

## Kevin Oei

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**From:** Nancy Rieser <(REDACTED)>  
**Sent:** Thursday, December 15, 2022 10:59 PM  
**To:** CommentsP66RodeoRenewed  
**Cc:** (REDACTED)

**Subject:** BAAQMD P66 permit reponse: 1 of 2 emails  
**Attachments:** BAAQMD Permit Public Comment Notice.pdf; Email exchange re P66 units under BAAQMD Permit.pdf; Complaint 2514HH Supplemental Statement\_2.docx

You don't often get email from (REDACTED). [Learn why this is important](#)

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Comments made by: Nancy Rieser, (REDACTED)

I would like address five issues of concern.

### ISSUE #1: Omitting the key, biofuel refining unit, Unit 250, from the BAAQMD permit process:

In November, Hercules resident Charles Davidson wrote to BAAQMD, and asked the agency about the public notice which stated that BAAQMD only had an obligation to notify residents who live within 1,000 feet of the source of toxic pollution. (Please refer to the pdf "BAAQMD Permit Public Comment Notice" attached below.)

Mr. Davidson's email inquiry led a BAAQMD engineer to promptly respond on November 30th. In that email, the engineer stated that the measurement of 1,000 feet did not begin at the property border of Phillips 66. Instead, the measurement of 1,000 feet started from the actual source of pollution. (Please refer to the attached pdf: "Email exchange regarding Phillips 66 units under BAAQMD permit.pdf.")

Ostensibly the actual source of pollution would be Unit 250, described in the six websites below as the "single unit" which serves as the heart of P66's biofuel operation, and has been refining nearly 9,000 barrels of renewable biofuel a day since last year.

In his email, the engineer listed the units covered under the BAAQMD permit. There was a significant unit that was missing from the list: Unit 250.

In this permit process, BAAQMD is making the same serious omission that P66 made in its EIR.

The six websites referenced above:

- **P66 Newsroom:** <https://www.phillips66.com/newsroom/drivers-embrace-76-renewable-diesel-from-rodeo/#:~:text=Most%20critically%2C%20operators%20at%20the%20Phillips%2066%20San,nearly%209%2C000%20barrels%20per%20day%20of%20renewable%20diesel.>

- **Biofuels Central:** <https://biofuelscentral.com/phillips-66-california-drivers-embrace-renewable-diesel-from-san-francisco-refinery/>
- **Biofuels Digest:** <https://www.biofuelsdigest.com/bdigest/2022/09/08/phillips-66s-renewable-diesel-now-available-at-600-stations-in-california/>
- **Biobased Diesel Daily:** <https://www.biobased-diesel.com/post/600-plus-76-stations-offer-phillips-66-s-renewable-diesel-to-california-drivers>
- **Biodiesel Magazine:** <https://biodieselmagazine.com/articles/2518316/california-drivers-embrace-renewable-diesel-from-rodeo-refinery>
- **SPGlobal:** <https://www.spglobal.com/commodityinsights/en/market-insights/latest-news/oil/043021-phillips-66-starts-up-first-renewable-diesel-unit-at-rodeo-refinery>

**ISSUE #2:** If one takes the notice literally -- as one should -- then apparently, BAAQM is not obligated to notify any Rodeo, Tormey, and Crockett residents of the permit process as all the homes in those communities are beyond the 1,000-foot distance from the source of contamination.

The nearest home to the true source of pollution (Unit 250) is approximately **2,500 feet away**.

The public notification **MUST** include nearby fenceline neighbors. At the very least: BAAQMD should extend the comment period and mail the notice to the closest neighborhoods.

**ISSUE #3: There is an unresolved emission issue (subject of BAAQMD complaint #2514 HH):**

Contaminates are being released into the air of a fenceline community that is already overburdened by toxic contamination from the refinery.

For quite some time now, a downwind neighborhood in Crockett has been on the receiving end of emissions that have covered windshields with a metallic “glittery” film. It is believed that the substance is coming from the P66 stacks.

(Please refer to the November 14th supplemental statement, "Complaint 2514HH Supplemental Statement" attached below. Two other attachments "Test Summaries for 2017 and 2022" and "CAM CCR 17 Metal Batch Chart" will be sent in a second email, as the two files exceed the attachment size capacity for my email system.)

As outlined in the supplemental statement to Complaint 2514HH, P66’s use of slurry oil during its biofuel refining process has become a grave concern to our community. Recycled slurry, or "waste oil" as it is often called, has higher levels of heavy metals than the dirtiest of Crudes. Further compounding the problem: “Biomass” -- an additional incoming feedstock that P66 also intends to use -- is considered to be somewhat of a wild card in terms of *its* composition.

Crockett residents remember the Refinery's infamous Catacarb release that covered its cars and gardens in 1994. Fast forward to today: P66’s use of slurry oil, laden with heavy metals, has led many Crockett residents to wonder if that is the reason why their windshields now “glitter” in the sun.

To that end, the community collected samples of car windows and had them analyzed at McCampbell Analytical. The elevated results from the *CAM CCR 17 Metals* were very disturbing. We shared the test results with Contra Costa County Hazardous Materials commission members who were also taken aback. The County has made a commitment that it will do collaborative, side-by-side testing in our neighborhoods and in selected "upwind" areas.

Perhaps BAAQMD field inspectors can join us.

**ISSUE #4: This permit should not be approved until the State of California conducts a community biomonitoring study of people living in affected, downwind neighborhoods.**

Chronic, long-term exposures to the heavy metals found in slurry oil are more dangerous to human health than the chemical compounds found in Catacarb. Long term, chronic exposure to heavy metals can eventually lead to cancer.

Hospitals and clinics do not have the capacity to test for heavy metal exposures from the elements listed in the *CAM CCR 17 Metals* test. Hospitals depend on specialized labs (many located out of State) to analyze those samples. Biomonitoring is cost prohibitive.

The State of California should shoulder the economic responsibility for biomonitoring. If the State of California provides financial incentives for this biofuel project through its Low Carbon Fuel Standard credits, it must protect the health of its citizens from exposures from such a project. Biomonitoring would be a key first step.

Perhaps the study could be done in collaboration with O.E.H.H.A. (Office of Environmental Health Hazard Assessment) and an independent 3rd party, such as a local University.

**ISSUE #5: BAAQMD needs to require a community-based, state-of-the-art air monitoring system as part of the permit approval.**

The existing fence-line monitoring system at the refinery cannot detect heavy metal emissions. Also, the monitoring system for detecting H<sub>2</sub>S must be upgraded or replaced.

The following has been suggested to us:

The fence-line monitoring system should have advanced, proven performance capabilities as demonstrated by the Air Optics system (low detection range at 5-6 ppbl sampling at one-second intervals; internal self-calibration and error correction, etc). It should also have an accurate, real-time, 24/7 data collection system that can be independently verified, with raw data that is deliverable to BAAQMD and available on public access websites, thus reducing the refinery's control of the data.

BAAQMD DEADLINE for the Phillips 66 Refinery Project - Permit Application #31157: Rodeo Renewed Project - PLEASE DEFINE / CLARIFY "located within 1,000 feet of a school site or within a community"

Date: Wednesday, November 30, 2022 at 08:34 PM PST

Please note that the 1,000 foot distances are measured from each new and modified source of toxic air contaminants rather than from the refinery property fenceline. The Rodeo Renewed Project involved the new and modified sources listed below.

Begin forwarded message:

From: Jimmy Cheng <[jcheng@baaqmd.gov](mailto:jcheng@baaqmd.gov)>  
Subject: RE: Information URGENTLY needed on the BAAQMD DEADLINE for the Phillips 66 Refinery Project - Permit Application #31157: Rodeo Renewed Project - PLEASE DEFINE / CLARIFY "located within 1,000 feet of a school site or within a community"  
Date: November 30, 2022 at 7:36:04 PM PST

[6rodeorenewed@baaqmd.gov](mailto:6rodeorenewed@baaqmd.gov)>

Hi Charles,

I believe you are asking for clarification on the following description in the OBC 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."

Please also note that the Air District issues a Public Notice to the aforementioned parties noted above to comply with Air District requirements, but that any member of the public is allowed to submit comments on this permit application regardless of whether they are a member of the

aforementioned parties or not.

The public notice requirement in an Overburdened Community was adopted in December of 2021 and became effective on July 1, 2022, and is contained within Regulation 2-1-412. "Prior to approving an application for an authority to construct or permit to operate for...a new or modified source located within an Overburdened Community as defined in Section 2-1-243 and for which a Health Risk Assessment is required pursuant to Section 2-5-401, the APCO shall" prepare a public notice and distribute it as outlined above. The text may be found at this link under Section 2-1-

243:[https://www.baaqmd.gov/~media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215\\_rg0201-pdf.pdf?la=en&rev=103cc60e706947d3ad1e4f5a090483c1](https://www.baaqmd.gov/~media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215_rg0201-pdf.pdf?la=en&rev=103cc60e706947d3ad1e4f5a090483c1).

Please note that you may have received this public notice because we have your name on our 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. Please notify me if you would like to be removed from this list.

Please note that the 1,000 foot distances are measured from each new and modified source of toxic air contaminants rather than from the refinery property fenceline. The Rodeo Renewed Project involved the new and modified sources listed below.

#### Existing Sources:

S-122 TANK 167, 3.1 MM gallons  
S-125 Tank 170, 3024 thousand gallons  
S-126 Tank No. 172, 75,000 bbls  
S-139 TANK NO. 204, 81,000 bbls, abated by A-7 Vapor Recovery System  
S-140 TANK #205, 54,000 bbls, abated by A-7 Vapor Recovery System  
S-150 TANK NO. 241, 79,000 bbls  
S-307 U240 UNICRACKING UNIT 240, abated by:  
S-1002 Sulfur Plant - Unit 236  
S-1003 Sulfur Plant Unit 238  
S-296 C-1 Flare  
S-318 Unit 76  
S-322 U40 RAW MATERIALS RECEIVING  
S-434 U246 High Pressure Reactor Train  
S-437 U110 Hydrogen Manufacturing Unit (Equipment Component Leaks)

#### New Sources:

S-599 Sour Water Strippers and Amine Gas Treatment, abated by

Unit 237 Sulfur Treatment Unit (2 Trains), consisting of:

Train #1:

A-598 Thermal Oxidizer (B-201 Main Burner, B-202 Reduction Furnace, B-203 Oxidation

Furnace, B-204 Auxiliary Burner, and E-205 Waste Heat Boiler, 7.4 MMBtu/hr) and

A-599 SO<sub>2</sub> Scrubber (D-211 Venturi, D-212 Caustic Scrubber, D-213 Cold Stack)

Train #2:

A-600 Thermal Oxidizer (B-201 Main Burner, B-202 Reduction Furnace, B-203 Oxidation

Furnace, B-204 Auxiliary Burner, and E-205 Waste Heat Boiler, 7.4 MMBtu/hr) and

A-601 SO<sub>2</sub> Scrubber (D-211 Venturi, D-212 Caustic Scrubber, D-213 Cold Stack)

S-602 Filter Aid Storage Silos (9) and Truck Loading/Traffic, each abated by

A-606 through A-614 Pulse Jet Dust Houses (9)

S-603 Polyethylene Removal Filter Aid Day Hoppers (4), abated by

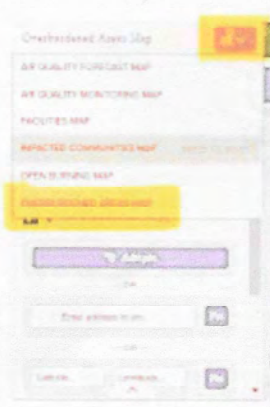
A-615 and A-618 Dust Filters (4)

S-605 Filter Aid Adsorption Day Hoppers (3), abated by

A-619 and A-621 Dust Filters (3)

Please also refer to the Overburdened Areas Map

at: <https://www.baaqmd.gov/about-air-quality/interactive-data-maps>. You will need to click on the following dropdown menu (highlighted below) to access the Overburdened Areas Map:



If you have any other questions, please send your email reply to both [commentsp66rodeorenewed@baaqmd.gov](mailto:commentsp66rodeorenewed@baaqmd.gov) and [jcheng@baaqmd.gov](mailto:jcheng@baaqmd.gov).

Thanks,

Jimmy Cheng  
Senior Air Quality Engineer, Engineering Division  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
Phone: 415.749.5022  
Fax: 415.749.5030  
E-Mail: jcheng@baaqmd.gov

Sent: Wednesday, November 30, 2022 4:05 PM  
To: CommentsP66RodeoRenewed  
<commentsp66rodeorenewed@baaqmd.gov>; Jimmy Cheng  
<jcheng@baaqmd.gov>  
Subject: Information URGENTLY needed on the BAAQMD DEADLINE for  
the Phillips 66 Refinery Project - Permit Application #31157: Rodeo  
Renewed Project - PLEASE DEFINE / CLARIFY "located within 1,000 feet of  
a school site or within a community"

important

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Begin forwarded message:

Subject: Permit Application #31157: Rodeo Renewed Project Phillips 66  
Refinery - PLEASE DEFINE "located within 1,000 feet of a school site or  
within a community"

Date: November 29, 2022 at 2:02:14 PM PST

To: commentsp66rodeorenewed@baaqmd.gov, jcheng@baaqmd.gov

Mr. Cheng,

Greetings.

The following notice for the permit application refers to the sensitive  
receptors located within 1,000 feet of a pollution source. You are listed as  
the contact person.

I have two related, but very important questions:

Is the 1,000 feet referenced by BAAQMD refer specifically to those who should comment needing to be located within 1,000 feet of the exterior refinery perimeter (i.e., the fenceline) ?

OR

Does 1,000 feet refer, specifically and only, to the hydrocracker unit centrally involved in the Rodeo Renewed Project or to any other involved Project refinery equipment or unit which would be located within the refinery proper (and located some distance interior to the overall refinery fenceline or perimeter)?

Sincerely,

Charles Davidson

PS:

Re: PUBLIC NOTICE

November 15, 2022

TO: All residential and business neighbors located within 1,000 feet of the proposed new or modified source(s) of air pollution listed below.

FROM: Bay Area Air Quality Management District

RE: Permit Application #31157 for the following source(s) of air pollution:  
Rodeo Renewed Project

Phillips 66 Company - San Francisco Refinery

1380 San Pablo Ave, Rodeo, CA 94572

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.



November 14, 2022

To: Jeremy Kearns, BAAQMD Compliance Enforcement Division

From: Nancy Rieser, (REDACTED)

Telephone: (REDACTED) (cell); (REDACTED) (landline)

### **Complaint case # 2514HH**

Jeremy would be so kind as to include the summary below as part of the public record associated with this complaint (#2514HH)

#### **Overview of our complaint:**

My downwind neighborhood in Crockett has been on the receiving end of emissions that has covered our windshields with a metallic “glittery” film for quite some time now. We believe such a substance is coming from the stacks at the P66 Rodeo refinery, which began its renewable biofuels refining project many months before the refinery filed its Draft EIR in October 2021. (<https://www.reuters.com/business/energy/exclusive-phillips-66-made-renewable-fuels-without-proper-permits-regulators-2022-06-24/> )

The refinery stated to its investors in 2019 and the federal government in 2013 that it would use recycled slurry oil as part of its process.

- [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/http://q4live.s22.clientfiles.s3-website-us-east-1.amazonaws.com/128149789/files/doc\\_downloads/Transcripts/Phillips-66-2019-Investor-Day-Transcript\\_11.06.19.pdf](chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/http://q4live.s22.clientfiles.s3-website-us-east-1.amazonaws.com/128149789/files/doc_downloads/Transcripts/Phillips-66-2019-Investor-Day-Transcript_11.06.19.pdf)
- <https://www.federalregister.gov/documents/2013/11/21/2013-27975/foreign-trade-zone-ftz-3-san-francisco-ca-notification-of-proposed-production-activity-phillips-66>

It is P66’s use of slurry oil during the biofuel project that has quickly become a grave concern to our community. Recycled slurry, or "waste oil" as it is often called, has higher levels of heavy metals than the dirtiest of Crudes. Further compounding the problem: “Biomass” -- an additional incoming feedstock that P66 also intends to use -- is considered to be somewhat of a wild card in terms of *its* composition.

It is important to note: the Crockett community still remembers the 1994 Catacarb emissions that were deliberately released from the refinery in Rodeo. The Catacarb covered Crockett cars and gardens and made people and animals ill. (<https://apnews.com/article/4c7bccfccbb5b5be3f6cfc502f220547> )

Now -- 28 years later – P66’s use of slurry oil, laden with heavy metals, has led many Crockett residents to wonder if *that* is the reason why their windshields now “glitter” in the sun.

Another sobering fact to take into consideration: Chronic, long-term exposures to the heavy metals found in slurry oil are much more dangerous to human health than the chemical compounds found in Catacarb.

It was because of the potential health risks to our downwind community that I reached out to the BAAQMD twice in August, leaving messages on the complaint line, yet getting no response. At that time, I was not aware that citizens needed to *first* file formal complaints online and obtain a complaint case # before inspectors come out and take samples.

The lack of response from a public agency such as BAAQMD put the community in a tough spot. P66's fence line monitors do not have the capacity to detect heavy metals dispersed in the air from the stacks. So, back in August, we believed the best proactive approach was this: document this potential public health issue and collect samples, have them analyzed, and *then* circle back to BAAQMD with the data.

So, we did just that.

After our neighborhood sample collection, I had the opportunity to speak with Ken Szutu, a member of the BAAQMD Community Advisory Committee. Ken gave me a specific link to file a formal complaint, which in turn would get BAAQMD quickly engaged.

I filled out the form. It worked. Jeremy: Within two hours, you were on my doorstep! I was so grateful for your field visit that afternoon and the conversation we shared. I appreciated your taking pictures of the glittery back window of the orange Volkswagen on Clark near the Vallejo cross street, as well as the brown drips on two pickup trucks across the street.

That day, requested a side-by-side sample collection with you and/or another BAAQMD field inspector. The test results then could be compared to the samples we collected in August (see "Sample Collection" section below.)

Shortly after your visit, Jay Gunkleman, a respected community leader during the Catacarb release days, shared with me a UC Berkeley epidemiological health study report written by UC Berkeley's Rosemary Bowler. [https://www.academia.edu/20460807/Epidemiological\\_Health\\_Study\\_of\\_a\\_Town\\_Exposed\\_to\\_Chemicals](https://www.academia.edu/20460807/Epidemiological_Health_Study_of_a_Town_Exposed_to_Chemicals)

The report described the BAAQMD data collection methods back in 1994. I thought you would find it interesting.

It reported that during the leak, Unocal (now P66) notified the County, but the County, sadly, chose not to notify the residents of Crockett. It was only *after* the refinery completely closed down the leaking unit, did Unocal then notify BAAQMD.

The study then states the following;

"No human blood or urine samples were taken from the residents of the exposed town, no air samples were taken during the release, and **Catacarb deposition measurements were limited to window scrapings taken in two locations by the BAAQMD** and grass and soil samples taken elsewhere as part of a risk assessment performed by a risk assessment company on behalf of the refinery (Karras and Wocasek, 1995 and Montgomery Watson, 1996, January)"

### **Our recent, 2022 Sample Collection:**

Three people were involved in the sample collection: Maureen Brennan (Rodeo), Charles Davidson (Hercules), and myself (Crockett). Maureen sits on Contra Costa County's Hazmat Commission. Charles has an academic background in chemistry. Both Maureen and Charles are members of the Sunflower Alliance, the environmental organization that generously paid for the lab tests.

The lab we used was McCampbell Analytical in Pittsburg,

Prior to the sample collection, I took a brief video to document the residue I found on the back window of my car. I filmed my hand pointing to the brown drops that would not brush away easily. I then pointed to the dried-up glittery film that also would not come off with a swipe of my hand. This is the link to the video: <https://www.youtube.com/watch?v=JMmtbMBMx5o>.

It should also be noted finding brown droplets on cars in downwind Crockett neighborhoods is a very common occurrence.

Five years ago, back in 2017, neighbors in my area took drips off their cars and submitted the collection of scraped-off droplets to McCampbell Analytical. Despite the droplets testing positive for 6 of the 17 heavy metals listed in the heavy metal test (CAM/CCR 17) and exceeding the reporting limits, a BAAQMD representative at that time casually dismissed the significance of the droplets as “bee poop.”

*Fast forward to 2022:*

The same types of droplets on our cars have been surrounded by a hardened film that glittered in the sun. Glittery particulate matter was **not** present on our car windows back in 2017, four years before P66 started its bio-fuel project.

The 2022 sample collection kits (swipes, wetting agents, and glass bottles) were provided by the McCampbell Analytical lab. McCampbell then tested the residue samples for both Amines and heavy metals.

Not only did the samples test positive for Amines, but the results of the heavy metal tests were alarming. The actual number of heavy metals exceeding reporting limits more than doubled the amount found in the 2017 tests. Not only that, the measurement exceeded the weight of the 2017 elements manyfold.

The following lab test results for both 2017 and 2022 are attached to this email. They are:

- “Test Summaries for 2017 and 2022”
- “CAM CCR 17 Batch Chart”

Jeremy: Please also include those attachments referenced above include in the official BAAQMD record for complaint # 2514HH.

**Our next step: We need BAAQMD to explore community-engaged enforcement:**

The community-engaged enforcement can actually start right here, in Crockett.

A BAAQMD inspector needs to come out to our neighborhoods and collect samples **side-by-side with community representatives**. We need to obtain samples from the **same** cars, on the **same** day at the **same** time with the **same** McCampbell Analytical sample collection kits that could be shared between the inspector from BAAQMD and the community rep. If BAAQMD wishes to use its own lab, that would be fine. We presume that when all is said and done, the results *should* match, as the samples were collected from the same cars, during the same collection time, and by folks who used the same sample collection kits.

Please note: We are open to different collection methods other than swipes. We trust that BAAQMD would have the resources to provide the community with such equipment and pay for the lab analysis.

There is a resource that will also be extremely useful as we work together to document this important issue: Drexel University. A few years ago, Drexel, in partnership with Carnegie Mellon and Bay Area refinery fenceline communities, created the website called “Air Watch Bay Area.” Recently, Drexel bumped up that web design concept to a whole other level. That website will be shared with the public in one week. The new web page will provide tools that can help citizens and caring agencies, not only research prevailing wind directions recorded on an hourly basis but it will show, via computer graphics, plumes of particulate matter and gas waving over maps moving towards downwind neighborhoods.

**There is one additional step that must be taken to help protect the community's health:**

We need assistance in presenting a case to O.E.H.H.A. (Office of Environmental Health Hazard Assessment requesting that O.E.H.H.A. conduct a community biomonitoring study of people living in Crockett's affected, downwind neighborhoods.

Here is why such a step is important: Hospitals and clinics do not have the capacity to test for heavy metal exposures. They need to depend on specialized labs (some out of State) to analyze those samples. Therefore, it is cost prohibitive. Medical clinics and hospitals usually limit testing for elements suspected of actually causing an **immediate** health problem that needs to be treated.

This past Friday, I spoke with a Kaiser physician who specializes in toxicology at the Kaiser in South Sacramento. He did talk about the limitations cited above (shared by most hospitals).

He stated this very clearly: Chronic, **long-term exposure** to many of the elements identified in the CAM/CCR 17 test *could* eventually lead to cancer.

And *that* worries us deeply.

P66's biofuel refining project is not a short-term project by any stretch of the imagination.

The refinery is using its renewable biofuel project to earn low carbon fuel standard credits to finance the life span of its operation.... indefinitely.

Regional agencies such as BAAQMD must not turn a blind eye to the negative impacts that this biofuel refining project is currently having on downwind communities in Contra Costa County. They must act **now** and *not* wait for people to get much sicker and die before moving into action.

Come out to Crockett and side-by-side with a community representative, collect residues found in our neighborhood and have them tested.

You may contact me at either of the two numbers below.

Most sincerely,

Nancy Rieser  
(REDACTED)

Telephone: (REDACTED) (landline); (REDACTED) (cell)