



November 3, 2021

Chair Benoit and Members of the Board
Governing Board
South Coast Air Quality Management District (“South Coast AQMD”)
cob@aqmd.gov

Re: Agenda Item No. 34 - Support Moving Forward With Adoption of Proposed Rule 1109.1

Dear Chair Benoit and Members of the Board:

On behalf of the undersigned organizations, we write regarding Proposed Rule 1109.1. We have actively and in good faith participated in the rulemaking process for this rule for years. All the while, our members and supporters have continued to suffer from pollution levels from refineries that exceed what would occur if they had adopted state-of-the-art technology that has been readily available for more than a decade. We are at the point where we need to end the debate and have the Board finally adopt this rule to clean up refinery Nitrogen Oxide (“NOx”) pollution, which will be the most reductions from a stationary source rule adopted in decades. Moreover, this is the single most important step to dismantling the flawed and broken RECLAIM program. We hope the Governing Board vote is not a hard one given the overwhelming public interest in adoption of Proposed Rule 1109.1.

It is our understanding that the refining industry generally supports this proposed rule. There may be one or more errant refineries that want some additional concessions to allow them to poison communities more as they achieve Best Available Retrofit Control Technology (“BARCT”) levels, but they are outliers. And the general support from the refining industry makes sense because it would be absurd in the extreme for them to oppose it. The socioeconomic analysis, which is very conservative, shows that this rule will create thousands of jobs a year. At its peak in 2032, this rule will create more than 4,400 jobs.¹ Moreover, the rule

¹ South Coast AQMD, Draft Socioeconomic Report for Draft Socioeconomic Impact Assessment For Proposed Rule 1109.1 – Emissions of Oxides of Nitrogen from Petroleum Refineries and

will save 370 lives, prevent more than 6,200 asthma attacks, and prevent more than 21,000 missed workdays.² At a time when oil companies are looking out of touch with reality, we are pleased that opposition to this regulation in its current state is even a line too far for them to cross. Moreover, if passing a rule that saves hundreds of lives, keeps kids in school instead of at home with respiratory problems, and allows our economy to be even more productive is so controversial, then we have to question what this agency is doing.

We recognize that powerful and entrenched interests have spent years delaying and weakening this rule. And, we recognize that these same interests have sought to make it hard for public officials to stand for public health and job creation over the parochial interests of individual oil companies. But, too many lives are on the line, and we need you to take this basic step that is so clearly in the public interest. This rule is not perfect, and we would like it to be much stronger. For example, this rule provides a decade to install life-saving pollution controls that should have been installed a decade or more ago. But, the more time we continue to waste in debates over this proposed rule, the more people will get sick and die. Let's make 2021 the year the South Coast AQMD passes an important regulation to clean up warehouses and the most significant South Coast refinery pollution measure in a decade.

Our work protecting frontline communities from refinery pollution is not over with the adoption of this rule. We need steady and consistent action to protect breathers from this industry. We invite the Governing Board to work with our organizations to pass additional regulations to clean up refineries; close regulatory loopholes; assure a just transition for workers from this industry to the clean energy economy; take enforcement actions to make sure the industry is complying with the law; and hasten the deployment of cleaner technologies at our region's refineries once this rule is passed.

We appreciate your consideration of these comments, and we look forward to courageous debate placing the interest of public health at the forefront during the Governing Board meeting this week.

Sincerely,

Oscar Espino Padron
Byron Chan
Adrian Martinez
Earthjustice

[Additional Signatories Continued on Next Page]

Related Operations Proposed Rule 429.1 – Startup and Shutdown Provisions at Petroleum Refineries and Related Operations Proposed Amended Rule 1304 – Exemptions Proposed Amended Rule 2005 – New Source Review for RECLAIM, at p. ES-7, available at [1109-1-draft-socioeconomic-impact-assessment-090721-merged.pdf \(aqmd.gov\)](https://www.aqmd.gov/1109-1-draft-socioeconomic-impact-assessment-090721-merged.pdf).

² *Id.* at p. ES-8.

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