

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

February 20, 2024

## Background

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

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

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

## Approach to Reviewing and Summarizing Public Comments

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

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

## Key Themes

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

- Strategies and actions
- Implementation
- Health and education

- Technical basis

Summary responses to comment themes are provided below.

## Strategies and Actions

### Strengthen and Accelerate Reductions

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

#### Summary Response to Comment Theme

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

### Improve Understanding of Emissions and Their Impacts

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

#### Summary Response to Comment Theme

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

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

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

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

#### Summary Response to Comment Theme

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

### Fuel Refining and Flaring

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

#### Summary Response to Comment Theme

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

### Warehouse Development, Active Transportation and Truck Impacts

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

#### Summary Response to Comment Theme

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

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

### Port Electrification

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

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

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

### Climate Mitigation

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

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

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

### Legislative Authority

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

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

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

### Broader Applicability of Draft Plan Strategies

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

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

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

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

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

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

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

## [Implementation / Process](#)

### [Timeline](#)

Commenters asked for a more concrete timeline for implementation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### [Engagement](#)

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

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

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

## Health and Education

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

### Summary Response to Comment Theme

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

## Technical Basis

### Emissions Data and Analysis

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

### Summary Response to Comment Theme

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

### Modeling Data and Analysis

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

### Summary Response to Comment Theme

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

### Monitoring Data and Analysis

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

### Summary Response to Comment Theme

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

### Enforcement Data and Analysis

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

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

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



## Attachment 1: Table of Commentors and their Affiliation

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

Summary of Comments and Responses  
February 20, 2024

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