

San Jose Mercury

San Jose Mercury News, Wednesday morning, May 1, 1985

5 area firms must clean up Or answer to EPA

By Mitchel Benson

Mercury News Environment Writer

Regional water quality officials Tuesday set strict toxic-cleanup deadlines for five Mountain View electronics firms and — as added pressure — turned the five over to the Environmental Protection Agency's Superfund program.

Under the program, the EPA could use \$4 million to pay for toxic-waste investigations and cleanup activities at the sites of recalcitrant businesses. But it could then go to court to recover from those businesses three times the amount it spent.

Staff members of the San Francisco Bay Regional Water Quality Control Board asked the board to take both actions following what they contended was 3½ years of slow response on the part of the companies to identify and clean up their joint contamination problem.

"This is the precedent-setting case on how slow is too slow," environmentalist Ted Smith said in prodding the board to refer the five Mountain View companies to EPA. Smith is chairman of the Silicon Valley Toxics Coalition.

The EPA will not automatically step in and begin spending money; conduct studies for clean-up sites for the companies; the board's action simply puts the companies on notice that the EPA could step in as well as take punitive enforcement actions — if the companies do not cooperate with each other and proceed with their own studies and cleanup activities on a reasonable timetable.

The board-approved deadlines require the companies to accomplish certain tasks by specific dates, ranging from June 15 to Dec. 15. They include determining whether different underground water supplies are polluted and, if so, to what extent they are contaminated.

The EPA already has proposed three of the five Mountain View sites for the Superfund list of the nation's worst hazardous waste sites. They are Fairchild Camera and Instrument Corp., Intel Corp., and Raytheon Co. The other two are NEC Electronics Inc. and Siltec Corp.

Roger James, the board's executive officer, and environmentalists who applauded Tuesday's decision, said the action would make it clear to industry that regional water officials are serious about prompt cleanup.

"The board took the right action," said Mike Belliveau, research director for Citizens for a Better Environment. "They sent the proper message to industry that foot-dragging by industry will not be tolerated."

Water board staff members consider the underground water and soil contamination created by the five companies to be one of the most serious cases before the board. That's because of the extent of contamination, the concentrations of the toxic chemicals involved and the proximity of the contamination to drinking-water supplies.

While regional water officials have not detected any organic solvent contamination in the city's drinking-water supplies, they have found particularly high levels of trichloroethylene and 1,1,1-trichloroethane less than a half-mile from one of the city's water wells.

Fairchild's plan rejected

By approving the cleanup orders and the EPA referral in separate unanimous votes, the board rejected a last-minute proposal by one of the companies — Fairchild Camera and Instrument — that it provide a comprehensive cleanup plan for all five within 90 days without the pressure of EPA supervision.

The board encouraged Fairchild to proceed with its plan anyway, but approved the other two actions as necessary insurance that toxic investigation and cleanup would proceed promptly.

Ronald Hausmann, an attorney representing Fairchild, said the company was willing to prepare a remedial cleanup plan for all five companies at its own expense, and was willing to consider which company was responsible for what costs later.

While the proposal was a surprise to the other four companies, representatives for several said they would be willing to talk to Fairchild about it.

But environmentalists and the board staff quickly attacked the plan.

Ted Smith, chairman of the Silicon Valley Toxics Coalition, said, "The companies do just enough to stay one step ahead of the regulatory agencies. It's absolutely incomprehensible to me that this is a good-faith effort."

Last-minute argument

Larry Kolb, the board's assistant executive officer, said that Hausmann's proposal is "a last-minute argument for not doing what the board has been proposing to do for three months now."

Hausmann argued that if the EPA took over the supervision of the cleanup, "You will not see a remedial action plan in 90 days. You will not see a remedial action plan for several years."

But the EPA's efficiency was defended by Harry Seraydarian, toxics and waste management division director for the agency's San Francisco regional office.

"We could proceed with a remedial investigation within 60 to 90 days," Seraydarian said.