The federal Justice Department (DOJ) and the state of Louisiana are seeking fines up to $2.2 billion from Browning Ferris Industries (BFI), charging the waste giant with serious and repeated violations of RCRA (federal Resource Conservation and Recovery Act). Specifically, two BFI subsidiaries (CECOS International and BFI-Chemical Services, Inc. [BFI-CSI]) are charged with 40 RCRA violations in the operation of a commercial hazardous waste facility in Livingston, Louisiana. BFI-CSI owned and operated the 382-acre facility from 1978 to 1983, then sold it to CECOS, which now handles all of BFI's hazardous waste activities. The case against BFI was developed by DOJ, by federal EPA (Environmental Protection Agency) and by the state of Louisiana; federal charges involve RCRA violations and Louisiana authorities are charging BFI with additional violations of Louisiana air and water laws.

Government investigators uncovered more than 2800 RCRA violations during six years of inspections at the facility. In its complaint, DOJ charges that BFI improperly disposed of liquid and incompatible wastes, including ignitable and reactive wastes. The complaint further charges that from 1980 through 1986 BFI failed to take proper samples of wastes to determine what the wastes contained prior to treatment, storage or disposal.

The complaint says BFI failed to maintain proper operating records of its business at the site, failed to maintain an up-to-date emergency contingency plan for the site, failed to provide training for emergency response teams, failed to maintain necessary emergency response equipment, failed to maintain closure and post-closure plans, failed to submit certification that six cells of a major landfill were properly closed, and failed to maintain surface impoundments in a proper manner.

The complaint asks that BFI be required to pay $25,000 per day per violation. If BFI were fined $25,000 per day for 40 violations over a six-year period, the fine would total $2.2 billion. This would be by far the largest fine ever sought against a company for environmental violations. The administrator of the federal EPA, Lee Thomas, commented, "This is a particularly important case because of the large number of violations of federal and state laws found, the seriousness of those violations, and the fact that they occurred over many years. The substantial penalties we are seeking reflect EPA's strong commitment to enforcing the law...."

--Peter Montague

EPA NAMES 100 MOST HAZARDOUS CHEMICALS AT SUPERFUND DUMPS

The federal EPA (Environmental Protection Agency) has published a list of the 100 toxic chemicals presenting the most significant threats to human health at superfund sites; in the next 6 months, the Agency for Toxic Substances and Disease Registry (within the federal Department of Health and Human Services) will write 25 reports on the hazards of the worst 25 of the 100 chemicals. The other 75 will be covered in reports later. Included in each report will be a section describing which industries make and use the chemical. If the agency does a good job on these reports, citizens will be able to learn where all these superfund chemicals came from to begin with. Citizens could then focus attention on those industries, to force reduction in the use of toxics.

The agency drew up the list because it was required by section 110 of SARA, the Superfund Amendments and Reauthorization Act. According to EPA, the 25 worst chemicals, in arbitrary order, are: benzo(a)pyrene; dibenzo(a)anthracene; cyanide; the pesticides dieldrin/aldrin; chloroform, benzene, vinyl chloride; methylene chloride; heptachlor/heptachlor epoxide; trichloroethylene; N-nitrosodiphenylamine; 1,4-dichlorobenzene; bis(2-ethylhexyl)phthalate; tetrachloroethylene; benzo(b)fluoranthene; chrysene; p-dioxin; lead; nickel; arsenic; beryllium; cadmium; chromium; and certain PCBs (1260, 54, 48, 42, 32, 21, 1016).

The list appeared in the FEDERAL REGISTER April 17, 1987, pgs. 12866-12874. [Note that in printing the list, EPA or the FEDERAL REGISTER misspelled trichloroethylene and tetrachloroethylene, omitting the "yl" from each name; however, they printed the Chemical Abstract Services number for each chemical, so we could confirm that the names were misspelled. We have corrected the misspellings in our list above.]

Why not drop the agency a line, telling them you'd appreciate it if they do a thorough job on these reports, and asking to be placed on the mailing list to receive draft copies as they appear? Write to: Ms. Georgi Jones, Director, Office of External Affairs, Agency for Toxic Substances and Disease Registry, Chamblee 28 South, 1600 Clifton Road, Atlanta, GA 30333; phone: (404) 488-4620.

--Peter Montague

CONVICTED OF BRIBERY, LANDFILL OPERATOR NOW UP FOR DEATH PLAN

A Pennsylvania landfill operator was charged April 14 with intent to murder an employee of the Pennsylvania Department of Environmental Resources (DER). A grand jury returned an indictment against William Fiore and three other men, saying they had let a contract on the life of Charles Duritsa, the DER's regional solid waste manager in Pittsburgh. Mr. Duritsa was trying to enforce regulations, to bring Mr. Fiore's landfill into compliance and it was costing Mr. Duritsa $300,000 per month, according to the grand jury's notes. Mr. Fiore was previously convicted, and sentenced to 2 to 6 years for bribing two public officials.

--Peter Montague