

PG&E's pollution from decades ago causing harm today, suit says

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Photo: Liz Hafalia, The Chronicle

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A plaintiff who found toxic black cement and rock found under his home and recently in his yard lives on North Point St. in San Francisco, California on Friday, March 20, 2015. He has a suit against PG&E for pollutants existing on his land from century old manufactured gas plants.

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John Mellor, vice president of the San Francisco Herring association shows gets ready to show Gashouse Cove and

St. Francis yacht club in San Francisco, California on Monday, March 23, 2015.

A century ago, Pacific Gas and Electric Co. generated gas for San Francisco customers from coal and oil plants in the Marina and Fisherman's Wharf neighborhoods that deposited their waste into the ground and in waters that flowed to the bay.

Five years ago, Marina resident Dan Clarke discovered two large black rocks in his yard and had them tested by PG&E, which found toxic levels of hydrocarbons of the type once generated by the power plants. Around the same time, members of San Francisco's commercial herring fleet were drawing a connection between the diminished local herring population and the carbon gases and coal tars seeping into the bay.

PG&E says it learned of the residential pollution only recently and acted promptly to remove it. The utility denies its actions in the early 20th century have caused any danger to the fish. But a federal judge says PG&E must face a lawsuit by Clarke and the San Francisco Herring Association for the continuing harm allegedly caused by the power plants that last operated 84 years ago.

If the plaintiffs' claims are correct, "PG&E's refusal to test for contaminants in groundwater that serves as a conduit means that (the former plant) sites will continue to present an imminent and substantial endangerment to human health and the environment," U.S. District Judge William Orrick said in a Feb. 26 ruling denying the company's motion to dismiss the suit.

The suit is about the present, not the past, said the plaintiffs' lawyer, Stuart Gross.

PG&E, Gross said, "walked away from very dirty sites," leaving contaminants behind. He said they surface as vapor that sifts through loose soils and into homes, and as water pollutants that kill herring eggs and larvae.

PG&E spokesman Jeff Smith said the lawsuit overstates the harm and understates the utility's cleanup efforts.

PG&E's response

"We are not aware of any evidence that herring or any other species are impacted by the former manufactured gas plants," Smith said. He said PG&E voluntarily started testing homes in the Marina district for residues from the power plants in 2010, put together a remediation program that the city approved in 2012, and cleaned up 10 properties before the suit was filed in 2012. In Clarke's case, he said, the company offered to remove contamination up to a foot below his home and 5 feet beneath his yard, but Clarke refused.

Orrick, however, said in his ruling that the suit adequately alleged deficiencies in PG&E's offer to Clarke and its testing of the areas around the former power plants.

According to evidence cited by the plaintiffs, Orrick said, "independent testing has revealed that despite remediation, a high level of contamination still exists and is affecting the bay."

That testing, the judge said, reportedly includes a 1997 inspection at the Radisson Hotel at Fisherman's Wharf, on the site of a former PG&E plant, showing "exceptionally high" levels of toxic hydrocarbons in soils and "severe contamination of several kinds" in groundwater. It also includes testing by the city over the past two decades near Gashouse Cove, a harbor in San Francisco Bay, that found heavy contamination in tidal and submerged lands in an inlet bordering a former power plant site, Orrick said.

In Clarke's neighborhood, near the same plant site, every home that has been tested has required major cleanup, Orrick said, quoting the plaintiffs' documents. He said soil samples on Clarke's property reportedly had contamination more than 1,000 times the level allowed by the state, posing more than a 1 in 100 risk of cancer.

Gross said there have been no studies that show how much the herring stock has declined or that have documented any health hazards in the Marina neighborhood. But he said that fishing crews reported a substantial drop in the

herring population in the last three decades of the 20th century, and that researchers have found the hydrocarbons discharged by the former power plants to be toxic to herring. He also said there was “anecdotal evidence” of cancer clusters and premature births in Clarke’s neighborhood.

Suit cites city

The city may have unintentionally spread contamination with a sewer and storm-water collection system it built in the 1970s to carry wastes to treatment plants, Orrick said. The lawsuit alleges that the system, which runs along Marina Green, picks up gas-plant contamination from groundwater and fails to remove it before discharging the residue into the bay.

While leaders of the herring fleet claim PG&E is responsible for substantial and ongoing financial losses from the drop in the herring population, Gross said they aren’t after compensation.

The suit, the lawyer said, “seeks primarily to get PG&E to fully characterize the extent of the contamination and to remediate it.”

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