

One year later, Kent County chemical plant cleanup stalls

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A year after the state announced a legal settlement requiring cleanup of long-standing pollution problems at a chemical plant near Chestertown on the Eastern Shore, the work remains stalled by disputes with the plant's owner.

Genovique Specialties Corp. has balked at demands from the state Department of the Environment that it do more testing of soil and groundwater for toxic and potentially cancer-causing chemicals at its manufacturing facility, which sits beside an unnamed stream that ultimately flows to the Chesapeake Bay. The company, based in Rosemont, Ill., first submitted a plan last August for investigating contamination at its Kent County plant, which manufactures "plasticizers" — substances that make plastics flexible. But the state found the original plan riddled with "data and information gaps" and has insisted on more sampling to ascertain how far contaminants may have spread.

"We've reviewed the cleanup plan, and we don't agree with it," said Dawn Stoltzfus, state environment agency spokeswoman. "We have requested revisions, and the party does not agree with us."

Stoltzfus said the problems at the plant pose no immediate threat to neighboring residents. But some environmental activists are not so sure, and they fault state regulators for not pressing harder to clean up a facility that has been the source of complaints for decades.

"I don't know the reason why it's taken so long," said Tom Leigh, the Chester Riverkeeper, who noted that groundwater contamination was first detected at the plant 20 years ago. While the facility's current and previous owners have taken some steps to remedy problems, he said, members of the community are frustrated by the apparent lack of progress since the consent decree was signed last July.

"They certainly deserve better from the state as well as the business owners that run the plant," said Leigh, who monitors the condition of the river for the Chester River Association.

The consent decree had settled a lawsuit filed by the state in 2007 that accused the plant of discharging polluted wastewater and of contaminating soil and groundwater beneath its facility. Under the decree filed in Kent County Circuit Court, the company, previously known as Velsicol Chemical Co., agreed to a timetable for investigating and cleaning up the problems within two years. The company also agreed to pay a \$200,000 fine in 18 monthly installments. The deal had been billed by officials as the final resolution of chronic pollution problems at the plant, which has been in operation since the 1950s.

Over the years, the Chestertown plant has used a series of unlined ponds to store and treat its wastewater, and state officials say pollutants have leached into the soil and groundwater, including the solvents benzene and toluene and bis(2-ethylhexyl) phthalate, also known as BEHP. Benzene can cause cancer in humans, while toluene can damage the brain and nervous

system, as well as other organs. BEHP has been classified as a probable carcinogen, and exposure to high levels has caused kidney damage and disrupted reproduction and sexual development in laboratory animals. Last year, Congress banned the sale of children's toys containing some phthalates.

Marian Hwang, a lawyer for the corporation, declined to comment. But in a letter sent to the state this month, she contends that it is being required to do more testing than is needed, because the levels of toxic pollution monitored in the groundwater have declined and there is no evidence any has seeped beyond the fence line.

The lawyer asked that the court-approved timetable for completing the study and cleanup be put on hold while the state mulls its appeal, but pledged to begin work on some of the cleanup.

Genovique submitted a plan for investigating the extent of contamination and pollution at the plant, but it has never been approved by the state.

"We're not going to accept a substandard plan," Stoltzfus said. "We're taking our time to make sure the cleanup is done right."

The Chester River Association agrees that more extensive soil and water testing is needed. But the group also is concerned that storm water washing off the plant site contains BEHP, while wastewater released by the facility into a holding pond that overflows into a nearby stream contains phosphorus. Phosphorus is one of the pollutants chiefly responsible for the algae blooms that create a fish-suffocating "dead zone" on the bay bottom in summer. The state has never officially limited the amount of phosphorus the chemical plant can discharge, and since the consent decree was signed last July there have been 16 times that the phosphorus levels in the plant's wastewater exceeded the limit normally set on municipal sewage plants.

Meanwhile, Leigh said, ducks and geese frequent the pond collecting BEHP-tainted storm runoff. "Those birds move on and may wind up on somebody's dinner plate one day," he said.

Leigh said he is frustrated because state law prevents the citizens group he works for from suing the company if the state has taken action.

Michele Merkel, Chesapeake coordinator for the Waterkeeper Alliance, said the protracted Genovique cleanup is part of a pattern of flagging environmental enforcement in Maryland. State data show declines last year in both the number of sites inspected and actions taken, she noted.

"They either don't have the resources or the political will to adequately address violations of environmental laws," she said.

Stoltzfus said the state is dedicated to cleaning up the plant but acknowledged that "resources are limited." She said the agency is overseeing about 100 consent decrees requiring pollution cleanups.

Stoltzfus said Genovique has begun treating its wastewater in recent months to remove phosphorus. And the contamination problems are limited for now to the plant site, she said.

"If there were public health risks, if drinking water were involved, it would be a different situation," the state spokeswoman said. "But we have to set priorities when resources are tight."