

Chevron refinery fire one year later: Fallout, impact show no signs of waning

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RICHMOND -- When the No. 4 crude unit at Chevron's century-old waterfront oil refinery burst into flames and sent black smoke billowing into a cloudless sky Aug. 6, 2012, it was easy for many to assume that the fallout from the accident would be fleeting.

After all, fires of similar scope had occurred at the same refinery in 1999 and 2007, quickly drifting from the spotlight once the smoke had cleared. The 2012 blaze, which resulted in no reported serious injuries, even seemed to pale in comparison with other refinery accidents over the years, such as a tragedy in 1999 at the Tosco refinery north of Concord where four workers were killed and a fifth severely burned.



Carlos Huerta, 56, in the yard of his Liberty Village Home in Richmond, Calif. On the day of the Aug. 6, 2013 fire, his wife called him at work crying as smoke and fire billowed from the Chevron Richmond refinery's No. 4 crude unit. (photo by Robert Rogers)

But the cumulative impact -- investigations, fines, legal and legislative action and community outrage -- of last year's fire dwarfs anything residents and officials in Richmond and Contra Costa County have ever seen, underscoring a fundamental shift in how the public responds to industrial accidents.

"Our hope and belief is that this incident will have a lasting impact and improve safety for years to come," said Daniel Horowitz, managing director of the U.S. Chemical Safety Board, which played a major role in

investigating the fire. "What's happening in California as a result can lead the country."

A year later, the pressure to hold Chevron accountable shows no signs of waning, as evidenced by an Aug. 3 protest outside the refinery's gates that drew 2,000 participants and resulted in 209 arrests for trespassing.

"The response and concerns from this incident were far greater than previous comparable incidents in Richmond, no question," said Randy Sawyer, director of Contra Costa County's Hazardous Materials Division. "The huge number that sought medical attention is important.

People were more aware and more concerned with the impact on their health than before, and that played a role in drawing attention."

Several workers were treated for minor injuries and 15,000 residents ultimately sought medical treatment in the days after the fire.

Longtime Councilman Tom Butt calls the response to the accident "unprecedented."

"It's kind of like a convergence of planets that changes history forever," he said. "Everything came together in a way that kicked off a movement that is breaking a lot of new ground."



Firefighters douse a flame at the Chevron oil refinery in Richmond, California in this file photo taken August 6, 2012. (REUTERS/Josh Edelson/Files) (JOSH EDELSON)

There is no shortage of examples of how the ground has been broken over the past 12 months:

- For the first time, a federal agency, the Chemical Safety Board, launched a full-scale investigation of a refinery accident in the Bay Area, concluding that the fire was the result of systemic failures to heed warnings, conduct thorough investigations and perform preventive maintenance.

- The state Division of Occupational Safety and Health (Cal/OSHA) issued 25

citations and slapped Chevron with \$963,000 in fines, the largest the agency has ever issued.

- State leaders have included in the latest budget new funds -- paid for by oil refineries -- to increase the number of state inspectors from seven to 26. State bills to increase maximum fines and enhance other regulatory powers are pending in Sacramento.
- On Aug. 2, the city for the first time sued its biggest taxpayer, alleging damages from Chevron's negligence.
- Two days later, Chevron pleaded no contest to six criminal charges brought by county and state prosecutors stemming from the fire, absorbing \$2 million in fines and restitution.
- Chevron has paid more than \$10 million in claims to residents and reimbursements to hospitals and public services, spokeswoman Melissa Ritchie said.
- Tony Buzbee of the Buzbee Law Firm in Houston and John Burris of the Oakland-based Burris Law Firm are suing Chevron on behalf of as many 12,000 clients.

For longtime residents and local leaders, the year after the fire is proof that gone are the days when industrial accidents were met with small fines and collective shrugs. Even a top Chevron official agrees that times have changed.

"The industry and community have become much more sensitive to incidents," said new Chevron General Manager Kory Judd during an interview in June. "And rightly so."

Striking examples abound. Fourteen separate "incidents," including fires, pipe ruptures and explosions, have occurred at the refinery since 1989, according to the city's lawsuit. In 1989, a massive blaze injured eight workers, three with severe burns, and emitted smoke into the air for six days. The U.S. Labor Department cited Chevron for 114 violations of safety rules and levied an \$877,000 fine after that accident.

In March 1999, an explosion and fire sent hundreds to hospitals and prompted authorities to issue shelter-in-place orders. In 2007, an eerily similar incident occurred when a corroded pipe failed in the same crude unit that burned five years later, shooting 100-foot flames into the sky for 10 hours. Thousands were ordered to shelter in place, and more than 400 pounds of toxic gas was released, but outrage and scrutiny were almost nonexistent in comparison with the 2012 fire.

"The 1999 fire was just as big, if not bigger," Sawyer said. "As for the 2007 fire, the wind was blowing out that day. But in both cases, the response was nothing like it is now. The climate has changed in Richmond."

In the days after last year's fire, Chevron rushed to quell community concerns. The company opened two centers in neighborhoods hardest hit by the blaze, which sent black soot and smoke all over the city and beyond, and offered payments for medical claims

Skeptics say most who sought medical attention were motivated by the chance to collect money.

"Let's be realistic," said Councilman Nat Bates, a longtime supporter of the refinery. "People were coming from all over, from outside the city, looking to get a quick buck, and that pushed these numbers way up. There was a bunch of fraud going on."

But the outrage wouldn't dissipate.

Many credit the Chemical Safety Board with fueling the scrutiny and public pressure that persists more than a year later. Within days of the fire, the agency, which probed the 2011 Deep Water Horizon oil rig disaster and a 2005 Texas refinery explosion that killed 15 workers, announced it would come to Richmond to investigate the incident.

In the ensuing months, Chemical Safety Board officials held several news conferences and steadily dribbled out details. It became clear that Chevron could have prevented the fire, and regulatory agencies were in the dark.

"The lasting change we think we'll see are more inspectors and better regulations requiring safer technologies and testing," Horowitz said. "That will be a robust system."

That's welcome news to Carlos Huerta. Huerta, 56, lives in Liberty Village, just across Richmond Parkway from the 2,900-acre refinery. On the day of the fire, Huerta rushed home from work when his wife called crying, saying smoke and fire were streaming from the refinery.

"I don't know everything that's been going on with the politics, but I hope that something is done to make the place safer," Huerta said. "I never want to get a call like that again."

Ritchie, the Chevron spokeswoman, said the company "cannot speculate on the current regulatory and political landscape" but is "committed to learning from this incident and continuously improving our operations."

While the Chemical Safety Board has helped galvanize county and state regulators, environmental activists and a doggedly anti-Chevron City Council led by Green Party Mayor Gayle McLaughlin have kept the pressure high at the local level.

"I've never seen the Richmond community more organized in response (to an incident)," said county Supervisor John Gioia, who represents West County. "Local groups, like the Communities for a Better Environment, have demonstrated that they have the organizational capacity to maintain intensity on the ground."

Bates, who was first elected to the City Council in 1967, said the biggest difference between previous fires and the most recent one is that a majority of council members and their environmental allies have taken root in the city. Bates said virulent Chevron critics, including some council colleagues, have capitalized on the fire to further their political agendas rather than work to mend fences.

"If this was 10 years ago, Chevron would have moved quick to clean it up, fix it and get back to work," Bates said. "Now we have a new element that dominates the council and has opened the door to people from all over to come in with the goal of sticking it to Chevron every chance they get."

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