

VELSICOL

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groundwater, according to Attorney General Doug Gansler's July 8 press release.

"Groundwater pollution at the Velsicol site has been a problem for many years," Gansler said in the statement. "I applaud the strong advocacy of the Chester River Association, challenging possible threats to surface water that had not been fully explored. CRA's actions set an example for others to add their voices to our collective efforts to improve the health of the Chesapeake Bay."

On Wednesday, Bob Parks said, "We're delighted we got credit where credit is due" from the attorney general. He said Gansler's buyboat excursion on the Chester River on April 16 was an excellent opportunity to press his organization's case. Parks is the CRA's executive director.

In April, Gansler said he felt he was "accomplishing exactly what we set out to do, to learn from — to hear from people who are most invested" in a clean river.

Calls to Plant Manager Dale Clark were not returned by press time. Efforts to contact corporate headquarters by phone and e-mail were unsuccessful.

The MDE and Velsicol have been negotiating to renew its expired wastewater discharge permit since January 2006.

The 19-page lawsuit cited toluene, benzene and Bis(2-ethylhexyl) phthalate (BEHP) contaminating groundwater beneath the plant. BEHP is a common polyvinyl chloride plasticizer. Benzene is used as a solvent and in making plastics, rubber and synthetic fabrics. Toluene is an organic chemical.

While the company had improved wastewater treatment, the suit charged that it refused groundwater cleanup "in spite of persistent contamination." Civil penalties could have amounted to hundreds of thousands of dollars.

The filing stated that "Velsicol's refusal to remediate contamination or to cease continued discharges ... should be considered willful," and alleged violations "caused and present a continued threat of harm to the public health, welfare and the environment."

The CRA was most concerned about excessive phosphorus in treated water from the plant, and brought that to the state's attention. The agreement gives Velsicol 30 days to submit a "Phosphorus Evaluation and Reduction Plan" for reducing that nutrient.

In a Wednesday morning e-mail, Chester River-

keeper Tom Leigh said, "This settlement is wonderful news for Kent County, for the Chester River and for all of us who care about the river's health. Not only does it require Velsicol to clean up past contamination but also to better monitor things going forward and to stop handling sludge in ways that pollute.

"We certainly appreciate the Attorney General for applauding CRA's role in this settlement. But more important to us is that the state finally acted aggressively and got a great result."

Within 70 days, a "Site Characterization Work Plan" is due, followed by a "Site Characterization Report." Once it is approved, the company has 120 days to submit a "Remedial Action Alternatives Report."

After approval, Velsicol has 30 days to produce its "Remedial Action Plan" for engineering, construction, startup and monitoring of the cleanup. Necessary construction must be done within 24 months, and remediation will continue until the "groundwater, surface water, sediment and soil standards have been achieved and can be maintained."

If any submission is not approved by the MDE, the company has 30 days to change and resubmit. Penalties can be assessed for failing to meet the deadlines.

Also, sludge from the on-site wastewater treatment will be transported to a licensed disposal site beginning no later than Nov. 1.

The agreement also calls for Velsicol immediately to stop using unlined ponds for wastewater. The water and sludge must be removed from the unlined ponds.

The company has 30 days to submit a plan to make modifications and upgrades to the waste treatment plant it uses, and fully comply with the conditions in its wastewater discharge permit within two years.

Monitoring and sampling of groundwater will continue; the stormwater drain will be tested for BEHP weekly when it rains; and wastewater shall be checked weekly for phosphorus levels.

In the press release, Gov. Martin O'Malley states: "Enforcing laws that are designed to protect Marylanders from the contamination of groundwater is the first step towards preventing future occurrences.

"We have made real and steady progress to protect the natural resources we share, and the settlement announced today should serve as a reminder that we all play a role in protecting our environment, most notably Maryland's corporate citizens."

Velsicol, founded in 1931, is headquartered in Rosemont, Ill. It has plants in the U.S., Estonia and China.