

From: [rachelle toti](#)
To: [Alyssa Roslan](#)
Subject: Comments for the Hearing Board
Date: Thursday, April 26, 2018 10:10:29 AM
Attachments: [Unocal Stip Agreement 1989.pdf](#)
[Case 89-03 Conditional Order for Abatement.pdf](#)
[Apr26ltrHear Bd.docx](#)

April 26, 2018

Dear Hearing Board Members,

The proposed Stipulated Order of Abatement you will be considering on Monday should be rejected as it does not meet the criteria the Board set forth on March 21st. It mentions an "initial target" of reducing PM10 air pollution emissions by 50% but gives no specific steps to accomplish this. Only the first year's abatement is described and that is subject to change by the APCO (item 1b, page 6). Even the 50% target is subject to modification in the following paragraph 1d. It adds another committee and numerous public meetings to an already contentious situation. It is only a matter of time before the APCO falls behind due to scheduling conflicts.

State Parks has used "advisory groups" before to give the appearance of cooperation. Just refer to the Coastal Commission reports that discuss the Technical Review Team and Scientific Sub-Committee established more than 10 years ago by the Commission. The TRT was created to manage vehicle impacts in the ODSVRA and provide guidance to park management. Determining a carrying capacity for the park and finishing the habitat conservation plan were two of its assignments. Neither of which has been done.

At this point, the hearing should proceed as the Chairman stated it would. If a nuisance is determined to exist, the Board could fashion a simplified version of the abatement order and give the parties, one week to come up with a comparable stipulated agreement. If they do not, the Board's Abatement Order is adopted.

A simplified abatement order might contain the following three interim actions:

- 1) Install fencing as shown on Map 1 Attachment 1 as soon as possible but no later than September 1, 2018.
- 2) Prepare a plan and get Hearing Board approval to Install an additional 100 acres of perimeter fencing in the most emissive areas by March 1, 2019.
- 3) By June 30, 2019 install an APCO approved sand track out control devices at the entrances of Pier Avenue and Grande Avenue.

This gives the parties time to develop the other abatement steps for 2020 and 2021 and present them as an amendment in 2019. The Hearing Board would hold another public hearing to consider the amendment.

State Parks and the APCO can hold public meetings and meet with a scientific group without that being part of the abatement order. It is unnecessary and burdensome to include these in the order. Further, it is inappropriate to include the Public Works Plan as this has nothing to do with regulating an air pollution nuisance.

I am attaching the Conditional Order for Abatement and Stipulated Agreement from the 1989 Unocal nuisance case for reference.

I hope you will consider these recommendations and act expeditiously to protect the public's health.

Sincerely,

Rachelle Toti

1 JAMES B. LINDHOLM, JR., #43513
County Counsel
2 Raymond A. Biering, #89154
Deputy County Counsel
3 County of San Luis Obispo
County Government Center, Room 386
4 San Luis Obispo, CA 93408
Telephone: (805) 549-5400
5

6 Attorneys for County of San Luis Obispo
7

8 BEFORE THE HEARING BOARD OF THE
9 SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT
10 STATE OF CALIFORNIA

11 In the Matter of)	CASE NO. 89-03
12 SAN LUIS OBISPO COUNTY)	CONDITIONAL ORDER
13 AIR POLLUTION CONTROL DISTRICT,)	FOR ABATEMENT
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21 WHEREAS, on June 9, 1989, the San Luis Obispo County Air
22 Pollution Control District (hereinafter referred to as the
23 "District") filed with this Hearing Board a Petition for
24 Abatement Order (Case No. 89-03), pursuant to California Health
25 and Safety Code section 42451, against respondents Union Oil
26 Company of California, et al., (hereinafter referred to
27 collectively as "Unocal") with regard to alleged nuisances as
28 defined pursuant to District Rule 402 and California Health and

1 Safety Code section 41700, beginning on or about July 21, 1988,
2 and on certain occasions thereafter, as a result of odorous air
3 emissions from Unocal Santa Maria Refinery and Unocal Chemicals
4 Division facilities ("Unocal facilities" or "facilities").

5 WHEREAS, the Unocal facilities are subject to California
6 statutes and District rules and regulations. California Health
7 and Safety Code section 41700 prohibits the discharge from any
8 source whatsoever of such quantities of air contaminants or other
9 material which cause injury, detriment, nuisance, or annoyance to
10 any considerable number of persons or to the public, or which
11 endanger the comfort, repose, health or safety of any such
12 persons or the public, or which cause, or have a natural tendency
13 to cause, injury or damage to business or property. District
14 Rule 402 contains language identical to California Health and
15 Safety Code section 41700.

16 WHEREAS, the matter was originally scheduled for hearing on
17 June 29, 1989, and was postponed to August 4, 1989, pursuant to a
18 notice in accordance with the provisions of California Health and
19 Safety Code section 40823. The hearing was thereafter conducted
20 on that date. The public was given an opportunity to testify.
21 Raymond A. Biering, Deputy County Counsel, appeared for the
22 District, and Walter W. Crim, Assistant Counsel, appeared for
23 Unocal. Five members of the Hearing Board were present:
24 Mr. Peter Andre, Chairman; Dr. Arthur McLean; Mr. Robert Milner;
25 Mr. John Herman and Mr. Walter Anderson. Evidence was received
26 and the matter was considered.

27 WHEREAS, the District and Unocal have submitted a stipulated
28 agreement establishing conditions and terms by which Unocal will

1 take various actions to mitigate the impacts odorous emissions
2 from the Unocal facilities cause to residents and the public, a
3 copy of which is attached hereto and incorporated herein by
4 reference.

5 THE HEARING BOARD FINDS AND ORDERS AS FOLLOWS:

6 FINDINGS OF FACT

7 1. The District was and is organized and existing pursuant
8 to Division 26, Part 3 of the California Health and Safety Code,
9 and is the sole and exclusive local agency with the
10 responsibility for comprehensive air pollution control in San
11 Luis Obispo County.

12 2. The Unocal facilities are located in the area known as
13 the Nipomo Mesa in southern San Luis Obispo County. The property
14 on which the facilities are located is bordered on the west by
15 the Pacific Ocean, on the east by Highway 1, and on the north and
16 south by other privately held lands. Numerous private residences
17 are located immediately to the north and east of the Unocal
18 facilities. The facilities are within the jurisdiction of the
19 San Luis Obispo County Air Pollution Control District, and various
20 permits to operate for the facilities have been duly issued by
21 the District.

22 3. Unocal is a corporation qualified to do business in
23 California and, at the above-named facilities, is engaged in the
24 business of refining crude oil to produce gas oil, naphtha,
25 petroleum coke and elemental sulfur. Operations at the Unocal
26 facilities include the sulfur removal from and partial refining
27 of crude oil, and the calcining of solid petroleum coke which is
28 produced during refining. The partial refining, sulfur recovery

1 and production of preliminary or "green" coke occur on the
2 premises of the Unocal Santa Maria Refinery, while the green coke
3 is stockpiled and calcined at the Unocal Chemicals Division
4 facility. Both facilities normally operate twenty-four hours per
5 day, seven days per week.

6 4. From July 21, 1988, through October 13, 1988, the
7 District received one hundred and seven (107) complaints from
8 residents in the vicinity of the Unocal facilities about noxious
9 odors. From October 14, 1988, through July 23, 1989, another two
10 hundred eighteen (218) complaints were received. The various
11 complainants attribute the origin of the odors to the Unocal
12 facilities. Their odor descriptions fall into two basic
13 categories: petroleum (natural gas or oil-like) odors and
14 sulfurous or combustion gas odors. Complainants state that the
15 odors are an annoyance and that they interfere with the enjoyment
16 of their homes and property. Complainants further state that
17 they associate symptoms of nausea, headaches, shortness of
18 breath, eye irritation and illness with the odors.

19 5. The District has studied the complaints received from
20 mid-July to mid-October, 1988, and concluded that the reported
21 odors were caused by the Unocal facilities. The probable source
22 of each odor was determined after examining the wind speed and
23 direction which occurred at the time of the complaint.
24 Furthermore, levels of sulfur dioxide which allow the tracing of
25 emissions to the Unocal facilities were often measured at the
26 nearby West Nipomo monitoring station in conjunction with
27 individual complaints.

28 6. The lowest odor threshold for SO₂, reported by the

1 Environmental Protection Agency in Air Quality For Particulate
2 Matter and Sulfur Oxides (EPA-600/8-82-029c) is 0.5 ppm (parts
3 per million). Some physiological effects are reported to occur
4 at concentrations lower than 0.5 ppm.

5 7. From April, 1985, until July, 1986, nine violations of
6 the State 0.25 ppm one-hour SO₂ standard were recorded at the
7 West Nipomo Mesa air monitoring station, 1 1/4 miles easterly of
8 the Unocal facilities. Since July, 1986, hourly averages of SO₂
9 as high as 0.23 ppm have been recorded during periods when
10 pollution control equipment has broken down at the refinery, and
11 as high as 0.18 ppm during non-breakdown conditions. As recently
12 as April 7, 1989, SO₂ concentrations have exceeded the odor
13 threshold of 0.5 ppm for several minutes or more at the West
14 Nipomo Mesa station.

15 8. The main sources of these odorous air contaminants at
16 the Santa Maria Refinery are the combustion of process water
17 stripper waste vapors in the B-1 heater stacks, the evaporation
18 of hydrocarbons from tanks storing "naphtha" or "pressure
19 distillate" and recovered oil or "slops", and incomplete
20 combustion of vapors in emergency flares. The main source of
21 these odors at the Unocal Chemicals Division facility is the
22 emission of combustion gases containing sulfur dioxide (SO₂) from
23 the "cold stack" of the coke calcining kiln. Other sources at
24 both facilities may also contribute to odorous emissions.

25 9. Sulfur dioxide is a significant contributor to
26 combustion-related odors from both the Santa Maria Refinery and
27 the Unocal Chemicals Division facility. At residences closer to
28 the Unocal facilities than the West Nipomo Station, SO₂

1 concentrations may be higher than those measured at the station.
2 Near the residences, SO2 levels may exceed the state one-hour
3 standard, and may exceed the odor threshold more frequently than
4 at West Nipomo Mesa.

5 10. All other allegations contained in the First Amended
6 Petition for Abatement Order filed herein are hereby found as fact
7 and are hereby incorporated by reference.

8 11. If this order results in the closing or elimination of an
9 otherwise lawful business, such closing would not be without a
10 corresponding benefit in reducing air contaminants.

11 CONCLUSIONS

12 1. Unocal's operation of the facilities has resulted in and
13 may continue to result in emissions of odorous air contaminants
14 which cause injury, detriment, nuisance or annoyance to a
15 considerable number of persons residing in the vicinity of the
16 facilities in violation of Health and Safety Code section 41700
17 and District Rule 402.

18 2. From the evidence presented at the hearing and public
19 testimony received, the Board finds that a public nuisance has
20 existed and may continue to exist and, as a result, Unocal is in
21 violation of the above-specified District Rule and California
22 Health and Safety Code Section. The public nuisance will continue
23 to exist unless the emissions of odorous air contaminants from the
24 Unocal facilities are controlled or curtailed in accordance with
25 the stipulated agreement referenced herein and this Order.

26 ORDER FOR ABATEMENT

27 THEREFORE, good cause appearing, respondents Unocal, and each
28 of the named Unocal facilities, are hereby ordered to immediately

1 cease and desist, and shall be restrained and enjoined from,
2 operation of the Unocal facilities described above unless they
3 comply with the following terms and conditions:

4 (a) FURTHER NUISANCE VIOLATIONS. Respondents shall not emit
5 air contaminants which cause injury, detriment, nuisance or
6 annoyance to any considerable number of persons or to the public,
7 or which endanger the comfort, repose, health or safety of any
8 such persons or the public, or which cause, or have a natural
9 tendency to cause, injury or damage to business or property.
10 However, respondents shall be permitted to continue their
11 operations so long as they faithfully perform each and every term
12 and condition of the stipulated agreement attached hereto.

13 (b) STIPULATED AGREEMENT. Respondents shall abide by all
14 conditions and terms of the stipulated agreement, attached hereto
15 and incorporated herein by reference, and any breach of said
16 agreement shall constitute a violation of this order.

17 (c) DEADLINES. Respondents shall report immediately to the
18 Hearing Board, in writing, its failure to meet any date set forth
19 in this order or in any schedule of increments of progress
20 established pursuant to this order. Any such failure shall
21 constitute a violation of this order.

22 (d) COMPLIANCE WITH RULES. Compliance with this order shall
23 not relieve respondents of liability under the District's rules
24 and regulations for any other violation thereof, and shall not
25 preclude the District from pursuing its remedies in the event of
26 any such violation in accordance with the California Health and
27 Safety Code.

28 (e) HEARING BOARD JURISDICTION. The Hearing Board shall

1 retain jurisdiction of this matter until June 29, 1991, at the
2 earliest, or as long as necessary until the Board finds that the
3 identified nuisance condition has been resolved and no longer
4 exists. During this period of jurisdiction the Board shall
5 consider modifications to or extensions or revocation of this
6 order at a hearing to be scheduled upon at least ten (10) days'
7 written notice in the event that either party, or the Hearing
8 Board, requests that this hearing be reopened for any such
9 purpose. Further, this matter shall be reviewed by the Board,
10 with reports from the District and Unocal presented at intervals
11 of six months or less, during the period of jurisdiction.

12 (f) EFFECTIVE DATE. This decision shall be effective
13 immediately upon the concurring vote of three or more members of
14 the Hearing Board.

15 Dated: August 4, 1989.



PETER ANDRE, Chairman of the
San Luis Obispo County Air
Pollution Control District
Hearing Board

19 ATTEST:

20 FRANCIS M. COONEY
21 Clerk of the San Luis Obispo County
22 Air Pollution Control District
Hearing Board

23 By: Vicki M. Shelby
24 Deputy Clerk

25 4207C

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STIPULATED AGREEMENT REGARDING
CONDITIONAL ABATEMENT ORDER

THIS AGREEMENT is executed by and between the SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT ("APCD") and UNION OIL COMPANY OF CALIFORNIA, doing business as UNOCAL, UNOCAL SANTA MARIA REFINERY, and UNOCAL CHEMICALS DIVISION (referred to collectively as "UNOCAL"), on the 4th day of August, 1989, at San Luis Obispo, California.

RECITALS

WHEREAS, APCD has filed with the APCD Hearing Board a petition for order of abatement against UNOCAL, pursuant to California Health and Safety Code section 42451; and

WHEREAS, said petition for order of abatement pertains to an alleged nuisance as defined pursuant to APCD Rule 402 and California Health and Safety Code section 41700, as specifically alleged in the petition for abatement order filed in Case No. 89-03; and

WHEREAS, APCD and UNOCAL are desirous of entering into a stipulated agreement which will establish terms and conditions by which UNOCAL will take various actions to mitigate the impacts of odorous emissions from the UNOCAL facilities and to resolve all other issues between the parties regarding the nuisance problems alleged in the above-referenced petition.

NOW, THEREFORE, the parties hereby agree as follows:

STIPULATED ABATEMENT ORDER AGREEMENT
SLO COUNTY APCD/UNOCAL SANTA MARIA COMPLEX

1. By March 4, 1993 Install new process water stripping system to replace existing two (2) PWS units.
2. By March 4, 1993 upgrade existing Sulfur Recovery Units to process new stripping system waste gas streams.
3. By March 4, 1993 cease Incineration in B-1 heaters of waste gas streams from existing PWS units and new PWS unit.
4. By May 4, 1991 Install and begin use of vapor recovery system on two (2) Refinery PD tanks and on two (2) Refinery recycle tanks. Store PD and recycle liquids only in tanks equipped with vapor recovery, except in upsets or emergencies.
5. By February 5, 1990 conduct a flare system engineering study to explore more efficient flare designs including reduction of waste gases to the flares, with the objective of reducing odorous emissions.
6. The completion dates cited in 1. through 4. above are contingent on having all necessary permits approved by all agencies with jurisdiction by February 4, 1990. In the event that permit approval is delayed beyond this date for reasons beyond Unocal's control, the completion dates will be extended by a time period equal to the permitting delay.
7. Through an independent contractor retained by Unocal and approved by the APCD, perform ambient air monitoring at a location near Calle Bendita, to be selected by the APCD. This monitoring will start not later than February 5, 1990, providing that all necessary permits are approved by all agencies with jurisdiction by December 1, 1989. In the event that permit approval is delayed beyond this date for reasons beyond Unocal's control, the required start of monitoring will be extended by a time period equal to the permitting delay.

For continuous parameters, monitoring will continue for one year after final implementation of the last odor control measure resulting from the abatement order. Continuous parameters to be measured will include: Sulfur dioxide (fast response, using an analyzer and instrument settings approved by the APCD), total hydrocarbons, methane, non-methane hydrocarbons, wind speed, wind direction, sigma theta, sigma phi. Continuous monitoring data from this station and from other operating Unocal air monitoring stations within a four-mile radius of the Unocal facilities will be telemetered to the APCD central office computer. This telemetry will provide for prompt transmission of alarm levels, to be selected by the APCD, when such levels are observed at any of the monitoring stations.

Periodic sampling will start as above, and continue for one year. Samples will be collected every sixth day for volatile organic compounds (VOC), with hydrocarbon speciation analysis of each sample, for various hydrocarbons to be specified by the APCD. VOC sampling and hydrocarbon speciation will also be performed for six month periods after the completion of each of the two major projects in Items 3. and 4. above.

Periodic sampling will be performed for PM10, with analysis of at least every fourth filter for elements specified by the APCD. Analyses of VOC and PM10 samples will be performed by analytical laboratories approved by the APCD.

Quality assurance procedures used in this monitoring will meet or exceed those set out in 40 CFR 58 for PSD monitoring. Quality assurance procedures and other monitoring details will be specified in detail by the APCD prior to Unocal obtaining monitoring services from a contractor. Unocal will submit to the APCD for prior approval any Request for Proposal prepared for the purpose of soliciting the services of a monitoring contractor.

Data from continuous monitoring, periodic sampling and chemical analysis will be reported on a monthly basis, directly to the District, the California Air Resources Board and Unocal within 30 days after the end of each month. Certified copies of analytical data and chain-of-custody records from analyses of VOC and PM10 samples will be submitted directly to the APCD by the analytical laboratory, in addition to being included in the monthly reports. Data from continuous monitoring will be submitted to the APCD both as a hard-copy report, and in an electronic format compatible with the APCD's existing computer air quality data files.

The contractor will make provisions for promptly reporting any monitored violation of ambient air quality standards for gaseous pollutants to the APCD. Violations of hourly average standards will be reported to the APCD within one hour after their occurrence, using the telemetry described above. Violations of a 24 hour standard for continuously monitored pollutant will be reported by the contractor to the APCD within at least 96 hours after such violation occurs.

The APCD will have full access to the monitoring station at any time, and will have the right to review, and after submitting a written request to Unocal, to retain any charts, analytical reports or records resulting from this monitoring. In the event that the APCD chooses to retain said charts, reports or records, the APCD will make the retained materials freely available to Unocal for purposes of review, and after receiving a written request, will provide certified copies to Unocal. Except for materials retained by the APCD under the provisions above, Unocal will retain and securely store all charts, analytical reports or records resulting from this monitoring for at least two years beyond termination of the monitoring.

8. Unocal will pay expenses for a mutually agreeable third party to perform the following work for the APCD:
 - a. Review and provide process recommendations regarding comprehensive written evaluations required in Items 10. and 13. This does not include modeling.
 - b. Review and provide recommendations regarding source test results, modeling, tracer studies and calciner odor study required in Item 9.
9. By August 10, 1989 submit to the APCD the results of the Calciner Cold Stack source test and stack analysis. A second test will be performed to respond to AB2588 (Air Toxics Hot Spots) requirements.

The AB2588 test will include source testing as needed to develop the following data:

- a. Emissions of SO₂, NO_x, CO, TOG, particulate and metals identified by the APCD;
- b. Breakdown of hydrocarbon species to find any toxic or odor-causing compounds;
- c. Normal annual source testing requirements.

Testing will be accomplished by a third party contractor recommended by Unocal and approved by the APCD. Contractor will perform testing using established procedures as approved by the APCD at the RFP stage. APCD representatives will have full access to the site and testing as the field work is performed. Testing will be completed by December 4, 1989 and the results reported to the APCD by January 18, 1990.

If potential odor sources are determined, then by August 10, 1990 Unocal will submit to the APCD a written evaluation of calciner cold stack emissions and the potential odor impacts of these emissions. This evaluation will be funded by Unocal, jointly administered by Unocal and the APCD and performed by an independent third party. Any disputes between Unocal and the APCD will be resolved by the Hearing Board at a duly noticed meeting. The APCD will participate in determining the scope of work for the study, preparing the RFP to solicit contractor services, selection of the contractor and guidance of the contractor's work. The APCD will have the option of attending any and all meetings between Unocal the contractor. The study will include identification of the spectrum and concentrations of products of combustion, study of their fate after emission and modeling of ground level impacts. If modeling studies are inconclusive then tracer studies will be conducted to validate modeled impacts.

10. By February 5, 1990, Unocal will submit to the APCD a comprehensive written evaluation of all odor sources at each facility which might provide a significant potential for offsite odors, focussing in particular on each of the following systems, sources or operations:
 - a. B-1 heaters and any other combustion devices which incinerate vapors from process water stripping at the Refinery;
 - b. Tanks containing naphtha, pressure distillate or slops at the Refinery;
 - c. Combustion emissions containing sulfur dioxide and other sulfur species from the Unocal Chemicals Division coke calcining kiln;
 - d. Flares at the Refinery, under the full variety of loading they may handle;
 - e. Refinery sulfur recovery plant incinerators;
 - f. Other floating-roof storage tanks than those addressed in (2) above;
 - g. Potential spills and releases at the Refinery;
 - h. Open ponds and sumps of all types at both facilities;
 - i. Miscellaneous combustion sources at the Refinery;
 - j. Valves and flanges at the Refinery;
 - k. Operation of the Refinery coke drums and related green coke handling;
 - l. Any other systems, sources or operations at either Unocal facility which have at least as much potential to cause offsite odors as any of those listed above.

This evaluation will rank emission sources and estimate their relative degree of importance in causing offsite odors; describe the nature and general chemical makeup of odorous emissions from each system, source or operation, the nature and feasibility of odor control alternatives for each, and the likely costs of controls that might be applied. Sources discounted as odor causes in the course of study will be identified, and the reasons for discounting them will be given.

11. By February 5, 1990, Unocal will submit to the APCD the results of a survey of the relationship between pressure distillate tank and refinery recycle tank movements, and offsite odor complaints. To support the accuracy of this survey, the APCD will provide details of recent past complaints and, in a timely manner, details of any future complaints which may occur during the course of the survey. Complaint details provided to Unocal will

Include the date and time of the complaint, complainant's description of the odor, the perceived duration of the odor, and the general location where the complainant smelled the odor; complaint information made available to Unocal will not include the name or telephone number of the complainant. In addition, to the extent that it is available to the APCD, wind speed and wind direction data will be provided for the time of the complaint.

12. By September 15, 1989, Unocal will provide compensation to the APCD for recovery of APCD and County Counsel staff costs in the amount of \$23,355 for extraordinary costs related to investigation and analyses related to this case, for the period January 1, 1988 through June 30, 1989.
13. By November 6, 1989, Unocal will submit to the APCD a written evaluation of all available interim measures which might be applied at each facility to reduce odors while permanent controls are being installed. This evaluation will include discussion of the odor control advantages and disadvantages of each measure, and rankings of the effectiveness of the various measures in limiting SO₂ and odorous hydrocarbon emissions. Short-term and long-term facility shutdown and reduction of throughput will be evaluated.

The evaluation will be reviewed by the APCD and submitted to the Hearing Board, with recommendations for which interim measures might best reduce offsite odor frequency or certain odors, and with recommendations for selection of the interim control measures to be employed in the event that any of the following conditions occur:

If at any time prior to completion of the last control measure designed to reduce odorous emissions from the Unocal facilities, ambient sulfur dioxide (SO₂) levels are observed to exceed a concentration of 0.7 ppm for three minutes or longer, or exceed a concentration of 0.250 ppm for one hour or longer at any monitoring station within a four mile radius of the facilities, and neither facility has been operating under upset conditions for two hours prior to measuring the above levels, interim air quality controls appropriate to reduce SO₂ emissions will be implemented by both Unocal facilities. Upon notification of a problem, within 10 minutes Unocal will start to take short-term interim measures. These short-term measures will be fully in place no later than 30 minutes after notification. The notification will come from the monitoring station(s).

Unocal will have the option of investigating the area. If Unocal believes the source of the problem to be other than their complex, they may report their findings to the APCD representative and request a return to normal operation. If there is a disagreement as to the source or extent of the problem, Unocal may request a joint field investigation with APCD with facts reported to APCD Director for final decision.

The Interim control measures implemented above will remain in effect until SO₂ monitors at all stations within a four mile radius of the Unocal facilities show at least four continuous hours of operation each averaging below 0.250 ppm SO₂, with no SO₂ levels exceeding 0.7 ppm for more than three minutes during the same four hour period.

If ambient SO₂ levels exceed 0.250 ppm for one hour, or 0.7 ppm for at least three minutes, the Hearing Board will consider the appropriateness and effectiveness of the interim control measures utilized above, at the Board's next regularly scheduled meeting.

If ambient SO₂ levels exceed 0.250 ppm for two or more hours in any seven-day period, or exceed 0.7 ppm for more than three minutes in each of two or more hours in any seven-day period, the Hearing Board will meet in emergency session, within 15 days of such event, to determine the advisability of longer-term imposition of interim control measures.

If in the course of monitoring or further study, non-methane hydrocarbon concentrations are found to closely correlate with the incidence of odor complaints in the vicinity of the Calle Bendita monitoring station, interim control measures appropriate for reducing emissions of odorous hydrocarbons will be immediately implemented at the Refinery. These measures will remain in effect until the APCD Director and the Refinery Manager agree that the immediate problem has ended. The Hearing Board will consider the appropriateness and effectiveness of the interim control measures utilized above, at the Board's next regularly scheduled meeting.

14. With the APCD, Unocal will help arrange and participate in neighborhood meetings, to be held periodically during the course of the projects in 1. through 4. above, to inform the public of action planned and progress being made, as well as to determine how effective the corrective actions may be in reducing the incidence of offsite odors.
15. The APCD Hearing Board, through the stipulated order, retains its jurisdiction over all elements of the stipulations and reserves its rights to take additional action including modifications to the order and stipulations after giving notice and opportunity for a hearing. The APCD staff and Unocal shall make progress reports at approximately six month intervals until one year after completion of the final project. More frequent reports shall be made if in the judgement of the Hearing Board or APCD staff this becomes necessary.
16. By September 15, 1989, Unocal shall pay the APCD the sum of \$35,000, representing civil penalties pursuant to Health and Safety Code section 42400, et. seq., for all claims by APCD for nuisance violations through and including the date of this agreement. In addition, by September 15, 1989, Unocal shall pay the APCD the sum of \$40,000 as compensation for future costs incurred in performing investigations, for extraordinary levels

of complaint response, for analysis related to this matter and for future reports prepared for the Hearing Board. Thereafter, at intervals of one year commencing September 15, 1990, Unocal shall make three additional payments to APCD of \$40,000 each for the same purposes set forth above, representing total payments to be made by APCD, exclusive of the civil penalties, of \$160,000 during the four year period.

Executed on the date above stated at San Luis Obispo, California,
by and between the undersigned.

SAN LUIS OBISPO COUNTY AIR
POLLUTION CONTROL DISTRICT

By: Robert W. Carr
Robert W. Carr

UNOCAL SANTA MARIA REFINERY

By: Stephen Plesh
Stephen Plesh

UNOCAL CHEMICALS DIVISION

By: William H. Bowles
William H. Bowles

APPROVED AS TO FORM AND CONTENT:

Raymond A. Biering
Raymond A. Biering
Deputy County Counsel
Attorney for San Luis Obispo
County Air Pollution Control
District

Walter W. Crim
Walter W. Crim
Attorney for UNOCAL, et. al.

From: [rachelle toti](#)
To: [Alyssa Roslan](#)
Subject: Additional Hearing Board comments
Date: Thursday, April 26, 2018 3:48:22 PM

Dear Hearing Board Members,

I would like to address the following information presented at the last hearing board meeting.

Issue #1 – Larry Allen hid test results for Crystalline Silica from the public.

Fact Check: At the Sept. 27, 2017 Air Pollution Control Board meeting Supervisor Arnold asked about this testing. Mr. Allen explained the APCD had purchased the testing equipment accepted by OSHA standards and had gathered data on 4 dates in 2017. APCD planned to do further testing in 2018. The reason the 4 days of data was not posted or decimated was that it is insufficient to draw conclusions from. I have confirmed with Mr. Willey that the APCD is continuing to test for Crystalline Silica this year.

Issue #2 – We don't know the amount of particulate matter contributed by the riding area.

Fact Check: At the Sept. 27, 2017 meeting Mr. Allen informed the APCD Board that based on the data collected it appears the natural component is about 25% and the riding area is about 75% of the emissions.

Issue #3 - Is the Public Works Plan meant to be separate from the dust mitigation plan?

Fact Check: At the Sept. 27, 2017 meeting Mr. Ronnie Glick stated that the PWP is a companion project and a parallel process to the dust mitigation plan in the short term.

At the November 30, 2017 ODSVRA Public Works Plan Listening Session, Director Mangat said during the development of the public works plan it is State Parks intent to move forward with the dust mitigation plan that's been developed. Transcript page attached.

Issue #4 – Marine algae bloom and marine particulates are a portion of the PM pollution.

Fact Check: As stated in Issue #2 about 25% of the particulate matter is of natural origin. That said, this study does not compare dates with high PM 10 or 2.5 to records of algae blooms in the area. That would seem to be a logical starting point. Further, it does not state that the biological material that is found on near-shore fencing is capable of travelling up to 10 miles inland and in the shape of a plume. Whether or not biological material is travelling inland, it is doubtful that it is causing the respiratory and other illnesses on the Nipomo Mesa. If it were, it would follow that all the coastal communities in the vicinity of algae blooms would have health issues.

Sincerely,

Rachelle Toti

1 public comments.

2 DIRECTOR MANGAT: Kate, perhaps I can add one
3 thing, which I possibly should have made clear in my
4 opening comments.

5 While we're developing a public works plan and
6 everything will operate under the original general
7 plan from the 1970s, many of you might know that we
8 put a lot of work in developing a dust mitigation
9 plan. That plan was heard before the Coastal
10 Commission in September. They took an action that
11 approved it, but then I think put some conditions and
12 wanted us to come back and discuss it again with
13 them. I believe it's in a February -- either a
14 December or February meeting.

15 Just know that we're working very closely with
16 their staff right now to find out if there are
17 components of that plan that we can move forward with
18 in advance of that February meeting. So we're having
19 kind of real-time conversations with them.

20 So during this process of developing a public
21 works plan, it's still very much our intent to move
22 forward with the dust mitigation plan that's been
23 developed. We'll be working very closely with the
24 local dust mitigation experts along with California
25 Air Resources Board. We continue to work very