

# Contra Costa health officials demand DA investigation of Martinez refinery

Martinez Refining Company allegedly broke state law by not timely reporting chemical release

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MARTINEZ — Contra Costa County Health officials have asked the District Attorney to consider taking legal action against the Martinez Refining Company for violating state law by not promptly reporting it released toxic dust into the air over the Thanksgiving holiday, the agency announced Thursday.

More than 20 tons of metal-laden dust [showered surrounding communities beginning on Thanksgiving Day](#) and into the early hours of Nov. 25, a release blamed on a “spent catalyst,” officials said. The refinery did not report the release to the county’s Community Warning System or directly to CCH, as required by the county’s notification policy and state law. Rather, CCH learned about the release from media accounts two days after it began, delaying an official warning to residents about the harmful, airborne substances.

“It is unacceptable that the refinery did not notify county health services of their chemical release and that the county learned about it through the media,” said John Gioia, chair of the Contra Costa County Board of Supervisors. “By failing to notify the county in a timely manner, the refinery delayed an emergency response that could have reduced harm to the surrounding community.”

Contra Costa prosecutors have about a month to decide to act on the CCH enforcement case referral.

“The only comment we can make at this point is that we have received the referral and it is currently under review,” DA spokesman Ted Asregadoo said Thursday.

The chemical release resulted in elevated levels of aluminum and other metals in samples taken from the dust released into nearby neighborhoods, which could have potentially caused respiratory symptoms in people who breathed it, according to CCH.

Potential long-term health impacts are “difficult to ascertain at this time,” according to CCH. The long-term health impacts will depend on each person’s exposure.

“We rely on our industrial businesses to follow the rules and be good neighbors – and most of the time, they are. But when an industrial facility doesn’t follow the rules and possibly puts its neighbors in harm’s way, as in this case, then they must be held accountable,” said Supervisor Federal Glover, whose district includes the Martinez refinery.

Martinez Refining Company was required to send a monthly report and update Contra Costa Health every 30 days until the refinery's internal investigation is completed. According to the [first 30-day report](#), MRC says equipment failure was the cause of the release. The report admits that proper notification was not made, and has not yet completed its investigation of the root cause of the company's failure to notify, the report says.

In 2019, Shell Oil announced its plan to sell the Martinez Refining Company to PBF Energy, a large independent refining company, for \$1 billion. The sale was made shortly after the [Bay Area Air Quality Management District](#) announced that Shell would pay a total of \$165,000 to settle 16 violations at the Martinez facility that took place between late 2015 and the end of 2016. The violations included penalties for exceeding sulfur dioxide and hydrogen sulfide release limits, broken tank seals and overdue emission leak tests.

Separately from the DA request, CCH is calling for an independent investigation and risk assessment of the November incident.

The Contra Costa Industrial Safety Ordinance Ad Hoc Committee, which is appointed by the Board of Supervisors, will consider that recommendation at its Jan. 12 meeting at 1 p.m., which is open to the public.

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