

**From:** "hensleyjim" <hensleyjim@roadrunner.com>  
**To:** <mvoong@waterboards.ca.gov>  
**CC:** ""Trevor Smith" <trevor.smith@earthlink.net>, ""Peter Brand" <brand@sc...  
**Date:** 6/17/2009 9:01 AM  
**Subject:** FW: Trash from OID etc. at Ormond Beach  
**Attachments:** LULAC - Comments Oxnard 2030 Plan Amended May 24-09.pdf; HALACO-Wetlands Photos.docx; HALACO Series Mountainous Mess Uncertain.docx; HALACO-StarSeries-byScottHadley.doc

Good Morning Mr. Voong, Director;  
CA Regional Water Quality Control Board

We as members of Ormond Beach Wetlands Environmental Coalition are rushing to contact you about the deplorable health and environmental conditions of the Ormond Beach Wetlands, lagoons, canals and Oxnard Industrial drains that flow trash filled contaminated water into the Wetlands.

We have been alerted that somehow the Southern California Regional Water Board has not been made aware of toxic cesspool problems that suffers one of our few remaining wetlands areas in California. Please place this issue in your upcoming agenda as an emergency action item. If you wish any of us to testify please advise.

As you can see from the attached photos, the area is an amazing habitat for coastal wildlife and a very attractive area for families to enjoy a day at the beach. The lagoon visually offers a family what might appear to be a safe wading area for small children.

However as far as we know, no agency has been testing the water quality at the Ormond Wetlands and there are no warning signs in Spanish and English foretelling of probably pollution.

Trash from local throwaways, picnickers', homeless is adding to the continual flow of trash from two or three Oxnard farmland and industrial drains that empty into the wetlands. As you can see by the attached photos this trash is a serious detriment to the water quality and has been a long term health hazard to those unaware who take their families to enjoy a day at the beach and lagoon.

Likewise, the estimated 700 thousand tons of toxic heavy metal slag hill that creates a double sized football field approximately sixty feet high and it's large footprint expanding underwater and sinking into the wetlands has been reported leaking contamination. By one EPA report the abandoned smelter and slag hill may harbor radio-isotopic materials that are blending into the local aquifers as well as the tidal action that pulls the toxic substances into the ocean at reach tide.

Several of our local and state organizations have formed an environmental coalition, to start immediate clean up of the water borne trash and restoration of the water ways and wetlands as well as the removal of the smelter and slag hill.

Please see this issue is addressed in your preliminary report of this week's CA Regional Water Quality Control Board meeting. Environmental, wildlife and human health and well being is at stake here. The water needs regular testing, and if contaminated [it looks pretty obvious that severe

contamination abounds, when one takes a tour through the area.]

Please allow us to offer you an invitation to take you or some of your representatives on a tour of the deserted Halaco smelter, slag heap, lagoons and waterways. Name any time and some of our environmental coalition members will be happy to meet you at the site and tour you around the area.

Please keep us in your communication list.

Cordially

Jim Hensley, Ormond Beach Wetlands Environmental Coalition  
& Deputy District Director "LULAC"  
League of United Latin American Citizens  
128 Santa Paula Avenue  
Channel Islands Beach, CA 93035-4585  
o/h; 805-382-7659  
c. 805-794-0517  
hensleyjim@roadrunner.com

If you wish to be deleted from this list, click on reply and type or paste "PLEASE DELETE"

-----Original Message-----

From: Trevor Smith [mailto:trevor.smith@earthlink.net]  
Sent: Monday, June 15, 2009 8:40 AM  
To: 'Shirley Birosik'; 'Peter Brand'  
Cc: 'hensleyjim'; 'Michael Stubblefield'; 'Rich T. Handley'  
Subject: RE: Trash from OID etc. at Ormond Beach

Dear Shirley,

We get a comment in to the board.

Thankyou,

Trevor

-----Original Message-----

From: Shirley Birosik [mailto:SBIROSIK@waterboards.ca.gov]  
Sent: Monday, June 15, 2009 8:18 AM  
To: Trevor Smith; 'Peter Brand'  
Cc: 'hensleyjim'; 'Michael Stubblefield'; 'Rich T. Handley'  
Subject: RE: Trash from OID etc. at Ormond Beach

I see there was one other person listed on the original Email who probably didn't get my response to Peter's Email, so here it is below. Additionally, since EPA is the agency dealing with the Superfund (slag heap, etc) issue at Halaco, they should be immediately contacted about the containment issue.

None of the drains in the area are currently listed for trash. The proposed

impaired waters for the current (2008) listing cycle are on our website at [http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/303d/2008\\_integrated\\_report\\_303\(d\)\\_list.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/2008_integrated_report_303(d)_list.shtml) . Comments are due by this Wednesday (30 days in advance of the July Board meeting for adoption of the list). The proposed list does not include any trash listing for the Ormond Beach area which I assume means no one sent us any data/information on that topic. There is contact information on the webpage for submitting any information that you feel is relevant to out updating the list, but do it quick.

Shirley A. Birosik  
Watershed Coordinator  
CA Regional Water Quality Control Board, Los Angeles Region 320 W. 4th St.,  
Suite 200 Los Angeles, CA 90013  
213-576-6679  
sbirosik@waterboards.ca.gov

>>> "Trevor Smith" <trevor.smith@earthlink.net> 6/11/2009 4:44 PM >>>  
Dear Shirley,

Please direct us to the most expediant way to clean up and maintain the wetlands and streams that surround the Halaco plant at the end of Perkins. Along with LULAC, CAUSE and several other environmental and community groups we are concerned that the wetland area is not being maintained. We have pictures of trash and debris. We also have pictures that show the EPA Superfund managed slag heap in contact with the coastal lagoon and the Oxnard Industrial Drain.

I am sure that Jim Hensley will forward the pictures and more information to you.

Sincerely,

Trevor Smith  
Conservation Chair  
Los Padres Chapter Sierra Club

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From: Peter Brand [mailto:brand@scc.ca.gov]  
Sent: Thursday, June 11, 2009 3:28 PM  
To: 'Trevor Smith'  
Cc: Shirley Birosik; Rich T. Handley  
Subject: Trash from OID etc. at Ormond Beach

Trevor Smith wrote to Peter: "On another subject; who is responsible for cleaning up the waterway and lagoon surrounding HALACO? There is alot of trash floating around."

Trevor,

I'll bet Shirley Birosik of the Water Board knows the answer. She has discussed the possibility of a trash TMDL for these drainages. If not,

Shirley will set me straight as she usually does.

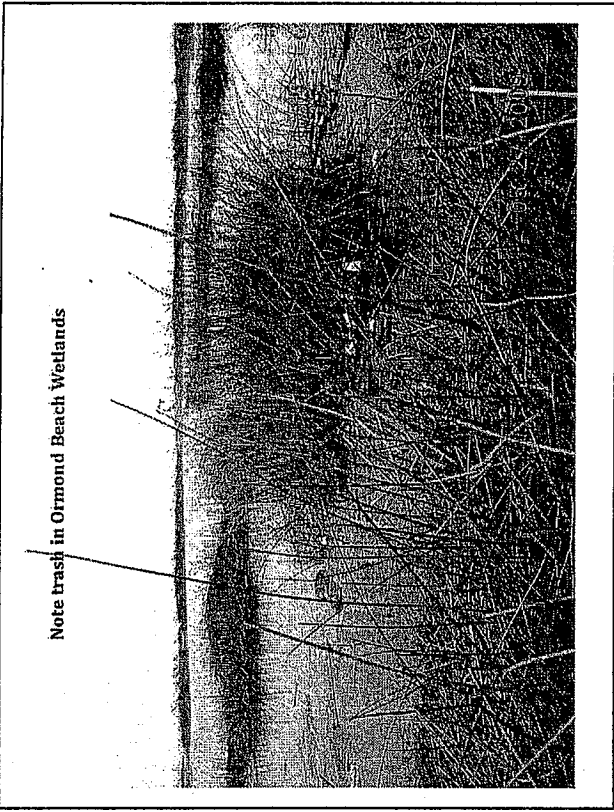
Please include me in your response.

Peter

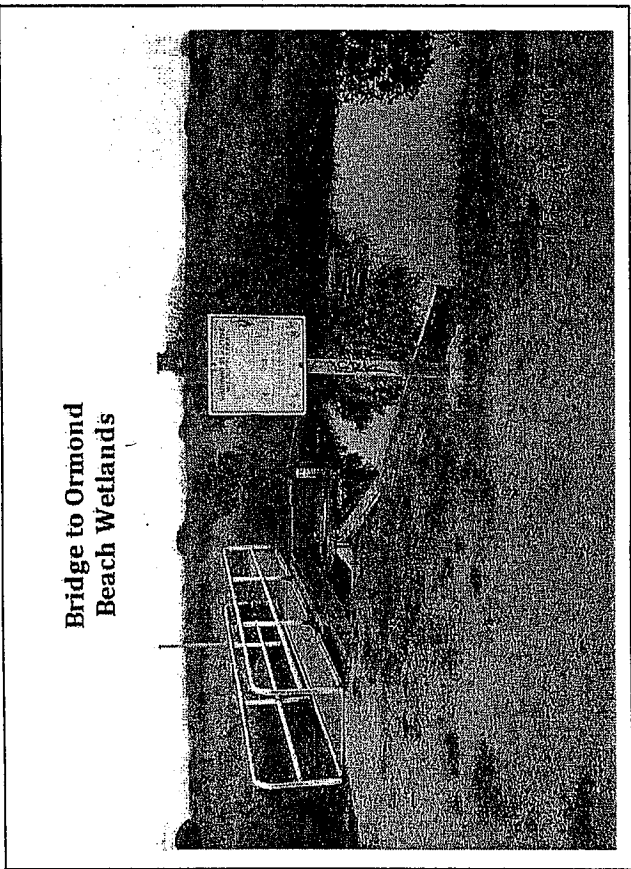
Jim Hensley, Deputy District Director "LULAC"  
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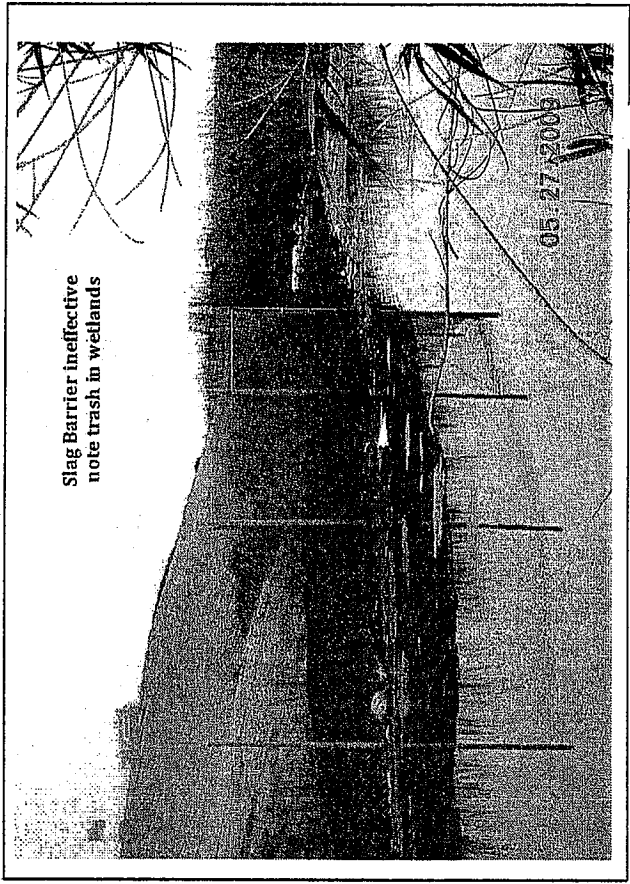
Note trash in Ormond Beach Wetlands



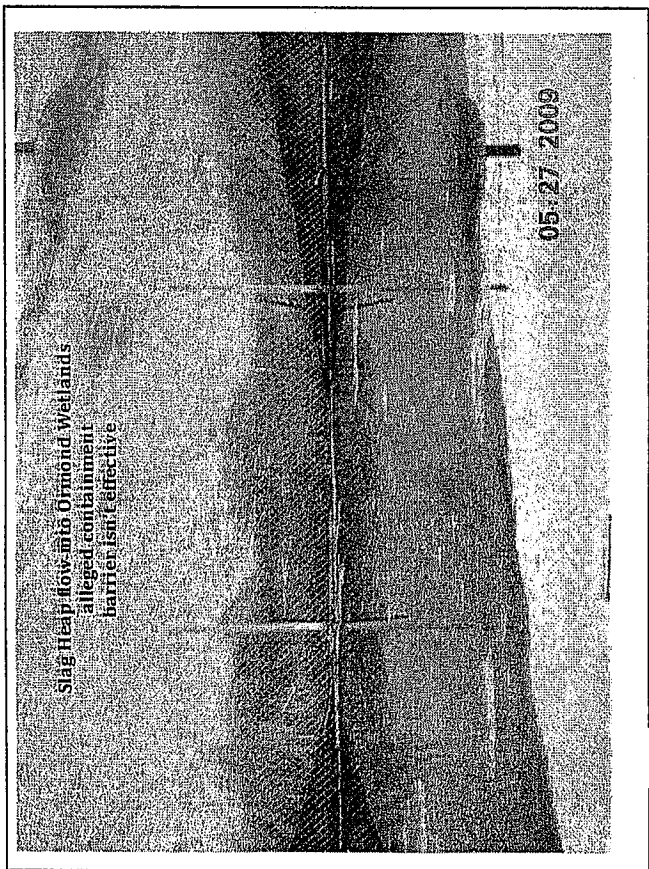
Bridge to Ormond Beach Wetlands



Slag Barrier ineffective note trash in wetlands



Slag Heap pitow to Ormond Wetlands alleged containment barrier isn't effective





## League of United Latin American Citizens

Dave Rodriguez, California State Deputy Director

P.O. Box 23291 Ventura, CA 93002

805-258-1800 daverodriquez80@hotmail.com

Over 80 years of advocacy on behalf of the Latino community

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Sunday, May 24, 2009

Re: City of Oxnard, 2030 Plan - Modification Request

- Ormond Beach

CITY OF OXNARD

MR. CHRISTOPHER WILLIAMSON

e-mail: CHRIS.WILLIAMSON@CI.OXNARD.CA.US

SENIOR PLANNER

214 SOUTH "C" STREET OXNARD, CA 93030

DEAR MR WILLIAMSON;

**LULAC MISSION STATEMENT:** The Mission of the League of United Latin American Citizens is to advance the economic condition, educational attainment, political influence, housing, health and civil rights of the Hispanic population of the United States.

Based on our Mission Statement and responsibilities, we respectfully request the City of Oxnard's 2030 Plan be modified to treat the area as a historic treasure. Our research shows a Chumash Indian Village thrived on Ormond Beach and is thought to have existed for more than a thousand years. This historic issue is another reason the Ormond Beach Wetlands should be restored and protected as a state or national preserve/park land.

Allowing any further building on the coastal side of Hueneme Road in the Ormond Beach area would be a travesty to our citizens. The only possible construction that should be permitted after the clean up and restoration, would be for a visitor's center with a museum expressing the history and explain the habitat of Ormond Beach Wetlands and possibly a nature board walk so visitors can view sensitive areas without leaving a footprint.

This area represents an important period in our history and it must be preserved for the use and benefit of our citizens. If properly developed; Ormond Beach will become nationally known wetlands that could be an important destination when visitors come to Southern California.

- Oxnard enjoys a 60 – 70% + ratio of Hispanics, many of which are in the lower income levels. It has been stated that; *"California has the highest concentration of minorities living near hazardous waste facilities in the U.S"*.
- The Oxnard area has a very high ratio of Latinos and the most hazardous waste sites per-capita. In addition LULAC believes that this is an issue of environmental justice.
- The Ormond Beach Wetlands area is an essential element in protecting our legacy and future. LULAC has joined a coalition of likeminded environmental and social justice organizations and our coalition has drafted the below "HALACO/Ormond Beach Wetlands Wish List:

**Environmental Coalition HALACO/Ormond Beach Wetlands Wish List:**

1. All of the current wetlands property changed from private to public ownership, by eminent domain if necessary
2. Revision of Oxnard 2030 Plan Zoning from industrial to resource protection/ESHA. "*Environmental Sensitive Habitat Areas.*"
3. Expedite demolition of Halaco plant.
4. Expedite removal of slag heap and waste settlement ponds.
5. Removal of non-native species.
6. Restoration to natural state.
  - Convert Ormond Beach Wetlands area into a Protected Habitat State or National Park
7. Ownership or management by a conservancy.
8. Protection of habitat and wildlife.
9. Remove one block of Perkins road and parking lot so riparian up land can be continued from Hueneme Road through the Halaco site.
10. US EPA Region 9 place into action the 1994 Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."  
<http://www.epa.gov/oswer/ei/html-doc/execordr.htm>
11. Establish a: "Jean Harris, Cynthia Leake, Roma Armbrust Memorial Ormond Wetlands Visitors Center"

LULAC and other organizations are currently pursuing plans to expedite "quick start" the EPA Super Fund Cleanup of the Halaco Smelter, slag pile and old waste ponds. It would be a sad tragedy to have the area restored only to have commercial buildings constructed on this valuable public resource.

Please take our issues into account and modify the Oxnard City 2030 Plan. Anything we can do to assistance you, do not hesitate to call us.

Cordially,

Dave Rodriguez,  
California LULAC Deputy Director

cc:  
LULAC State Director - Argentina Davila-Luevano  
Senator Barbara Boxer  
Senator Diane Feinstein  
Congresswoman Lois Capps  
California Lt. Governor John Garamendi  
California Attorney General Jerry Brown  
State Lands Commissioner John Chiang  
State Senator Fran Pavley  
California Speaker of the House Karin Bass  
Assemblywoman Julia Brownley 41<sup>st</sup> AD  
Assemblyman Pedro Nava

Mexican American Bar Association "MABA"  
Coastal Conservancy –  
Environmental Defense Center  
Sierra Club  
Coastal Alliance United for a Sustainable Economy  
"CAUSE"  
Coastal Advocates – Susan Jordan  
Pacific Environment – Rory Cox  
Beacon Foundation – Jean Rountree  
Saviors Road Design Team – Larry & Shirley Godwin  
Earth Alert – Janet Bridgers  
Oxnard College Marine Center – Dee Anderson  
Rebecca Carlson - Marine Biology teacher-  
Saint Bonaventure High School  
CINMS - Channel Islands National Park & Channel  
Islands National Marine Sanctuary - Chris Mobley -  
Superintendent

Ormond Beach smelter spewed corrosive brew for decades as owners beat back efforts by regulators and neighbors to make them stop

By Scott Hadly (Contact)

The Halaco Files



Visit our Halaco Web site for more information and background on the Halaco site.

[VenturaCountyStar.com/halaco](http://VenturaCountyStar.com/halaco) »

Stories in this series

**DAY 1**

Halaco: What went wrong?

Costly cleanup process has many steps

Halaco's history

About this series

**DAY 2**

Future of Halaco's mountainous mess is uncertain

Dirty, dangerous job for workers

Gary Moss felt the soot in his throat before he saw the blue cloud descend on the back lot like a heavy fog. His eyes burned. His fillings hurt. His co-workers gasped for air as the pungent metallic tang assaulted their noses and throats.

"It was unlike anything I'd ever smelled," said Moss, his dark skin wrinkled from a life of working outside.

That day on the job in 1970 at Western Kraft, a paper recycling plant near Ormond Beach, was Moss' introduction to neighboring Halaco Engineering.

"It was usually worse at night," said Moss, a maintenance mechanic at what is now Weyerhaeuser, which is across McWane Road from the silent Halaco smelters.

Like many people who lived or worked in that part of town, his first whiff of the sprawling, beat-up magnesium and aluminum recycling plant was overpowering.

As officials with U.S. Environmental Protection Agency consider including the bankrupt metals recycling plant on a list of hazardous Superfund cleanup sites, some of those people are looking back at the years of seeming inaction and wondering what took so long.

The reason Halaco operated for 40 years is that the company followed the law and wasn't polluting, said Dave Gable, the former general manager.



Photo by Jason Redmond

"They kept doing this stuff for all that time and nobody ever did anything to stop them," says Gary Moss, who has worked near the Halaco plant for more than 30 years.

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Halaco: What went wrong?

"Magnesium is the least harmful of any metals," said Gable, pointing out that the 710,000 cubic yards of waste at the site is primarily magnesium oxide. "Have you ever heard of milk of magnesia?"

The active ingredient in the over-the-counter heartburn medicine is magnesium hydroxide, while Halaco's waste pile is primarily magnesium oxide. Gable is correct when he says magnesium oxide is mostly harmless, but the other constituents in the waste pile are anything but benign, according to federal officials.

Along with magnesium, the pile contains arsenic, barium, beryllium, cadmium, chromium, copper, mercury, lead and zinc. And laced in the melange of metals is an undetermined amount of low-level radiation.

Part of what will happen in coming years is to determine in more detail what is in the pile, what sort of threat it poses, and who will pay to clean it up.

Meanwhile, Halaco's rusty, graffiti-covered corrugated-metal-and-concrete buildings remain. Built atop the old Oxnard city dump, the company's cavernous bag house, where the smoke was sent through filters, smelter building and squat offices cover a vast uneven cement slab. Across the narrow gray water of the Oxnard Industrial Drain looms the four-story high, 28-acre slag heap, containing enough waste to fill the Rose Bowl twice.

The almost 40-acre property is in the industrial corner on the southern edge of Oxnard, where Perkins Road dead-ends at Ormond Beach. Within a mile are the ocean, wetlands, a few dozen industrial operations, Oxnard's sewer plant, farm fields, beachside condos and several thousand people living in the working-class neighborhoods near Hueneme Road.

"I couldn't understand it," said Moss, wearing dirty white coveralls one day after work. "They kept doing this stuff for all that time and nobody ever did anything to stop them."

### Signs of decay

For almost 40 years, Moss and hundreds of others complained about what spewed from Halaco's smokestacks or out of its pipes and into its settling pond, around which a gray mound of waste slowly grew.

No plants lived on that pile.

Kids soon wore crisscrossing trails into the lifeless gray dust, where they would trek on hunts for old bottles or ride bikes.

Along with the metallic smell, Halaco would pump out brutal whiffs of ammonia or hydrochloric acid. Periodically, a thick blue, gray or even purple cloud would drift from Halaco's little smokestack and creep low to the earth, raining gray flakes in its path that corroded any paint or metal in its way, according to people who worked there and various agency reports.

Sometimes when the emissions interacted with moisture in the air a chemical reaction would occur, creating a white cloud of ammonia or acid.

At Oxnard's nearby sewage treatment plant, employees said Halaco's fumes had pitted the metal on the side of the flagpole that faces the smelters.

"I cannot name a smell more acrid," said Katie Greenstreet, a boisterous, silver-haired woman with a raspy voice.

"It was like if you're not a cigarette smoker and you go into a room with a bunch of smokers, and your throat, eyes and lungs burn. It was like that, but a thousand times worse. You'd just go ahhhhhhhh' and run in the house and slam the door."

Greenstreet, who lives in the Surfside condominiums at Hueneme Beach near Halaco's smelters, was among the people who complained to whomever would listen. She and her neighbors signed petitions, took notes on what they saw and even manned picket lines with signs that said, "Halaco, You Stink."

"I think that somebody dropped the ball, and I checked and it wasn't my job," Greenstreet said. "But it's like anything, you have to make noise to get the government to pay attention. It just took a while a long while."

When the company pulled up stakes and declared bankruptcy three years ago, many were not surprised that taxpayers might end up paying for the cleanup.



Kesa Ryono and her daughter Dharma Murphy, 10, at Hueneme Beach near their home. Ryono is one of many people in neighboring condominiums who worked to stop Halaco from polluting.

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Kesa Ryono, 44, a single mother of two, worked for years to draw attention to the problems created by the company.

"I knew they'd declare bankruptcy," Ryono said. "You could just tell by looking at the plant that they weren't putting any money into it. I didn't have any hope that they'd stay and do the right thing."

### Pickleweed and pollution

Halaco changed its operation little during the four decades it was open in Oxnard.

The company melted tens of millions of aluminum cans, magnesium aircraft parts, engine parts and borings from metal fabricators.

The kind of pollution it created in the 1960s was the same kind of pollution it created until it closed its doors in 2004, reports by several regulatory agencies show.

Throughout its existence, more than a dozen government departments nipped at Halaco's tail. None ever brought the company to heel, but it wasn't for lack of trying.

The Los Angeles Regional Water Quality Control Board's file on Halaco has more than 40,000 pages of reports, memos, letters and records of attempted enforcement actions.

The EPA's files are equally voluminous.

There are also boxes of dusty files at the Ventura County Air Pollution Control District, Oxnard Fire Department, Ventura County Environmental Health Department, state Department of Fish and Game, U.S. Fish and Wildlife Services, U.S. Army Corps of Engineers, state Department of Toxic Substance Control and state Coastal Commission.

"There is a pendulum that swings back and forth between working with people (at a business) to get them into compliance and using enforcement," said Jonathan Bishop, executive officer for the Los Angeles Regional Water Quality Control Board. "Looking back, I think we went too far in the direction of working with them (Halaco)."

When the agencies tried to be more aggressive, Halaco sued.

In 1979, the U.S. Army Corps of Engineers tried to stop Halaco from dumping waste into what it called a wetland on the north end of Halaco's property. Art Fine, the company's attorney and son of its co-founder, Les Fine, sued. The agency dropped the effort, and stopped referring to it as a wetland.

Two years later, the California Department of Toxic Substance Control found the company's waste exceeded state limits for copper and zinc. Fine sued again. The department responded by exempting Halaco from the limits on copper and stopped referring to the company's waste as "hazardous."

When the California Coastal Commission argued in the early 1980s that Halaco needed a permit to operate in the coastal zone, Fine sued again. The case went to the state Supreme Court, where Halaco won.

In 2001, David Nahai, chairman of the Regional Water Quality Control Board, marveled at Halaco's litigiousness, telling Fine, "You said that during the last decade, you've (Halaco has) been subject to investigation and inquiry and criticism and even worse by a number of agencies and by a number of governmental entities. Wouldn't it be easier to comply?"

Several government officials attribute the company's ability to continue its operations to Art Fine's skill in the courtroom.

Halaco: What went wrong?

Ventura Deputy District Attorney Mitch Disney, who successfully prosecuted the company for violating air pollution rules in 2003, said Fine was always well-prepared and often knew the regulations better than the regulators.

But another attorney, Daniel Cooper, who is representing the Environmental Defense Center and Santa Barbara Channelkeeper in a civil suit against Halaco, said Fine was "lucky."

Fine said his success had little to do with skill or luck.

"We weren't violating any laws and regulations that applied, and we demonstrated that in court, whether it was against the EPA or the Department of Toxic Substance Control," he said.

Halaco's problems with government agencies had more to do with changing times, said Marvin Burns, an attorney now representing 92-year-old Clarence Haack, company co-founder. The company started operating before the state's passage of the Coastal Act, before the federal Clean Air Act, the federal Clean Water Act, and the federal Endangered Species Act.

And not all of Halaco's neighbors had problems with the plant. Jim Measures, personnel director for the paper recycling company when it was owned by a different company, said Halaco wasn't so bad.

"I'm not a doctor or a scientist so I couldn't tell you if the fumes were dangerous," said Measures. "I'm a glass-half-full kind of guy. I don't buy into that conspiracy stuff."

But the company couldn't win over everyone and the persistent complaints began when Halaco started its operations and didn't end until the company closed.

**A history of problems**

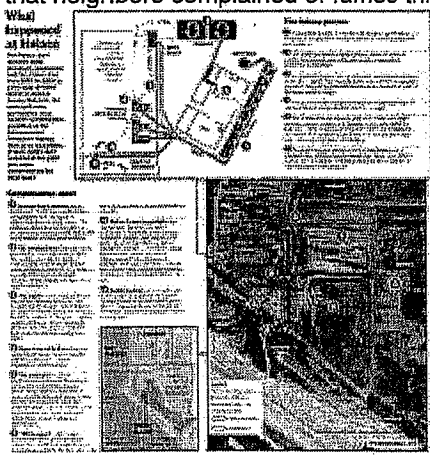
As far back as the mid-1950s, when the company was in Gardena, Halaco had problems.

The Los Angeles County's Industrial Waste Division told Halaco in 1955 that its wastewater loaded with ammonia and a long list of metallic oxides couldn't be discharged into local waterways.

Just as it did in Oxnard, the company had permits to recycle magnesium alloyed with radioactive thorium. But, according to a 1997 Nuclear Regulatory Commission document, Halaco didn't dispose of the waste properly and likely contaminated the Gardena Harbor dump in the late 1950s.

Halaco moved to Oxnard because of complaints by neighbors in Gardena, according to court records. Company officials thought the Perkins Road site would allow them to dump Halaco's waste in the ocean and be far enough away from people to avoid problems.

But problems with the company emerged here as soon as the Halaco began operations. Records show that neighbors complained of fumes throughout the 1960s.



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It wasn't just fumes, either. In a 1970 study, state biologists placed fish in water taken from the canal next to the plant. The fish died in 10 minutes. Halaco challenged the study, arguing that the ammonia that presumably caused the toxicity came from nearby farm fields.

The Regional Water Quality Control Board stopped the company from dumping its wastewater directly into the Oxnard Industrial Drain in the 1970s. To deal with its waste, the company began pumping it into a settling pond where the water would evaporate, leaving solids that were scooped out and added to a growing pile of dust-like waste.

Halaco: What went wrong?

In a 1981 EPA survey, crews noticed that "freshly deposited solids ... were observed to produce heat, emit crackling sounds, and produce gases."

The stuff smelled of ammonia and remained hot and "reactive" for up to half a year. When the EPA attempted to stop Halaco from dumping the waste, the company sued and succeeded in getting the federal agency to back off.

Despite those early studies, the Regional Water Quality Control Board sent a letter to Halaco in the mid-1980s, noting that its waste was essentially "inert."

Ten years later, the board reversed itself and said the waste contained "hazardous substances."

Halaco's studies stated that the waste was a "harmless product and demonstrates a remarkable lack of toxicity." In the mid-1980s, a lab hired by Halaco went so far as to rub the waste on shaved rabbits and feed it to rats to show it had no ill effects.

Co-founder Les Fine referred to the waste as "salts and dirt." Five years ago, Dave Gable, the former general manager, said that radiation in the pile was of such a low level that a person "could have slept on a sheet of it all of your life and not had a problem."

### Neighborhood fixture

Halaco's waste pile was right next to wetlands, a football field away from the beach and a few blocks from the neighborhood where Mike Johnson grew up.

As kids in the 1970s, he and his friends used to play there.

"The Halaco site had been a city dump beforehand so we'd find all kinds of old jars and glass bottles," said Johnson, who works on a tugboat at the Port of Hueneme.

Sometimes the boys would come across chunks of metal or pots of slag hissing and crackling as they cooled in what Halaco workers referred to as "the boneyard," just north of the waste pile.

As Johnson got older, he started surfing in front of Halaco. Surfers would run across the waste pile or wade through the mucky lagoon next to the plant to get to the beach.

At home, Halaco's presence could be felt when the wind blew in the right direction.

"It was a pretty nasty," said Johnson, who said as a kid he would get two or three bad bouts of bronchitis each year.

When Halaco ran its massive silo-sized tumblers to wash the chunks of scrap metal and dirt-like leftovers from previous smelting, thuds would echo through South Oxnard. It sounded like a huge dryer into which someone had dropped bowling balls, said David Swingler, who lives about two miles from the plant.

Swingler, a father of 10 who started taking long walks in the 1990s as therapy for a back problem, was quickly drawn to the mound. He noticed all sorts of debris when walking along the edge of the mound.

"Hundreds and hundreds of automobile engine parts, door handles little pieces of machines," he said. "Millions of broken bits of everything."

Once he walked along the top of the pile, smelling what he thought was muriatic acid. What he saw astounded him: a lake in the middle of the pile off of which wafted fog.

"It smelled acidic and I walked through the fog without breathing, but halfway through it my eyes started burning," he said. "I thought, Whoa, that's a whole pond of acid there."

About 20 minutes later the skin on one arm and the side of his face where the fog had hit burned and were red, he said.

Over a 15-year period from 1989 to 2004, the Ventura County Air Pollution Control District received 322 complaints concerning Halaco. The company consistently was the target of more air nuisance complaints than any other county business, said Keith Duvall, manager for compliance and engineering for the district.

Looking back now, Mike Johnson said he isn't surprised by how Halaco operated.

"It's a testament to big money," Johnson said. "There's a whole lot back then that could have been done. But frankly we were from a lower economic class, a working-class neighborhood, and there were more pressing concerns."

### The Halaco series

**Today:** Halaco Engineering operated at Ormond Beach for 40 years despite years of complaints from neighbors.

**Monday:** The EPA has stepped in to figure out how to clean up a mountain of contaminated waste. Also, former employees, like Gary Howe, right, were not surprised the company closed.

**About this series**

After the U.S. Environmental Protection Agency recommended including the site of the shuttered Halaco Engineering company smelting operation on a list of Superfund hazardous waste cleanup sites in January, Ventura County Star Staff Writer Scott Hadly began digging into what led to the contamination at the south Oxnard property.

He spent five months combing through court documents and thousands of pages of local, state and federal enforcement files. He contacted more than 100 people, including former employees, government regulators, attorneys and neighbors of the old metals recycling company. About 50 of those individuals were interviewed for these stories.

Hadly details how the company fended off regulators for 40 years, which frustrated some people who lived and worked near the plant.

Future of Halaco's mountainous mess is uncertain

Environmental Protection Agency officials have taken charge of the polluted property

By Scott Hadly (Contact)  
Monday, June 4, 2007

The Halaco Files



Visit our Halaco Web site for more information and background on the Halaco site.

[VenturaCountyStar.com/halaco](http://VenturaCountyStar.com/halaco) »

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**DAY 2**

**Future of Halaco's mountainous mess is uncertain**

**Dirty, dangerous job for workers**

Al Sanders carefully trudged through the flowering yellow beach primroses along the edge of the Ormond Beach dunes where endangered least terns and snowy plover make their nests.

Sanders, his hair tied back in a stringy ponytail and a camouflage baseball cap on his head, stopped about a softball pitch away from what he'd been walking toward for 15 minutes what you couldn't ignore even from a mile away.

"Look at it," he said, scrunching his nose under slightly opaque glasses on a sunny day last month. "It's as big as the pyramids of Giza."

Halaco's slag heap rises four stories out of the Ormond Beach wetlands on the south side of Oxnard.

The 28-acre pile, and a collection of rust- and graffiti-covered buildings on an adjacent 11-acre plot, are what company officials left behind when Halaco went bankrupt and closed three years ago.

The Environmental Protection Agency stepped in earlier this year, not long after the company began liquidating its meager assets.

Spending more than \$5 million, the EPA's emergency response crews have carefully graded the mountain of waste laden with metals and radioactive isotopes. They pulled back its crumbling edges, covering the whole thing with a massive, tan jute blanket to prevent the contamination from seeping and drifting into surrounding wetlands, the Ormond Beach lagoon and the ocean beyond.

As Sanders stood marveling at the mound, an EPA worker putting in a fence around the property approached dressed in a hard hat, respirator and a white hazardous materials suit.

"You really shouldn't get any closer; it's not safe here," the worker said after pulling down his mask.

"I've been coming out here just about every day for 20 years," said Sanders, a Sierra Club member who works on wetlands restoration. "I guess I'm in trouble."

**A continuing risk**

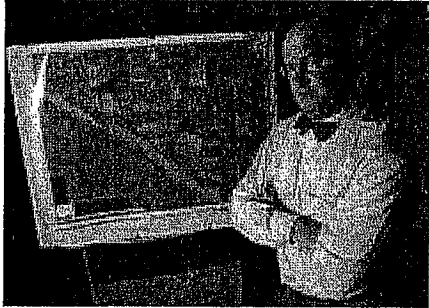
On a Sunday three weeks ago, Daniel Cooper watched somewhat amazed as two guys on motorcycles roared across the ridge of Halaco's old waste pile.

The wiry and aggressive environmental attorney with San Francisco-based Lawyers for Clean Water visited the shuttered Halaco facility, noting a gaping hole in the fence EPA had erected and the fresh graffiti on the old buildings.



Jason Redmond / Star staff Al Sanders of the Sierra Club stands next to Halaco in the wetlands he has worked for two decades to restore. The tan hill behind him is the jute-covered waste pile that he says is "as big as the pyramids of Giza."

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Photos by Jason Redmond / Star staff "Expense is not the issue. The question should be What's the right thing to do?" says Peter Brand, a senior project manager for the California Coastal Conservancy. Behind him is an aerial map of the Ormond Beach Wetland Restoration Project, on which he has worked for more than a decade.

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"Every time I go out there I see people," said Cooper.

For Cooper, the Halaco property still poses risks for people who use the beach and wetlands, not to mention the surrounding wildlife.

"I don't have particular examples of people dying of cancer after playing on the waste pile, but children playing around radioactive thorium and heavy metals and people fishing in the contaminated lagoon can't be good," he said.

That belief also gives Cooper a sort of avenging angel edge to his work.

Cooper filed a citizen's suit in federal court in November on behalf of the Environmental Defense Center and the Santa Barbara Channelkeeper. Unlike a suit filed in 2002 against Halaco, this one names the four former owners, Clarence Haack, his two grown sons, John and Robert, and the former general manger, David Gable.

"The Haacks can't walk away from this," said Cooper.

Adding up the claims and the associated daily fines attached to each claim could put the former owners on the hook for tens of millions of dollars in damages, potentially more money than Halaco generated in profits over the course of its existence, former company officials said.

"They won't be happy until we're broke, dead or both," said Gable.

Gable, a widower with an adult son who repeatedly had to be kicked off the grounds of the old Halaco plant by EPA workers after sneaking in to sleep, said he hasn't had an income for the last two or three years.

"I'm living off my Social Security and hoping that this will all blow over," he said.

The EPA is considering including the plant on a list of hazardous Superfund cleanup sites something Gable said he never saw coming.

#### Invited by Oxnard

"We thought we were doing the right thing," said Gable. "We were asked to take over that (Oxnard City) dump site. They (the city of Oxnard) asked us to come and that's why we always thought we were right."

He said he didn't believe the company had polluted the environment or left behind hazardous material.

Printer friendly

In a short interview, 92-year-old Clarence Haack, who until late last month continued to go to his cluttered office at the closed Halaco plant, said he had cooperated with the EPA and attempted to find a solution to the cleanup issue. Since the EPA swooped in and took control of the old plant, what happens next is out of his hands, he said.

The company is under bankruptcy protection, which requires each government agency to file claims for the potential cleanup costs in U.S. Bankruptcy Court. The state of California's claim alone amounts to more than \$19 million. But the EPA and the state essentially have to get in line with every other creditor for what will in all likelihood be pennies on the dollar.

Over the summer, attorneys with the EPA sent each of the four former owners notices saying they were "potentially responsible parties," a designation that could put them on the hook for the costs of cleanup.

In court documents filed in Cooper's case as well as in the bankruptcy case, there are allegations that the Haacks and Gable took Halaco assets a furnace, customer lists and the company's technology for recycling the material to Tennessee. There, they have started another company, MagPro, to recycle magnesium.

Gable said that's not true. Although it has offices and a handful of employees, MagPro isn't really up and running.

The company declared bankruptcy because it ran out of money, not to escape responsibility, Gable said. "It's not like we thought we were getting away with something," he said.

Now that the company is gone and the federal government has stepped in, there are hopes the mountain of waste and beat-up buildings will be hauled away.

In late May, a scrap company out of Los Angeles began cutting up the big pieces of metal that remained at the plant and weren't coated with contamination. Workers had to char some of the scraps with gusts of fire to burn off the hazardous residue, but much of the material was too contaminated to take.

### Hope and frustration

Fresh from a tour of the site several weeks before, Peter Brand, a senior project manager for the California Coastal Conservancy, explained the pent-up hope mixed with frustration that a lot of people feel.

"I know for me and my colleagues, we walked away with a sense of anger," said Brand, who has worked for more than a decade on an effort to restore the Ormond Beach wetlands surrounding the property. "There's an element of environmental justice here. The people of Oxnard for many decades have lived with this mess that has contaminated their wetlands, possibly contaminated their community, and possibly poisoned some of the residents who worked at Halaco. And no one came to help for decades.

"Some people tried and they weren't successful and a lot of people are not going to be happy if they're told it's too expensive to remove the pile," Brand said. "Expense is not the issue. The question should be What's the right thing to do?"

The history of inaction at the site doesn't engender confidence among some residents.

At a recent meeting of local activists working on issues surrounding the Ormond Beach wetlands, Tisha Munro, a botanist with the California Native Plant Society, was concerned the company would be able to flimflam the government.

"I'm worried they're going to leave and force taxpayers to pay for the cleanup, and in the end the land will be developed for houses," she said.

The future of this remote corner of Oxnard is far from clear.

Unofficial estimates for the cost to clean up the old plant range wildly from \$10 million to \$70 million and even more.

There are 1,304 other Superfund sites across the country. The account to clean them up is overcommitted, and the federal government may be unable to save the day here, as some local politicians and activists hope.

The nonprofit and nonpartisan Center for Public Integrity recently detailed how the Superfund program is starved for cash.

"Just because a site makes the list doesn't mean it's going to be cleaned up," said Joaquin Sapien, a researcher with the group.

Sapien said there are many sites with "very pressing" pollution that have been on the list for almost two decades.

The Superfund was created in 1980 through the Comprehensive Environmental Response, Compensation and Liability Act. The trust fund set up to pay for cleanup of those sites came from a tax on polluters, but when the tax expired in 1995, Congress did not renew it.



### A scramble for funds

Since then, the \$3.5 billion in the trust account has slowly dried up. What's left amounts to "couch change," from what federal officials are able to collect from the companies responsible for the pollution, Sapien said.

This has forced the EPA into a sort of triage of hazardous waste cleanup, delaying work and looking for the cheapest options, according to the research done by the Center for Public Integrity.

Peter Guria, chief of the EPA's emergency response program in the western U.S., speculated that the size of the Halaco waste pile limited options. Whatever is ultimately done it will have to ensure the waste doesn't move into groundwater or surface water, he said.

"More than likely it's so large that it would be cost-prohibitive to move it," Guria said on a visit to Halaco in early March.

Even if the EPA finds the money and decides to haul the mess away, it could take a decade or longer to do the work.

Back at the base of the Halaco waste pile, Sanders ruminated on the different possibilities for the land.

With his binoculars at the ready to spot the dozen or so species of waterfowl and other birds that darted in and out of the stands of mule fat and bulrush in the wetlands nearby, he shook his head as he looked over at the barren mound of waste.

"I'm not so sure this will have a happy ending," said Sanders.