

For Immediate Release – February 19, 2018

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World Business Academy Seeks to Protect California’s Environmental Laws in Lawsuit against State Lands Commission

(Santa Barbara, California) In a just filed Reply Brief before the Court of Appeals against the California State Lands Commission (SLC) and PG&E, the World Business Academy (Academy) is pressing forth in its lawsuit seeking an Environmental Impact Report (EIR) to address the significant environmental and human health dangers that will result from continued operation of the Diablo Canyon Nuclear Power Plant near San Luis Obispo

Last year after the State Lands Commission in June 2016 renewed land leases that will allow Diablo Canyon to continue operating through 2025, the Academy filed suit against the SLC and PG&E, the owner/operator of Diablo Canyon. The Academy, a nonprofit organization that has advocated for the public welfare for the past 30 years, contends the SLC did not have the legal authority to exempt Diablo Canyon from environmental review (an EIR) under the California Environmental Quality Act (CEQA), and that its action in doing so was arbitrary, capricious and endangers California’s environmental protection laws. No EIR has ever been prepared for Diablo Canyon.

Studies by the U.S. Nuclear Regulatory Commission show that Diablo Canyon is the third most “embrittled” nuclear plant in America, which could result in a massive release of radiation in a Fukushima scenario involving an earthquake and/or tsunami. Scientific reports and peer-reviewed studies also cited in the lawsuit show increasing rates of cancer and infant mortality in San Luis Obispo communities located adjacent to and downwind from the plant.

The lawsuit went to trial in July 2017 before Judge Mary H. Strobel, who ruled against the Academy with a pre-printed opinion she handed out just before the case was argued in a non-jury hearing in Los Angeles Superior Court.

The Academy, in its current court filing, is asking the Court of Appeals to compel the SLC to set aside its previous decision approving new tidewater leases for PG&E and to require compliance with CEQA, including a study to determine if the plant needs further environmental review before a new lease is granted.

“At a time when the federal government is drastically reducing environmental protections afforded under federal law, it is now more critical than ever that California protect its statewide environmental regulatory regime as set forth under the California Environmental Quality Act,”

the World Business Academy says in its new court filing. “The positions set forth by the State Lands Commission and Pacific Gas & Electric in their joint opposition brief, which were largely adopted by the trial court, would gut the core purpose of CEQA of providing environmental protection to the people of California.”

The Academy is also seeking to protect the ideals embodied in CEQA as a state law. “Since 1965, when the leases at issue were initially approved by the Commission, Diablo Canyon Power Plant, despite being a nuclear power generating facility, has never undergone any environmental review whatsoever. If the Commission and trial court’s ruling stands, it will never be subject to environmental review, and the logical fallacy that a nuclear power generating facility is exempt from CEQA will be the law of California, contrary to the purpose and intent of CEQA.”

The Academy contends that substantial harm to adjacent communities and the marine ecosystem will occur during the nine-year interval leading up to the plant’s proposed closure in 2025, and that the Appellate Court should order the trial court to set aside its decision and require the Commission to comply with CEQA requirements, including preparation of an initial study to determine whether an EIR is required.

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