

# Baykeeper Challenges Oakland Coal Export Terminal in Court

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Baykeeper is adding a legal challenge to our advocacy against the shipment of coal by rail along San Francisco Bay's shoreline. On October 2nd, we filed suit in Alameda County Superior Court against the city of Oakland and the developer of a bulk shipping terminal included in the redevelopment of the Oakland Army Base. Our lawsuit charges that under the California Environmental Quality Act (CEQA), the city and the developer failed to analyze the environmental impacts of transporting coal to and exporting coal from the terminal.

After years of denying that coal would be part of the project, the terminal's developer is now proposing to export millions of tons of Utah coal from the Oakland Bulk and Oversize Terminal at the foot of the Bay Bridge. The coal would arrive in Oakland via long trains of open cars running on tracks close to the Bay's shore, and be loaded onto ships. Baykeeper's goal is to prevent the export of coal from Oakland and the pollution it would cause to the Bay and local communities.

Baykeeper is partnering in this lawsuit with the Sierra Club, Citizens for a Better Environment, and the Asian Pacific Environmental Network, represented by the environmental law firm Earthjustice.

The city of Oakland already approved and amended an Environmental Impact Report for the Oakland Army Base redevelopment project. However, none of these documents even mentioned, let alone analyzed or described mitigation for, the significant environmental and public health impacts of coal shipping, handling, and export. Under CEQA, if a proposed project is changed in ways that will significantly impact the environment, a supplemental environmental review is required.

Many harmful impacts would result if coal is exported through Oakland. Coal contains arsenic, lead, and other toxins. Shipping coal through the Bay Area by rail could contaminate San Francisco Bay with coal dust blowing off open train cars. According to the rail industry's own calculations, each open coal car loses between 500 and 2,000 pounds of dust and coal during its journey. In addition, water is used to control dust during the unloading of coal from train cars; this contaminated water would likely drain into the Bay. Coal

could also be spilled directly into the Bay during ship loading.

Coal dust can smother plants and animals that live on the Bay bottom. It can keep fish from finding food, slow the growth of fish, and interfere with fish reproduction. Harm to fish also means harm to an important food source for birds and marine mammals.

In addition to polluting the Bay, coal dust carried in open train cars would blow into neighborhoods near railroad tracks in cities that include Berkeley, Emeryville, Richmond, and West Oakland. Research links coal dust to asthma—which is already a widespread public health problem in West Oakland—as well as bronchitis, pneumonia, emphysema, and heart disease.

This lawsuit is the latest action in Baykeeper’s ongoing efforts to halt coal export from Oakland. At an Oakland City Council hearing in September, Baykeeper and the Coal-Free Oakland Coalition [urged Oakland leaders to prohibit the export of coal \(https://baykeeper.org/blog/baykeeper-urges-oakland-leaders-nix-coal-terminal\)](https://baykeeper.org/blog/baykeeper-urges-oakland-leaders-nix-coal-terminal) from that city. We also helped scuttle a proposal by developers in 2014 for a [new facility to export coal from the Port of Oakland. \(https://baykeeper.org/blog/nixing-dirty-coal-export-port-oakland\)](https://baykeeper.org/blog/nixing-dirty-coal-export-port-oakland)

Baykeeper will continue to press forward to protect San Francisco Bay, its wildlife, and residents of neighborhoods near railroad tracks from toxic coal dust.



[Read the Petition for a Writ of Mandate in Baykeeper's lawsuit challenging coal export from Oakland. \(https://baykeeper.org/sites/default/files/blog\\_files/Lwsuit%20re%20coal%20terminal%20EIR%20Writ%20of%20Mandate.pdf\)](https://baykeeper.org/sites/default/files/blog_files/Lwsuit%20re%20coal%20terminal%20EIR%20Writ%20of%20Mandate.pdf)