

EXHIBIT A

SUPPLEMENTAL FINDINGS for CONDITIONAL USE PERMIT NUMBER 1101974 and DESIGN REVIEW PERMIT NUMBER 1104423 CHEVRON ENERGY AND HYDROGEN RENEWAL PROJECT

I. INTRODUCTION: APPLICABLE PROVISIONS OF ZONING ORDINANCE

The requirements for issuance of a Conditional Use Permit (“CUP”) and a Design Review Permit (“DRP”) are set forth in the Richmond Municipal Code (“RMC”), including Sections 15.04.820.020, 15.04.910, *et seq.*, and 15.04.903, *et seq.* The following sections of the RMC specifically authorize the City’s actions in approving these permits:

RMC Section 15.04.015 (Interpretation – Purpose and Conflict), Subsection 15.04.015.A: “Interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.”

RMC Section 15.04.820.020 (Commercial and Industrial Provisions), Subsection 14.04.820.021 (Hazardous Materials): “Applicability. The provisions of this section shall govern all projects and activities which involve hazardous waste or hazardous materials. The purpose of this section is to establish a basis for issuance of conditional use permits for projects and activities which could significantly and/or adversely affect public health or the environment and which generate, store, transport, treat or dispose of significant amounts of hazardous materials. Further, the intent is to encourage reductions in the amounts of hazardous wastes or materials managed for the benefit of the health, safety and general welfare of the residents and persons within the City of Richmond . . . In case of any conflict among Federal, State, County or local laws, then the most restrictive provisions will apply.”

RMC Section 15.04.840 (Performance Standards), Subsection 15.04.840.070: “Design Standards. Projects shall be subject to site and development review per section 15.04.930 of this chapter. Particular emphasis shall be placed on project design, site planning, building elevations, and neighborhood/area compatibility. Projects shall conform with specific design standards included in area and specific plans as applicable.”

RMC Section 15.04.910 (Conditional Use Permits), Subsection 15.04.910.010.B: “A conditional use permit is an administrative permission for uses not allowed as a matter of right in a district. A use permit is typically required for a use classification having unusual site development features or operating characteristics requiring special consideration so that the use may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding areas.”

RMC Section 15.04.910 (Conditional Use Permits), Subsection 15.04.910.050.B:

“The Planning Commission shall have the authority to impose reasonable conditions related to impacts caused by the project when approving the conditional use permit application in order to:

1. Achieve the specific purposes of the zoning district in which the conditional use is to be located, the general purposes of the zoning ordinance, and consistency with the City of Richmond’s general plan;
2. Protect the public health, safety and welfare of the citizens of the City of Richmond;
3. Ensure that the operation and maintenance of the conditional use will be compatible with the neighborhood where it will be located;
4. Require a condition regarding the dedication of land or the posting of bonds for improvements.”

RMC Section 15.04.930 (Design Review), Subsection 15.04.930.070.I:

“Technical Assistance. If, in the opinion of the DRB any design proposal that may cause the emission of dangerous or objectionable noise, odors, lights, dust, smoke, or vibrations, or may result in inappropriate design for the site or inappropriate landscaping for the site, the DRB may refer the application for investigation and a report to one or more expert consultant(s) . . .”

RMC Section 15.04.930 (Design Review), Subsection 15.04.930.110.B: “The Design Review Board shall have the authority to impose reasonable conditions related to design impacts caused by the project when approving the design review application in order to:

1. Achieve the specific purposes of the zoning district in which the conditional use is to be located, the general purposes of the zoning ordinance, and consistency with the City of Richmond’s general plan.
2. Protect the public health, safety and welfare of the citizens of the City of Richmond.
3. Ensure that the operation and maintenance of the conditional use will be compatible with the neighborhood where it will be located.”

RMC Section 15.04.980 (Appeals), Subsection 15.04.980.030: “Decisions made by the Planning Commission under this Zoning Ordinance with reference to its enforcement and interpretation, may be appealed to the City Council, as long as the decision is not prescribed as final in the individual section which authorizes the decision.”

RMC Section 15.04.980 (Appeals), Subsection 15.04.980.060(D): “The appellate body shall affirm, modify, or reverse the original decision or in case of design review the City Council may refer the decision back to the Design Review Board (DRB) for reconsideration”

The City Council interprets the word “impacts,” as it is used in RMC Section 15.04.910.050.B, to apply to all impacts on public health, safety and general welfare, not the more narrow term often used in complying with the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, *et seq.*, which limits the types of impacts for which CEQA mitigation is required. CEQA requires mitigation for “[] substantial, or potentially substantial, adverse change[s] in any of the physical conditions within the area affected by the

project.”¹ For purposes of CEQA, a substantial adverse change in the physical environmental is normally defined by comparison to a “threshold of significance.” CEQA Guidelines § 15064.5. The courts have held that the police power, through which a city exercises its zoning and planning powers, is more expansive than the duty to mitigate under CEQA. Cal. Const., Art. XI, § 7 (“A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws”). See, e.g., *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 593 (noting that “aesthetic issues...are ordinarily the province of local design review, not CEQA” and citing several cases); *Guinnane v. San Francisco City Planning Com.* (1989) 209 Cal.App.3d 732, 742 (holding that because “the [EIR] process is not the same as the permit approval process,” a public agency may find a project unsuitable even if the impacts are not significant enough to warrant an EIR); *Dore v. County of Ventura* (1994) 23 Cal.App.4th 320, 329 (“a negative declaration on environmental effects does not and should not resolve the question whether a permit application should be approved,” citing *Guinnane*); *id.* at 330 (“[t]he opposition of neighbors to a development project is also a legitimate factor in legislative decisionmaking.”); see also *Clark v. City of Hermosa Beach*, 48 Cal.App.4th 1152, 1182-83 (1996) (minimum zoning standards “do not create a legitimate expectation or claim of entitlement to a structure having any particular dimensions. For instance, the municipal code does not create a *right* to a 35-foot structure; it simply allows a maximum height of 35 feet. In examining permit applications on a case-by-case basis, the City is expressly authorized to consider numerous factors in imposing more restrictive conditions on a specific project.”).

This interpretation also is consistent with the context of RMC section 15.04.910.050.B in the City’s Zoning Ordinance, which requires the Planning Commission to approve “applications for a conditional use which are consistent with the Richmond general plan . . .” (RMC § 15.04.910.020) and, before approval, to make specific findings that “the location of the proposed conditional use is in accordance with the general plan of the City,” and that “the location size, design, and operating characteristics of the proposed use will be compatible with and will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the proposed conditional use and the surrounding neighborhood.” RMC §§ 15.04.910.050(A)(1)-(2). These duties of the Planning Commission (and the City Council, on appeal) surpass merely determining whether the “significant environmental effects” of the proposed use have been adequately mitigated pursuant to CEQA. This is especially true given the broad legislative goals of the General Plan, with which the Planning Commission and City Council must find consistency. Some of these goals are discussed below.

II. ADMINISTRATION AND ENFORCEMENT OF CUP/DRP

The Conditions of Approval will allow the City to administer and enforce the Conditional Use Permit, the Design Review Permit, and the adopted CEQA mitigation measures, with the result that the public health, safety and general welfare will be protected and improved. This is a proper exercise of the police power. *Euclid v. Ambler Realty* (1926) 272 U.S. 365, 395 (“it must

¹ “Impact” is not a defined term under CEQA; the relevant CEQA term is “significant effect on the environment.” See Pub. Resources Code § 21069 and CEQA Guidelines § 15382 (defining “significant effect on the environment”).

be said before the ordinance can be declared unconstitutional, that such provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare”); *Wesley Investment Co. v. County of Alameda* (1984) 151 Cal.App.3d 672, 677 (“A zoning ordinance’s validity depends on whether it promotes public health, safety, comfort, convenience, and general welfare”). The scope of the police power encompasses not only legislative actions, but “also includes a wide array of project-specific conditions of approval that are routinely imposed on development projects.” Lindgren & Mattas, CALIFORNIA LAND USE PRACTICE § 1.2; *see generally Carlin v. City of Palm Springs*, 14 Cal. App. 3d 706, 711 (1971) (city has broad discretion in determining what is reasonable in endeavoring to protect the public health, safety, morals and general welfare of the community); *Candid Enterprises, Inc. v. Grossmont Union High School District*, 39 Cal.3d 878, 885 (1985) (the legislative power of a city pursuant to Cal. Const., Art. XI, § 7, within the boundaries of the city, is as broad as that of the state legislature, subject only to limitations of general law); *Birkenfeld v. City of Berkeley*, 17 Cal.3d 129, 140 (1976) (same); *Saad v. City of Berkeley*, 24 Cal.App.4th 1206, 1213 (1994) (landowners do not have an unconditional right to build a particular project).

CEQA similarly recognizes the importance of ensuring the proper enforcement and monitoring of environmental mitigations through permit conditions. *See* Pub. Resources Code § 21081.6(a)(1) (“The public agency shall adopt a reporting or monitoring program for the . . . conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”); Pub. Resources Code § 21080.6(b) (A public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures”).

III. AIR POLLUTION

a. Applicable Provisions of Richmond General Plan

Reduction of air pollution protects the public health, safety and general welfare. The following General Goals of the Richmond General Plan require the City to include environmental values in land use decisions:

General Goal V: “Encourage a level of urban design and beautification that improves the aesthetic and economic values of individual properties and neighborhoods for existing and future residents.”

General Goal VI: “Ensure a proper balance between economic physical development in Richmond, and protection and enhancement of the natural environment.”

In the General Plan Open Space and Conservation Element, Goal OSC-P addresses air quality: “Preserve the air quality so that air pollution levels do not threaten public health and safety. This will apply not only to the local area, but to potential sources of pollution originating in though not impacting the City of Richmond.” The following Open Space and Conservation Element policies also apply:

Policy OSC-P.1: “Only approve projects that comply with applicable regulations and will not exceed air quality standards.”

Policy OSC-P.2: “New development should not subject residents to objectionable odors or other nuisance (e.g., dust).”

Policy OSC-P.3: “Ensure that developers and businesses work with regional, state and federal agencies to meet air quality standards.”

General Plan Implementation Programs: “Existing and proposed programs and actions designed to meet the policies of Goal OSCP include the following:

1. City will require individual developers to closely coordinate with the BAAQMD in implementing applicable new stationary source control measures as proposed in the most recent CAP, while conforming with existing BAAQMD stationary source regulations and requirements and complying with BAAQMD rules and regulations regarding indirect sources.

...

3. City will continue to coordinate with the Air District in planning future growth, designating land uses for future development, implementing regional transportation plans and trip reduction measures, and controlling stationary source emissions.”

b. Applicable Provisions of Zoning Ordinance

Sections 15.04.015.A, 15.04.820.021, 15.04.910.050.B, 15.04.930.070.I, and 15.04.930.110.B of the Richmond Municipal Code, Zoning Ordinance (set forth in full in Part I, above) are intended to protect air quality and reduce risks to human health and the environment. Sections 15.04.820.025, 15.04.840.080, 15.04.840.090, 15.04.840.110 specifically relate to certain health, air quality, and environmental concerns such as hazardous waste and construction emissions.

c. Air Pollutants That Would be Reduced by the Conditions of Approval, Health Effects From Those Pollutants, and Applicable Bay Area Clean Air Plan Provisions

i. Ozone (O₃)

Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections. EIR, Volume 6 (Consolidated Volume), p. 4.3-9. The Bay Area is in non-attainment of federal and state ozone standards. Consolidated, p. 4.3-16 (Table 4.3-5). Ozone is a gas composed of three oxygen atoms. It is not usually emitted directly into the air, but at ground-level is created by a chemical reaction between oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in the presence of sunlight. VOC is also a reactive organic gas or “ROG.” Higher temperatures increase precursor VOC emissions (from evaporation of petroleum-based

products and from biogenic sources), and also increase photochemical reactions forming ozone. This is a seasonal phenomenon and also may be linked to climate change.

Ozone has the same chemical structure whether it occurs miles above the earth or at ground-level and can be “good” or “bad,” depending on its location in the atmosphere. In the earth’s lower atmosphere, ground-level ozone is considered “bad.” Motor vehicle exhaust and industrial emissions, gasoline vapors, and chemical solvents as well as natural sources emit NO_x and VOC that help form ozone. Ground-level ozone is the primary constituent of smog. Carbon monoxide (CO) also contributes to the formation of ground-level ozone, which can trigger serious respiratory problems.

The Bay Area 2005 Ozone Strategy (“Strategy”), adopted by the BAAQMD on January 4, 2006, is a plan for achieving compliance in the Bay Area with the State’s one-hour ozone standard. See http://www.baaqmd.gov/pln/plans/ozone/2005_strategy/adoptedfinal_voll.pdf. The Bay Area, along with other areas of the state, have chosen to adopt “‘all feasible measures’ as expeditiously as possible to meet the requirements of the [California Clean Air Act].” Strategy, p. 10. Implementing “all feasible measures on an expeditious schedule” to reduce emissions of ozone precursors is “the central element” of the Strategy. Strategy, p.43.

ii. Oxides of Nitrogen (NO_x)

While the Renewal Project will reduce NO_x emissions from the Refinery equipment that will be replaced, the new equipment will emit 155 tons per year of NO_x. EIR, Vol. 4, p. 37 and Table X.b. As stated above in Part II.a, above, ground-level ozone (smog) is formed when NO_x and VOC react in the presence of sunlight. In addition to ozone, NO_x emissions can react with ammonia, moisture, and other compounds to form nitric acid vapor, which is a form of particulate matter (PM). NO_x is produced mainly through combustion, and the major sources are motor vehicles and combustion at industrial and other facilities. Children, people with lung diseases such as asthma, and people who work or exercise outside are susceptible to adverse effects such as damage to lung tissue and reduction in lung function. Reducing NO_x emissions can reduce these effects. Additional benefits of reducing NO_x emission can include mitigating its contribution to water quality deterioration and its role in the formation of toxic chemicals. One member of the NO_x family, nitrous oxide, is a greenhouse gas. See U.S. Environmental Protection Agency, *NO_x: How Nitrogen Oxides Affect the Way We Live and Breathe*, EPA Doc. No. 456/F-98-005 (September 1998), at <http://www.epa.gov/air/urbanair/nox/noxfltr.pdf>; BAAQMD Ozone Strategy, p. 95.

iii. Volatile Organic Compounds (VOC) and Reactive Organic Gases (ROG)

The Renewal Project will increase emissions of VOC by 23.9 tons per year before mitigation, and 12.2 tons per year following implementation of Mitigation Measure 4.3-2a. Consolidated Volume, pp. 4.3-35 to 4.3-36. As stated in Part III.c.i, above, VOC is a ROG and an ozone precursor compound. Accordingly, the public health impacts of VOC are similar to those of ozone. The significant sources of VOC and ROG are motor vehicles and evaporation of fuels, solvents and petroleum products.

iv. Particulate Matter

While the Renewal Project will reduce PM emissions from the Refinery equipment that will be replaced, the new equipment will emit 73 tons per year of PM. EIR, Vol. 4, p. 37 and Table X.b. Particulate matter (PM) is a complex mixture of extremely small particles and liquid droplets, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles. PM can be emitted directly or formed through reactions in the atmosphere, and the size of particles is linked to their potential to harm human health. Particles that are 10 micrometers in diameter or smaller; i.e., PM₁₀ and PM_{2.5}, are of particular concern because they generally pass through the throat and nose and enter the lungs, causing adverse health effects. Exposure to PM₁₀ aggravates several respiratory illnesses and may cause early death in persons with existing heart and lung disease. Finer particles (PM_{2.5}) pose an increased health risk because they can deposit deep in the lungs and contain particularly harmful substances to human health. See U.S. Environmental Protection Agency, Particulate Matter web page at <http://www.epa.gov/air/particlepollution/>. Both direct reductions of PM emissions and reductions of ozone precursor emissions such as NO_x can reduce overall PM and diesel PM emissions. BAAQMD Ozone Strategy, p. 95.

v. Oxides of Sulfur (SO_x) and Sulfur Compounds; Total Sulfur (TS) in Refinery Fuel Gas

One of the goals of the Renewal Project is to allow the Refinery to process crude oil with a higher sulfur content. Consolidated Volume, p. 1-1. While the Renewal Project will reduce SO_x emissions from the Refinery equipment that will be replaced, the new equipment will emit 138 tons per year of SO_x. EIR, Vol. 4, p. 37 and Table X.b. SO_x gases are formed during the combustion of sulfur or sulfur-containing fuels such as coal and oil, and in the extraction of gasoline from oil or metals from ore. In Contra Costa County, industrial processes are the leading source of sulfur dioxide (SO₂) emissions. See U.S. Environmental Protection Agency, State and County Emissions Summaries (2002), at <http://www.epa.gov/air/emissions/so2.htm>. Petroleum refining sources in particular were the leading source of SO₂ in the Bay Area as of a 2005 BAAQMD study. See BAAQMD, Emission Inventory (Summer 2005), at http://www.baaqmd.gov/pln/emission_inventory.htm. Such sources contributed 44.6% of total SO₂ emissions. *Id.* The Chevron Richmond Refinery alone contributed 7.61 % of Bay Area SO₂ emissions based on 2005 data. Consolidated Volume, p. 4.3-7 (Table 4.3-3). SO₂ contributes to respiratory illness, particularly in children and the elderly, and aggravates existing heart and lung diseases. It is a precursor to the formation of atmospheric sulfate, PM_{2.5} and PM₁₀, and contributes to potential atmospheric sulfuric acid that could precipitate downwind as acid rain. Hydrogen sulfide (H₂S), or swamp gas as it is sometimes called, is produced by anaerobic decomposition. Detectable by the human nose at below toxic levels, it is noxious and unpleasant. At higher levels it can be fatal because it blocks oxygen uptake by the blood. It primarily threatens industrial workers, though it is typically regulated to control the nuisance to nearby residents and property owners. A higher sulfur level in refinery fuel gas can result in higher fugitive emissions of H₂S.

vi. Carbon Monoxide (CO)

The Renewal Project will increase emissions of CO by 82.1 tons per year over the EIR baseline. EIR, Vol. 6, p. 4.3-35 (Table 4.3-10 REVISED). Carbon monoxide can cause harmful effects by reducing oxygen delivery to the body's organs (like the heart and brain) and tissues. The health threat from low levels of CO is most serious for those who suffer from heart disease, like angina, clogged arteries, or congestive heart failure. *See* EIR, Vol. 6, p. 4.3-11. For a person with heart disease, a single exposure to CO at low levels may cause chest pain and reduce that person's ability to exercise; repeated exposures may contribute to other cardiovascular effects. CO also contributes to the formation of ground-level ozone. *See* U.S. Environmental Protection Agency, Health and Environmental Impacts of CO, at <http://www.epa.gov/air/urbanair/co/hlth1.html>; U.S. Environmental Protection Agency, *Air Quality Criteria for Ozone and Other Photochemical Oxidants*, at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=149923>.

d. Conditions of Approval

The City Council finds that the Conditions of Approval listed in sections B, C, D, E, and G of the CUP/DRP are consistent with and will help achieve the goals and policies of the General Plan, and comply with the requirements of the Zoning Ordinance, by reducing the emissions of air pollutants from the Renewal Project. Chevron has questioned the "nexus" for many of the Conditions of Approval. The City Council finds that the Conditions of Approval are specifically designed to reduce direct emissions from Renewal Project equipment (source emissions, fugitive emissions, and unplanned emissions from flaring and upsets) as well as indirect emissions from other equipment affected by changes in Refinery processes due to the Renewal Project. For example:

Condition C3 sets a maximum sulfur content in refinery fuel gas. Condition G2 requires continuous monitoring of the amount of sulfur in refinery fuel gas. These conditions are related to the Renewal Project, because various elements of the Renewal Project can and will vent to the flare gas recovery system and the refinery fuel gas system; thus, the sulfur content in refinery fuel gas can change. The refinery fuel gas composition, at least on a short-term basis (less than a day), will be modified as a result of the Renewal Project. Reducing the sulfur content of refinery fuel gas will reduce emissions of SO₂, H₂S, and H₂SO₄. Continuous monitoring of the sulfur content in refinery fuel gas is feasible and will provide a record of how it is changing on a continuous basis. The refinery fuel gas sulfur content will impact the emissions of SO₂ from any furnace or heater in the refinery that is fueled by refinery fuel gas including the Renewal Project heaters and furnaces.

Conditions C4 prescribes a performance standard for three SRU stack gas heaters in order to ensure that NO_x emissions are reduced to the extent possible based on available technology. This condition is related to the Renewal Project because the SRU heaters will be modified as part of the Renewal Project and because the Renewal Project equipment results in NO_x emissions, as discussed above.

Condition C6 prescribes maximum levels of H₂S emission over short durations, and is related to the Renewal Project because the Project may cause unanticipated flaring as well as fugitive emissions of H₂S over such time durations. Because increases in ground level H₂S concentrations over these time periods cannot be ruled out and because releases of H₂S can be both an odor nuisance and potentially fatal, this condition is necessary to protect the public health, safety and general welfare. (EIR, Vol. 6, p. 4.3-11.) This condition references the same emissions limits as BAAQMD Rule 9-2-301.

Condition C7 reduces use of diesel fuel, which reduces particulate matter and associated toxic air contaminants.

Conditions C12 and C13 address the quantity and characteristics of the feedstock to the Refinery. Condition C12 limits the throughput of the Solvent Deasphalter (SDA), which would ensure that all future crude slates would be similar, consistent with the description of the Renewal Project. The throughput limits in Condition C12 are based on historical operations (hence, achievable and feasible) throughput levels for the SDA, and will not allow the SDA to process more, heavier crude without new permitting and environmental review. Condition C13 recognizes the existing limitations on the sources of crude oil and other oils to the Refinery thereby diminishing the likelihood of expansion of the crude slate.

Condition C11 addresses the interrelationship between the City's CUP/DRP and the BAAQMD permit condition. Condition C14 requires Chevron to perform mass balance studies of six key elements to determine the fate of the portions of those elements that are not detected by air emissions testing. Condition C15 requires the Renewal Project health risk to remain within the health risk levels assumed by the BAAQMD in issuing its Authority to Construct and permits for the Project sources. Condition C15 sets air emissions for chemicals that produce approximately 90% of the Proposed Project health risk to stay within those health risk levels. The most likely source of unanticipated future health risk is flaring. The Refinery lacks adequate flare gas storage capacity. Condition G10 contains increased specificity about the air monitoring that Chevron would be required to perform and specifically identifies three neighborhoods for monitoring.

Condition E1 is based on achieving a 25% reduction in CO₂ emissions of 1,731,000 metric tons per year (the Renewal Project EIR baseline) by 2020. (See EIR, Vol. 6, p. 4.3-40 (Table 4.3-11 [Revised].) The California Air Resources Board estimates that a reduction of 25% from the 1990 emissions is the amount is necessary to comply with AB 32, in particular Health and Safety Code section 38550. See California Air Resources Board, ARB's Climate Change Program, Background, at <http://www.arb.ca.gov/cc/cc.htm#>. Thus, an estimated reduction of 432,730 metric tons per year will be required to help ensure that the CO₂e emitted by equipment affected by the Renewal Project is reduced in sufficient amounts to keep on target for compliance with AB 32.

Condition E2 requires the Project to comply with the California Global Warming Solutions Act of 2006 (AB 32), Health and Safety Code section 38501 *et seq.* and its

implementing regulations, policies, guidelines and guidance, as they are developed. In adopting AB 32, the Legislature found, *inter alia*, that “[g]lobal warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California” (Health & Safety Code § 38501), and directed the State Air Resources Board to adopt a statewide greenhouse gas emissions limit, which is equivalent to the statewide greenhouse gas emissions in 1990 and must be achieved by the year 2020 and remain in effect thereafter. (Health & Safety Code §§ 38550-38551.) AB 32 applies to greenhouse gas emitters in the State of California and does not exempt petroleum refineries.

These Supplemental Findings are further based on substantial evidence in the July 15, 2008 Staff Report to the City Council, including the attachments thereto and in particular the technical memoranda of Dr. Ranajit Sahu (July 8, 2008) and Brewster Birdsall (June 29, 2008).