

Enviros Sue To Block Calif. Oil Refinery, Rail Project

Keith Goldberg, Law360.com, 10-14-14

Environmentalists on Thursday sued to block the expansion of Alon USA Energy Inc.'s currently shuttered Bakersfield, California, oil refinery and the construction of a new rail facility, claiming the project will worsen local air quality and increase risky rail transports of flammable crude oil.

The Sierra Club, Center for Biological Diversity and Association of Irrigated Residents claim that in approving the project's environmental impact report Sept. 9, the Board of Supervisors for Kern County violated the California Environmental Quality Act by failing to fully assess its environmental impacts and impose mitigation measures.

“The people of Kern County deserve better of its leaders who would put industry’s rush for profit before the job of protecting its citizens from further air degradation and greater risk of danger and tragedy,” Earthjustice associate attorney Wendy Park said in a Thursday statement. “This proposal is wrong for Kern County, and wrong for California, which is trying to embrace a clean energy future.”

Alon's Bakersfield refinery hasn't refined crude oil since 2008, according to the complaint filed in California state court, and the company says its California refining operations have been suspended since 2012.

The proposed project would construct and expand rail, transloading, and storage facilities at the refinery so it can offload 740 unit trains containing over 63.1 million barrels of crude per year, or more than 173,000 barrels per day, according to the complaint. It would quintuple the terminal’s unloading capacity from 40 tank cars per day to over 200 tank cars per day, making it the largest crude-by-rail project in California, the complaint said.

The refinery is also being updated to handle light crude oil such as oil from North Dakota's Bakken Shale, which has been fingered in several fiery derailments, the complaint said. What's more, restarting the refinery would only worsen air pollution in a region that already has some of the nation's worst air pollution, the complaint said.

“This dangerous plan would send huge trains full of explosive crude through California communities completely unprepared to cope with a devastating rail accident,” CBD senior counsel Kassie Siegel said in a Thursday statement. “Kern County supervisors broke the law by rushing to approve a project that will pollute the Central Valley’s air and put thousands of unsuspecting people in the path of these hazardous bomb trains.”

The plaintiffs are represented by Stacey P. Geis, Wendy S. Park and Elizabeth B. Forsyth of Earthjustice.

Counsel information for the defendants wasn't immediately available.

The case is Association of Irrigated Residents et al. v. Kern County Board of Supervisors et al., case number unavailable, in the Superior Court of the State of California, in and for the County of Kern.