

(Gary.Kupp@dcd.cccounty.us)

Dear Mr. Kupp:

12-16-2021

I'm writing this regarding the DEIR for the proposed conversion of the Phillips 66 Rodeo oil refinery to biofuel production (File No. LP20-2040).

This project will have a long-term impact on our community for years to come, thus it is critically important that the CEQA review be thorough and accurate, and that the public be involved to the maximum extent possible. Of particular concern is the impact of air quality on individuals within Contra Costa County for the following reasons:

**1. PHILLIPS 66 IS IN VIOLATION OF LAND USE PERMIT NO. 05-2048
CONDITION 46 PARAGRAPH 12 FOR THE MONITORING OF H2S**

Phillips 66 is currently in violation of the "Memorandum of Understanding Fenceline Monitoring at the Rodeo Refinery" that was signed on April 16, 2012. In this agreement the MOU states on page 5 that Open-path Tunable Diode Laser Systems (TDLS) will be installed along the North and South Fencelines of refinery and the systems will have detection limits for Hydrogen Sulfide gas of 25 parts-per-billion (ppb). Yet, the Air Monitoring Plan submitted by Phillips 66 to the Bay Area Air Quality Management District as required by Regulation 12, Rule 15 (BAAQMD 12-15) states the systems TDLS air monitoring systems currently in operation at the fenceline have detection limits of 300 (ppb). Please acknowledge this discrepancy. I respectfully request the DER provide a timeline as to when the Phillips 66 fenceline will be brought in compliance with the MOU for the detection and quantification of H2S? Please note that the BAAQMD has identified a vendor that can supply equipment that can meet these detection limits.

**2. PHILLIPS 66 IS IN VIOLATION OF LAND USE PERMIT NO. 05-2048
CONDITION 46 PARAGRAPH 12 FOR THE MONITORING OF BENZENE,
TOLUENE, AND XYLENES**

The table below shows the detection limits for various gases monitored by the refineries under the BAAQMD Fenceline Rule 12-15. As this data is the latest reported operational capabilities for the fenceline systems, it should be noted that **the technologies used by Phillips 66 no longer meet the required detection capability stated in the MOU between the refinery, local community groups, and county.** This agreement specifically states the fence-line air monitoring equipment to be operated at detection limits for 5 parts-per-billion (ppb).

Table Summarizing Detection Limits (ppb) for Fence-line Air Monitoring Equipment

Gas	Chevron	Valero	Marathon	PBF	Phillips 66
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	Det Lim (ppb)	Det Lim (ppb)	Det Lim (ppb)	Det Lim (ppb)	Det Lim (ppb)
Benzene	0.6	0.2	0.6	0.9	10
Toluene	1.4	2	1.7	1.8	10
Xylene	6.5	12	7.8	1	10

I respectfully request the DER provide a timeline as to when the Phillips 66 fenceline will be brought in compliance with the MOU for the detection and quantification of benzene, toluene and xylene at detection limits stated in the MOU.

3. PHILLIPS 66 FENCELINE AIR MONITORING EQUIPMENT IS OBSOLETE

In reviewing the BAAQMD 12-15 air monitoring plans by the five refineries in the Bay Area, Phillips 66 the only refinery to propose and justify using antiquated air monitoring technology to protect the communities impacted by their emissions. As an example, the open-path fenceline systems used by Phillips 66 are over 10 years old and have much higher detection limits than other refineries. Many of the air monitors used by Phillips 66 are no longer sold by the vendors who supplied the equipment, effectively rendering them obsolete. I respectfully request the DER provide a timeline as to when the Phillips 66 fenceline will be required to replace their obsolete air monitoring equipment with current technology.

4. PHILLIPS 66 IGNORES ITS ENVIRONMENTAL IMPACT ON THE COMMUNITY OF RODEO, CALIFORNIA

When Phillips 66 submitted its BAAQMD 12-15 Air Monitoring Plan, it employed arbitrary community impact analysis to exclude the community of Rodeo as part of its fenceline air monitoring system. For this reason, it excluded any type of technology upgrade associated with the BAAQMD 12-15 for the community of Rodeo.

I respectfully request the DER provide the community of Rodeo with a written guarantee that all fenceline air monitoring equipment installed at the Phillips 66 Rodeo refinery be made consistent with the land use permit and BAAQMD standards.

5. THE FENCELINE AIR MONITORING EQUIPMENT THAT IS CURRENTLY IN PLACE AT PHILLIPS 66 WILL NOT DETECT POLLUTANTS ASSOCIATED WITH RENEWABLE FUELS

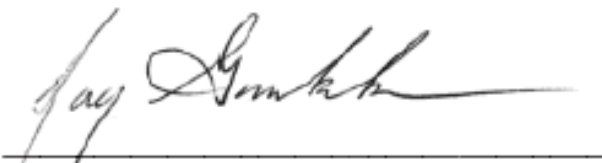
The pollutants associated with the feedstock, intermediary and products associated with biofuel production are not detectable with the fenceline technology in place at the refinery. These pollutants include amines, reduced sulfurs, aldehydes and ketones gases. None of these gases are capable of being detected by the current systems at levels that protect the public in a time sensitive manner. I respectfully request the DER provide the communities of Rodeo, and Crockett with a written guarantee that all fenceline air

monitoring equipment installed at the Phillips 66 Rodeo refinery address all health impacts including odors associated with any change in refinery activities.

As a result of these identified inadequacies of the current fence line systems and the potential for yet unknown impacts to nearby residents due to the current antiquated systems and change in operation at the Phillips 66 refinery, I request that at a minimum Phillips 66 be required to meet current requirements of BAAQMD12-15 for other refineries and demonstrate proper operation of its fence line system in a transparent and verifiable way, making all data available to the public on its current website, with an independent third-party audit of the system on at least an annual basis, also released to the public.

I also request that all refineries in Contra Costa County meet verifiable minimum detection limits added to their use permit that are achievable with current technologies and cover all potentially emitted compounds that may negatively impact the community. I request the County work with the Bay Area Air Quality Management District to update the requirements of Regulation 12, Rule 15 to produce transparent, verifiable data, including audit results given to the public that covers the measurement of compounds produced not only by traditional refineries, but those producing biofuels and include all fence line systems in its BAAQMD 12-15 Air Monitoring Plan to cover the community of Rodeo.

I ask that this project not move forward until and unless these very serious potential impacts are fully analyzed and addressed. Additionally, given the enormous import of this project for the community, I believe a public hearing concerning the project and its environmental review would facilitate the purposes and goals of CEQA. I therefore request that you schedule such a hearing as soon as possible.



Jay Gunkelman

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