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June 5, 2014

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Lawsuit Filed - Chevron Refinery Permit to Pollute Exposed

Today Communities for a Better Environment (CBE) filed suit against the Bay Area Air Quality Management District for the District's illegal permitting of the Chevron ("Modernization") Expansion Project. CBE had previously requested the District to revoke the permit that allowed Chevron to build a Richmond refinery expansion that could increase air pollution from one of the state's biggest industrial climate polluters without required emission prevention and environmental reviews.

"Letting oil refineries expand without requiring—or even looking for—measures to prevent the resultant air pollution threatens our health" said CBE Attorney Roger Lin.

CBE discovered that the Air District staff granted Chevron "Authority to Construct" the project without an Environmental Impact Report (EIR), public review or analysis of whether the emissions from the project will even meet EPA's national standards for the protection of public health and welfare from harmful levels of pollutants. Chevron sought the approval despite court orders in 2009 and 2010 that invalidated its permits for a Richmond refinery project with many of the same elements. The courts found its EIR for that project failed to disclose impacts of refining lower quality oil and improperly deferred greenhouse gas (GHG) mitigation.

Chevron's new project would switch to lower quality oil, and—if unmitigated—could increase refinery GHG emissions by 725,000–890,000 tonnes/year, increase toxic emissions, and worsen a cause of Chevron's disastrous 2012 fire, according to a revised draft City of Richmond EIR that relies largely on the Air District to mitigate project air impacts.

"First, we discovered the permit to allow the ticking time bomb of crude-by-rail with no public disclosure or environmental review. Then we discovered a permit that was stopped in the courts for a project that could be dirty, dangerous, and deadly. The Air District needs to respond with answers and act immediately to stop putting communities at risk," demanded Vivian Yi Huang, Campaign & Organizing Director of Asian Pacific Environmental Network.

"Issuing air district permits prematurely before CEQA review of the project has been completed makes no sense, especially to a corporation that has demonstrated criminal negligence leading up to the August 2012 explosion and fire. Experience

has shown that monitoring alone is less effective than controlling the source of emissions from the outset. We expect BAAQMD to do a better job of protecting the health and well-being of our community” said Marilyn Langlois of the Richmond Progressive Alliance.

“It’s high time the Air Board members stand up to their staff’s errors in judgment in rubber stamping Chevron’s illegal permit and revoke it immediately,” stated Denny Larson of Global Community Monitor, a resident of Richmond. Larson added: **“The people of Richmond have suffered enough at the hands of Chevron and the Air District staff—it’s time for a change!”**

“The health impacts of this project cannot be understated. The project calls for substantial increases in local emissions, including many chemicals that are known carcinogens. This deeply concerns me as a nurse and as a community member. The public deserves full disclosure and an environmental review,” said Deborah Burger, RN, Co-President of the California Nurses Association.

In 2011, EPA delegated permitting authority to maintain national air quality standards to the Air District. By repeatedly renewing Chevron’s permit since 2010, versus waiting for the revised and adequate EIR, and then asking Chevron to reapply for its permit under current, more protective requirements, the Air District dodged applying that delegated authority to the Project. This ignores the new review's findings of massive potential GHG and toxic particulate matter emission increases from the project that would otherwise trigger best available technology requirements to instead reduce emissions. Those protections are basic requirements of both CEQA and clean air laws--and desperately needed in the already-overburdened communities on Chevron's fence line.

The Richmond refinery has been among the state’s three largest GHG-emitting facilities in each of the five years when the Air Resources Board reported those emissions (2008–2012), emitting more GHG than any other California facility three of those years. Its 2012 crude unit fire that nearly killed 20 workers and sent some 15,000 residents to the hospital was caused by Chevron’s failure to heed its own workers’ warnings about corrosion from higher sulfur crude, the U.S. Chemical Safety Board has found. Particulate matter air pollution from its catalytic cracker has increased to more than 1,700 pounds per day, more than 1,200 lb/day above the permitted limit, as the cat-cracker runs more oil produced from the heaviest parts of the crude stream, CBE’s review of Air District records has found. All of these impacts could worsen if the project enables Chevron to refine even lower quality oil.