

June 19, 2008

Lamont Thompson
Planning and Building Regulations Department
City of Richmond
1401 Marina Way South
Richmond, CA 94804

Planning Commissioners
City of Richmond
1401 Marina Way South
Richmond, CA 94804



**Re: Chevron Renewal Project, SCH #2005072117, City #110194
June 19, 2008 Planning Commission Meeting and Staff Report**

Dear Commissioners and Mr. Thompson:

This letter addresses an important public process concern and suggests a possible solution for the Commission's consideration at its hearing today.

First, we wish to reiterate our strong support for the Commission's necessary and courageous action in voting for a "comprehensive cap" on Richmond Refinery crude oil input quality, gas oil input quality, and oil volume process throughputs on June 5, 2008.

Unfortunately, the Staff Report asserts conclusions regarding this crucially important environmental protection measure that contradict the data in the public record, and bases these contradictory conclusions on data that have been inappropriately kept secret from the public. It asserts that current Refinery oil input quality is different from that which is documented by public data in the record based on other data from Chevron that have not been disclosed to the public. SR at 4 and Attachment 1. Staff asserts that it has collected and used these additional oil quality data for its new analysis. Id.

This exact type of data is clearly in the public domain. The quality or composition (gravity, sulfur content, distillation yields, concentrations of individual metals, etc.) is widely reported for individual oils and blends. The U.S. Energy Information Administration reports such data for individual refineries including Richmond on the internet. Chevron has itself publicly reported the selenium content of several oils and the identity, amount, gravity and sulfur content of each crude oil refined at Richmond during part of 2007. 1/25/08 FEIR at 3.9-2; 4/3/08 Chevron submission. CBE submitted many thousands of oil assay results, and submitted data showing Richmond Refinery crude oil input quality from 1994 through February 2008. See attachments to CBE comments.

Planning Commissioners and Mr. Thompson

June 19, 2008

Page two

In contrast, Chevron refused staff's request to provide more of these same data on its oil input quality publicly. 5/14/08 E-mail from Chamberlin to Thompson. Chevron's inappropriate nondisclosure, and staff's subsequent use of the inappropriately secret data for conclusions that contradict evidence in the public record without public review and independent verification, create a serious problem.

The potential change in oils to be refined by this oil refinery retooling Project is at the heart of the environmental issues for public review. As you know, Chevron covered up the Project's expansion of capacity to refine heavier oil that could be more contaminated with many pollutants besides sulfur. In fact, this potential expansion of dirty oil refining was only uncovered because data Chevron did not disclose in the EIR were available from public records at other agencies, so that this public information could be reviewed, shared, and verified by the public and independent scientists. But how dirty the oil input could get in the future because of the Project is only half of the equation.

Data on how dirty the oil input is now—data that are at issue here—are needed to complete environmental impacts analysis for this proposed Project and to verify the current oil input quality performance to be limited by the comprehensive cap. Just as Chevron's claims about its Project's impacts from dirtier oil refining in the future had to be verified publicly, the new assertion that secret data on current oil input quality support conclusions that contradict the evidence in the public record must be verified publicly.

We believe that the existing public record amply documents the current oil quality to be capped and reserve the right to address the substance of issues raised by staff and by Chevron at an appropriate time. Please see the attached request for the undisclosed data discussed herein, which was submitted to the City Manager yesterday.

The new information staff has identified based on data that were inappropriately kept secret from the public is simply unverified at this time. The use of such information undermines environmental justice. If this new information is to be credited, we respectfully suggest that the Commission consider continuing the hearing until a date that allows for disclosure of these non-confidential data that were inappropriately withheld, followed by public review and comment on the new information, before the continued hearing.

Respectfully submitted,



Adrienne Bloch, Senior Attorney, CBE for

Communities for a Better Environment (CBE)

Roger Kim, Asian Pacific Environmental Network (APEN)

Sylvia Hopkins, Atchison Village Environmental Committee

Juan Reardon, The Richmond Progressive Alliance and the Richmond Greens

Jeff Ritterman, M.D., Physicians for Social Responsibility, San Francisco Bay Area Chapter

Dr. Henry Clark, West County Toxics Coalition

Copy: Interested organizations and individuals

Attachment: June 18, 2008 letter to Bill Lindsay, City Manager