



THE OFFICE OF SENATE MAJORITY WHIP

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SB 674 (Gonzalez) Refinery Air Pollution Transparency & Reduction Act

SUMMARY

Senate Bill (SB) 674 will create a statewide standard for the refinery fence-line monitoring program to ensure that adequate noxious pollutants are measured, and that best practices and technologies are deployed in order to better protect the health and wellbeing of the surrounding communities.

Specifically, SB 674 requires refineries, as part of their fence-line monitoring obligations, to conduct third-party audits of their monitoring systems, ensure proper facility coverage, provide adequate public notification when emissions thresholds are exceeded and make data from the fence-line monitors readily accessible to the public.

EXISTING LAW

Assembly Bill (AB) 1647 (Muratsuchi, Chapter 589, Statutes of 2017) required, by January 1, 2020, petroleum refineries to install and maintain air monitoring systems along the fence-line of their facility and in an adjacent community, to provide real-time data and alerts to communities, first responders, and regulators when there are excess emissions. AB 1647 (Muratsuchi) sought to create a statewide standard for refinery fence-line monitoring, but ultimately regional air quality management districts- the agencies responsible for regulating refinery emissions- were tasked with developing the rules that would dictate the refinery fence-line monitoring program within their respective jurisdictions.

BACKGROUND/PROBLEM

Petroleum refineries and related support facilities are inherently dangerous operations and are significant sources of air pollution that put nearby community members at risk. California is home to numerous refineries that are some of the largest stationary emitters of toxic air contaminants, criteria pollutants, and greenhouse gases in the entire state. Incidents at these refineries – including explosions, fires, and flaring events – threaten nearby community members, first responders, and refinery workers.¹

Research has shown many documented health risks for fence-line communities including increased risk of asthma, cancers, birth defects, and neurological and cardiovascular damage among other conditions, and these risks are amplified the closer a person lives to a refinery.² In addition, minority groups are disproportionately impacted by refinery pollution; in fact, nearly two million Latinos in the United States live within less than half a mile from oil and gas facilities.³

There are 19 refineries in California,⁴ but they are concentrated within a handful of communities; this

¹<https://oehha.ca.gov/media/downloads/faqs/refinerychemicalsreport032019.pdf>.

² <https://www.p65warnings.ca.gov/fact-sheets/petroleum-products-environmental-exposure-refineries#:~:text=Various%20chemicals%20in%20petroleum%20products,defects%20or%20other%20reproductive%20harm.&text=Acetaldehyde%20may%20increase%20the%20risk,the%20development%20of%20the%20child.>

³ https://www.catf.us/wp-content/uploads/2016/09/CATF_Pub_LatinoCommunitiesAtRisk.pdf.

⁴<https://ww2.arb.ca.gov/resources/documents/california-refineries#:~:text=Currently%2C%20there%20are%2015%20refineries%20in%20California%20that,Company%20%28Bakersfield%29%203%20San%20Joaquin%20Refining%20Company%20%28Bakersfield%29.>

means that only three air districts- South Coast, Bay Area, and San Joaquin Valley- are tasked with regulating refinery emissions and carrying out the provisions of AB 1647 (Muratsuchi).

Nearly six years since AB 1647 (Muratsuchi) was enacted, it is clear that there are serious flaws in the implementation of the statute's requirements. These deficiencies are undermining transparency and accountability. The flaws in the implementation of the refinery fence-line monitoring program include:

- Air districts are inconsistently implementing AB 1647 (Muratsuchi), creating problematic variations in what was meant to be a uniform state-wide program.
- Petroleum refineries are failing to notify the public of detected emissions exceedances.
- The underlying fence-line monitoring data and key documents are not easily accessible, which prevents community members and researchers from being able to meaningfully analyze the data.
- Petroleum refineries are not required to locate and mitigate sources of toxic releases that exceed health and safety thresholds.
- Most air districts have failed to ensure that rules implementing AB 1647 (Muratsuchi) apply to refineries converting to non-crude oil feedstock (i.e., biofuel refineries).
- Petroleum refineries are excluding portions of their facilities from fence-line monitoring, such as storage tanks.⁵

SOLUTION

SB 674 addresses and remedies these flaws by:

- Including standardized measures that will apply to all refineries, including minimum requirements for which pollutants must be measured; a requirement to set threshold levels that align with existing state and federal health and safety limits; and a requirement to publish quarterly data reports.
- Requiring refineries to provide adequate public notification, including email and text notifications, when emissions thresholds are exceeded.
- Requiring that quarterly reports and data from the fence-line monitors are readily accessible.

⁵https://earthjustice.org/sites/default/files/files/fenceline_2022.pdf.

- Requiring refineries to conduct third-party audits of their fence-line monitoring systems to ensure data accuracy.
- Requiring refineries to conduct a root-cause analysis of threshold exceedances and engage in corrective action.
- Clarifying that refineries converting to non-crude oil feedstock (i.e., biofuel refineries) must comply with fence-line monitoring requirements.
- Updating the definition of refinery to include auxiliary facilities, such as storage tanks, and clarifying that the fence-line monitoring system must cover the entire perimeter of the refinery.

These provisions will ensure that fence-line community members have transparency about the air pollution that may affect their health and wellbeing, including real-time alerts. Moreover, SB 674 will build on lessons learned over the last six years, by requiring refineries and air districts to deploy best practices and technologies moving forward.

SUPPORT

East Yard Communities for Environmental Justice (Sponsor)

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350 Conejo / San Fernando Valley

350 Humboldt: Grass Roots Climate Action
Action Now

Active San Gabriel Valley

Air Watch Bay Area

Asian Pacific Environmental Network (APEN)

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Bay Area Air Quality Management District (BAAQMD)

Bay Area- System Change not Climate Change

Biofuel Watch

Breast Cancer Prevention Partners

California Communities Against Toxics

California Environmental Justice Alliance (CEJA)

California Environmental Voters

California Interfaith Power & Light

Center for Biological Diversity

Center for Climate Change and Health

Center for Race, Poverty, and the Environment

Central California Environmental Justice Network

Central Valley Air Quality Coalition

Clean Water Action

CleanEarth4Kids.org

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Interfaith Climate Action Network of Contra Costa County
Natural Resources Defense Council (NRDC)
Open Environmental Data Project
Physicians for Social Responsibility- Los Angeles (PSR-LA)
Regional Asthma Management and Prevention (RAMP)
Richmond AB 617 Steering Committee
Sacramento Area Congregations Together
San Francisco Baykeeper
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Sunflower Alliance
Torrance Refinery Action Alliance
Union of Concerned Scientists
West Berkeley Alliance for Clean Air and Safe Jobs

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