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## *Latest News*

# Lawsuit Filed Over Fracked Oil Trains In The Bay Area After KPIX 5 Report

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### **Christin Ayers**

Christin Ayers is a general assignment reporter for KPIX 5 Eyewitness...

RICHMOND (KPIX 5) — Two weeks ago, KPIX 5 discovered [trains carrying explosive fracked crude oil](#) have been rolling into the Bay Area under everyone's radar. On Thursday, four environmental groups have filed a lawsuit over it, calling the crude by rail terminal illegal. Earthjustice attorney Suma Peesapati had no idea the long trains were coming into the Bay Area until she saw KPIX 5's story.

"I was flabbergasted," Peesapati said. "This just happened under the cover of night." Fracked crude oil from the Bakken shale fields of North Dakota can result in deadly explosions in a derailment. Yet we discovered the energy company Kinder Morgan started bringing 100-car trains loaded with the oil right into the heart of Richmond six months ago, all without having to go through any environmental review.

"We can't hold up their permit because there is public opposition. As long as somebody doesn't increase their emissions, we give them a permit," Jim Karas of the Bay Area Air Quality Management District told KPIX 5.

Karas said since the rail yard was previously unloading ethanol trains, switching to fracked crude oil was no big deal. "Very small deal, very well controlled, very few emissions," he said.

According to permit documents obtained by KPIX 5, Kinder Morgan claimed the operation "will not increase emissions beyond currently permitted levels", and requested that the air district treat it "as an alteration, not a modification."

"This hardly a minor alteration. I mean this fundamentally changes the nature of the operation and the environmental impacts," said Peesapati.

Earthjustice filed a lawsuit on behalf of 4 environmental groups: Communities for a Better Environment, Asian Pacific Environmental Network, the Sierra Club, and the Natural Resources Defense Council.

The complaint claims the Air District's "clandestine approval" of the project "ignores the well-known and potentially catastrophic risk to public health and safety."

“These trains are rolling and they pose an immediate threat to the local community,” said Peesapati.

“It’s really a slap in the face against the people of Richmond,” said Andres Soto with Communities for a Better Environment. He hopes the courts will take action quickly. And not just because of the danger of explosions.

“There’s a number of chemicals that are constituents in this crude oil that are carcinogenic,” he said.

Adding to the risk, Soto said the tanker trucks that deliver the crude to local refineries. “It’s going to take three trucks to unload one train car and that is an extreme expansion of the number of trips by diesel trucks on our city streets and on our state highways.”

KPIX 5 reached out to Kinder Morgan and the Air District Thursday night. Both said they don’t comment on pending litigation. The lawsuit calls on the Air District to pull Kinder Morgan’s permit, and asks the judge to issue an injunction that would shut down the terminal until a full environmental impact report is completed.