

EPA identifies 3 businesses possibly responsible for Black Leaf toxic waste cleanup

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The U.S. Environmental Protection Agency has identified at least three businesses that may be responsible for cleaning up toxic waste at the former Black Leaf chemical site in Louisville's Park Hill neighborhood, two of whom have agreed to work with the EPA to help make the property safe.

Both firms are Texas-based: ExxonMobil and Maxus Energy Corp.

EPA officials this week also said it would be up to three more weeks until they make public the results of their February soil sampling from the yards of 50 homes on St. Louis Street and Wilson Avenue near the 29-acre site.

Originally, they had said the sampling would be made public in April.

Art Smith, the on-scene coordinator for the EPA, said there is a backlog at the laboratory where a report on the analysis is being prepared.

"We want to let the people know as soon as we can," he said, adding that the owners and occupant of the homes where samples were taken will be notified first.

The delay has caused some frustration.

"I want to know," said Marvin Hayes, whose St. Louis Street home, where he's lived since 1982 is next to the site. The EPA sampled in his yard, he said.

"I don't understand why it's taking so long," said Carl Hilton, executive director of the West Jefferson County Community Task Force, which identifies and tracks environmental health concerns in western Louisville. He said soil sampling analysis can be done in less than two weeks and that EPA's lag time "is bad public relations."

Smith said EPA analysis is robust and typically takes six weeks.

The Kentucky Division of Waste Management last year reported high levels of pesticides, including the now-banned DDT and dieldrin, as well as toxic heavy metals such as arsenic and lead. The EPA last October sampled nearby alleys and found elevated arsenic and lead levels, but no major concerns about pesticides.

The pollution at the site goes back to the first half of the last century, and EPA has been tracing the corporate lineages of a number of companies that once operated industrial plants there, such as the Virginia-Carolina Chemical Corp., Diamond Black Leaf Co., and Diamond Alkali Co., to determine their potential liability.

EPA officials have not discussed details about their investigation.

But in responding to a Freedom of Information Act request from The Courier-Journal, EPA officials in Atlanta recently provided copies of three letters dated Sept. 9, 2011, that the agency sent to three companies, declaring them potentially responsible parties under the Superfund cleanup law.

Those three companies are ExxonMobil, Occidental Chemical Corp. and the current property owner, Louisville Industrial Park LLC.

ExxonMobil acknowledged in a written statement from spokeswoman Claire Hassett that it was working with the EPA to "investigate potential contamination on the Black Leaf Chemical site" and that it would continue to cooperate with the EPA to finalize a work plan there.

"ExxonMobil takes its environmental responsibility very seriously and will work with EPA to ensure the safety and health of the residents of the area," Hassett wrote.

Hassett said ExxonMobil never owned or operated anything on the site, but that the company is a corporate successor to the Virginia-Carolina Chemical Corp., which the EPA said operated on the site from 1953 to 1957.

Maxus Energy Corp. acknowledged through spokesman Michael Turner that it is "cooperating with the EPA to discuss the appropriate course of action" involving Maxus through its Tierra subsidiary, which manages environmental cleanups for the company.

The Maxus involvement stems from a relationship it has with Occidental Chemical, dating to a 1986 stock purchase agreement with Occidental, said Turner.

The EPA had identified Occidental as a corporate successor to the Diamond Alkali Co., which the EPA said operated on the site from 1957 to 1959.

Louisville attorney John J. Bleidt said Louisville Industrial Park and its owners have no liability for pollution at the site. "They have done nothing to contribute to any pollution on the property," he said, adding that they had the site evaluated prior to purchasing it a decade ago, and no significant pollution was found at that time.

He said that gives the owners a liability exemption.

Reporter James Bruggers can be reached at (502) 582-4645.

To learn more:

Details about the Black Leaf site can be found at this EPA site:
http://www.epaossc.org/site/site_profile.aspx?site_id=7247

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Abstract (Document Summary)

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