area.

**Air District Response #3:** Please see the General Statement and Air District Response #1 above.

**Comment #4 (Kathy Kerridge (BCAMP Board Member)):** Proposal to withhold approval until blood testing is done on the potentially exposed people.

**Air District Response #4:** Please see the General Statement above and Air District Response #2 above.

### **III. Public Notice and Comment Procedures**

**Comment #5 (Charles Davidson):** Inquiries: 1) Does the 1,000-foot threshold referenced by BAAQMD limit eligible commenters to those located within 1,000 feet of the exterior refinery perimeter (i.e., the fence-line)? 2) Does the 1,000-foot threshold apply, specifically and only, to the hydrocracker unit centrally involved in the Rodeo Renewed Project or to any other associated Project refinery equipment or unit that would be located within the refinery proper (and located some distance within the overall refinery fence-line or perimeter)?

**Air District Response #5:** *The commenter was asking for clarification on the following statement in the Overburdened Communities Public Notice: “Whenever we receive a permit application for a new or modified source(s) of toxic air contaminants located within 1,000 feet of a school site or within a community that is overburdened by air pollution, we notify the public about the proposed project. To comply with Air District requirements, we distribute or mail a Public Notice to the parents or guardians of students enrolled at schools located within ¼ mile, and all residents and businesses located within 1,000 feet, of the proposed source(s), if any.”*

*The Air District issues a Public Notice to the parties noted above to comply with Air District Regulation 2-1-412. (Please see Air District Responses #8 and #9 for further information on the Air District’s public notice process.) The Air District also issued the public notice to members of the public whose names have been added to the Public Interest list for those that are interested in learning about permit applications at Phillips 66. Members of the public who attended prior Air District meetings for Phillips 66 projects were added to the list. Any member of the public is allowed to submit comments on this permit application (Application #31157) regardless of whether they received the public notice.*

*Please note that the 1,000-foot threshold is measured from each new and modified source of toxic air contaminants rather than from the refinery property fence-line. The Rodeo Renewed Project involved several new and modified sources, as identified in the engineering evaluation. However, none of those sources were within a 1,000-foot radius of nearby residences or schools.*

**Comment #6 (Cynthia Peña):** Inquiry whether the facility has already started up the project without securing permits (based on facility’s renewable fuels signage).

**Air District Response #6:** *None of the changes proposed under this permit application (Application #31157) have been implemented yet, and the facility is prohibited from implementing such changes until the authority to construct is issued. However, during the facility’s 2021 turnaround, changes were made to Unit 250 and other equipment to allow Unit 250 to accommodate the processing of select types of renewable feedstocks into renewable diesel. These changes were not included in this permit application because they are not dependent on this permit application being approved. However, they were undertaken without first submitting a permit application pursuant to Regulation 2-1-301, and thus, the Air District issued Notice of Violation A61096 on March 30, 2022. On April 22, 2022, the facility submitted Application #31703 for the changes made during the 2021 turnaround. The Air District determined that the changes complied with all applicable regulatory requirements, so it issued an alteration permit for the altered sources on October 11, 2022, along with Certificates of Exemption for the changes that were exempt from permitting requirements altogether. Obtaining the permit for the changes at U250 cured the violation identified in Notice of Violation A61096, but the Air District will be following up separately to assess a monetary penalty against Phillips 66 for this violation.*

**Comment #7 (Cynthia Peña, Voicemail):** Request for automated confirmation of receipt. Community was not adequately informed. Refinery did not inform the community.

**Air District Response #7:** Thank you for the suggestion for automated confirmation of receipt. The Air District will work on adding automated confirmation of email receipt in the future. The Air District, not the refinery, is responsible for distributing the public notice.

**Comment #8 (Charles Davidson):** Residents of several multi-family residential apartment buildings in Bayo Vista should have been recipients of the public notice since they are within 1,000 feet of the existing wastewater treatment plant, as depicted in the Google Earth Map provided.

**Air District Response #8:** To comply with Air District Regulation 2-1-412, the Air District issues a public notice for a given permit application to all residents and businesses located within 1,000 feet of any new or modified source(s) of toxic air contaminants in the application. (The Air District also issues a public notice for a given permit application to the parents or guardians of students enrolled at schools located within ¼ mile of any new or modified source that will result in an increase in toxic air contaminant emissions in the application; however, this requirement is not applicable here since there is no school located within ¼ mile of any new or modified source.) The sources at the existing wastewater treatment plant at the Rodeo refinery are not considered new or modified sources of toxic air contaminants per Regulation 2-5. Therefore, Regulation 2-1-412's notice requirement does not apply to the wastewater treatment plant and its associated sources, and the residents mentioned by the commenter were not required to be notified.

**Comment #9 (Nancy Rieser):** Request for fence-line neighbors to be noticed, and comment period to be extended.

**Air District Response #9:** The Air District has fulfilled the requirements of Air District Regulation 2-1-412.2 which provides a 30-day comment period for any permit application subject to the public noticing requirement. An extension is not warranted because this project has already undergone an extensive level of public review with extensive opportunities for public comment, both through the County's CEQA review and approval process in October-December of 2021 (as described in Air District Response #12) and now through the Air District's permit review process. The Air District's 30-day comment period has achieved a meaningful and robust level of public engagement regarding this permit, as demonstrated by the comments being addressed in this document. The Air District does not believe that any additional public comment period would be warranted beyond the 30 days provided for in Regulation 2-1-412.2.

To comply with Air District Regulation 2-1-412, the Air District issues a public notice for a given permit application to all residents and businesses located within 1,000 feet of any new or modified source(s) of toxic air contaminants in the application. (The Air District also issues a public notice for a given permit application to the parents or guardians of students enrolled at schools located within ¼ mile of any new or modified source that will result in an increase in toxic air contaminant emissions in the application; however, this requirement is not applicable here since there is no school located within ¼ mile of any new or modified source.) No residential addresses were within 1,000 feet of any new or modified source(s) of toxic air contaminants from the project, so the 1,000 foot noticing requirement did not extend to any fence line neighbors. However, any member of the public may request to be added to our Public Interest Lists to be notified as follows:

**Permit Applications Received by the Air District:**

Interested parties receive a weekly email notification of all permit applications received by the Air District. The list of applications may be sorted to show Energy Projects (refineries, bulk terminals, and power plants). To sign up: Hit it the "Subscribe" button on the "Permit Applications Received" page on our website (<https://www.baaqmd.gov/permits/public-notices/permit-applications-received>).

**Title V Permit Interest List:**

Interested parties receive copies of public notices for all initial, renewal, and significant Title V revisions. The public notices are also published in the major newspapers in circulation where the Title V facility is located. All Title V notices and permits are also located on our website (<https://www.baaqmd.gov/permits/major-facility-review-title-v/title-v-permits>). To sign up: Call or email the Permit Ombudsman to sign up for the Title V Permit Interest List ([permitombudsman@baaqmd.gov](mailto:permitombudsman@baaqmd.gov), 415-749-4681).

**Energy Projects and California Environmental Quality Act (CEQA) Interest List:**

Interested parties receive notification of a permit action and a copy of the Notice of Exemption or Notice of Determination that is filed with the city or county agency for Energy Projects (refineries, bulk terminals, and power plants). To sign up: Call or email the Permit Ombudsman to sign up for the Energy Projects and CEQA Interest List ([permitombudsman@baaqmd.gov](mailto:permitombudsman@baaqmd.gov), 415-749-4681).

**Other Topics of Information at the Air District:**

To receive the latest air quality news and events for the Air District, subscribe to "What's New at the Air District" Email list on our website. You can also sign up for the following email lists.

- *Spare the Air Alerts:* Learn when a Spare the Air Day has been issued.
- *Board Meeting Agendas:* Receive agendas for upcoming Board of Directors Meetings, Board of Directors Committee Meetings, and Advisory Council Meetings.
- *Hearing Board Activities:* Stay informed about the Hearing Board's calendar, upcoming cases, and final orders.
- *Regulation Changes:* Receive notifications when the Air District updates existing or issues new Rules and Regulations.
- *Air Currents Newsletter:* Receive the Air District's quarterly e-newsletter to find out about the agency's latest air quality activities.

To sign up for the above lists and for other information: Go to the Air District webpage (<http://www.baaqmd.gov/contact-us/sign-up-for-information>.)

**Comment #10 (Cynthia Peña):** As a Crockett resident living 3 miles away from Phillips 66, Cynthia did not receive the public notice. She is wondering how many people in the neighborhood were noticed, and requested the notice be expanded to the towns of Crockett and Rodeo. She requested that the refinery be required to show due diligence in giving public notice to the towns of Crockett and Rodeo. She also suggested holding a town hall meeting in Crockett to discuss the project impacts on their community.

**Air District Response #10:** Please see Air District Response #9 above.

**Comment #11 (Judith Sullivan, Member of Benicians for Safe and Healthy Communities, Voicemail):**

Judith stated that the review and processing of Application #31157 was too fast and noted the short response period.

**Air District Response #11:** Please see Air District Response #9 above.

**Comment #12 (Pat Toth-Smith, Voicemail):** EIR and draft engineering evaluation were not noticed or communicated to community with adequate advance notice prior to commenting; did not have time to respond before EIR public notice period expired; rushed process, should have more community input before issuance; Crockett residents and other areas did not even know about this project.

**Air District Response #12:** *Contra Costa County served as the lead agency responsible for preparing the Rodeo Renewed Project EIR and approving the Rodeo Renewed Project as a whole. The comment period for the Draft EIR began on October 18, 2021 and was extended to December 17, 2021. For any additional comments or questions regarding the EIR, please contact the Contra Costa County Planning Commission.*

*The Air District is only responsible for Application #31157. The 30-day comment period for Application #31157 differs from the comment period on the Draft EIR. In compliance with Air District Regulation 2-1-412, Application #31157 and related materials were posted and comments accepted for 30 days from November 15, 2022 through December 15, 2022. As explained in Air District Response #9 above, an extension for this permit application (Application #31157) is not warranted. Please also see Air District Response #9 above regarding the required distribution of the public notice.*

## **IV. Odor and Fence-line Monitoring**

**Comment #13 (Marilyn Bardet (Good Neighbor Steering Committee and BCAMP Board Member)):** Forwarded a copy of a letter sent to Contra Costa County which detailed concerns about hydrogen sulfide (H<sub>2</sub>S) emissions and odors, and complained about P66's fence-line system for H<sub>2</sub>S monitoring. Proposal to add two conditions to bring the H<sub>2</sub>S fence-line system into compliance with Regulation 12-15 performance criteria by January 1, 2023 and to require a community-based air monitoring station within the Rodeo community.

**Air District Response #13:** *This permit involves only the specific sources at the P66 refinery that are new, being altered, or modified as part of the Rodeo Renewed Project. The fence-line monitoring requirements in Air District Regulation 12-15 do not apply to any of those sources – they apply at the fence-line of the refinery, not at any specific sources within the refinery. The permit therefore does not include conditions to ensure compliance with Regulation 12-15 with respect to those sources. The Air District implements the Regulation 12-15 fence-line monitoring requirements through the process set forth in the Regulation, which requires refineries to develop and implement approved Air Monitoring Plans that incorporate fence-line monitoring systems meeting Regulation 12-15's requirements. The Air District will enforce these provisions of Regulation 12-15 to ensure compliance by P66. For more information about the fence-line monitoring program, including the most recent copies of each refinery's air monitoring plan and links to their fence-line monitoring websites, visit <https://www.baaqmd.gov/plans-and-climate/emission-tracking-and-monitoring/fenceline-monitoring-plans>.*

*With regard to the commenter's request for a community-based air monitoring station within the Rodeo community, the Air District already has air monitoring stations in communities around the Phillips 66 Refinery, including both Rodeo and Crockett. The Rodeo station monitors H<sub>2</sub>S concentrations and is located in a residential area 0.6 miles southwest of refinery on the northeastern boundary of Rodeo. The Crockett station monitors sulfur dioxide (SO<sub>2</sub>) and volatile organic compounds, and is located approximately 0.9 miles northeast of the refinery. Further, the Air District is actively working to expand community-based air monitoring stations near refineries as the commenter suggests. To that end, the Air District launched its Major Stationary Source Community Air Monitoring Program in 2016 with a goal of establishing air monitoring stations in areas where large stationary sources of pollution may contribute to near-source impacts that are not captured by the Air District's existing air monitoring network. The Air District is initially prioritizing communities with petroleum refineries and large renewable fuels manufacturing facilities including Phillips 66. Since the current air monitoring site in Rodeo cannot accommodate additional instrumentation beyond the current H<sub>2</sub>S monitor, the Air District is actively looking for property in the vicinity of the Phillips 66 refinery on which it could establish a multipollutant site. The additional data generated by these community air monitors will support analysis of air quality trends and other air quality assessments, and it will provide the public with additional information about air quality conditions near the refineries and other large facilities. For more information about this program please visit the Air District's website at <https://www.baaqmd.gov/about-air-quality/special-air-monitoring-projects>.*

*Lastly, we note that monitoring for odors can be very difficult because the compounds that cause them can vary, and they may be present in very small quantities. As a result, one of the most effective ways to help the Air District address odors is to call our 24-hour air pollution complaint line at (800) 334-ODOR (6367). This information is used right away by inspectors, and it also informs other Air District programs by providing a longer term record of where odors recur.*

**Comment #14 (Carol Bray):** Requests for real-time air quality monitors and odor monitors along the fence-line, for raw monitoring data access, for public education of the monitors installed and interpretation of data generated. Request for proper documentation on renewable feedstocks.

**Air District Response #14:** As explained in the General Statement above, the Air District's discretion in reviewing a permit application has certain limitations, and any decision to issue or deny a permit must be based on a specific set of requirements. While providing access to real-time air quality data is not among those requirements, real-time data can help people decide whether to change their outdoor activities or take other steps to reduce their exposure to elevated levels of air pollution. This is among the reasons the Air District adopted Regulation 12-15 (Petroleum Refining Emissions Tracking), which requires the owners and operators of refineries to establish and operate monitoring systems that measure air pollutant concentrations at or near the property boundaries at each facility, and they must be operated in accordance with District-approved air monitoring plans. The established guidelines and approved monitoring plans for all five refineries within the Air District's jurisdiction require reporting of this monitoring data to the public in near-real time. The real-time fence-line monitoring data for the Phillips 66 refinery is available at <https://www.fenceline.org/rodeo/data.php>. Fence-line air monitoring at the Bay Area refineries is a priority for the Air District, and the Air District will explore ways to develop educational materials about and continue ensuring public access to the data associated with the monitoring. However, note that this is separate from the permitting process. For more information about the fence-line monitoring program, including the most recent copies of each refinery's air monitoring plan and links to their fence-line monitoring websites, visit the Air District's website at <https://www.baaqmd.gov/plans-and-climate/emission-tracking-and-monitoring/fenceline-monitoring-plans>.

Regarding the commenter's request for proper documentation on renewable feedstocks, please see Air District Response #1.

Regarding the comments about odors, the project includes odor treatment and abatement equipment as well as an Odor Prevention Management Plan (OPMP), which is required by a permit condition to be maintained, updated, and operated. Two existing tanks that are being proposed for storage of renewable feedstock will have additional controls (one with carbon adsorption and another with nitrogen blanketing) to reduce odors. A closed-loop (completely enclosed) vapor treatment system consisting of biofilters and carbon adsorption at the proposed pretreatment unit (PTU) is being proposed to capture and abate all vapors and gases generated at the PTU and thereby reduce odors. A sulfur treatment unit consisting of thermal oxidizers and scrubbers is being proposed to abate emissions (including H<sub>2</sub>S) generated by renewable fuels production and thereby reduce odors. Monitoring and the corresponding recordkeeping will be required via permit conditions to demonstrate compliance and confirm that odors are properly abated. Additionally, pursuant to Mitigation Measure AQ-4 from the Rodeo Renewed Project EIR, the County of Contra Costa must consult with the Air District in preparing the OPMP to ensure that the OPMP includes all necessary details, actions, and procedures to ensure odor impacts will be less than significant. Mitigation Measure AQ-4 further requires proactive identification and investigation of odors and odor complaints and remediation of odors originating from the facility. Finally, all sources will be subject to Air District Regulation 1-301, prohibiting public nuisances, and Regulation 7, prohibiting emissions resulting in odors beyond the property line.

**Comment #15 (Kathy Kerridge (BCAMP Board Member)):** Proposal to bring P66's H<sub>2</sub>S fence-line system into compliance with Regulation 12-15 performance criteria by January 1, 2023.

**Air District Response #15:** Please see Air District Response #13.

**Comment #16 (Michelle Pellegrin):** Inquiry regarding consequences for the surrounding communities; the oversight of the process and what type of air quality monitoring will be put in place; and whether there will be smells due to the use of animal parts. Comment regarding the speed of the EIR process and permitting process.

**Air District Response #16:** Please see Air District Response #1 regarding the expected decreases in toxic emissions from the transition from petroleum to renewable feedstocks, Responses #9 and #12 regarding the permitting and EIR process, and Response #14 regarding odors. Also, the Air District shares the commenter's concern for the health and well-being of those who live and work near the facility, and we implement numerous programs to promote public health and welfare. With regard to oversight of the facility and permit in question, the Air District has established emissions limitations, control equipment requirements, work practice standards, emissions monitoring, recordkeeping requirements and, reporting requirements to ensure the facility complies with all applicable regulatory requirements. Following issuance of the permit, the Air District will perform routine inspections of the facility and review its records to ensure all permit requirements are satisfied and will take appropriate steps to remedy any deficiencies when those requirements are not satisfied. In addition to our permitting and enforcement programs, the Air District also implements a fence-line monitoring program under Regulation 12-15, which requires the refineries to install and operate systems that measure air pollutant concentrations at or near the property boundaries of their facilities, and we also operate a program to establish air monitoring stations in communities near refineries. Please see Air District Response #13 above, for more information about both programs.

**Comment #17 (Charles Davidson):** Concerns about Phillips 66's wastewater treatment plant that will contain residues from the cleaning of the project's raw biofuel oil feedstock used to make renewable diesel and may include significant amounts of oxidized rancid FOGs (*fats, oils, and grease*). Request that all community odor complaints be followed up by prompt analyses using chemical imaging methods for likely airborne odors and be incorporated into P66's fence-line monitoring system.

**Air District Response #17:** As stated in Air District Response #14, a closed-loop (completely enclosed) vapor treatment system consisting of biofilters and carbon adsorption at the proposed pretreatment unit (PTU) is being proposed to capture and abate all vapors and gases generated at the PTU and thereby reduce odors. Also, the proposed PTU includes a FOG recovery process that consists of tanks, vessels, and evaporator units to remove organic material from process wastewater before treatment at the existing facility wastewater treatment plant. Therefore, post-project emissions at the existing wastewater treatment plant and its associated sources are not expected to exceed pre-project levels. Monitoring via wastewater sampling and testing and the corresponding recordkeeping will be required via permit conditions to demonstrate compliance and confirm that emissions are properly abated and do not exceed pre-project emissions levels.

The requirements for fence-line monitoring are established in Air District Regulation 12-15. At the present time, the guidelines require the refineries to measure concentrations of benzene, toluene, ethyl benzene, xylenes, and H<sub>2</sub>S, which are not necessarily the cause of the odors observed by the community. Odor monitoring is not currently required by Regulation 12-15.

The commenter requests chemical imaging methods be used to investigate odor complaints and in fence-line monitoring. As noted above, odor monitoring is not currently included in Regulation 12-15's fence-line monitoring requirements. Further, the methodologies indicated are applicable to food industry concerns regarding the safety of food for consumption and are not applicable to use in a refinery setting. The Air District has authority to bring action against causes of public nuisances such as odor and investigates odor complaints. For details on odors and the odor complaint and investigation process, please see Air District Responses #13, #14, and #23.

**Comment #18 (Nancy Rieser):** Request to require a community-based air monitoring system as part of permit approval.

**Air District Response #18:** *As explained in the General Statement above, the Air District's discretion in reviewing a permit application has certain limitations, and any decision to issue or deny a permit must be based on a specific set of requirements. While the type of monitoring suggested by the commenter is not among those requirements, the Air District operates a program to establish air monitoring stations in communities near refineries and other major stationary sources of air pollution. Please see Air District Response #13 above for more information.*

**Comment #19 (Judith Sullivan, Member of Benicians for Safe and Healthy Communities, (Voicemail)):** Concerns regarding odor control, emissions releases, real time monitoring of toxics with notification to communities affected, and safety equipment for such types of materials such as tallow.

**Air District Response #19:** *Please see Air District Responses #13 and #14 regarding fence-line monitoring and odor control. Also, among other requirements, the current fence-line monitoring guidelines require the refineries to measure benzene, toluene, ethyl benzene, xylenes, and H<sub>2</sub>S concentrations at the refinery fence-line with technology capable of measuring in the parts per billion range. All of these compounds are known toxic air contaminants. Real-time fence-line monitoring data for the Phillips 66 refinery is available at <https://www.fenceline.org/rodeo/data.php>. For more information about the fence-line monitoring program, including the most recent copies of each refinery's air monitoring plan and links to their fence-line monitoring websites, visit <https://www.baaqmd.gov/plans-and-climate/emission-tracking-and-monitoring/fenceline-monitoring-plans>.*

*Also, equipment that will store/process materials such as tallow will be required to comply with all applicable permit conditions and regulations, which thereby ensures it will be stored and processed safely.*

**Comment #20 (Pat Toth-Smith (Voicemail)):** Request to withhold approval until real-time data of emissions/odors of surrounding community is provided to allow people to put on masks if needed and access to raw data. Odor abatement and any other measures should be in place to control emission releases (such as scrubbers) prior to permitting. Air District should make every attempt to limit non-liquid forms of feedstocks (tallow and animal fat), which is a bad feedstock since it can solidify easily, is difficult to store, emits odors, and harmful. Adequate storage should be required for the most harmful feedstocks.

**Air District Response #20:** *Please see Air District Response #14.*

**Comment #21 (Kathy Kerridge (BCAMP Board Member)):** Request to withhold approval until a methodology is developed and a system is in place to identify and track the PM emissions crossing the fence-line without dependence on a witness to see the material being deposited.

**Air District Response #21:** *Please see General Statement and Air District Response #13 (regarding fence-line monitoring).*

## **V. Source S-460 (Unit 250 Hydrotreater)**

**Comment #22 (Nancy Rieser):** Omission of Unit 250 from Rodeo Renewed.

**Air District Response #22:** *While Unit 250 was not included in this permit application (Application #31157) for the Rodeo Renewed Project, it was not omitted from the Air District's permitting process. Unit 250 has been in operation for approximately 15 years. Changes were made to Unit 250 during Phillips 66's 2021 facility turnaround, which preceded submission of this permit application. The changes to Unit 250 were not dependent on the Rodeo Renewed Project being approved, and the Rodeo Renewed Project is not dependent on operations at Unit 250. Thus, Phillips 66 did not include Unit 250 in the Rodeo Renewed Project.*

*The purpose of the changes to Unit 250 was to add the ability to accommodate the processing of select types of renewable feedstocks (soybean oil, inedible corn oil, used cooking oil, canola oil, and other vegetable-based oil) into renewable diesel at the facility. These changes were first brought to the Air District's attention by community groups and NGOs in July 2021. In response, the Air District began investigating the changes undertaken at Unit 250. It determined that the physical and process changes at minimum required Phillips 66 to submit a permit application pursuant to Regulation 2-1-301, so the Air District could confirm whether the changes were alterations, as claimed by Phillips 66, or whether the changes constituted a "modification" as defined in Air District regulations, which would require a more in-depth level of permit review. Because Phillips 66 had undertaken the changes without submitting the required application, the Air District issued Notice of Violation A61096 on March 30, 2022. On April 22, 2022, Phillips 66 submitted Application #31703 for the changes undertaken during the facility turnaround.*

*The Air District reviewed the physical and process changes at U250 in Application #31703 and determined that the changes were either exempt from the Air District's permit requirements or constituted "alterations" pursuant to Regulation 2-1-233. "Alterations" are physical or process changes that do not increase a source's potential to emit air pollutants, and as such they do not require a "New Source Review" permit under Air District Regulation 2-2. New Source Review permitting is a more in-depth permit review that applies to changes that do increase the source's potential to emit air pollutants. The Air District evaluated the alterations that Phillips 66 made at U250 and determined that they complied with all applicable regulatory requirements, and so it issued an alteration permit for the altered sources on October 11, 2022, along with Certificates of Exemption for the changes that were exempt from permitting requirements altogether.*

*Obtaining the permit for the changes at U250 cured the violation identified in Notice of Violation A61096, which was issued for having made the changes before receiving the required permit authorization. The Air District will be following up separately to assess a monetary penalty against Phillips 66 for this violation.*

## VI. Air Quality Complaint

**Comment #23 (Nancy Rieser):** Unresolved emission issue (BAAQMD Complaint #2514HH)

**Air District Response #23:** Complaint 251488 (2514HH) was investigated by the Air District at complaint location and at the alleged facility. The investigation was not able to confirm a source of the metallic (glittery) film that was observed at the complainant location. Multiple potential sources are in the area, including but not limited to: Phillips 66, Highway 80, Ship and Rail, C&H Sugar, and Crockett CoGen. Complainant was informed on 12/19/22 that complaint 251488 would be unconfirmed and advised to submit an additional complaint if the metallic (glittery) film is observed again, and an additional investigation will be conducted. The Air District will continue investigations of this metallic (glittery) film along with Contra Costa HAZMAT to try and determine potential source of emissions.

Please note that the aforementioned issue and pending investigation are not part of the Rodeo Renewed Project (Application #31157), which has not been approved yet and is currently not in operation.

Regarding complaints generally, the Air District strives to promptly respond to and investigate all air quality complaints received and recognizes the importance in prioritizing complaint investigations due to the unpredictable nature of complaints, duration of emissions, and potential public health and air quality impacts. Responding quickly can help identify sources of air emissions and allow inspectors to investigate and determine whether violations of air quality regulations have occurred. The following outlines the Air District's standard complaint procedures.

First, the inspector receives complaint via dispatch. If complainant has left contact information, the inspector will contact complainant to get more information about the complaint:

- a. When and where did you observe the emission?
- b. Is the emission still ongoing? Has the emission intensity changed from when you first observed it?
- c. Is this a chronic or intermittent problem?
- d. Is there a pattern of emission occurrences?
- e. Are you available to meet in person? If so, what is the best location and time to meet?

If the complainant is unavailable or cannot be reached by phone, the inspector will leave a voice message and proceed with the complaint investigation. Similarly, if the complainant is unable to meet with the inspector in person, is anonymous, or if a complainant specifically requests not to be contacted, the inspector will proceed by conducting an area patrol and an investigation at the alleged site or at other suspected source of emissions.

If possible, the inspector will meet with the complainant at his/her residence or at the location of the complainant's air quality concern if she or he is available. The inspector will document their own observations and verify whether they are consistent with the complainant's concern if it is ongoing. An in-person meeting and complainant interview could help the inspector quickly trace and identify the source of emissions and potentially help minimize emissions sooner.

As part of the complaint investigation, the inspector will conduct an area patrol around the alleged site, if known, and in the surrounding neighborhood. An area patrol can help the inspector locate the potential source of emissions, determine the magnitude of the emissions' impact, and gather additional supporting evidence.

*An important part of a complaint investigation is the inspector's investigation at the alleged or suspected site. The on-site facility investigation may include a compliance inspection to ensure compliance with air quality regulations and/or permit requirements. This may include an inspection of operational equipment, abatement devices, monitoring and controls, and facility records. The inspector will document any observed emissions, determine whether they match the complaint description, and note if they can be attributed to a specific source or operation at the facility. If the alleged or suspected source is a refinery in the area, the inspector will also request fence-line and Ground Level Monitor (GLM) data to ensure the inspector's prompt arrival at the complaint location without further delay and as secondary verification to help determine if any elevated concentrations occurred during the time the emissions were observed or detected.*

*Following the inspector's complaint investigation, each complaint will be assigned a final complaint status of "confirmed" or "unconfirmed." The inspector will also determine whether any applicable state or federal law or Air District regulations and/or permit requirements were violated and, if so, take appropriate enforcement actions.*

*A copy of the Air Quality Complaint Policy and Procedures is located at: <https://www.baaqmd.gov/online-services/air-pollution-complaints/complaint-policy-and-procedures>*

**Comment #24 (Kathy Kerridge (BCAMP Board Member)):** Proposal to withhold approval until the source of heavy metals emissions is identified.

**Air District Response #24:** Please see General Statement and Air District Response #23 above.