Foes of Richmond Coal Back For Another Try

After withdrawal of a 2018 proposal to regulate the dirty fuel, city councilmember proposes an eventual export ban.

By Jean Tepperman

Bill Harrell's house in Richmond is about five blocks from huge open piles of coal and petcoke that sit on the pier at the Levin-Richmond Terminal, waiting to be shipped overseas. "The wind blows this way from the terminal and it makes me sick," said Harrell, who suffers from chronic obstructive pulmonary disease.
Dust blowing from the terminal not only worsens his lung problems but also collects on his house. "We have siding on the house and every three months I have to wash it," Harrell said. "You can see it's not dirt. It's black dust. When we had those storms, you could see the coal dust just pouring down from the house."

So like many other Richmond residents, Harrell is hoping the city council will pass a proposed ordinance that would end the shipment of coal and petcoke from Richmond. The council is expected to take action on the ordinance in late March or early April.

The Levin-Richmond Terminal has long been shipping petcoke, a solid, toxic byproduct of petroleum refining produced by nearby refineries. In 2013 it started exporting coal, first about half a million tons a year, increasing to more than a million tons in 2017. That was when several Richmond residents approached the San Francisco Bay Chapter of the Sierra Club about the issue. Club volunteer Julia Walsh, adjunct professor at the UC Berkeley School of Public Health, recalled that one day "the chapter director said to me, 'Did you know they're exporting coal out of Richmond?' I was shocked. So was she."

Coal is a major cause of climate disruption. And as a public health expert, Walsh was aware of its disastrous impacts on health. "There are a lot of toxic components in coal and especially in petcoke — vanadium, chromium, mercury, arsenic," Walsh said. "But the major air problem is the fine and ultrafine particulate matter, the black dust we see on houses and cars. And that's just the visible particles. What you don't see is the fine and ultrafine particles that you breathe into the base of the lungs, then pass into the bloodstream. That leads to high levels of cardiovascular disease, asthma, chronic obstructive pulmonary disease, Alzheimer's, low birth weight, and diabetes."

Walsh, Sierra Director Minda Berbeco, and a small group of Richmond residents started meeting in the fall of 2017. "The meetings grew and grew," Walsh recalled. "More and more people got involved," including Contra Costa Supervisor John Gioia and Richmond City Councilmember Eduardo Martinez.

Finally, last May, Mayor Tom Butt introduced an ordinance that would have required the Levin Terminal to control the dust by covering the piles of coal and petcoke. However, he later withdrew the proposal, he said, to wait for the results of a new air-pollution-monitoring process.
"Oakland has been in litigation over the proposed coal terminal there for a long time," Butt said. "Basically they lost the lawsuit, and one of the reasons was that the judge said they hadn't provided enough scientific evidence about the potential harm of coal dust. I don't want Richmond to get caught in the same trap."

He said the monitoring process mandated by a state law, AB 617 is creating systems for gathering data on the precise levels and sources of air pollution. Butt said he agrees with the goal of eliminating coal shipments, but has urged caution. "Get scientific data and then go forward with a case we can win if it's challenged," he said. "And I guarantee it will be challenged."

Enter Councilmember Martinez, who is now advancing a new proposal based on a different legal rationale. Martinez said the ordinance proposed by the mayor last spring was based on declaring coal shipments a public nuisance, "which would have required the kind of evidence he's talking about." Martinez said his revised proposal is based on the city's land-use authority. "We have the right to regulate business within the city."

Martinez recently introduced the ordinance, which would immediately bar any increase in coal or petcoke exports and set a date for ending the shipments completely. "The council directed the staff to review it and make changes, if necessary," Martinez said. "Then I got city staff to meet with Sierra Club lawyers to see what they can do to create an ordinance with teeth. We want the phase-out to be as soon as possible."

At the same time Martinez emphasized that "We don't want to shut down the Levin Terminal. We just want to convince them to transition to healthier exports."

The Levin-Richmond Terminal did not respond to several calls requesting comment.

Berbeco of the Sierra Club argues that Oakland and Richmond are completely different situations, with totally different legal paths to stopping coal exports. "The ordinance in Richmond has been evaluated by people who specialize in this type of law and they say it's very legally defensible," she said.

Butt remains concerned about the prospect of legal action in the event that the council adopts the new proposal.
But activists view the mayor's cautious approach as kicking the can down the road. "First you have to identify hotspots, then deploy monitors, then look at the data," said Richmond resident and Sunflower Alliance activist Janet Johnson. "There might not be actionable data for two years. Then you have to figure out an action plan. In the meantime, too bad about those people who have COPD and asthma and are living next to the rail line or across the freeway from open coal piles."

Now that the ordinance is being prepared, the campaign on its behalf has gone into high gear, with Richmond residents knocking on neighbors' doors every weekend with a petition supporting the measure. Ben Montclair, who collected signatures on a recent weekend, said, "I was amazed. Every single person who came to the door said yes. All I had to do was point to the coal dust that had accumulated on their front door."

Many Richmond Sierra Club members signed emails in support of the ordinance. And the nonprofit Baykeeper sent speakers to the Richmond City Council and signed letters supporting the move to ban coal and petcoke. In settlement of a Baykeeper lawsuit, the Levin Terminal cleaned up its previous "really messy operations that allowed these products to get into the water" said Baykeeper Executive Director Sejal Choksi-Chugh. "But since then they have increased the amount of coal coming through their facility. That's resulted in more aerial pollution that could get into the water."

Meanwhile the Sierra Club has hired a fulltime organizer, Terilyn Chen, to support campaigns against coal shipments anywhere in the Bay Area. Coal shipment, Chen pointed out, is "a serious environmental justice issue. The people living near the rail lines and the port are predominantly low-income communities of color."

And coal export is a regional issue, said Berbeco. The Sierra Club worked for years to stop a proposed coal terminal in Oakland, she said, then "started to realize that if we stopped coal in Oakland they could ship it from Richmond or other export facilities along the Delta. It wouldn't be resolving the issue, just moving it. Like whack-a-mole."

So she and Chen are reaching out to other Sierra Club chapters as far as Stockton to build a regional movement against coal. The Sierra Club also is working with Vallejo residents concerned that the deep-water port being proposed for their city could be used for coal shipments.
In addition to the health issues, "There are also public policy benefits of discouraging the transportation of coal to other parts of the world," said Supervisor Gioia. "Sometimes it's important to draw a line in the sand and say, one, we don't want the impacts of handling coal in Richmond and two, we don't want to enable this product to be exported to other communities. Given the urgency of the climate issue, that's important. Richmond is doing something for itself and the globe at the same time."