



Trouble in the Air: Illegally dumped asbestos can hang in the air and enter the deep lung; various parties acknowledge that both property owners leaving it at the landfill and landfill managers bear some responsibility for its improper disposal.

POSTED NOVEMBER 29, 2007

## Rubble Trouble

By Kera Abraham

### **Monterey County District Attorney makes landfill sweat about asbestos screening.**

The local landfill deals with filthy stuff, obviously. But while some kinds of trash are simply slimy, others are downright dangerous. State and federal laws require landfill workers to separate hazardous materials such as fluorescent bulbs, paint, propane, pesticides, car batteries and motor oil from regular garbage and dispose of them in certified facilities.

Over the past year, the Monterey County district attorney's office has been giving Monterey Regional Waste Management District heat for its handling of asbestos, one of the most notorious hazardous materials. Although the district attorney has not pressed charges, prosecutors have pressured the landfill to make changes in the way it screens for the fibrous material.

For more than a century, asbestos was commonly used to insulate and fireproof furnace pipes, ovens, floor tiles and ceilings. But by the mid-1900s, it became evident that breathing the material's airborne fibers causes fatal respiratory diseases, including mesothelioma and asbestosis. In 1989, the U.S. Environmental Protection Agency banned most products containing friable asbestos, the kind that can be crumbled to a powder by hand, because it can hang in the air and enter the deep lung.

Despite the ban, friable asbestos continues to surround us—in the walls, floors and ceilings of most buildings constructed before 1990. Even some newer buildings contain an asbestos-laden cement that, if pulverized during demolition, can release hazardous fibers into the air.

In light of the asbestos danger, federal and state laws require building renovations and demolitions to be done carefully. Before knocking down walls or pulling up pipes, property owners—except those of single-family homes—must hire certified asbestos handlers to identify, remove and haul the hazardous stuff to a landfill equipped to handle it. There aren't any such facilities in Monterey County. The nearest are Pacheco Pass Landfill in Gilroy and Altamont Landfill in Livermore, according to Ed Kendig, compliance division manager for the Monterey Bay Unified Air Pollution Control District.

Trouble started in March 2005, when a Capitola auto dealer illegally demolished 18 buildings he knew contained asbestos and lead paint. The contaminated rubble then was shipped to the MRWMD landfill in Marina, which isn't approved for asbestos disposal. Landfill staff didn't catch the glitch.

The air district, which is responsible for enforcing federal asbestos rules, started sniffing around in response to an anonymous tip. In fall 2006, the air district filed civil complaints in Monterey and Santa Cruz counties, alleging that the auto dealer and the landfill may have broken the law.

“The property owner that tries to slip the hazardous material in is clearly the most culpable,” Kendig says. But landfill managers also bear some responsibility, he adds, because workers and nearby residents can be exposed to airborne asbestos fibers that aren’t properly contained.

In September 2007, after a yearlong investigation, the district attorney’s office settled the case by assessing \$600,000 in penalties. The auto dealer paid \$400,000 in site-remediation costs, and Santa Cruz and Monterey counties pitched in \$100,000 each. While the landfill itself hasn’t been charged, the district attorney is leaning on MRWMD’s management to adopt stricter asbestos-screening policies.

“We have had numerous meetings with them,” says Monterey County District Attorney Dean Flippo. “They have been very forthcoming. There were remedial steps that they were taking...We are still monitoring them.”

MRWMD General Manager William Merry argues that tiny asbestos fibers are nearly impossible to detect in a pile of rubble once it reaches the landfill. “It’s hard to look for at that point,” he says. “Don’t you think that if it’s in my waste stream, I’m concerned? Because it’s exposing my employees!”

Despite the difficulty of the task, in October the landfill’s board adopted stricter screening procedures to better detect asbestos and other hazards, both at the scales and at the materials-recovery facility. “We have, as a result of this questioning, upgraded our screening process significantly,” Merry says. “We’re doing more of it, more often, more thoroughly. At the same time, we’re asking the community to do more.”

Merry would like to see the asbestos regulations apply to the owners of single-family homes, who currently are exempt. He also thinks that licensed contractors should be held responsible for detecting asbestos before demolishing or renovating buildings.

There’s an economic angle to Merry’s reasoning. The tightened screening procedures will cost almost \$190,000 at start-up and then \$95,000 annually. If that drives up dumping fees at the local landfill, haulers might opt to take their trash to out-of-town facilities with more lax policies and lower fees—a dynamic that strikes Merry as unfair.

“Everybody needs to play by the same set of rules,” he says.

Peninsula residents have a stake in keeping their trash in the local “wasteshed,” Merry adds. In his view, the community should support the landfill that serves it. MRWMD uses dumping fees to support its recycling, salvaging and methane-harnessing programs.

For now, the district attorney is satisfied with MRWMD’s efforts. “They have been very aggressive and very proactive in their response,” says Chief Assistant District Attorney Terry Spitz. “We’re not interested in nitpicking what goes through the cracks if everybody’s doing their best.”

## MONTEREY COUNTY WEEKLY

DECEMBER 6-12, 2007

### **CORRECTION:**

A story headlined "Rubble Trouble," [Nov. 29-Dec. 5] incorrectly reported that a civil complaint filed by the Monterey Bay Unified Air Pollution Control District alleged a legal violation by the Monterey Regional Waste Management District, and that Monterey and Santa Cruz counties paid \$100,000 each toward a settlement. While the air district did refer the case to both counties' district attorney's offices, charges were filed only against an auto dealer, who paid penalties to both Santa Cruz and Monterey counties.