



Memorandum

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Reviewed by [Signature]
General Manager

Date 5.11.07

DATE: May 11, 2007
TO: General Manager
FROM: Senior Engineer
SUBJECT: Proposed County Landfill Buffer Zone Ordinance

RECOMMENDATION: Authorize staff to send a letter to the Monterey County Planning Department (draft attached) supporting the proposed 1,000 foot landfill buffer zone around the Monterey Peninsula Landfill (MPL), as proposed in the Draft County Landfill Buffer Zone Ordinance.

BACKGROUND

In 1996, Monterey County adopted an interim ordinance restricting residential development within 2,500 feet of County owned landfill facilities. This ordinance was allowed to expire and as a result, the County assumed liability for any third party claims arising from new development occurring within the 2,500 foot landfill buffer zone as a result of the lack of a zoning ordinance.

In 1999, the District and the Monterey Regional Water Pollution Control Agency jointly engaged the services of a local land use attorney to provide advice in connection with the environmental review for the City of Marina's proposed Draft General Plan revision. As part of their General Plan revision, Marina was proposing to adopt a 1,000 foot landfill buffer zone for the Armstrong property adjoining the boundary of the MPL. The District supported the 1,000 foot landfill buffer zone in the proposed General Plan revision, as documented in a letter sent to the City on April 28, 2000 (copy attached). In 2000, the City of Marina General Plan was adopted with a 1,000 foot landfill buffer zone. Subsequently, the residents of Marina voted in a 20-year "moratorium" on future development on the Armstrong Ranch (until the year 2020). The proposed Monterey County Landfill Buffer Zone Ordinance recognizes that condition and is recommending a 1,000 foot landfill buffer zone for the MPL.

DISCUSSION

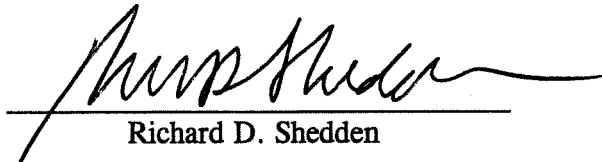
The County's 2006 General Plan adopted in early January 2007 calls for the adoption of an ordinance establishing a landfill buffer zone at active and closed landfills in Monterey County. The proposed ordinance would seek to restrict residential and limit commercial and industrial development within either a 1,000 foot landfill buffer zone for Zone B which encompasses the MPL, or a 2,500 foot landfill buffer zone for Zone A which encompasses the Salinas Valley Solid Waste Authority landfills. A map depicting the proposed 1,000-foot landfill buffer zone around the MPL is attached, along with another map showing both the 1,000 foot and 2,500 foot landfill buffer zone area. A copy of the proposed ordinance was provided to the Board of Directors at the April meeting. The proposed ordinance is scheduled for consideration by the Monterey County Planning Commission on June 27, 2007.

This item was before the Board at the April meeting and was continued to the May meeting, to give staff time to meet with representatives of the City of Marina and Monterey County to exchange additional information. Such a meeting was held on May 9, and was attended by Director Grey, Doug Yount, and Christine di Iorio representing Marina, and John Ramirez and Matt Fore representing Monterey County, and William Merry, Tim Flanagan, and Rick Shedden from the District.

Staff believes that the ordinance, as proposed, is in accordance with the prior position supported by the District, and is a prudent land use designation designed to make sure that incompatible land uses are not approved in the vicinity of an active or closed landfill. Furthermore, to request an increase in the buffer zone for the Monterey Peninsula Landfill from 1,000 feet to 2,500 feet at this time would jeopardize the ordinance process and create a lengthy delay in its adoption.

CONCLUSION

Staff believes that this proposed ordinance is consistent with previous findings that the Board has made regarding adjacent land uses and zoning designations. It is therefore recommended that the Board of Directors authorize staff to send a letter to the Monterey County Planning Department supporting the proposed 1,000 foot landfill buffer zone around the MPL, as proposed in the Draft County Landfill Buffer Zone Ordinance.



Richard D. Shedden

Attachments

May 18, 2007

Mr. Carl Holm
Monterey County Planning Department
168 West Alisal Street
Salinas, CA 93901

RE: Support of Proposed Landfill Buffer Zone Ordinance

Dear Mr. Holm:

This letter is sent in support of the proposed ordinance related to the establishment of a landfill buffer zone and regulations governing the uses of real property located in the vicinity of solid waste landfills in Monterey County.

Please be advised that the Monterey Regional Waste Management District (District) is fully in support of a landfill buffer zone ordinance that prohibits issuance of building permits or other land use entitlements for any residential development in the vicinity of an active landfill. An active landfill operation is not compatible with a residential development because of issues such as heavy truck traffic congestion and safety, noise, odor, dust, litter, birds, landfill gas migration, and visual aesthetics. It is therefore prudent land use planning practice to provide an adequate buffer zone between an active landfill operation and any residential land use. Monterey County has, in the past, supported the establishment of a 2,500 foot buffer zone between an active landfill and any residential land use.

The active landfill pertaining to this proposed ordinance is the Monterey Peninsula Landfill (MPL), owned and operated by the District, located at 14201 Del Monte Blvd, 2 miles north of Marina. The landfill buffer zone is measured from the property line of the active landfill site. The MPL is designated in the City of Marina General Plan with the establishment of a 1,000 foot buffer zone around it. The District believes that the establishment of a buffer zone does not mean a prohibition to development, and that the buffer zone establishment protects valuable landfill capacity and solid waste infrastructure facilities from incompatible land uses and encroachment.

Thank you for the opportunity to comment on the draft proposed ordinance. If you have any questions or require additional information, please call me at (831) 384-5313.

Sincerely,

William M. Merry, P.E. DEE
General Manager

cc: Supervisor Fernando Armenta, District #1
Supervisor Louis Calcagno, District #2
Supervisor Simon Salinas, District #3
Supervisor Jerry Smith, District #4
Supervisor Dave Potter, District #5
Lew Bauman, Monterey County Administrative Officer's Office
Allen Stroh, Monterey County Health Department
Steven Johnson, Salinas Valley Solid Waste Authority
Keith Israel, Monterey Regional Water Pollution Control Agency

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**MONTEREY REGIONAL
WASTE MANAGEMENT DISTRICT**

Home of Jonathan Livingston Seagull

DAVID MYERS
GENERAL MANAGER
WILLIAM MERRY
DISTRICT ENGINEER
RICHARD SHEDDEN
SENIOR ENGINEER
RICHARD NORTON
ADMIN. SERVICES MGR.
ROBERT WELLINGTON
COUNSEL

April 28, 2000

Mr. John Longley, City Manager
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

RE: General Plan Revision

Dear John:

We have reviewed the City of Marina General Plan, Final Draft, dated March 2000. On behalf of the Board of Directors and staff of the Monterey Regional Waste Management District (MRWMD), we wish to provide the following comments.

The document states that a 1,000-foot buffer will be provided between the boundary of the MRWMD site and residential development on the Armstrong Ranch. We believe this is an appropriate buffer, at a minimum, and is in keeping with previous District correspondence and action taken by the City Council. Please note that on page 4-29, Section 4.81, reference is made to "1,000 feet of the MRWPCA site." We suggest the reference read "for both the MRWPCA and MRWMD sites."

In previous correspondence from the District and previous Council action, a 500-foot buffer was recommended along Charlie Benson Lane. The draft General Plan is recommending a buffer of 200 feet (Section 2.21 and Section 2.34, #4). We believe 500 feet is a much more appropriate buffer considering the high volume of truck and other vehicular traffic along the roadway, six days a week. Please consider specifying a 500-foot buffer as the Council recommended in previous action.

Section 3.21 covers Intersection Improvements. There is no mention of improvements to the intersection of Del Monte Boulevard and Charlie Benson Lane. In previous District correspondence (November 30, 1998 letter from District to Mayor Perrine), a request was made to consider this intersection for improvements. We request that this item be included for discussion in the General Plan.

Mr. John Langley

April 28, 2000

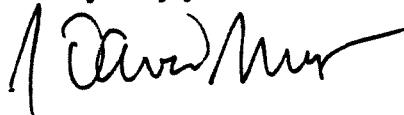
Page 2

At least two Figures fail to acknowledge the presence of the Monterey Regional Water Pollution Control Agency (MRWPCA) wastewater treatment facilities (Figure 2.2 and 2.3). The facility needs to be appropriately included in all Figures, Drawings and discussions.

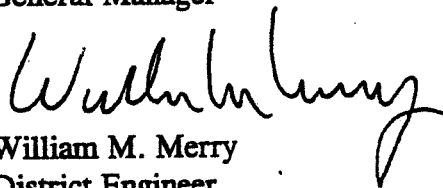
Section 3.58 discusses Solid Waste Disposal. Please update the General Plan data with the following information: "This 475 acre landfill has a total airspace capacity of 42 million tons, with an available refuse capacity of 34 million tons. This capacity is sufficient to accommodate waste management needs in the service area for approximately 90 years."

We appreciate the opportunity to provide these comments. Please call either William Merry or David Myers (384-5313) if you have any questions.

Very truly yours,



J. David Myers
General Manager

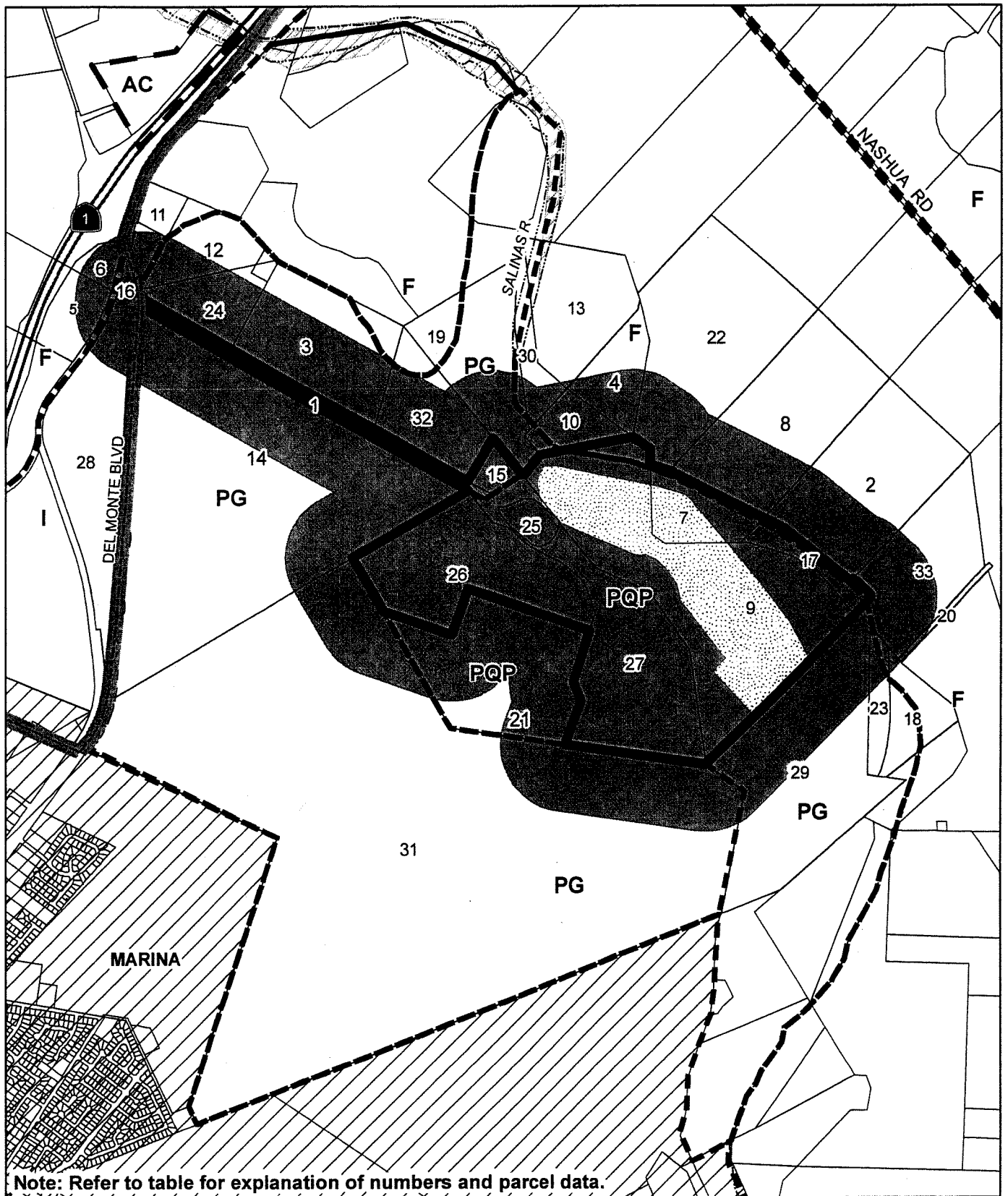


William M. Merry
District Engineer

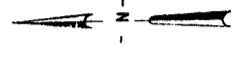
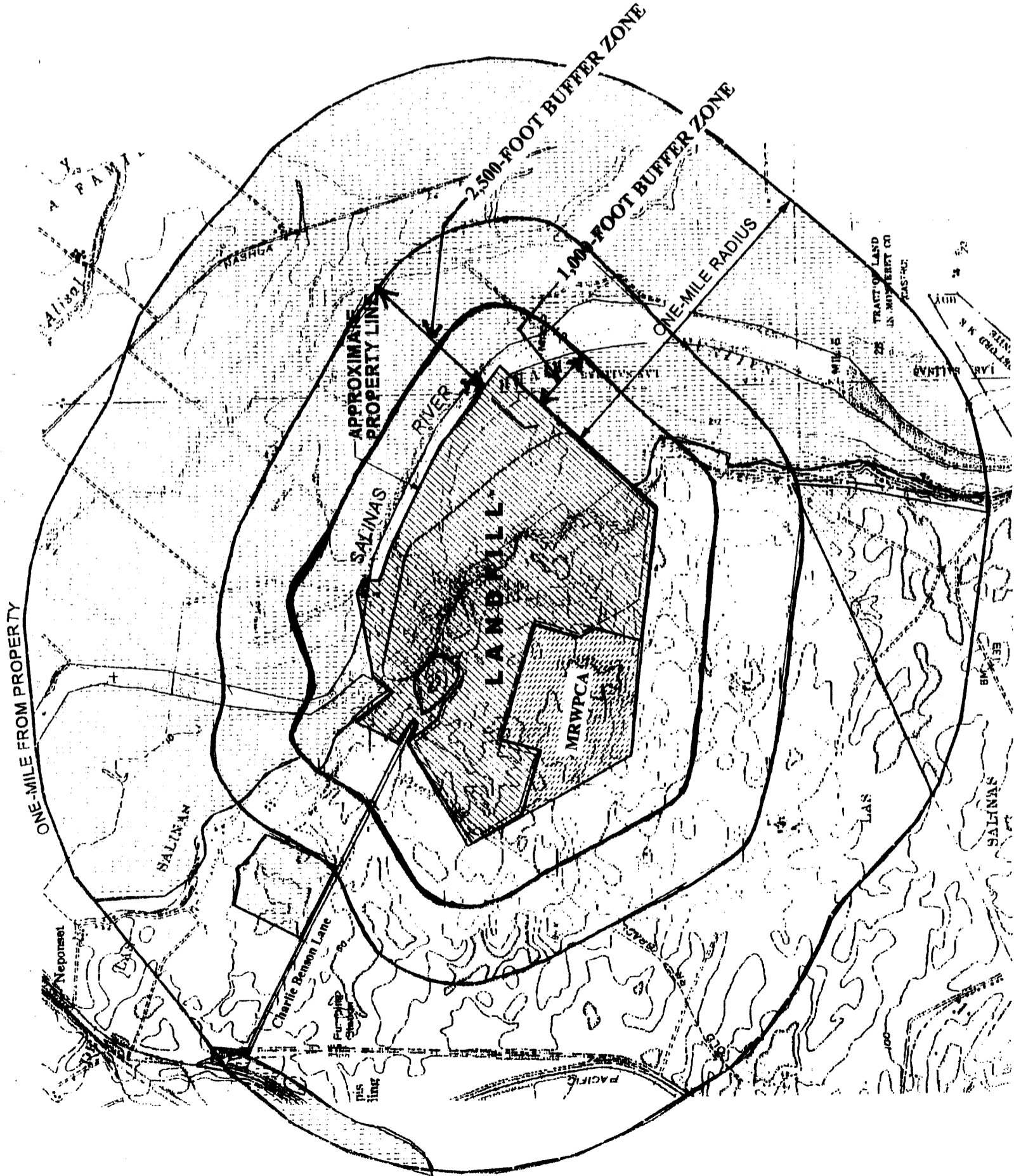
Cc: Mayor Jim Perrine and City Council Members
MRWMD Board of Directors
MRWPCA Board of Directors
Brian Finnegan, Esq.






MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT / MARINA LANDFILL

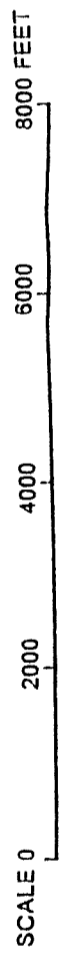
ZONE B - 1000 FOOT BUFFER



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- Coastal Zone Bdry
 General Plan Land Use
 Landfill Property Bdry
 Landfill footprint
 Landfill buffer
 City Limits



-  MONTEREY PENINSULA LANDFILL
-  WASTEWATER TREATMENT FACILITY
-  AGRICULTURAL CROP LAND
-  LIVESTOCK GRAZING LAND
-  OPEN SPACE
(Former Fort Ord lands)



DATE	MAY 2005
DWN	SER
APP	
REV	
PROJECT NO.	108967




FIGURE 13
 MONTEREY REGIONAL
 WASTE MANAGEMENT DISTRICT
 MONTEREY PENINSULA LANDFILL
 MONTEREY COUNTY, CALIFORNIA
LAND USE

County wants buffers around landfills

Landowners notified of proposed restrictions

By VIRGINIA HENNESSEY

Monterey County Herald

05/08/2007

Property owners around Crazy Horse Landfill and other local dumps have been notified that the county plans to establish buffer zones around active landfills that would prohibit residential development there.

Residential building would also be strictly limited within buffer zones around closed landfills, allowing homes within the zone only if no alternative site exists on the property, a site assessment shows no contamination and monitoring devices are installed to detect future contamination.

John Ramirez, Monterey County assistant director of environmental health, said the buffer zones will protect the health and safety of landowners from chemicals and other "volatile organic compounds" that may migrate through groundwater and rise to the surface with escaping methane gas.

He said the action is not related to a recent lawsuit by four families who claim a cluster of cancers and deaths along Pesante Road in Prunedale were caused by "off-gasing" and groundwater contamination at Crazy Horse Landfill.

The lawsuit against Bridgestone Firestone North American Tire LLC asserts that the company intentionally and illegally dumped toxic industrial waste in the landfill in the 1960s and '70s to increase profits at its Salinas tire factory.

Attorneys for those plaintiffs could not be reached for comment Monday evening.

Ramirez said the county and the Salinas Valley Solid Waste Authority began planning the buffer zones in the late 1990s in response to litigation by

North County property owners who claimed contamination by off-gasing at the now-closed Lewis Road landfill.

The purpose of the zones, he said, was "to ensure residents around active and closed landfills would be protected from volatile organic compounds transported with methane."

Ramirez said residents already living in the buffer zones "still have the same concerns." He said the county and state agencies like the Regional Water Quality Control Board and the state Integrated Waste Management Board "are doing everything we can to protect the health and safety" of residents by enforcing regulations.

The county has no intention of condemning any properties affected by contamination, he said.

The Pesante Road properties involved in the current lawsuit against Bridgestone do not lie in the proposed buffer zone around the Crazy Horse landfill. The proposal establishes two zones.

Zone A, landfills controlled by the Salinas Valley Solid Waste Authority, would have a buffer zone reaching 2,500 feet from an open landfill's property line. When it closes, that 2,500-foot buffer begins at the dump's "footprint," or the area actually used for refuse.

Zone B, landfills not controlled by the waste authority, such as the Marina landfill, would have a 1,000 foot buffer that similarly shrinks when the facility closes.

No new residential development would be allowed in Zone A or Zone B as long as a landfill is still being used. Commercial and industrial development will be allowed in the zones as long as a site survey determines there is no contamination on the site and the developer installs monitoring devices.

Existing property within the buffers that is damaged by fire or earthquake could be replaced as long as monitoring devices are installed.

There are 21 landfills in Monterey County. Only four are currently in use: Crazy Horse, which has an estimated closure year of 2009; Jolon Road Landfill in King City, estimated to close this year; Johnson Canyon Landfill in Gonzales, 2043; and the Monterey Regional Waste Management District's Marina Landfill, estimated for closure in 2107.

All but the Marina site are designated Zone A landfills.

The notices residents received inform them of the county's intent to declare a negative environmental impact for the program. The county is seeking comment on that declaration through May 28. The public can also comment when the matter comes before the Planning Commission on June 27.

For more information on the proposed landfill buffer zone and maps of affected areas, go to http://www.co.monterey.ca.us/pbi/major/Landfill%20Buffer%20Zone/landfill_main.htm.

Virginia Hennessey can be reached at 753-6751 or vhennessey@montereyherald.com

<p>A 8</p> <p>Monterey County The Herald www.montereyherald.com 5/9/07</p>	<p>Gary Omernick Publisher • 648-1192</p> <p>Carolina Garcia Executive Editor • 646-4306</p> <p>Royal Calkins Opinion Page Editor • 646-4381</p>
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THE HERALD'S VIEW

Rants & Raves

Rave: Monterey County is working on a plan to establish buffer zones around landfills in an effort to prevent toxic chemicals from making people sick, or worse. Keeping homes away from most landfills sounds like a super idea, especially considering evidence of recurring health problems seemingly caused by illegal industrial dumping at the Crazy Horse Landfill.

Rant: Monterey County officials have been talking about the landfill buffer plan *since the late 1990s*.

TOXIC LEGACY

Tire company sued again over tainted wells

By VIRGINIA HENNESSEY
Herald Salinas Bureau
Monterey County Herald

Article Last Updated:05/07/2007 08:31:59 AM PDT

It was a landmark case that changed the legal landscape. Some believe the chemicals that triggered it continue to percolate, too.

More than a decade ago, Firestone Tire and Rubber Co. settled a multimillion-dollar lawsuit by two couples whose well water was contaminated with cancer-causing chemicals. A judge found that the toxic brew was illegally dumped into the Crazy Horse Landfill with the blessing of Firestone officials trying to cut costs at their Salinas plant.

Firestone has long since left Salinas. The lawsuit has slipped from local memory. But the chemicals, according to a new complaint, did not go away. They leached along a downward path, percolating through the aquifer to new wells and new victims, according to the complaint.

At least two have died, including a mother of five, the lawsuit claims. Others fought cancer or fear they will.

In all, four families who lived along Pesante Road in Prunedale, a mile or so below Crazy Horse Landfill, are seeking damages from Firestone's successor, Bridgestone Firestone North American Tire LLC.

The families claim their wells and the very air they breathed were poisoned by the same carcinogenic chemicals Firestone dumped in Crazy Horse decades ago. Their lawyers say the claims have been confirmed by "one of the most preeminent scientists in the field" and are backed up by testimony from former Firestone employees who confirmed they regularly dumped or buried 55-gallon drums of toxic waste in the landfill as far back as 1963.

A Bridgestone spokesman said the claims are "unfounded" and "without merit." In cross-complaints filed in U.S. District Court in San Jose, Bridgestone's attorneys maintain the plaintiffs contaminated their own properties.

The company also asserts the toxins found in the Pesante Road wells have a different "chemical fingerprint" than those previously identified in the Crazy Horse Landfill contamination. And it is pointing a finger at the plaintiffs' neighbor, Waldo Simons, who operated a bulldozing operation out of his Pesante Road property.

"The groundwater contaminants identified in the shallow aquifer beneath the Pesante Road properties are dominated by fuel constituents consistent with contamination of the soil by activities on the Simons' property and at the Pesante Road properties themselves," Bridgestone asserts in a cross-complaint against Simons. "This 'chemical footprint' is entirely different from the known contaminants in the Crazy Horse landfill."

Simons' attorney, Sharon Glenn Pratt of Campbell, said Simons and his wife, Helen, are innocent bystanders whom Bridgestone targeted "to kind of deflect the attention off of them as the main culprits."

She said Bridgestone has not tested Simons' ground and identified him as a scapegoat only after flying over his property and seeing that he stockpiles a lot of old equipment.

The Simonses, who have not claimed contamination on their property, countersued Bridgestone for involving them in the lawsuit.

"It's really expensive for them and really bad because Bridgestone Firestone has huge amounts of money to spend on litigation, and they don't," Pratt said of the Simonses, who are now retired.

The saga begins|

The Firestone saga in Monterey County goes back to 1967, four years after the tire manufacturer opened its plant in South Salinas. That year, according to findings by Monterey County Superior Court Judge Robert O'Farrell, Firestone hired Salinas Disposal Service to deliver its industrial waste to Crazy Horse Landfill.

The disposal company told Firestone that Crazy Horse was a Class II landfill, which prohibits dumping of toxic or liquid waste. Firestone

agreed not to place those wastes in its Dumpsters, according to O'Farrell's ruling in the original lawsuit against the company. Despite its assurances, however, the company sent large amounts of toxic and liquid waste to the landfill, O'Farrell found.

In 1977, Firestone's plant engineer sent a memo to the plant manager and department heads detailing official policy on disposal of toxic waste, which included using a Class I landfill that was lined with plastic and qualified to receive toxics. The company initially made efforts to comply, but became overwhelmed with the amount of industrial waste it was generating and again began dumping at Crazy Horse, according to court records.

During the same time, a production manager had been sent to the Salinas plant from the company's Ohio headquarters with orders to make the plant more profitable. Angered at the costs of the disposal program, O'Farrell found, the manager discontinued it and the plant returned to dumping at Crazy Horse.

In 1984, neighbors Frank and Shirley Potter and Joe and Linda Plescia, who lived adjacent to the landfill, discovered that toxic chemicals had contaminated their wells. They sued. O'Farrell ruled in their favor after a three-month nonjury trial, awarding them nearly \$4 million in damages.

The case eventually wound its way to the state Supreme Court, which upheld some of O'Farrell's ruling and referred it back for retrial on others.

In its landmark ruling, however, the high court established a tough standard for proving financial damages in "fear-of-cancer" lawsuits. And it said the plaintiffs' attorneys in Potter v. Firestone had met that standard.

Firestone settled with the plaintiffs for an undisclosed sum before the case was retried.

Professor Dan Selmi said he uses the case to teach his students at the Loyola Law School in Los Angeles about fear-of-cancer litigation. Selmi said Potter v. Firestone is included in the textbook he uses and helped establish national law on the issue.

Families fall ill

While the Potter case was creating groundbreaking case law in the state's courts, residents along Pesante Road, south of Crazy Horse Landfill, were unaware of the chemicals allegedly creeping toward their wells.

The properties in the "Pesante Triangle" are a little more than a mile from Crazy Horse Landfill. Their wells are fed by aquifers that are charged under and at the western base of the landfill, according to the suit, which lists a history of medical problems suffered by residents of the area.

Vernon and Constance Dower bought their property at 19646 Pesante Road in 1982, two years after Firestone closed its doors in Salinas. They lived there with their five children until 1989.

Two years after they left the area, Constance Dower, 44, was diagnosed with breast cancer. She died in 1995. The oldest of her five children was 18.

"You can imagine," Vernon Dower said recently, his voice still cracking at the memory. "We were married for 25 years, the last four of which were basically going through the dying process with five kids. It still shakes me just to recount it."

Three years ago, one of his daughters found two growths in her breasts, according to his lawsuit. Doctors are watching approximately 20 growths that have been found in her sister's lymph tissue, lumps ranging in size "from a pea to a clenched fist."

Their brother was recently diagnosed with a tumor in his pituitary gland. All of the family suffers with chronic, unexplained rashes.

Other families in the area have had similar problems:

- John and Margaret Simmons lived on the same property as the Dower family from 1959 to 1976. Margaret Simmons contracted colon cancer in 1994, the same year her husband died of a series of strokes. She beat the colon cancer, only to be diagnosed with liver cancer that took her life in 2003.

- In 1959, Ralph and Earline Rothermich moved onto their 10 acres of heaven, just down the road from the Simmons. Earline Rothermich contracted breast cancer about 10 years ago, and it is in remission. Her husband died of leukemia and lymphatic cancer in 2006.

· Lawrence Phillips moved his family into a mobile home on Pesante Road in 1970. He stayed there until 1988, when he died of pancreatic cancer. Doctors removed a 9-pound tumor from his wife's ovary before she died of a massive heart attack in 1987 at the age of 45. Her daughter died of a heart attack at the age of 36 in 1999.

· Lois Hija moved into the mobile home after Lawrence Phillips' death. She was diagnosed with breast cancer in 2005, underwent a mastectomy and may require 60 radiation treatments, according to the lawsuit.

Vernon Dower was the first of the plaintiffs to suspect that toxic contamination from the landfill was causing cancer. After finding Crazy Horse Landfill listed No. 5 on the Environmental Protection Agency's Superfund List in 2004, further research led him to news reports of the Potter lawsuit.

Until then, he said, he was unaware of the contamination. He told his children of his suspicions and contacted the attorneys who brought the case against Firestone.

More than 10 years after they settled the Potter case, those lawyers returned to the Salinas Valley, this time to test the water in Pesante Canyon. They sank a monitoring well on Dower's old property and took air samples from his old house.

They found 32 "volatile organic compounds" in water and air samples, according to the suit. Thirty of those are chemicals "used in the rubber industry and have been found among the contaminants at Crazy Horse."

They got similar results, according to the suit, when they tested the air in Earline Rothermich's and Troy and Tina Graham's houses — multiple compounds common to tire production. Firestone was the only tire company in the area in the past four decades.

Cleanup effort|

The lawsuit asserts that the chemicals Firestone dumped not only leached into the water, but escaped into the air with rising methane gases. On low-wind nights, the suit says, the escaped gases would "hug the contours of the terrain, bringing them down the ravine between Crazy Horse and the Triangle."

According to the lawsuit, there was some effort to clean up the contamination. Under the supervision of the state Regional Water Quality Control Board, a "pump and treat" program was put in place in 1988 and 42 monitoring wells were installed to monitor the groundwater.

Ten years later, the suit claims, officials realized that eight of those wells had essentially punctured holes to a deeper aquifer, allowing the contamination to further spread. An attempt to stem the flow failed, according to the lawsuit.

Dean Thomas, an engineering geologist with the water quality control board, confirmed that some of the wells were later sealed off so they would "no longer be a conduit between the two zones." He remembers, however, that the wells were extraction wells, which would not provide the same opportunity for cross contamination as monitoring wells.

In the event it is found liable for the contamination, Bridgestone has also filed governmental claims against the city of Salinas, which formerly owned the landfill, and the Salinas Valley Solid Waste Authority. Both entities have denied the claims.

Calls to Bridgestone's attorneys were returned by the company's media relations director. In a prepared statement, he said the lawsuit's assertions are false.

"What the plaintiffs' lawyers are alleging simply isn't plausible," said Dan MacDonald. "The chemical fingerprint the plaintiffs' lawyers claim to have found does not match the fingerprint that would be found if chemicals had come from the landfill.

"Furthermore," he said, "the chemicals that were allegedly found in the air in the Pesante Road homes are exactly the same chemicals commonly found in indoor air in houses anywhere in the United States."

Assistance refused|

On the other hand, MacDonald said, the contamination claimed by the homeowners is consistent with gasoline or diesel fuel, "which can be found in places such as a junkyard."

MacDonald said Bridgestone offered technical assistance to the homeowners to confirm the source of the contamination, but their lawyers refused it.

"The suit is without merit," MacDonald said. "We will vigorously defend ourselves against these unfounded allegations."

The plaintiffs' attorneys say they intend to hold Bridgestone accountable for the havoc wreaked on the lives of those who lived or still live near Crazy Horse Landfill.

"From our perspective, any time you are dumping toxic chemicals in an area where people live and people are not told of the dumping, the conduct cannot be justified under any circumstances," said Niall McCarthy of the Burlingame law firm of Cotchett Pitre & McCarthy.

The lawsuit is winding its way through the federal courts. In late March, U.S. District Court Judge James Ware granted the plaintiffs' motion to dismiss Bridgestone's cross-complaint. Ware agreed that Bridgestone had not shown it had been damaged and therefore had no standing.

Bridgestone refiled an amended cross-complaint on Monday, essentially leveling the same charges that the plaintiffs contaminated their own properties. This time the company excluded the plaintiffs who were children at the times in question.

The youngest of the plaintiffs, Andrew Dower, was born while his parents lived on Pesante Road. He was 6 when they left.

'Extraordinarily close']

Bridgestone used the same defense against the Plescias in their earlier lawsuit, arguing they contaminated their own property. Judge O'Farrell said the argument was not "convincing."

The plaintiffs' attorneys also dismiss the claims.

"It's standard playbook for polluters to try to blame someone else," said McCarthy.

Another attorney on the case, Steve Williams, said Bridgestone has done some "basic preliminary tests" but nothing that would allow them to claim the plaintiffs' properties were contaminated by themselves or Simons, or that the "chemical fingerprint" doesn't match Bridgestone's industrial waste.

"From what we've seen, it is extraordinarily close," Williams said. "I don't think they did any testing that would allow them to make those claims."

Vernon Dower now lives in Meadow Vista but remembers Monterey County fondly.

"The whole reason for pursuing any of this is so it doesn't happen again," he said.

The lawyers anticipate more litigation as property owners learn of the alleged contamination. Whether they seek legal help or not, McCarthy said, he hopes they will protect themselves.

"There are a lot of people in the Crazy Horse area who should be aware of the history of the dumping so they make sure to take whatever steps are appropriate to protect the health of themselves or their family," he said. "People need to know what the hell went on out there."

Virginia Hennessey can be reached at 753-6751 or vhennessey@montereyherald.com.

Go to:

montereyherald.com

to view the lawsuit.

Dower et al v. Bridgestone Firestone Ten plaintiffs are suing Bridgestone Firestone North American Tire LLC alleging negligence and wrongful death caused by toxic waste that Firestone intentionally and illegally dumped at the Crazy Horse Landfill in the 1960s and 1970s. Plaintiffs · Vernon Dower and children Gabriel, Lucas, Leilani, Miriam and Andrew: Wife and mother, Constance Dower, died of cancer in 1995. Lived on Pesante Road from 1982-89. Both previous occupants of the property also died of cancer. · Earline Rothermich: Husband, Ralph Rothermich, died of cancer last May. The couple had lived on Pesante Road since 1959. · Troy and Tina Graham: Tests showed airborne chemicals allegedly consistent with tire manufacturing in the living room, bedroom and crawl space of their cement-foundation home on Pesante Road. · Lois Hija: Contracted breast cancer, requiring a mastectomy and ongoing chemotherapy. Has lived on Pesante Road since 1988. Previous resident died of cancer. Defendants · Bridgestone Firestone North American Tire LLC and Bridgestone Americas Holding Inc.: Maintain plaintiffs and one of their neighbors contaminated the land.
