

QUALITY / BAY-DELTA ESTUARY / ENVIRONMENTAL JUSTICE ISSUES

Groups Appeal Decision on SF Bay Dioxins

News release, Earthjustice, Communities for a Better Environment, Waterkeepers Northern California - 8/13/04

SAN FRANCISCO - A coalition of environmental and public health groups filed an appeal today in the California Court of Appeal challenging a June 2000 permit issued by the San Francisco Bay Regional Water Quality Control Board that allows the Tesoro Petroleum Corporation's refinery in Avon, near Martinez, to discharge dioxin into San Francisco Bay at five times the amount previously deemed safe by the board. The appeal challenges a decision of the San Francisco Superior Court upholding the refinery's dioxin limit. The coalition includes Communities for a Better Environment, Waterkeepers Northern California, and Earthjustice.

Dioxins, which can cause cancer and birth defects, are the most toxic synthetic chemicals known. The EPA estimates that the general population in the Bay Area is exposed to dioxins at unsafe levels and has ruled that dioxin health threats to Bay anglers are a "high priority."

"If our water quality agencies are going to let known dioxin sources continue to dump dioxin into the Bay, while the agencies never get to work on a serious dioxin cleanup plan, then dioxin contamination of San Francisco Bay is going to continue to worsen," said Earthjustice attorney Mike Lozeau. "We are hoping the Court of Appeal will restore the Clean Water Act's requirements to continually ratchet down toxic pollution in our bays and rivers."

"The regional board has put refinery's profits ahead of the health of local anglers eating fish from San Francisco Bay," said Adrienne Bloch staff attorney with Communities for a Better Environment. "This public environmental agency should require, rather than delay, every pollution control effort possible to reduce releases of our most toxic pollutants."

"Dioxin will not magically disappear from San Francisco Bay by the regional board enforcing the status quo," said Sejal Choksi from Waterkeepers Northern California. "The board's pollution control permits need to force refineries and other dioxin dischargers to push the envelope to rid our Bay of this extremely toxic pollutant."

In 2002, Earthjustice, representing Communities for a Better Environment and Waterkeepers Northern California, filed a suit to challenge the permit and won

in San Francisco Superior Court. That decision, however, was reversed on appeal. On remand, the Superior Court upheld the permits resulting in the groups' second visit to the Court of Appeal.#