

State fining UC, Zeneca too little for hazardous waste, activists say

June 16, 2009; Karl Fischer; Contra Costa Times: West County Times

The state will fine the University of California and Zeneca Inc. more than \$500,000 for failing to properly clean up hazardous waste on property near a defunct South Richmond chemical plant.

But community activists say the fine amounts to a slap on the wrist.

The announcement from the Department of Toxic Substances Control follows a 2007 finding that UC and Zeneca — owners of the contaminated property between Interstate 580 and the Bay — failed to draw permits when they illegally moved, stored and attempted to treat massive piles of toxic muck during an earlier cleanup effort overseen by the Bay Water Quality Control Board.

The state took over supervision of the project in 2005.

"We want to make the point that breaking hazardous waste laws is serious, and can result in fines of up to \$25,000 per day per incident," said Carol Northrup, a spokeswoman for the agency.

Community activists don't agree that the agency has made that point.

"We believe that Zeneca and UC have access to some of the world's best legal and environmental consulting talent. They knew full well they needed permits to do what they were doing," said Sherry Padgett, member of the Richmond Southeast Shoreline Area Community Advisory Group. "\$510,000 is not the number. It can't be."

Decades of pollution from a defunct chemical factory left the 86-acre parcel full of PCBs (polychlorinated biphenyls), pesticides and toxic metals. The state investigated claims of cancer and other widespread health problems in the immediate area earlier this decade.

Stauffer Chemical Co., and later Zeneca, operated on the land. Chemical production ended in 1979. UC Berkeley built its Richmond Field Research Station nearby and, after Zeneca closed shop in 1997, developer Simeon/Cherokee Ventures bought the property with a plan to build a large residential subdivision.

Then the Bay Area Regional Water Quality Control Board ordered UC and Zeneca to perform a multimillion-dollar cleanup in 2002. For the next two years, under the board's oversight, crews buried about 350,000 cubic yards of hazardous soil and covered it with a thin "seal."

Community concern, political pressure and evidence of spreading hazard led the state Department of Toxic Substances Control to take over supervision of the cleanup in 2005. Also in 2005, environmental activists, including the late Ethel Dotson, formed the community advisory group to lend critical eyes and a community voice to the process.

In 2007, the state found that UC and Zeneca broke hazardous waste laws from 2002 to 2004 for storing, moving and treating the toxic material without proper permits or oversight. Dotson died the same year, from cancer she believed she contracted from a lifetime of exposure to toxics in Richmond, particularly Stauffer Chemical.

"Numerous persons living or working in the vicinity of the (UC and Zeneca) sites experienced symptoms consistent with exposure to toxic or hazardous substances, and several of those persons have died from their symptoms," CAG Chairman Joseph Robinson wrote in a May 2008 letter to the state, inquiring about fines for environmental safety violations documented during the first years of the cleanup.

Announcement of those fines finally arrived this month. Half the sum goes to Richmond BUILD, a city-run green technology job-training program.

"The site is safe in the sense that people are no longer being exposed to hazardous material," Northrup said. "But it's not cleaned up. That is in progress."

Locals remain concerned about long-term health implications, however, as there are no current plans to remove the toxic sludge.

"They want to cover it with a two-foot layer of concrete and build housing on top of it," Padgett said. "The landfill is still there. Nobody was asked to clean it up."

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