

RESOLUTION NO. 18-21

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, RECOMMENDING THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) ADOPT THE STRONGEST HEALTH AND SAFETY PROTECTIONS IN ITS AMENDMENTS TO BAAQMD REGULATION 6, RULE 5 ON PARTICULATE EMISSIONS FROM PETROLEUM REFINERY FLUIDIZED CATALYTIC CRACKING UNITS

WHEREAS, the City of Richmond recognizes the longstanding, disproportionate environmental and public health burden borne by its Black, Indigenous, Latinx, and other residents of color, and is committed to protective measures that advance environmental justice; and

WHEREAS, Action HW9.B of Richmond's Health and Wellness Element commits Richmond to "[s]upport local and regional efforts to develop strategies that reduce air pollution... including programs to reduce air pollution from stationary sources such as power plants, oil refineries and commercial and residential buildings;" and

WHEREAS, Policy EC5.3 of Richmond's Energy & Climate Change Element commits Richmond to "[s]upport regional policies and efforts that improve air quality to protect human and environmental health and minimize disproportionate impacts on sensitive population groups..." to "[e]nsure that sensitive uses such as schools, childcare centers, parks and playgrounds, housing and community gathering places are protected from adverse impacts of emissions;" and

WHEREAS, California Government Code Section 65302 requires cities to include in their General Plans an Environmental Justice Element that will "[i]dentify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity;" and

WHEREAS, Richmond City Council Resolution No. 69-18 calls for a Regional Just Transition and Climate Emergency Mobilization Collaborative Effort, and "commits to keeping the considerations of disadvantaged communities central to all climate emergency mobilization planning processes, and to invite and encourage these communities to directly advocate for their specific needs and equity in the environmental justice process;" and

WHEREAS, a Just Transition away from combustible fuels that produce greenhouse gases, including those produced by the Chevron Richmond petroleum refinery, is necessary to mitigate and prevent the worst effects of the climate crisis, such as sea level rise and the increasing occurrence and intensity of extreme heat days, droughts, and wildfires; and

WHEREAS, the Chevron Richmond petroleum refinery is the single largest polluter in the City of Richmond, which, among many other pollutants to the air, water and soil, emits over 470 tons of particulate matter smaller than 2.5 microns (PM_{2.5}) into the air every year according to the Bay Area Air Quality Management District (BAAQMD); and

WHEREAS, PM_{2.5} is not only the leading cause of death due to air pollution in the Bay Area, causing 2,000-3,000 deaths every year according to BAAQMD's 2017 Clean Air Plan, but is also associated with increased asthma, hospital admissions, school absences, lost workdays, and is a known exacerbator of COVID-19 outcomes; and

WHEREAS, BAAQMD staff analysis shows that up to one million residents are exposed to the plume of particulate matter from the Richmond Chevron refinery, including not only residents of Richmond but also the cities of San Pablo, El Sobrante, El Cerrito, and many others; and

WHEREAS, the disparate exposure of Black and Latinx residents to the PM_{2.5} emissions from the Richmond Chevron refinery is an example of environmental injustice and racism, as Black and Latinx residents are exposed to 0.23 µg/m³ and 0.26 µg/m³ of PM_{2.5} emissions from the refinery on average, respectively, compared to 0.17 µg/m³ for white residents; and

WHEREAS, the fluidized catalytic cracking unit (FCCU) is the single largest source of PM_{2.5} across all equipment at the Chevron Richmond Refinery and is the greatest single source of PM_{2.5} among stationary sources in Richmond emitting 229 tons of PM_{2.5} per year; and

WHEREAS, the BAAQMD is currently developing amendments to Regulation 6, Rule 5 (Rule 6-5) addressing emissions from FCCUs in Bay Area petroleum refineries, which, among other requirements, will establish emission limits for total particulates including PM_{2.5}; and

WHEREAS, BAAQMD staff have proposed two possible emission limits in the Rule 6-5 amendments for total particulates, one at 0.02 grains per dry standard cubic foot (gr/dscf) and another more stringent standard at 0.01 gr/dscf, which would require installation of wet gas scrubbing devices on FCCUs; and

WHEREAS, the California Legislature passed Assembly Bill 617 (AB 617) to address the disparate air pollution impacts experienced by disadvantaged communities throughout the state by requiring the establishment of Community Emissions Monitoring and Reductions Programs and for regional air districts to set Best Available Retrofit Control Technology (BARCT) standards on certain permitted units that have not had emissions-related permit conditions modified for the greatest period of time; and

WHEREAS, the communities of Richmond and San Pablo have been selected by BAAQMD and the California Air Resources Board (CARB) for participation in the AB 617 Community Emissions Reduction Program as disadvantaged communities disproportionately impacted by air pollution, and BAAQMD has included the amendments to Rule 6-5 as one of the rules requiring a BARCT standard under AB 617; and

WHEREAS, the BARCT standard is defined in California Health and Safety Code Section 40406 as “an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source”; and

WHEREAS, U.S. Environmental Protection Agency data from a 2011 Information Collection Request show that the majority of U.S. petroleum refinery FCCUs already use the wet gas scrubber abatement technology that would be required by the most stringent limit, showing it to be an achievable standard with available technology; and

WHEREAS, BAAQMD staff analysis indicates the most stringent limit would reduce particulate emissions from Chevron’s FCCU by two-thirds and would require twice the reduction in PM_{2.5} than the weaker proposed limit, and that emissions reduction would be associated with public health benefits valued in the tens of millions of dollars; and

WHEREAS, the most stringent limit under the proposed amendments to BAAQMD Rule 6-5 is aligned with local and state environmental policy and will provide a much needed and long overdue reduction in particulate matter emissions that will mitigate some of the negative health and safety impacts from one of the largest single sources of pollution in Richmond.

NOW, THEREFORE, BE IT RESOLVED, that the Richmond City Council does hereby support the proposed total particulates limit of 0.01 grains per dry standard cubic foot (gr/dscf) under BAAQMD Regulation 6: Particulate Matter, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units and recommends the Board of Directors of the Bay Area Air Quality Management District to adopt this limit as the most stringent proposed particulate emission level with the strongest health and safety protections for the Richmond community.

BE IT FURTHER RESOLVED, that city staff will send a letter of support for this most stringent and protective emission level on behalf of the Richmond City Council that will include a copy of this resolution to the Bay Area Air Quality Management District, the California Air Resources Board, Assembly Member Buffy Wicks, Senator Nancy Skinner, and Governor Gavin Newsom to consider.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held February 16, 2021, by the following vote:

AYES: Councilmembers Jimenez, Martinez, McLaughlin, Willis,
Vice Mayor Johnson, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Bates.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to form:

TERESA STRICKER
City Attorney



State of California }
County of Contra Costa }
City of Richmond } : ss.

I certify that the foregoing is a true copy of **Resolution No. 18-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 16, 2021.


Pamela Christian, Clerk of the City of Richmond