

Local lawmakers back off refinery bill after meeting with environmental activists

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Activists pushing for cleaner air in the Lamont area have succeeded in stalling last-minute legislation that would have exempted a local refinery from having to install new emission monitors.

The bill's co-authors — Assemblyman Rudy Salas, D-Bakersfield, and state Sens. Shannon Grove, R-Bakersfield, and Melissa Hurtado, D-Sanger — agreed to shelve the bill until the next legislative session after a small group of Lamont-area residents traveled to Sacramento to express their concerns about pollution from Kern Oil & Refining Co. at 7724 E. Panama Lane.

"In discussions with community members from the district, Assemblymember Salas agreed that more conversations were needed as well as additional input from local stakeholders," Salas' office stated in a Sept. 13 news release.

The Sept. 13 withdrawal marked the end of an 11th-hour legislative effort that pitted local politicians' support for a small player in California's petroleum industry against the health concerns of rural residents breathing some of the country's worst air.

Assembly Bill 1299 was a "gut-and-amend" measure introduced less than five hours before the state's legislative deadline of midnight Sept. 10. It had been touted as common-sense legislation that would level the playing field for small refineries ill-prepared to spend heavily on new air-quality monitoring equipment.

SMALL TARGET

The bill was originally written to streamline reimbursements for volunteer firefighters. But it was entirely rewritten to exempt certain refineries — those processing less than 55,000 barrels per day and that also have less than 3,000 residents within a 1-mile radius — from having to comply with air-monitoring rules set forth in a 2017 bill by Assemblyman Al Muratsuchi, D-Rolling Hills Estates.

Observers said the bill was narrowly written to help Kern Oil, a 155-employee plant that state records say processes 26,000 barrels per day.

A legislative analysis of the bill says Kern Oil provides 100 percent of the southern San Joaquin Valley's gasoline and 87 percent of its diesel. The analysis cites an online estimate that the plant's profits range from \$10 million to \$25 million per year.

Kern Oil did not respond to repeated requests for comment. But the news organization CalMatters recently reported the plant's president testified that improvements required by Muratsuchi's bill would cost \$1.5 million to \$3 million. Those requirements are set to take effect Jan. 1.

REFINING THE RULES

A spokeswoman for the San Joaquin Valley Air Pollution Control District said the agency is still developing rules to address the requirements of Muratsuchi's bill. A public workshop is set for Oct. 3 to gather feedback, she said by email, as the district considers "potential options and costs associated with" the law's implementation.

She added that the new requirements would go beyond existing local, state and federal regulations regarding refinery emissions.

AB 1299 was supported by some of Bakersfield's most prominent politicians, including Mayor Karen Goh and Kern County Supervisor Leticia Perez, neither of whom responded to repeated requests for comment.

ECONOMIC HARM

Assemblyman Vince Fong, R-Bakersfield, also supported the bill. He said in a written statement it would ensure smaller operators in Kern can continue to do business and provide affordable and reliable energy in the state.

"Without this measure, California's burdensome regulations would shut down these local operators," he stated, "ultimately harming the local economy and the workers whose livelihood depends on the survival of our small operators."

Hurtado said by email she supported AB 1299 because Muratsuchi's bill had taken a "one-size fits all approach to regulation" that placed an unequal burden on a small, family-owned refinery without rolling back existing state restrictions on air emissions.

HEALTH RISKS

Speaking out against the bill was a pair of activist groups — the California League of Conservation Voters and the California Environmental Justice Alliance — that argued the proposal would put families' health at risk.

The organizations noted that emissions from the refinery affect Latino farmworkers most directly. They also argued the bill was a dangerous precedent that could lead to refineries in other rural communities getting similar exemptions.

"Rural communities are entitled to the same protections as urban communities," Katie Valenzuela, police and political director of the California Environmental Justice Alliance, said in a news release.

"These communities have a right to know what is in the air they're breathing," she added.

Mike Young, political director of the CLCV, specifically targeted Grove, Hurtado and Salas, saying they had "put the profits of the oil industry above the safety and health of their constituents."

‘CONSTANT ODOR’

Jesus Alonso, a 28-year-old Lamont community organizer serving on the board of the area's public utilities district, said his neighbors were upset when they heard about the bill. That prompted him and a handful of other activists to travel to Sacramento on Sept. 13 and wait for hours to speak with Hurtado and Salas about the bill.

A lifelong resident of Lamont, he said the refinery has always been of concern to its neighbors, and that "even now as (we) drive by it's a strong constant odor."

Alonso said he had worried the bill would have allowed Kern Oil to double its release of contaminants. But the result, he said, was very positive.

"I'm very pleased with the outcome, that we were able to stop this bill and also sort of create an opportunity for us, the community members to collaborate with our leadership and other stakeholders in the community in how we can still grow, move forward and still have a safe environment for our family members and our kids here in the community."

POSITIVE THING

After moving AB 1299 to a file for inactive bills, Salas said in written statements he wanted to give the community more time to engage and discuss the legislation.

"Overall, this bill can be a positive thing for the community," he stated.

"Rather than spending over a million dollars to do double-monitoring," he added, "we prefer that money be spent on new technology and clean air measures that will help clean up the air sooner."

This story has been amended to correct the estimated cost of upgrading the refinery.

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