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# GrassRoots Institute

Progressive Solutions for the Common Good

*Climate Crisis Group — Action Item*

## GrassRoots Institute Recommends No New Fossil Fuel Stations

The Climate Crisis Workgroup of the Grassroots Institute (GRI) is recommending that the Mendocino County Board of Supervisors (BoS) enact an ordinance prohibiting new retail fossil fuel (gas) stations.

We make this recommendation after a comprehensive review of similar actions taken in the last 2 years by jurisdictions in Sonoma County and elsewhere.

Enacting such an ordinance would be entirely consistent with Mendocino County's 2019 Declaration of a Climate Emergency when it called unequivocally for a "just transition away from fossil fuels" and "commits to addressing the climate implications of all policies and actions that come before the Board that have the potential to impact greenhouse gas emissions." [1]

Furthermore, this action could accelerate the transition to clean energy transportation by re-focusing scarce County staff time and resources. In order to meet our climate goals, we need to pursue a rapid build-up of alternative approaches, such as pedestrian infrastructure, biking amenities, clean-emission public transit, zero-emission vehicles and the charging infrastructure to support them.

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## Background

In March 2021 the City of Petaluma unanimously passed an ordinance establishing what turned out to be a first in the nation - a prohibition on new fossil fuel (gas) station construction permits.<sup>[2]</sup> Little did the members of the City Council know at the time that what they had just done would resonate far beyond the city limits of this Sonoma County town. A few months later, Sonoma County's Regional Climate Protection Authority (RCPA) followed up on Petaluma's action by recommending that all jurisdictions within the County implement a similar prohibition or moratorium.<sup>[3]</sup>

Since Petaluma's ground-breaking action and the RCPA recommendation, other cities have followed suit, including Sebastopol, Cotati, Windsor, Rohnert Park, Santa Rosa, American Canyon and Calistoga among other jurisdictions, including Sonoma County.<sup>[4]</sup> Even LA is reportedly considering a similar prohibition.

Mayor Jackie Elward of Rohnert Park, who championed the policy for her city, said: *"The need to prohibit new gas stations is so clear. Why would we want more fossil fuel pollution and risk costly clean up of more gas stations when we have enough, and when California won't even have gas cars for sale by 2035?"*

Daniel Arbour, Director with the Comox Valley Regional District in British Columbia who is proposing amendments for their 2023 zoning bylaw update, said: *"We can not meet our climate goals unless we stop expanding fossil fuel infrastructure... The time has come to address overly permissive zoning bylaws across North America to reflect the low carbon future we want."*

*"There's no need for new fossil fuel infrastructure, from gas stations to pipelines to refineries,"* Matt Krogh, U.S. oil and gas campaign director at Stand.earth, reportedly wrote. *"In California in particular, where state climate targets are required by law, new gas stations will have a short shelf life, and could be abandoned before they make enough money to pay for their own shut down and clean up. This gas station ban is a common sense step to not get further bogged down by fossil fuel infrastructure."*<sup>[5]</sup>

It is important to note that, according to the EPA, transportation is the largest contributor to greenhouse gas emissions in the United States.<sup>[6]</sup>

And according to the California Energy Commission, the state's "transportation sector accounts for about 50 percent of the state's greenhouse gas emissions, nearly 80 percent of nitrogen oxide pollution, and 90 percent of diesel particulate matter pollution. Transitioning the transportation sector to low-carbon fuels and zero and near-zero emission technologies is critical to achieving climate change goals and clean air standards."<sup>[7]</sup>

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## State Climate Goals

The California Climate Crisis Act (AB1279) of 2022 mandates that California achieve Net Zero carbon emissions no later than 2045.<sup>[6]</sup> By 2025, the State has set a goal of 250,000 EV Chargers throughout the State. By 2030, the State has a goal of 5 million EVs on the roads. In addition, by 2035 the State, by executive order, is committed to phasing out the sale of new internal combustion engine (ICE) vehicles by no longer registering them.<sup>[7]</sup> This is a mere 12 years from now. The transition to zero emission vehicles is in full swing with reportedly 1 in 4 new vehicles now sold being electric,<sup>[8]</sup> likely rendering obsolete and unprofitable many of our existing fossil fuel stations in a little over a decade.

### Summary:

2025 - 250,000 EV Chargers

2030 - 5,000,000 EVs on the roads

2035 - No more California registrations of new ICE vehicles

2045 - Net Zero carbon emissions

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## Environmental Risks of Fossil Fuel Stations

Putting aside for the moment the known contribution to global warming that burning fossil fuels represents, there are also non-trivial local environmental risks. Vehicle exhaust contains not only CO<sub>2</sub>, but also Nitrogen Dioxide (NO<sub>2</sub>) among other atmospheric pollutants - a known human health hazard and major contributor to smog. Reducing the number of vehicles burning fossil fuels can significantly improve air quality and reduce the related health risks. Continuing to build fossil fuel stations, however, may well represent a commitment to ongoing fossil fuel burning for 4 decades, the approximate lifetime of a fossil fuel storage tank, which would be well beyond the State's Carbon Neutral goal of 2045.

Furthermore, underground gas storage tanks can and do leak toxic chemicals, creating soil and potentially water contamination that is difficult and costly to clean up. Is there a reason to place at risk new, virgin sites for fossil fuel stations when the demand will necessarily be declining as the State transitions to zero emission vehicles and trucks? Just this year a \$1.7 million judgement was rendered in Sonoma and Mendocino counties against several fossil fuel station owners for environmental violations. A total of 14 gas stations were found in violation of regulations that are designed to prevent hazardous spills and tank leaks.<sup>[9]</sup>

The Environmental Protection Agency (EPA) states that around 50% of the "Brownfield Sites" in the entire country are contaminated due to petroleum:

*"Of the estimated 450,000 brownfield sites in the U.S., approximately one-half are thought to be impacted by petroleum, much of it from leaking underground storage tanks (USTs) at old gas stations. These sites blight the surrounding neighborhoods and threaten human health and the environment. Petroleum can contaminate groundwater, the source of drinking water for nearly half of the U.S. population."*<sup>[10]</sup>

## Mendocino County has more fossil fuel outlets than either Sonoma or Humboldt Counties based on population

It is interesting to note that as of 2022 there were 60 fossil fuel outlets in Mendocino County, a number that is down from a high of 65 in 2016. This information is provided by California Energy Commission (CEC) in its Annual Retail Fuel Outlet Report.<sup>[11]</sup> Relative to the population, this represents 6.5 fuel stations per 10,000 habitants, which is twice as many stations per 10,000 habitants as Sonoma County with its 160 fuel stations. Humboldt Co. is listed as having 79 fuel outlets, which represents 5.8 outlets per 10,000 habitants. Admittedly, a simple and perhaps imperfect analysis but nevertheless this does provide a metric by which one might reasonably conclude that Mendocino County likely already has an adequate number of fossil fuel stations.

County	Population (2020)	Fuel Outlets	Outlets per 10,000
Mendocino	91,601	60	6.5
Sonoma	488,863	160	3.25
Humboldt	136,463	79	5.8

*Formula used: Fuel Outlets / (Population/10,000) = Fuel Outlets per 10k habitants*

Taking into consideration the increased popularity of EVs, the State goals for EV adoption, the ban on new ICE vehicle registrations in 2035, the billions in state and federal subsidies for EV charging infrastructure and the move by major car manufacturers to focus on EV production going forward, the future is looking uncertain indeed for fossil fuel stations. In fact, a 2019 study has determined that by 2035, 60-80% of the fossil fuel station network could be unprofitable.<sup>[12]</sup> Why continue to approve applications for new fossil fuel station locations given the economic uncertainties of the business model, in addition to the very real environmental risks?

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## What the Zoning Ordinance Update Should Do

- a. Remove gasoline stations as a conditionally permitted use in all Zoning Districts. This would effectively prohibit any new fossil fuel pumps, access points or dispensers proposed for either a new or an existing fossil fuel station. In addition, a prohibition would be placed on the installation of any new fossil fuel storage tanks (above or below ground) at existing fossil fuel stations. A fossil fuel station may be a traditional gas station or any other fixed or mobile location where fossil fuels are made available to the public. A fossil fuel is defined as any type of fuel used to power internal combustion engine-based vehicles, machines or vessels. This would include various grades of gasoline, diesel, natural gas, propane or any other fuel derived from industrial extraction and refinement processes required for oil and gas - essentially all fuels that produce greenhouse gas emissions upon combustion.
- b. Permit existing fossil fuel gas stations to continue to operate as a legal, non-conforming use, the number of pumps or access points that they are currently permitted to operate, which would allow ongoing maintenance (but no expansion) of existing permitted sources of fossil fuels provided they remain in compliance with existing environmental protection regulations. Equipment upgrades to be permitted only for environmental and safety purposes.
- c. Nonretail fossil fuel stations would be permitted to continue development and operation to help support agricultural, commercial and industrial operations in support of approved land use, subject to permitting and environmental regulations.

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## Conclusion

Mendocino County has an opportunity now to do its part in helping the state achieve its Net Zero climate goals. And, the stakes could not be higher when the impacts of climate change are predicted to worsen as average global temperatures continue the rise to 1.5 degrees C and beyond. Every tenth of a degree of warming that can be averted counts as all of us are challenged to do what is needed to maintain a viable and livable world for future generations. And, public policy has a critical role to play here. Placing a prohibition on new fossil fuel stations may seem like a small, symbolic step, especially in our relatively sparsely populated County. But, let's remember that taking mitigation and adaptation measures across the County, the State and the Nation is a collective responsibility. And, near term decisions can have long term consequences, as noted by the RCPA. Moving away, as rapidly as possible, from a dependence on fossil fuels and its toxic infrastructure is not an option, but a moral obligation in order to help achieve our climate goals. It also represents an economic imperative as more and more of our existing public infrastructure and lands in our wonderful County face real threats from climate change driven storms, fires, heatwaves and droughts.

Therefore, in order to move forward on this proposal we recommend that Mendocino County save time and not re-invent the wheel here but take guidance and inspiration from, for example, the ordinances already passed by the City of Petaluma<sup>[13]</sup> and Sonoma County<sup>[14]</sup> as well as the model ordinance presented below. Let's not make this any more complicated than it needs to be since the pioneering work has already been completed successfully by other jurisdictions. We urge the County to follow their examples and get this done in a timely manner because in the years to come, without a doubt, we will have a far greater need for alternative, sustainable<sup>[15]</sup>, clean-energy transportation options than for new, environmentally toxic, fossil fuel stations.

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**The Guardian** - *Cities are Banning Gas Stations - More Should Join Them*

<sup>1</sup><https://www.theguardian.com/commentisfree/2022/jun/21/gas-stations-us-cities-fuel-prices>

# Model Ordinance for a Prohibition of New Gas Stations

*This model ordinance, provided by the grassroots, non-profit organization, Congas\*, can be tailored to suit local circumstances. Every city or county effort will be somewhat different. The key part of the action is not an ordinance, per se, but an administration action to remove gasoline stations as permitted uses in all land use zones within a given jurisdiction.*

WHEREAS, Abrupt anthropogenic climate change is a real and increasingly urgent threat to public health and safety that demands action at every level of government, and the County of Mendocino has a well-established commitment to taking local action in order to do its part in helping to address the global climate crisis; and

WHEREAS, on July 9, 2019, Mendocino County adopted a Climate Emergency Resolution, and new gasoline stations are not consistent with this policy; and

WHEREAS, On September 23, 2020, Governor Newsom issued [Executive Order N-79-20](#) setting 2035 as the year by which all new vehicles sold in California must be zero-emission; and

WHEREAS, On September 12, 2018, Governor Brown issued, and Governor Newsom has since affirmed, [Executive Order B-55-18](#), calling for the State to achieve carbon neutrality by 2045 and subsequently called for full economic decarbonization no later than 2045. This very ambitious goal means that local governments must take action immediately to reduce greenhouse gas (GHG) emissions and avoid prolonging dependency on fossil fuel infrastructure into the future, for example by permitting new gasoline stations; and

WHEREAS, In January 2018, Governor Brown issued [Executive Order B-48-18](#) calling for five million zero-emission vehicles by 2030 and the installation of 250,000 electric vehicle (EV) charging stations in the State; and

WHEREAS, Consequences of anthropogenic climate disruption have already severely impacted the lives, health, and livelihoods of nearly every family and business in Mendocino County, driven by a devastating increase in drought, wildfire, flooding, evacuations, electric power-shutoff episodes, extreme heat events, and other anomalous disruptions; and

WHEREAS, Climatic disruptions are increasing globally with 2023 shaping up to be the hottest year ever recorded for global average temperature; and

WHEREAS, Transportation accounts for [x%] of GHG emissions in Mendocino County with the burning of gasoline and diesel fuel for transportation as the leading cause of GHG emissions in this sector; and

WHEREAS, Gasoline stations pose significant local impacts on public health and the environment. This includes toxic/carcinogenic air contamination, surface water runoff, leaking underground storage tanks, and more. These issues are well documented in Coltura's



[“Governing the Gasoline Spigot: Gas station regulation and the transition away from gasoline”](#);  
and

WHEREAS, New gasoline stations frequently add to local traffic congestion and safety issues;  
and

WHEREAS, Fossil fuel use imposes deep and long-standing racial injustice. In every drop that comes out of a gasoline dispenser, there is a trail of devastation for communities of color and the environment around the world that leads all the way back to the point of extraction of the crude oil from the ground in places like Nigeria, Ecuador, and Kern County California. Low income communities of color in the US and around the world, “frontline communities” are poisoned and/or displaced by effluent and emissions from these operations; low income communities along rail and roadways are threatened by the hazard of oil and gas transportation; similar historically disadvantaged communities of color near refineries and gas processing facilities, “fenceline communities,” face respiratory disorders, cancer, and death rates much higher than the national average. Indigenous communities around the world are severely impacted by pumping and pipelines; and

WHEREAS, Currently there are over 1 million electric vehicles (EVs) in California and [~x number of EVs] in Mendocino County. With the rapid rise of practical and affordable EVs, and many new models becoming available on a regular basis, the need for charging infrastructure will inevitably grow as the need for gasoline stations diminishes. Mendocino County should encourage and support private sector investments based on clear trends that indicate that any new gasoline or diesel capacity added in the 2020s is likely to be abandoned as unprofitable in a few short years; and

WHEREAS, New gasoline stations have been and are continuing to be proposed in Mendocino County; and

WHEREAS, Outdated 20th century permitting rules continue to enable new gasoline stations to be permitted despite countervailing state and Mendocino County climate policy and energetic community opposition; and

WHEREAS, there is an abundance of gasoline stations in Mendocino County with no demonstrated need for any new gasoline stations in Mendocino County; and

WHEREAS, limited Mendocino County staff time, money and resources are wasted processing new gas station applications and potentially responding to public opposition to them; and

WHEREAS, limited Mendocino County resources should be used instead to develop clean-emission, affordable, accessible, convenient public transportation networks; safe, connected, pedestrian and bicycling infrastructure; and clean vehicle charging/fueling infrastructure;

THEREFORE, Be it RESOLVED, that Effective immediately upon adoption of this ordinance, Mendocino County will no longer accept for processing or permitting any applications for new gasoline service stations or expansion of existing gasoline service station infrastructure...[city/county to add any specific actions that must be taken to resolve permissions embedded in existing code]

\* [Congas](#) - *Coalition Opposing New Gas Stations*