

PAGE ONE -- Unocal Will Settle Suits for \$80 Million**'94 toxic leak in Rodeo made 6,000 sick**

- [Erin Hallissy, Chronicle East Bay Bureau](#)

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Unocal will pay \$80 million to settle lawsuits by more than 6,000 west Contra Costa County residents sickened by an odorless chemical compound that leaked unchecked from the company's Rodeo refinery over a 16-day period in 1994, The Chronicle has learned.

Details of the settlement reached Thursday, less than two weeks after Tosco Refining Corp. took over the refinery, must still be ironed out before being presented to a Contra Costa Superior Court judge for approval, attorneys said.

The settlement is the second reached by Unocal stemming from the prolonged catacarb leak Aug. 22 through Sept. 6, 1994. In 1995, the company agreed to pay \$3 million in civil and criminal fines after pleading guilty to 12 misdemeanor charges of creating a public nuisance and failing to notify state or county officials during the release.

In a county where refinery leaks and explosions have become all too common, the Unocal release took on a singular significance because of management's knowledge about the leak and its failure to do anything to stop it, said Michael Meadows, a Walnut Creek attorney who represented about 600 plaintiffs.

Unocal spokesman David Garcia would not comment on the lawsuit other than to confirm the proposed settlement amount.

'THIS WAS NO ACCIDENT'

The leak was discovered in a processing unit that was scheduled for maintenance about six weeks later, Meadows said yesterday. Instead of shutting down the unit immediately, managers decided to continue operations to meet production schedules, according to depositions taken by attorneys in the case.

"This was no accident," Meadows said. "This was intentional. They knew what the risks were, and they chose to operate anyway so they could get their money and their promotions. In history, there has never been a refinery that operated with a hole in a refinery tower."

Meadows said some refinery workers testified during depositions that safety officials kept asking that the plant be shut down, but management refused. He said one employee considered sabotaging the plant to stop the leak.

"The employees knew that operating the refinery with a hole in a tower that was releasing a known toxic was dead wrong," Meadows said. The Unocal settlement would not be the largest in the county. In 1995, General Chemical agreed to pay \$180 million to 62,000 plaintiffs to settle a class-action suit filed over a 1993 sulfuric acid leak from its Richmond plant. However, the plaintiffs in the Unocal

case will probably individually receive more money in damages because the pool of recipients is smaller.

Exactly how the money will be distributed has not been determined.

CHRONIC HEALTH PROBLEMS

Robert Bramson, another Walnut Creek attorney who led the Unocal settlement negotiations, said that more than two years after the leak, many Crockett and Rodeo residents continue to have health problems because of their exposure to a chemical whose effects aren't completely documented.

Catacarb is a "chemical cocktail" containing many different chemicals that can cause respiratory problems, nausea and eye and skin irritation, Bramson said. Some people also had neurological problems, such as memory loss, that could be attributed to their exposure to the release, he said.

Judith Weitzner, 55, who has lived in Crockett for eight years, said her health quickly deteriorated after the catacarb leak.

First, she experienced stinging eyes, a sore throat and upper respiratory irritation. Instead of getting better, her health worsened. Doctors found that her lungs were so damaged that they showed signs of lung disease. For the first time in her life, Weitzner had asthma. She had rarely called in sick to work before, but she suddenly found that she had used up all her accumulated sick time.

"I had a very bad year of chronic coughing and difficulty breathing and not being able to walk far without getting asthma," said Weitzner, a social worker in Contra Costa County's Office on Aging.

'BROWN, GOOEY' FALLOUT

Like thousands of others, Weitzner did not know anything was amiss until nearly two weeks after the leak began. She said she first noticed something wrong over Labor Day weekend, when she saw "brown, gooey, sticky stuff" on her windshield that was difficult to clean off.

Others in town were talking about the fallout, and Weitzner called the county health department and Unocal and was told of the leak. She said Unocal officials told her that her homegrown tomatoes, eggplant, apples and pears would be safe to eat if she washed them with dishwasher detergent.

"I knew I couldn't get the stuff off the car, so why were they saying it was easy to get it off the vegetables?" Weitzner said. She and her husband decided to throw out their crop, and now she says that decision saved her from even more severe health problems.

Along with the lingering health problems, Weitzner said her peace of mind and her confidence in public and refinery officials have been severely shaken.

``We thought we had landed in heaven when we bought our little house in Crockett," Weitzner said. ``It's a friendly, nice community, and I kind of love it. This problem just took the shine off for us. We've never been able to rest easy in our homes."

Chronicle staff writer Lori Olszewski contributed to this report.

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