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**FOR IMMEDIATE RELEASE:**

November 5, 2007

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**EPA CRITICIZES CALIFORNIA'S LAX POLLUTION PERMITS**

(San Francisco) On October 31 the Environmental Protection Agency (EPA) issued a report criticizing California's water pollution permits. EPA agreed to perform an audit of randomly selected permits as a condition of a settlement reached in a lawsuit brought by San Francisco Baykeeper, Humboldt Baykeeper Communities for a Better Environment and Ecological Rights Foundation in 2006.

San Francisco Baykeeper, Humboldt Baykeeper, Communities for a Better Environment and Ecological Rights Foundation sued EPA in 2006 to require the agency to stop California's Water Boards from including loopholes in pollution permits that effectively exempt large industrial polluters and cities' sewage plants from having to meet deadlines for pollution limits. These extensions allowed major dischargers, such as the Tesoro oil refinery, to discharge elevated levels of toxic pollutants such as mercury, dioxin, chlorinated organic pesticides, and PCBs, which are dangerous to both human beings and aquatic species. The Water Boards are tasked with enforcing clean water laws to protect sensitive waterways such as San Francisco, San Diego and Humboldt Bays, the Sacramento, American and San Joaquin Rivers and Santa Monica Bay, which are already listed by California and EPA as severely degraded with toxic pollutants.

EPA's audit report confirmed many of the environmental groups' claims that the Water Boards' practices were overly lax and violated the federal clean water laws and regulations. Following its review of select California permits, EPA concluded that "none of the . . . permits reviewed, or their supporting administrative records, adequately explained why any of the compliance schedules in those permits was appropriate." EPA's audit report emphasized that so-called compliance schedules should be issued to polluters only for short timeframes to allow specific actions that will bring them into full compliance with the Clean Water Act, and that the Water Boards' contrary approach of allowing indefinite exemptions from the Act is impermissible.

"Compliance schedules have been misused to let dischargers continue to pollute without having to consider the health of the water we all share," explained Sejal Choksi, Program Director for San Francisco Baykeeper. "EPA's audit report is an important step to ending this abuse."

"Hopefully EPA's critical report will put an end to this loophole that allows polluters to discharge elevated levels of dioxin and other highly toxic chemicals," said Fredric Evenson, spokesperson for Ecological Rights Foundation.

"Communities of color and low-income communities have been hit hard by the impacts of compliance schedules. For economic and cultural reasons, many people need to fish in the waters that are already impaired," said Shana Lazerow, Staff Attorney for Communities for a Better Environment. "EPA's audit is a step toward securing the legal protections to which all our citizens are entitled."

EPA's audit results were released on the heels of a report recently issued by the U.S. PIRG identifying California as one of the top ten states in the country with facilities dumping pollutants into the water well beyond what the Clean Water Act allows (see San Francisco Chronicle, "Pollution pouring into nation's waters far beyond legal limits" 10/12/07). EPA identified the most significant legal problems with the six San Francisco Bay Regional Water Board's permits audited. Permits by the Central Valley Regional Water Board and the Los Angeles Regional Water Board also had critical problems.

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