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10

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF LOS ANGELES**
13 **CENTRAL DISTRICT**

14 COMMUNITIES FOR A BETTER
ENVIRONMENT,

15 Petitioner/Plaintiff,

16 v.
17

18 CITY OF LONG BEACH, a municipal corporation;
19 PORT OF LONG BEACH a.k.a. LONG BEACH
20 HARBOR DEPARTMENT; LONG BEACH
BOARD OF HARBOR COMMISSIONERS; and
DOES 1–20, inclusive,

21 Respondents/Defendants,

22 RIBOST TERMINAL, LLC, a Delaware limited
23 liability company d.b.a. WORLD OIL
24 TERMINALS; and DOES 21–40, inclusive,

25 Real Parties in Interest.
26
27
28

Case No.:

(California Environmental Quality Act)

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE RELIEF**

[Code Civ. Proc., §§1085, 1094.5; Pub. Resources
Code, §§ 21000 et seq.]

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INTRODUCTION

1. Petitioner Communities for a Better Environment brings this action against Respondents—the City of Long Beach acting through the Port of Long Beach (the “Port”) and its Board of Harbor Commissioners (collectively, “the City”)—for the approval of the World Oil Tank Installation Project to construct two massive 25,000-barrel storage tanks with a combined capacity of 2,100,000 gallons at the Port (the “Oil Tanks Project” or “Project”). Real Party in Interest Ribost Terminal, LLC doing business as World Oil Terminals (“World Oil”) proposed this Project to significantly expand its existing infrastructure at the Ribost Terminal (“Terminal”), which comprises seven tanks with a combined storage capacity of 502,000 barrels (21,084,000 gallons).
2. Three of the existing tanks that World Oil operates at the Terminal range from 43,000 to 67,000 barrels in size and are currently underutilized. With the Oil Tanks Project, World Oil can shift its crude oil storage operations to the new tanks and then lease two of the three underutilized tanks to oil refineries and related industry in the Los Angeles region. In effect, the Project would allow other operators to maximize the use of these two large tanks, including increased crude oil storage.
3. The Oil Tanks Project would have a range of environmental impacts, including negative effects to air quality, water resources, and hazards and hazardous materials, in an area already experiencing significant environmental burdens from over 1,100 storage tanks currently operating in the region, as well as oil refineries, railyards, ports, and diesel trucks. Despite the Project’s foreseeable environmental impacts that would exacerbate poor environmental conditions and threaten the health, safety, and quality of life of nearby residents, the Port initially sought to expedite the Project’s approval through a Negative Declaration under the California Environmental Quality Act (“CEQA”), arguing the Project would not have any significant effects on the environment requiring mitigation measures.
4. Community members submitted extensive comments raising concerns about the Project’s proximity to public schools and residential neighborhoods and the potential for significant environmental impacts given the Project’s expansion of crude oil storage and leasing of

1 existing tanks to increase their current use. Despite these community concerns, on October 28,
2 2021, the Port’s unelected Board of Harbor Commissioners approved the Project, and as a
3 result, several environmental justice groups appealed the Harbor Commissioners’ decision to
4 the Long Beach City Council (the “City Council” or “Council”) for reconsideration. Facing
5 intense opposition and recognizing its flawed CEQA review, prior to the hearing before the
6 City Council, the Port decided to withdraw the Negative Declaration and instead prepare an
7 environmental impact report (“EIR”) to evaluate the Oil Tanks Project’s environmental effects
8 and potential alternatives and mitigation measures.

- 9 5. Rather than prepare an EIR that adequately discloses, evaluates, and mitigates the Project’s
10 environmental impacts and considers feasible alternatives, the Port released an EIR that
11 ensured the Oil Tanks Project as proposed would be the only feasible option and once again
12 concluded that there would be no significant environmental impacts from the Project. The EIR
13 reached this conclusion by systematically obfuscating critical information and misrepresenting
14 the nature of the Project and its potential environmental impacts.
- 15 6. On September 12, 2024, the Port released the Final EIR, and in an apparent effort to curtail
16 public outreach and participation, set a hearing for September 23, 2024, less than seven
17 business days after releasing the nearly 800-page Final EIR, to approve the Project and certify
18 the EIR. At the hearing, once again, the Harbor Commissioners dismissed community concerns
19 and approved the Project and certified the EIR. In response, Petitioner and a coalition of
20 environmental groups appealed the Harbor Commissioners’ decision to the City Council. On
21 November 19, 2024, the City Council denied the appeal and authorized the Project to proceed.
- 22 7. The Oil Tanks Project involves the expansion of an inherently dangerous storage tank
23 operation that is prone to explosions, fires, and crude oil releases that threaten the lives of
24 people in nearby residential areas and schools. The City’s failure to comply with CEQA
25 undermined informed decision-making and public participation—this noncompliance further
26 reinforced a troubling precedent of downplaying environmental impacts for ostensibly small
27 projects that are in fact part of a vast, toxic web of oil infrastructure that traps communities in
28 unsafe and unjust conditions, depriving them of a healthy environment. Petitioner has no other

1 administrative remedies to ensure the City’s compliance with CEQA.

2 **PARTIES**

- 3 8. Petitioner COMMUNITIES FOR A BETTER ENVIRONMENT (“CBE”) is a membership-
4 based, California non-profit environmental health and justice organization. CBE’s mission is to
5 build people’s power in California’s communities of color and low-income communities to
6 achieve environmental health and justice by preventing and reducing toxics and air and water
7 pollution and building healthy and sustainable communities. CBE organizes communities
8 living in the shadow of oil refineries and related infrastructure, including in the areas of South
9 Gate, Wilmington, Carson, and West Long Beach, and equips residents disproportionately
10 impacted by industrial pollution with tools to monitor and transform their immediate
11 environment. CBE’s members and other nearby residents would be directly affected by the
12 World Oil Tank’s environmental impacts and non-compliance with CEQA.
- 13 9. Respondent CITY OF LONG BEACH (the “City”) is a political subdivision of the State of
14 California, organized and existing under the laws of the State of California, with the capacity to
15 sue and be sued. As referred to herein, “the City” consists of all councils, boards, commissions,
16 and departments, including the Long Beach City Council.
- 17 10. Respondent PORT OF LONG BEACH (the “Port”), also known as the Long Beach Harbor
18 Department, is a department of the City of Long Beach. The Port is under the control of the
19 Long Beach Board of Harbor Commissioners.
- 20 11. Respondent LONG BEACH BOARD OF HARBOR COMMISSIONERS (“Harbor
21 Commissioners”) is a five-member Board that oversees the Port. The Harbor Commissioners
22 are appointed by the Mayor and confirmed by the City Council for up to two six-year terms.
- 23 12. Petitioner does not know the true names and capacities, whether individual, corporate,
24 associate, or otherwise, of Respondents DOE 1 through 20, and therefore sues said
25 Respondents under fictitious names. Petitioner will amend this Petition to show their true
26 names and capacities when they are known.
- 27 13. Real Party in Interest RIBOST TERMINAL LLC DBA WORLD OIL TERMINALS (“World
28 Oil”), is the applicant for the Project and the owner and operator of the Ribost Terminal located

1 at 1405 Pier C Street, Long Beach, California 90813. World Oil, a Delaware limited liability
2 company, is a subsidiary of World Oil Corporation. World Oil Corporation is the parent
3 company to Ribost and the Lunday-Thagard refinery dba World Oil Refining in South Gate,
4 California.

5 14. Petitioner does not know the true names and capacities, whether individual, corporate,
6 associate, or otherwise, of Real Parties in Interest DOE 21 through 40, and therefore sues said
7 Real Parties under fictitious names. Petitioner will amend this Petition to show their true names
8 and capacities when they are known.

9 JURISDICTION AND VENUE

10 15. This Court has jurisdiction to issue a writ of mandate to set aside the City's decision under
11 Code of Civil Procedure sections 1094.5 and 1085. Judicial review is governed under Public
12 Resources Code sections 21168, 21168.5, and 21168.9.

13 16. Venue is proper in this Court under Code of Civil Procedure section 395 because the proposed
14 Project will be located, and its environmental impacts felt, in Los Angeles County. Venue is
15 also proper in this Court under Code of Civil Procedure section 394, subdivision (a), because
16 the City is situated within Los Angeles County.

17 17. This action was timely filed within 30 days of the Los Angeles County Clerk posting on its
18 website the City's Notice of Determination following the City Council's denial of an appeal
19 and final approval of the Project and certification of the EIR, in accordance with Public
20 Resources Code section 21167, subdivision (c), and California Code of Regulations, title 14,
21 section 15112, subdivision (c)(1).¹

22 18. Petitioner has provided written notice of its intent to file this petition to the City as required by
23 Public Resources Code section 21167.5. The notice and proof of service are attached as Exhibit
24 A.

25 19. Petitioner has served the California Attorney General with a copy of the Petition, along with a
26 notice of filing, in compliance with Public Resources Code section 21167.7 and Code of Civil
27

28 ¹ CEQA Guidelines are codified in title 14, section 15000 et seq. of the California Code of Regulations;
all references to "CEQA Guidelines" refer to these sections in title 14.

1 Procedure section 388. The notice and proof of service are attached as Exhibit B.

2 20. Petitioner has performed any and all conditions precedent to filing this instant action and has
3 exhausted any and all available administrative remedies to the extent required by law.

4 21. Petitioner does not have a plain, speedy, or adequate remedy at law unless this Court grants the
5 writ of mandate to require the City to set aside approval of the Project and the Final EIR.

6 Without this Court's intervention, Petitioner and its members will be irreparably harmed by the
7 ensuing environmental damage caused by construction of the Oil Tanks Project and the City's
8 violations of CEQA.

9 22. Petitioner brings this action for the purpose of enforcing important public policies of the State
10 of California with respect to the protection of the environment under CEQA. This action will
11 confer a substantial benefit upon the public by protecting the environment and preventing
12 public health and safety harms alleged in this Petition.

13 STATEMENT OF FACTS

14 I. The Surrounding Communities and Environmental Setting

15 23. The Port of Long Beach is the second busiest port in the United States, after the adjacent Port
16 of Los Angeles, handling millions of metric tons of cargo and thousands of cargo ships
17 annually. The Port's top imports and exports include crude oil and petroleum products. Due to
18 the size and intensity of its operations, which include cargo handling equipment, diesel trucks
19 and locomotives, the Port is one of the largest stationary sources of air pollution in the Los
20 Angeles region.

21 24. The Oil Tanks Project would be constructed at the Port near the communities of Wilmington,
22 Carson, and West Long Beach that comprise about 48 square miles. The area has 83 schools,
23 132 daycare facilities, and 15 hospitals. These communities are home to approximately
24 363,000 residents that are largely people of color at 88 percent. People living in these
25 communities experience high rates of poverty and disproportionate exposure to high levels of
26 pollution.

27 25. The Wilmington, Carson, and West Long Beach areas are designated as environmental justice
28 communities under Assembly Bill 617, which California enacted in 2017 to help address air

1 pollution in communities experiencing significant cumulative exposure to environmental
2 burdens. People living and working in these communities are exposed to more air pollution
3 from ports, railyards, oil refineries, and diesel trucks than other communities in California.

4 26. The significant air pollution levels in these communities contribute to high rates of respiratory
5 illnesses, particularly among children and other vulnerable populations. Exposure to toxic air
6 contaminants, such as benzene from crude oil, also increases cancer risk for residents. Indeed,
7 families living in areas near the Oil Tanks Project have a cancer risk of 714 to 959 per one
8 million people exposed to toxic air contaminants, which is a higher risk than 99 percent of
9 other people in the region.

10 27. In addition to harmful air pollution, people in these communities are also exposed to
11 disproportionate levels of contaminated water impaired by pollutant discharges, as well as
12 health and safety risks from hazardous waste that is generated, transported, and stored by
13 industrial operations. In the aggregate, these poor environmental conditions negatively affect
14 quality of life and contribute to the public health crisis in these communities where emergency
15 room visits and certain illnesses, such as asthma, heart disease, and low-birth weight, are
16 higher than statewide averages.

17 **II. Oil Industry Infrastructure and Operations in the Los Angeles Region**

18 28. California has the third largest number of oil refineries in the United States, after Texas and
19 Louisiana. The Los Angeles area in particular is the largest oil refining hub in California and
20 home to the Marathon Refinery, which is the largest oil refinery on the West Coast with a
21 capacity to process 365,000 barrels per day of crude oil. Most oil refineries in the Los Angeles
22 region are concentrated in or near the Wilmington, Carson, and West Long Beach
23 communities.

24 29. The Los Angeles region has over 1,100 stationary above-ground storage tanks used by
25 facilities engaged in the production, refining, storage, transfer, and distribution of crude oil and
26 petroleum products. About 70 percent of these storage tanks are large capacity tanks that on
27 average can store about 3.9 million gallons. In total, these storage tanks can hold over three
28 billion gallons of crude oil or petroleum products. Several facilities also operate portable tanks

1 with a capacity of 21,000 gallons each.

2 30. Oil industry storage tanks are a significant source of air pollution. These tanks release various
3 pollutants into the environment, such as hydrogen sulfide, a gas that smells like rotten eggs and
4 can cause death from respiratory failure; and volatile organic compounds (“VOCs”), chemicals
5 that contribute to ground-level ozone formation and include several toxic air contaminants,
6 such as benzene, that can cause leukemia. Several studies have confirmed that emissions from
7 storage tanks are underreported to the public and government regulators.

8 31. In addition to exacerbating poor air quality in the region, these storage tanks also create
9 hazardous conditions that threaten public health and safety. Specifically, these storage tanks
10 generate toxic sludge from tank cleaning and maintenance activities—this hazardous waste is
11 then transported through communities to offsite facilities for treatment, storage, and disposal.
12 These storage tanks are also inherently dangerous and prone to spills, explosions, and fires
13 caused by malfunctions and natural disasters, such as earthquakes.

14 **III. World Oil Tanks Project and Environmental Impacts**

15 32. World Oil currently operates seven storage tanks at its Ribost Terminal in the Port. These
16 existing tanks range in capacity from 43,000 to 94,000 barrels and can store a combined
17 502,000 barrels of crude oil and petroleum products. Of these seven tanks, World Oil utilizes
18 three tanks to support operations at its South Gate oil refinery, which can process 8,500 barrels
19 per day to produce asphalt and other petroleum products. The remaining four tanks are leased
20 to nearby oil refineries and terminals.

21 33. On August 19, 2019, World Oil submitted an application to the Port for a Harbor Development
22 Permit to construct two 25,000-barrel internal floating roof crude oil storage tanks at its
23 Terminal. The Oil Tanks Project would allow World Oil to move crude oil from two of its
24 three existing storage tanks at the Terminal that are underutilized. World Oil would then make
25 these two existing tanks available for lease to store marine fuel and marine fuel blending
26 components.

27 34. The Oil Tanks Project would have a range of environmental impacts, including air quality and
28 greenhouse gas emissions impacts from construction and operation activities; hazards and

1 hazardous materials impacts from items used, stored, and generated at the Terminal, including
2 toxic sludge; and water quality impacts from runoff and wastewater discharges. These
3 environmental impacts would occur near residential areas, parks, schools, and childcare
4 facilities about half a mile away.

5 **IV. Environmental Review and the Approval Process**

6 35. On October 7, 2020, the Port prepared a Draft Initial Study and Negative Declaration under
7 CEQA for the Oil Tanks Project. The Port prepared a Negative Declaration rather than an EIR
8 based on the Initial Study's conclusion that there would be no foreseeable significant impacts
9 on the environment requiring mitigation. Petitioner and several other organizations submitted
10 extensive comments and information demonstrating the potential for significant environmental
11 impacts.

12 36. On October 28, 2021, despite considerable community opposition, the Port's Harbor
13 Commissioners approved the Negative Declaration and Harbor Development Permit for the Oil
14 Tanks Project. Several labor and environmental organizations, including Petitioner, appealed
15 this decision to the Long Beach City Council. In January 2022, prior to the appeal hearing
16 before the City Council, the Port agreed to prepare an EIR for the Project. The City Council
17 dismissed the appeal as moot.

18 37. The Port released a Draft EIR on October 25, 2023, for public review and comment. On
19 December 15, 2023, Petitioner submitted written comments noting the Draft EIR's deficient
20 analysis of the Project's environmental impacts. Subsequently, on September 12, 2024, the
21 Port released a Final EIR, which included a response to comments. The Port set a hearing for
22 September 23, 2024, less than seven business days after releasing the nearly 800-page Final
23 EIR, to approve the Project and certify the EIR. The Port denied community requests for
24 additional time to review the EIR.

25 38. At the September 23 public hearing, Petitioner and several other environmental groups
26 provided additional comments to the Harbor Commissioners, outlining the continuing
27 problems with the Final EIR. The EIR failed to accurately describe the Project and to properly
28 analyze cumulative impacts and feasible alternatives. Despite continued community concerns,

1 the Harbor Commissioners voted to certify the EIR and issue the Harbor Development Permit
2 for the Project.

3 39. On October 4, 2024, Petitioner and several other environmental organizations filed an appeal to
4 the City Council under Long Beach Municipal Code section 21.21.507. On November 19,
5 2024, the City Council held a hearing to consider the appeal and Project. At the conclusion of
6 that hearing, the City Council voted to authorize the Project and affirm the certification of the
7 Final EIR and issuance of a development permit for the Project. Petitioner has no other
8 administrative remedies.

9 **CEQA LEGAL BACKGROUND**

10 40. The California Environmental Quality Act—codified under Public Resources Code sections
11 21000 to 21189—is a comprehensive statute designed to “maintain a high-quality environment
12 now and in the future” and to ensure that public agencies “take all action necessary to protect,
13 rehabilitate, and enhance the environmental quality of the state.” (Pub. Resources Code, §
14 21001, subd. (a).) Given its broad objectives, CEQA must be interpreted “to afford the fullest
15 possible protection to the environment within the reasonable scope of the statutory language.”
16 (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)

17 41. CEQA accomplishes these statutory goals in two ways. First, CEQA review informs decision-
18 makers and the public about the potential significant environmental effects of a project.
19 (CEQA Guidelines, § 15002, subd. (a)(1).) Such disclosure ensures that “long term protection
20 of the environment, consistent with the provision of a decent home and suitable living
21 environment for every Californian, shall be the guiding criterion in public decisions.” (Pub.
22 Resources Code, § 21001, subd. (d).) The EIR is the “heart” of this controlling principle and
23 CEQA. (*No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68, 84 (1974).) The EIR has been
24 described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and . . .
25 responsible officials to environmental changes before they have reached ecological points of
26 no return.” (*County of Inyo v. Yorty*, 32 Cal.App.3d 795, 810 (1973).) For this reason, the EIR
27 must provide sufficient environmental analysis to ensure that decision-makers and the public
28 can intelligently consider a project’s environmental consequences. (*Laurel Heights*

1 *Improvement Assn. v. Regents of Univ. of Cal.*, 47 Cal.3d 376, 404–05 (1988).)

2 42. Second, CEQA requires public agencies to avoid or reduce environmental damage whenever
3 feasible by considering changes to projects through project alternatives or enforceable
4 mitigation measures. (CEQA Guidelines, §§ 15002, subd. (a)(2)–(3), 15126.4, subd. (a)(2); see
5 also *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564–65 (1990).)
6 Mitigation measures and alternatives are feasible when “capable of being accomplished in a
7 successful manner within a reasonable period of time, taking into account economic,
8 environmental, legal, social, and technological factors.” (CEQA Guidelines, § 15364.)

9 **FIRST CAUSE OF ACTION**

10 **(Violations of CEQA – Public Resources Section 21000, et seq.)**

11 43. Petitioner incorporates herein by reference the allegations contained in the foregoing
12 paragraphs.

13 44. The City violated CEQA by certifying a legally deficient Final EIR and by approving the Oil
14 Tanks Project without adequate environmental review. The City’s CEQA violations include the
15 following:

16 a. Project Description: The City failed to require that the Final EIR base its environmental
17 review and analysis on an accurate, stable, and finite description of the Oil Tanks Project
18 that fully discloses and fairly evaluates the nature and objectives of the Project. The
19 description of the Project failed to provide decisionmakers and the public with accurate
20 information to understand the Project’s environmental impacts, appropriate mitigation,
21 and potential alternatives. For instance, the description of the Project is inaccurate in the
22 following way:

23 i. The Final EIR misrepresents that under the Oil Tanks Project, two of World
24 Oil’s underutilized existing storage tanks at the Ribost Terminal would only be
25 leased for storage of marine fuel and blending components, which would result
26 in lower VOC emissions when compared to crude oil storage. In reality, the EIR
27 contains no provisions prohibiting or limiting the storage of crude oil in these
28 existing tanks. As a result, leaseholders of these existing tanks would be allowed

1 to continue storing crude oil and to maximize tank usage, which would result in
2 increased VOC emissions and other potentially significant environmental
3 impacts.

4 b. Project Alternatives: The City failed to adequately analyze a reasonable range of
5 alternatives and rejected a feasible alternative that would lessen the Oil Tanks Project's
6 environmental effects. The Final EIR improperly rejected the consideration of a reduced
7 tank size option based on the unsupported assertion that the alternative would alter the
8 crude oil dewatering process and require a fourth storage tank to be in crude oil service.
9 Based on the EIR's findings, this alternative would have met the Project's objectives and
10 reduced construction related impacts.

11 c. Project Cumulative Impacts: The City failed to adequately analyze the Oil Tanks
12 Project's cumulative impacts. The cumulative impacts analysis failed to provide
13 decisionmakers and the public with an accurate assessment of the Project's potentially
14 cumulatively considerable effects when its impacts are considered with the effects of
15 past, present, and future projects. For instance, the Final EIR's cumulative impacts
16 analysis is adequate in the following ways:

17 i. The Final EIR's list of projects omitted existing related storage tanks and other
18 oil infrastructure in the vicinity of the Project. These related projects would have
19 similar effects as the Oil Tanks Project, including impacts to air quality, water
20 resources, and hazards and hazardous waste.

21 ii. The Final EIR unreasonably narrowed the geographic area to assess the Project's
22 overall cumulative impacts that eliminated a portion of the affected environment
23 in Wilmington, Carson, and West Long Beach. The EIR further narrowed this
24 geographic area when analyzing individual impacts.

25 iii. The Final EIR fails to provide an explanation and criterion used in selecting the
26 geographic area for the overall cumulative scenario and list of related projects.
27 Similarly, each issue area used an even narrower geographic scope and subset of
28 related projects without a reasonable, or any explanation.

1 iv. The Final EIR used outdated air district guidance to conclude that because the
2 Project would not exceed project-specific thresholds, there would be no
3 significant cumulatively considerable air quality impacts. This approach ignored
4 the collectively significant effect of the Project together with related past,
5 current, and future projects.

6 d. If the City, Real Parties in Interest, and DOES 1 to 40 are not enjoined from moving
7 forward with permitting, constructing and operating the Oil Tanks Project without
8 adequate environmental analysis and mitigation, and without complying with CEQA’s
9 environmental review and evidentiary requirements, Petitioner will suffer irreparable
10 harm from which there is no plain, speedy, or adequate remedy at law unless this Court
11 grants the requested writ of mandate.

12 e. By certifying the Final EIR and by approving the Oil Tanks Project, the City committed a
13 prejudicial abuse of discretion, failed to proceed in the manner required by law, and acted
14 without substantial evidentiary support.

15 **RELIEF REQUESTED**

16 WHEREFORE, Petitioner prays for judgment as set forth below:

- 17 1. For a writ of mandate or peremptory writ issued under the seal of this Court pursuant to
18 Code of Civil Procedure section 1094.5, or in the alternative section 1085, directing
19 Respondents to:
- 20 a. Set aside and withdraw the certification of the Final EIR;
21 b. Set aside and withdraw all approvals for the Oil Tanks Project, including the
22 Harbor Development Permit; and
23 c. Refrain from granting any further approvals for the Project unless and until the
24 Respondents comply fully with the requirements of CEQA.
- 25 2. For a temporary stay, temporary restraining order, and preliminary and permanent
26 injunctions prohibiting Respondents and the Real Parties in Interest and their
27 representatives and employees, and all others acting in concert with the Respondents and
28 Real Parties in Interest, from constructing and operating the Project until the

1 Respondents comply fully with the requirements of CEQA by voiding the approved
2 Final EIR, setting aside and withdrawing all approvals issued in reliance on the Final
3 EIR, and conducting a new environmental review process that complies with CEQA's
4 requirements as set forth herein.

5 3. For Petitioner's fees and costs, including reasonable attorneys' fees and costs, as
6 authorized by Code of Civil Procedure section 1021.5 and any other applicable
7 provisions of law.

8 4. For such other legal and equitable relief as this Court deems appropriate and just.
9

10 DATED: December 16, 2024

/s/ Oscar Espino-Padron
Oscar Espino-Padron
Byron Chan
EARTHJUSTICE

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13 *Attorneys for Petitioner/Plaintiff*
14 *Communities for a Better Environment*

15 Jennifer Ganata
16 Aleja Cretcher
17 COMMUNITIES FOR A BETTER
ENVIRONMENT

18 *Attorneys for Petitioner/Plaintiff Communities*
19 *for a Better Environment*
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1 **VERIFICATION**

2 I, Darryl Molina Sarmiento, hereby declare:

3 I am the Executive Director for Petitioner Communities for a Better Environment, a
4 California non-profit corporation with offices in Los Angeles County. I have read the foregoing
5 petition and complaint and am familiar with its contents. The facts alleged in it are true to my
6 personal knowledge and belief.

7 I declare under penalty of perjury under the laws of the State of California that the above
8 is true and correct and that this verification is executed on December 12, 2024 in Huntington
9 Park, California.

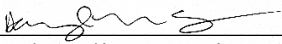
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12 _____
13 Darryl Molina Sarmiento
14 Executive Director
15 Communities for a Better Environment
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EXHIBIT A

*Notice to Respondents of Intent to File CEQA
Action and Proof of Service*



December 13, 2024

Via Certified Mail & E-Mail

Monique De La Garza, City Clerk
City of Long Beach
411 W. Ocean Blvd.
Long Beach, CA 90802
cityclerk@longbeach.gov

RE: Notice of Intent to File CEQA Action Challenging the Certification of the Final Environmental Impact Report for the World Oil Tank Installation Project (State Clearinghouse No. 2020100119)

Dear City Clerk Monique De La Garza:

PLEASE TAKE NOTICE that as required under Public Resources Code section 21167.5, Communities for a Better Environment (Petitioner) hereby provides notice of its intent to file a verified petition for writ of mandate under the California Environmental Quality Act (CEQA)¹ against the City of Long Beach, Port of Long Beach, and Long Beach Board of Harbor Commissioners (Respondents), and Ribost Terminal, LLC dba World Oil Terminals (Real Party in Interest) in Los Angeles County Superior Court.

Petitioner seeks to challenge Respondents' approval and certification of the Environmental Impact Report (EIR) for the World Oil Tank Installation Project (the Project) on September 23, 2024. Petitioner subsequently appealed this decision, which was upheld by the Long Beach City Council on November 19, 2024. Since all administrative remedies have now been exhausted, Petitioner will file this challenge based on the EIR's failure to comply with CEQA's substantive requirements and to adequately disclose and analyze the Project's environmental impacts.

Among other relief, Petitioner will request that the court issue a writ of mandate ordering Respondents to vacate the EIR certification and recirculate an EIR that conforms to CEQA requirements. Additionally, Petitioner will seek attorneys' fees and costs under Section 1021.5 of the Code of Civil Procedure.

¹ Pub. Res. Code, § 21000 et seq.

Based on the reasons outlined above, Respondents should immediately vacate the certification of the EIR and engage in an appropriate CEQA review process that results in an adequate EIR.

Respectfully,

/s/ Oscar Espino-Padron

Oscar Espino-Padron, Attorney
Byron Chan, Attorney
EARTHJUSTICE

cc: Jennifer Blanchard, Project Manager
Port of Long Beach
415 W. Ocean Blvd
Long Beach, CA 90802
Jennifer.blanchard@polb.com

Dawn McIntosh, Long Beach City Attorney
411 W. Ocean Blvd., 9th Floor
Long Beach, California 90802
Dawn.McIntosh@longbeach.gov

DECLARATION OF PROOF OF SERVICE

I, Lupe Ruelas, declare:

I am a resident of the State of California, and I am over the age of 18 years and not a party to the within entitled action. My business address is 707 Wilshire Boulevard, Suite 4300, Los Angeles, CA 90017.

I hereby certify that on December 13, 2024, I served the following document(s):

NOTICE OF INTENT TO FILE CEQA PETITION

(X) VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED by enclosing the document(s) in a sealed envelope or package addressed to the person(s) set forth below and depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid, following this organization’s ordinary practices with which I am readily familiar.

(X) VIA E-MAIL by causing the document(s) to be sent to the person(s) at the e-mail address(es) listed below.

Monique De La Garza, City Clerk
City of Long Beach
411 W. Ocean Blvd.
Long Beach, CA 90802
cityclerk@longbeach.gov

Jennifer Blanchard, Project Manager
Port of Long Beach
415 W. Ocean Blvd
Long Beach, CA 90802
Jennifer.blanchard@polb.com

Dawn McIntosh, Long Beach City Attorney
411 W. Ocean Blvd., 9th Floor
Long Beach, California 90802
Dawn.McIntosh@longbeach.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 13, 2024, in Los Angeles, California.



Lupe Ruelas

EXHIBIT B

*Notice to CA Attorney General of CEQA Filing
and Proof of Service*



December 16, 2024

Via First-Class Mail & E-Mail

CEQA Coordinator
Office of the Attorney General
Environment Section
1300 "I" Street
Sacramento, CA 95814-2919
Email: CEQA@doj.ca.gov

RE: Notice of CEQA Suit (*Communities for a Better Environment v. City of Long Beach, et al.*)

To the Attorney General of the State of California:

Please take notice, under Public Resources Code section 21167.7 and Code of Civil Procedure section 388, that Petitioner/Plaintiff Communities for a Better Environment (Petitioner) will file the attached verified petition for writ of mandate under the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq., against Respondents/Defendants City of Long Beach, Port of Long Beach, and Long Beach Board of Harbor Commissioners ("Respondents"), and Real Party in Interest Ribost Terminal, LLC dba World Oil Terminals in Los Angeles County Superior Court.

The petition challenges Respondents' approval and certification of the Final Environmental Impact Report ("EIR") for the World Oil Tank Installation Project at the Port of Long Beach (State Clearinghouse No. 2020100119), and alleges that Respondents violated CEQA and abused their discretion by certifying a legally deficient EIR.

Respectfully,

/s/ Oscar Espino-Padron

Oscar Espino-Padron, Attorney
Byron Chan, Attorney

EARTHJUSTICE

DECLARATION OF PROOF OF SERVICE

I, Lupe Ruelas, declare:

I am a resident of the State of California, and I am over the age of 18 years and not a party to the within entitled action. My business address is 707 Wilshire Boulevard, Suite 4300, Los Angeles, CA 90017.

I hereby certify that on December 16, 2024, I served the following document(s):

(1) NOTICE TO ATTORNEY GENERAL OF THE STATE OF CALIFORNIA OF VERIFIED CEQA PETITION FOR WRIT OF MANDATE; and


(2) PETITIONER'S VERIFIED PETITION FOR WRIT OF MANDATE

(X) VIA FIRST-CLASS MAIL by enclosing the document(s) in a sealed envelope or package addressed to the person(s) set forth below and depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid, following this organization's ordinary practices with which I am readily familiar.

(X) VIA E-MAIL by causing the document(s) to be sent to the person(s) at the e-mail address(es) listed below.

CEQA Coordinator
Office of the Attorney General
Environment Section
1300 "I" Street
Sacramento, CA 95814-2919
Email: CEQA@doj.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 16, 2024, in Los Angeles, California.



Lupe Ruelas