

Air Pollution Control District San Luis Obispo County
Attention: Board of Directors / Council Jeff Minnery
3433 Roberto Court
San Luis Obispo, CA 93401

Monday November 16,2020

RE: Conflict of Interest - APCD Hearing Board Member
Rescind James Anderson appointment - or at least FPCC Ruling needed

Dear Mr. Minnery and San Luis Obispo County Air Pollution Control District Board-

Good Afternoon.

My specific concern, and in the interest of the general public in seeking justice and full disclosure, is with the appointment of Mr. James O. Anderson, who was recently selected by the APCD SLO Board of Directors at their 09/23/2020 meeting to serve as the APCD Hearing Board Engineer or Alternate. Of the 4 qualified Engineer applicants, only Mr. Anderson presented the most glaring conflict of interest due to his employment with Phillips 66 Petroleum Processing plant and their location in the sensitive Oceano Nipomo Dunes Complex.

I know Mr. Anderson has verbally stated- "there is no conflict- we are merely neighbors"- which is not really a thorough or honest assessment of the many conflicts he has as a paid employee and vested financial interest in his employer- Phillips 66 who currently has easement contracts with State Parks, and has also been in dialog with State Parks about the future plans for the Phillips 66 parcel once they cease operations.

Mr. Anderson clearly has direct conflict of interest declarations that he must make and he must either recuse himself from acting or participating in any and all discussion, evaluation, assessment, or Hearing by the APCD Hearing Board if there is any Petroleum industry entity on the docket- or if there is a ruling or judgement in the geographic vicinity of the Oceano Nipomo Dune Complex, from where his long-time employer, PHILLIPS 66 operates their "Santa Maria" Petroleum Processing Plant. This would include all meetings pertaining to the California State Parks ODSRVA and their operations.

It would be more logical to have Mr. Anderson resign or decline the appointment- and instead, have the APCD Board approve another qualified applicant who does not have competing interests. There were other qualified applicants who were not selected.

I formally am requesting the SLO APCD Board rescind the appointment of James O. Anderson to the APCD Hearing Board. If not, he will likely jeopardize any and all future rulings made by the Hearing Board- due to the clear conflict of interest, and this will come at great legal and time expense, when we can least afford it. The closed session item you are meeting on today is an example of the litigation that is surely to arise from 'the other side' if you allow Mr. Anderson to serve as Hearing Board Vice chair.

Alternatively- If you wont take the steps to rescind his appointment- then certainly you should be fiscally and ethically prudent and request that Mr. Anderson and the SLO APCD send his disclosures to the FPCC and let them evaluate the situation and make a ruling on his ability to serve.

There are far too many high stakes APCD Hearings that are slated to transpire over the next several months and years directly ties to the Petroleum industry in SLO County, and to the Oceano/ Nipomo Dune Complex and we should not tip the scales of justice by appointing someone with so many direct and clear conflicts of Interests. **Please rescind Mr. Anderson's appointment to the Hearing Board.**

- Phillips 66 is the employer of Mr. Anderson and is regulated by the APCD. **Direct Conflict.**
- Mr. Anderson, An employee of Phillips 66, will need to recuse himself from **virtually all petroleum industry** Board Hearings- due to his current employment status.
- Phillips 66 announced in August 2020 that they will be closing their Petroleum Processing facility in 2023 and will need to perform substantial site clean up & remediation. **Direct Conflict.**
- California State Parks has an easement lease with Phillips 66- used as a buffer zone to the Park. Mr. Anderson will need to not sit on the Hearing Board for any State Parks hearings. **Direct Conflict.**
- California State Parks has announced its intention to negotiate a southern entrance to the ODSVRA through the Phillips 66 property as part of a promised Public Works Plan. **Direct Conflict.**
- **Phillips 66 is currently a permit holder and under APCD Jurisdiction- and also a polluter in the same airshed that the State Parks is being evaluated on- and there-in lies another conflict.**

You must either rescind Mr. Anderson's appointment or get FPCC ruling on his status.

Thank you for your time and consideration of the matter I present to you.

Sincerely,

Bruce Berlin

Arroyo Grande Resident

A handwritten signature in black ink, appearing to be 'Bruce Berlin', written in a cursive style.