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San Francisco Chronicle

BAY AREA EPA wants tougher monitoring of refinery flare emissions

Jane Kay, Chronicle Environment Writer
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The U.S. Environmental Protection Agency ordered the Bay Area's air district Tuesday to require four of the region's five oil refineries to improve the way they measure pollutants from flares, or the burning off of gases.

The order instructs the Bay Area Air Quality Management District to force the refineries to meet federal regulations that are tougher than the state's rules when monitoring flares. The refineries are Chevron in Richmond, Conoco Phillips in Rodeo, Tesoro in Martinez and Valero in Benicia. The Bay Area's fifth refinery, Shell in Martinez, isn't included in the order.

"We have the responsibility to ensure that this monitoring occurs," said Amy Zimpfer, associate director for the EPA's western region's air division.

The monitoring provision is at the heart of the federal Clean Air Act, she said, because it fulfills "the public's right to know what a facility is emitting in their backyards."

The air district regulates the discharge of pollutants from the region's refineries and issues operating permits that set discharge limits for each refinery.

Flaring has been a concern in neighborhoods around the bayside refineries in Contra Costa and Solano counties.

Instead of using flaring as a safety device to burn off excess gas only in emergencies, neighbors have complained to local political leaders that the plants use flares to make up for inefficient operations. Emissions contain organic compounds, including toxics, sulfur dioxide, nitrogen oxides and particulates.

The EPA's order was issued in response to petitions filed at its San Francisco office last year by two environmental groups and four labor unions, including Communities for a Better Environment, Our Children's Earth and the Plumbers and Steamfitters Union Local 342. The groups had asked the EPA to tell the air district to require the refineries to upgrade their flare monitoring to federal standards, arguing that the state's requirements were far less stringent.

The EPA also instructed the air district to investigate why emissions limits weren't lower in Chevron's permit. The EPA has entered into a consent decree with Chevron over past violations of environmental law, which the petitioners are challenging in court.

The EPA also ordered the air district to find out why Tesoro and Valero had poor records of compliance, and to require a fix if the problems continued.

The air district has 90 days to address the EPA's order.

The air district has already proposed a new regulation, now subject to a public hearing, that would reduce emissions and improve monitoring at the flaring operations, said Jack Broadbent, executive officer of the agency.

The air district will work with the EPA to make sure the permits are strengthened, Broadbent said. "The permits now enforce the most rigorous standards in the country, but there's always room for improvement."

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The Bay Area and Southern California districts adopted the nation's first monitoring rules for refinery flares.

At the Bay Area's five refineries, in 2002, organic compounds were measured at 8 tons a day and sulfur dioxide at 22 tons a day. In 2004, the organic compound levels fell to 2 tons, and the sulfur dioxide levels fell to 4 tons.

Broadbent said its 2003 monitoring rule "shined a spotlight on this activity. The refinery operators took a number of steps to reduce flaring because of the spotlight."

One of the petitioners, Will Rostov, a lawyer for CBE, praised the EPA for ordering the district to apply the tougher federal regulations to refinery flares.

"The draft flare-control rule that the district is working on is too weak and allows the refineries to come up with their own compliance plans out of the view of the public," Rostov said. "The EPA's order will give us ammunition to fight for a stronger flare rule."

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