

Toxic Waste Dump Ordered to Pay \$1M Penalty

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FRESNO, Calif. (AP) — Federal officials said Wednesday they have levied about \$1 million in penalties on the operator of the largest toxic dump in the West for failing to properly dispose of waste near a community known for a rash of birth defects.

But the U.S. Environmental Protection Agency said there is no evidence these latest violations pose any health threat to the community or workers at the dump site.

The agency will require Chemical Waste Management, which runs the waste facility near Kettleman City in the San Joaquin Valley, to pay a \$400,000 fine and spend an estimated \$600,000 to replace its laboratory equipment, software and procedures.

Federal regulators also have ordered the waste company to use an outside lab for at least two years to verify that its hazardous wastes meet treatment standards prior to disposal.

The settlement stems from a joint EPA and California Department of Toxic Substances Control inspection in February 2010, which found the facility's laboratory equipment was improperly calibrated for more than five years and as a result was unable to detect the accurate concentration levels of hazardous chemicals. EPA inspectors found similar discrepancies with the lab equipment in 2005, but discovered that the company hadn't fixed them.

Investigators also found that the facility disposed of hazardous waste leachate — contaminated rain water and other runoff — from the landfill without assuring proper treatment standards and mischaracterizing its waste concentration.

Jared Blumenfeld, the EPA's regional administrator for the Pacific Southwest, said the violations "compromised the company's ability to accurately assess the safety of disposing toxic waste in their landfill." Because lab results were skewed, he said, material that was too toxic was allowed to go into the landfill. The chemicals involved were mainly heavy metals such as cadmium and chromium, he said.

In the past five years, Blumenfeld said, the company had to excavate toxic waste

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from the landfill on 18 occasions, because it was incorrectly tested and buried.

Families who live near the Kettleman Hills landfill have fought the dump site for many years out of concern that contamination from disposed chemicals was linked to a rash of cleft palates and other birth abnormalities in the community.

But Blumenfeld said inspectors did not find any evidence of danger to human health. He said the company continues to monitor groundwater and that the EPA has made sure the monitoring equipment has the proper calibration.

Chemical Waste spokeswoman Jennifer Andrews said the company "disagreed with EPA's findings," but was working to resolve the enforcement issues. Andrews said the errors were "isolated events not representative of the work done at our lab," and that the agency "either misinterpreted the data or misconstrued the applicable standards."

The settlement stemmed from an old violation, Andrews said, and recent monitoring has documented the safety of the facility.

A study by the dump operator released in January and conducted at the EPA's request showed its level of cancer-causing chemicals was too low to harm residents' health. It followed another recent report by California health officials that found no common cause for the birth defects.

Community advocates applauded the penalties but disagreed that the violations didn't pose a threat.

"They have no evidence to show it is not a threat," said Bradley Angel, executive director of the environmental justice group Greenaction. "Their lab consistently understated the toxicity of waste that was being dumped, and they disposed of waste that shouldn't have been disposed. No one knows what the impacts of that will be in years to come."

Bradley, whose group works with local residents to oppose the dump site, said the violations and hefty enforcement action should stop officials from granting a permit to Chemical Waste. The facility has applied for a permit renewal and expansion of the facility.

"This should be the nail in the coffin in Chem Waste's permit extension," Angel said. "The EPA says this settlement will put things back on track, but there have been settlement agreements in the past and all we got is years more of chronic violations. It's time to deny their permits."

Blumenfeld said the current settlement will bring the company into compliance but does cast a negative image of the dump site operator.

"Most of the monitoring is done by the company following EPA procedures," he said. "When they're not followed, it undermines the whole system. Once you start saying the company didn't do one thing right, it begs the question did they do other things

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right."

In May, state officials fined Chemical Waste \$46,000 for failure to report four separate releases of PCBs into the ground in early 2010. PCBs are a toxic mixture of chemicals that have been linked to cancer.

That fine came after federal environmental officials fined the facility \$300,000 in November 2010 for allowing PCBs to leach into the soil in an area adjacent to a storage and flushing building at the dump.

And in November 1985, the EPA and the California Department of Health Services entered into a \$4 million settlement agreement with Chemical Waste to resolve violations that included unapproved modifications to the facility, lack of a groundwater monitoring system and improper disposal of PCBs.

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