



# Butte County

LAND OF NATURAL WEALTH AND BEAUTY

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## **PRESS RELEASE**

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### **Nord Toxic Burn Case Concludes**

A Yuba City construction company and its foreman were ordered today to pay nearly \$400,000 in fines and penalties for a September 2004 fire that spread toxic smoke in the Nord area northwest of the city of Chico. The fire resulted from the company clearing a defunct 70 acre kiwi orchard off Nord Highway and then improperly burning the left over waste.

District Attorney Mike Ramsey said that Jaeger Construction Inc. and its foreman, Frank Hamon, 60, Yuba City, had been contracted by a developer to clear the land for a proposed subdivision. On September 21, 2004, the company torched up to 15 large and poorly constructed piles of waste containing chemically treated poles, poly vinyl chloride (pvc) irrigation piping, lumber, metal supports and a variety of other prohibited agricultural waste materials.

The piles produced excessive amounts of irritating smoke and when the weather turned the following day entire neighborhoods of North Chico were inundated with unhealthy emissions from the smoldering burn piles. Smoke continued to impact the northern part of the city for five days during which the contractor attempted to put out the remaining waste piles.

Neighbors complained to the Butte County Air Quality Management District whose investigators then discovered the illegal burn piles and took action to reduce the smoke and control the burn waste. The fires were extinguished by September 27<sup>th</sup>, but then the company, after having been warned of the potentially toxic nature of the burn waste, chose to illegally remove the toxic waste to the Neal Road landfill.

On October 5, 2004 sampling and testing by California Department of Toxic Substances Control (DTSC) confirmed that the waste from the burn piles was toxic for arsenic, chromium and copper. Samples taken at the Neal Road landfill showed elevated levels of metals including arsenic.

Since the burn incident, Ramsey said, the defendant company worked cooperatively with the California DTSC in a voluntary cleanup. As part of that cleanup, approximately 4000 tons of potentially contaminated soil was removed from the site and transferred to an approved landfill near Marysville, California.

The company plead "no contest" to three misdemeanor counts of transporting hazardous waste to an unauthorized location, burning hazardous waste, and burning prohibited materials. Hamon plead to one misdemeanor count of violating the air quality control rules. Brad Allen, 39, Chico, the kiwi orchard's representative also plead to one count of burning toxic waste. The defendants will pay a total of \$395,000 dollars in both criminal fines and restitution to private persons and public agencies. Payments will be made over multiple years and the defendant Jaeger Construction Inc. will be on probation for five years.