

**Motion that was passed unanimously by the Richmond Planning Commission on 7/10/14:**

Issue a Conditional Use Permit for the environmentally superior Alternative 11 introduced in the Final EIR: Reduced Sulfur Processing, No Increase in Refinery Greenhouse Gas Emissions, with all of the emission reduction and safety commitments listed in the Final EIR for Chevron's proposed project including the Reliability Program, all Project Design Features and the Mitigation Monitoring and Reporting program, and with all of the conditions listed in Attachment 3, Exhibit A of Resolution 14-12 in the July 9, 2014 Agenda Report, with the following additional conditions and corrections:

**Condition A-11:** (Addition) To safeguard the public health, Chevron shall operate with a focus on significantly reducing toxic air contaminant (TAC) emissions over time and without significantly increasing any individual TAC emission and especially none that carry cancer or chronic health risks. It is understood that given the chemistry of the various processes in the refinery, trade-offs may exist: that some major reductions may require some minor increases, and that processing very high sulfur oil may make some TAC emissions go up significantly unless technology is applied to reduce or capture the increased emissions. Annual TAC emission projections for the permitted Alternative project shall be provided to the Planning Commission within 3 months of project approval, allowing for review final approval of Project TAC limits within 6 months of project approval. The Planning Commission may accept some TAC increases and not others. The Planning Commission may also accept some TAC increases for limited periods of time, giving Chevron time to schedule the necessary investments in emission reduction. Actual annual TAC emissions and performance against agreed limits must be reported annually starting in January 2016. TAC limits must be reviewed and certified annually allowing emission reduction goals and actual performance to be integrated into the process. [Note: Projections for TAC increases and decreases were not provided in the FEIR for either the Alternative project or for lower increases in input sulfur content. The intention of this condition is to allow Chevron and the City to jointly manage TAC reductions over time]

**Condition B-8** (Correction) should be for 750 long tons of sulfur per day (not 900)

**Condition D-3** (correction to CGRP program): In order to demonstrate a commitment to bringing greenhouse gas emissions to 80% of 1990 levels by 2050, Chevron shall provide funding for a Community Greenhouse Gas Reduction Program (CGRP), established by the City with a community-based decision-making process, in the amount of \$8 million per year, beginning January 1, 2015 and continuing until 2050. This fund shall be used to implement a Clean Energy Jobs Program providing jobs and services in Richmond, North Richmond and San Pablo in the following areas including but not limited to: energy conservation, energy efficiency, promotion and infrastructure for bicycle use, public transit, distributed solar, energy storage, electric vehicle infrastructure and rebates, and programs to increase Richmond's tree canopy.

**Condition D-4** (Addition): Before implementing any change in the baseline oil feedstock quality or quantity established by the project EIR, Chevron shall demonstrate compliance with the following limits on emissions at its Fluid Catalytic Cracking (FCC) Plant (BAAQMD Source No. S-4285):

D-4a. Subject to compatibility with Alternative 11, total PM10 emitted from S-4285 after abatement shall not exceed 92.0 tons (184,000 pounds) in any consecutive 12 month period, as determined by the most current version of EPA methods 201A and 202, unless equivalent or more accurate methods for monitoring filterable and condensable PM10 emissions are approved by the Zoning Administrator after public notice and opportunity for comment, provided that the methods measure filterable and condensable PM10.

D-4b. Total VOC emitted from S-4285 after abatement shall not exceed 6.1 tons (12,200 pounds) in any consecutive 12 month period, as determined by the most current version of BAAQMD Method ST-7, unless equivalent or more accurate methods are approved by the Zoning Administrator after public notice and opportunity for comment, provided that the method measures precursor organic carbon (POC) as defined by BAAQMD (Regulation 1-235).

D-4c. Compliance with the emission limits in proposed Condition D-4a and D-4b shall be based on the arithmetic average of results from quarterly source tests. The electrostatic precipitator abating S-4285 shall be fully charged at all times of operation, except during periods of maintenance or servicing. Chevron shall pay for a third-party source testing firm to perform quarterly BAAQMD-approved source tests using the methods specified in proposed condition D-4a and D-4b to determine compliance with this condition.

D-4d. The Fluid Catalytic Cracker (FCC), Source S-4285, shall not be operated above a maximum fresh feed throughput rate of 70,500 barrels per day. Within sixty (60) days after approval of this Conditional Use Permit, Chevron shall file a complete application with the BAAQMD to cause the Facility's Title V permit to be amended to reduce the maximum permitted fresh feed throughput limit for the FCC to a federally enforceable limit of 70,500 barrels per day as an annual average in any consecutive 12-month period, and shall report to the Planning and Building Services Department when the amendment application has been submitted and when the amendment has been approved.

D-4e. Chevron shall install, implement, and operate mitigation measure 5b(i) described in the FEIR to expand the FCC electrostatic precipitator (ESP), add a third pass to the ESP, and replace ammonia injection to the ESP and shall operate the ESP without ammonia injection.

D-4f. Chevron shall provide quarterly reports to the Zoning Administrator with all emission and throughput monitoring results obtained pursuant to this condition as public data.

D-4g. Prior to implementing any change in the project's baseline oil feedstock quality or quantity identified in the EIR, Chevron shall provide evidence that demonstrates to the satisfaction of the Zoning Administrator and BAAQMD that the above emission limits and monitoring and reporting protocols have been met.

**Condition D-5:** To safeguard the public health, Chevron shall commit to additional modernization and emissions reduction by submitting to the Planning Commission within 3 months of project approval a three-year plan for 2015-2017 that shall include the upgrading of 6 tugs instead of just 1, implementing and utilizing shore power for all ships that are docked at the long wharf, and doming of all 30 tanks instead of 3 tanks.

**Condition G-4:** To further enhance safety for refinery workers and the general public, and in the spirit of Chevron's commitment to modernization:

G-4a. By the end of the next refinery turn-around, no later than December 31, 2017, Chevron shall replace all carbon steel components in the Richmond refinery that were installed before 1990 and process hydrocarbons at temperatures exceeding 450 degrees Fahrenheit with inherently safer technology that is maximally resistant to corrosion by sulfur and other hazards identified for each component.

G-4b. Chevron shall establish and implement a management policy at the Richmond refinery requiring the replacement of all temporary leak-failure repairs (use of "clamps") with permanent repairs as soon as safely possible, and no later than the next refinery turn-around, when refinery operations are shut-down for maintenance purposes.

G-4c. For any future losses of containment failures, Chevron shall direct refinery management and workers to implement a causal investigation followed by installation of inherently safer technology to remedy the loss of containment as soon as safely possible after the discovery of any such loss of containment failures ("leaks").

**Condition H-12 (Addition):** Where any compliance obligation under these conditions requires Chevron to obtain or otherwise revise, modify or clarify a federal, state or local permit or approval, including any preconstruction, construction or operating permits, Chevron shall submit timely and complete applications and take all other actions necessary in order to obtain all such permits or approvals. This includes, but is not limited to, incorporation of any emission limits and standards into the BAAQMD Title V operating permit for the Chevron Richmond Refinery as required by these Proposed Conditions, and in particular, Proposed Condition D-4.

**Condition H-13 (Addition):** Prior to the issuance of building permits for the Project or to the commencement of construction of the Project, Chevron shall provide evidence to the Zoning Administrator that demonstrates compliance with all conditions in the Project's Conditional Use Permit that are required to be completed before construction begins. The data constituting this evidence must be publicly verifiable and provided to the public as soon as it becomes available. Pursuant to Richmond Municipal Code section 15.04.945.030, the Zoning Administrator shall, as soon as reasonably practicable after receipt of the required data under this condition, refer this matter to the Planning Commission for hearing. The public shall also have a right to enforcement and recourse, pursuant to the procedures outlined in Richmond Municipal Code sections 15.04.945 and 15.04.950, if Chevron violates any condition of its Conditional Use Permit during any time throughout the life of the Project.

**Additional recommendation in the motion:**

Recommend that the City Council enter into a Community Health and Wellness Agreement with Chevron as outlined in Attachment 3, Exhibit B of Resolution 14-12 in the July 9, 2014 Agenda Report, with item 1-I to include funding not only for emergency medical services, but also for urgent care and preventive medical services to address acute and chronic health impacts of refinery emissions on West Contra Costa County residents.