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EPA Ignores Petition to Review Illegally Issued Refinery Permit to Pollute

Rodeo Refinery Air Permit Issued with No Public Input

RODEO, Calif. — The federal Environmental Protection Agency ignored a mandatory deadline to decide on a petition challenging an air permit for Phillip 66's oil refinery in Rodeo, California. In January the Bay Area Air Quality Management District approved a permit increasing the refinery's capacity to process low-quality crude like tar sands. Communities for a Better Environment and allied groups petitioned the EPA stating that the permit was approved without a public notice or hearing. The EPA took **no** action despite its legal obligation to grant or deny the petition on Friday and provided no explanation.

"The EPA is brushing off the public's right to review a permit that could allow Phillips 66 to refine massive amounts of tar sands in the Bay Area," said Camille Stough, staff attorney at Communities for a Better Environment. "By ignoring its legal duty, the EPA is effectively blocking the public from protecting its right to clean air."

Ben Eichenberg, Staff Attorney at San Francisco Baykeeper, agreed that EPA should have responded by the deadline. According to Eichenberg, "the Trump EPA's failure to act on the petition brought by Baykeeper and our partners not only violates a legal deadline but also EPA's duty to protect the Bay and the people who live here."

"The EPA's inaction means that people will continue to be shut out of decisions about dangerous pollution in their own neighborhoods," said Hollin Kretzmann, a senior attorney at the Center for Biological Diversity. "As Bay Area refineries plan expansions to process more tar sands and other dirty fuels, we need community voices to be heard."

"Increased public scrutiny of the rubber stamping of refinery permits is a result of frontline community persistence in the face of agency and industry indifference," said Marcie Keever, Legal Director at Friends of the Earth. "With the U.S. EPA apparently ignoring the petition, the watchdogging of Phillips 66 is only going to intensify. We must remain vigilant in protecting our bay and communities from the dangerous impacts of extreme energy transport and processing."

Luis Amezcua, Co-Chair of the Sierra Club San Francisco Bay Chapter's Energy-Climate Committee, agreed that the EPA had an obligation to respond to the petition by the legally mandated deadline. According to Amezcua, "Increasing the capacity for tar sands is not only contradictory to the Bay Area's leadership in promoting clean and renewable energy, but also the public's call to reducing our dependence on fossil fuels and protecting our most vulnerable communities."

"Permitting new tar sands processing projects in the Bay Area is not only problematic for the climate, it would also massively increase the number of tar sands tankers threatening California's coast and San Francisco Bay," according to Matt Krogh, Extreme Oil Campaign Director for Stand.earth. "Too many people are already impacted by the extraction, transport, and processing of tar sands—there is just no excuse for moving ahead with dirty crude projects."

The petition to the EPA challenges the approval of a permit that could facilitate the oil industry's plans to import and refine tar sands oil from indigenous lands in Canada to ports in California, including the San Francisco Bay. This plan dramatically increases catastrophic threats to local communities situated across the entire fuel chain, from extraction to hazardous export and import by rail, ship and pipeline, and eventually to refineries, such as the Phillips 66 refinery in Rodeo.

Because processing tar sands is extremely energy-intensive, increasing the quantity processed at the Phillips 66 refinery would worsen air pollution for area communities. Increased vessel traffic to and from the Rodeo refinery would also increase the risk of disastrous spills in San Francisco Bay. And the corrosive properties of tar sands increase the risk of a refinery explosion or other catastrophic accident.

Background

The Phillips 66 refinery, located in Rodeo, California, applied to the Bay Area Air Quality Management District to renew its Title V operating permit. On January 25, 2018, the Air District approved the permit renewal, which included an increase in the amount of heavy oil derived from low-quality crude, such as Canadian tar sands, Phillips 66 could process at its hydrocracking units. The Air District did not provide a public hearing regarding the increase, and in fact stated that an increase would not be approved in its permit review process. Community groups only discovered the change after the permit had been issued and thereafter petitioned the EPA to reopen the permit for public review.

Phillips 66 uses two hydrocracking units to process heavy gas oil that is derived in greater amounts from low-quality crude oils such as those from the Canadian tar sands. Hydrocracking is a high-hazard process that operates at high temperatures and very high pressures to convert gas oil produced by upstream crude distillation and coking processes into lighter oils for gasoline, diesel, and jet fuel production in hydrotreating, naphtha reforming, and other downstream processes.

Under the Clean Air Act, the EPA is required to act on petitions regarding Title V permits within 60 days, a statutory deadline that has now passed without EPA action. Despite repeated requests by the petitioners, the Air District has declined to reopen the permit and hold a public hearing.

Additional Resources

Communities for a Better Environment produced a fact sheet that discusses Phillips 66's plans to process tar sands and its impacts: *San Francisco Refinery Tar Sands Expansion* fact sheet: <http://www.cbecal.org/resources/our-research>.