

April 15, 2013

Sheryl Lane, Chair
Richmond Planning Commission
Planning Commissioners
Richard Mitchell, Planning Director
City of Richmond
450 Civic Center Plaza
Richmond, CA 94804



RE: Request for the Planning Commission to Declare Portions of the Chevron Richmond Refinery as Dangerous Building Conditions.

Dear Chair Lane, Planning Commissioners, and Planning Director Mitchell,

Communities for a Better Environment (CBE) and the Asian Pacific Environmental Network (APEN) respectfully request the Planning Commission, at its next meeting on May 2, 2013, to deem portions of the Richmond Chevron refinery as “dangerous building conditions.” Widespread corrosion at the refinery imposes unacceptable risks on refinery workers and on the broader Richmond community. The City’s classification of the dangerous conditions will send a clear message to Chevron that it must invest in the safest possible refinery.

The Planning Commission has the authority to make this finding. The California Building Code defines a “dangerous building condition” as any structure that has partially collapsed, or faces a significant risk of collapse. The Planning Commission is the entity charged with implementing Richmond’s General Plan. Goal SN1 of the General Plan calls on the Planning Commission to minimize the risk of injury, loss of life, property damage and environmental degradation from refineries. Similarly, Goal SN1.3 encourages best practices for refineries, including conformance with California Division of Occupational Safety and Health (Cal/OSHA) guidelines. Finally, Goal SN1.B allows the Planning Commission to review and update building standards and guidelines in order to protect the community and property from hazards.

The August 6, 2012 fire at the Chevron refinery must be a wake-up call to the City of Richmond, and to the Planning Commission to exercise its authority to protect the community. The Chemical Safety Board has concluded that corrosion caused the crude unit’s #4 sidecut piping to rupture, sending an estimated 15,124 residents to nearby hospitals. Cal/OSHA investigated the August 6 accident and has cited Chevron to the maximum penalty allowed under State law, finding serious and willful violations. These violations are not simply isolated to the area where the fire occurred. Together with publicly reported data, the locations of the Cal/OSHA violations reveal a pattern and practice of identifying and not fixing equipment affected by corrosion throughout the Richmond Chevron refinery. Although Chevron has rebuilt the portion that caught on fire, Chevron has not taken any publicly verified action to remedy other corroded portions of its refinery. The question remains: if corrosion caused one section of the refinery to ex-

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plode, when will corrosion in other sections of the refinery cause another potentially catastrophic refinery spill, fire or even explosion?

However, history has shown that the City of Richmond has not exercised its full police power in managing its refinery resident. Recently, during the permitting process for the crude unit rebuild, despite pleas from CBE, APEN and their members, the City failed to properly invoke a satisfactory public process until it had released a majority of the required rebuilding permits for that project.

CBE and APEN's members are concerned with the widespread corrosion throughout the Chevron refinery. Our Richmond members face the imminent threat of future collapse of corroded portions of the refinery that could well result in another catastrophic explosion. That the Chevron Refinery partially collapsed, and faces a significant risk of collapse in the future, are facts beyond dispute. CBE and APEN now therefore call on the Planning Commission to acknowledge the danger that CBE and APEN's members face and declare portions of the Richmond refinery, still affected by corrosion, "dangerous building conditions." This finding will encourage Chevron to hire more workers to make the repairs necessary for a safe refinery.

Accordingly, CBE and APEN respectfully seek a hearing on our request for this finding, to take place during the Planning Commission's next meeting, scheduled on May 2, 2013. We have prepared additional evidence and materials warranting such a finding and will provide this information upon request of the Planning Commission.

In health,

Roger Lin, Staff Attorney
Communities for a Better Environment (CBE) *for*

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