

The Environmental Defense Center (EDC) is the only nonprofit environmental law firm between Los Angeles and San Francisco. EDC works with community groups on Central Coast environmental issues such as protecting water quality, preserving precious open spaces, saving species from extinction and guarding public health.



WINTER 2003 NEWSLETTER

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HALACO: Settlement Forces Cleanup of Coastal Industry

EDC and our client, the Santa Barbara Channel-Keeper ("SBCK"), recently announced a historic settlement that will ensure cleanup of air and water pollution around Ormond Beach in Ventura County. The settlement resolves dozens of claims brought by EDC and SBCK alleging that the Halaco Engineering Company, a metal smelting facility in Oxnard, had violated several state and federal environmental laws for decades.

The importance of the settlement is highlighted by the fact that despite numerous permit and regulatory violations over the years, the relevant governmental agencies had been frustrated and ineffective in forcing Halaco to clean up its operations. Fortunately, EDC and SBCK were able to use the legal hammer of environmental "citizen suit" laws to bring about a favorable resolution that will protect coastal waters and residents from the adverse health effects of the facility's operations.

EDC began researching environmental infractions at Halaco's plant in the mid-1990's, discovering hundreds of violations of the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, and Proposition 65 (California's Safe Drinking Water and Toxic Enforcement Act). Our research confirmed a determination made by the Environmental Protection Agency ("EPA") that Halaco was violating the Clean Water Act by discharging industrial wastewater into a series of unlined ponds that were leaching into the groundwater and adjacent Ormond Beach Wetlands. Government officials discovered high concentrations of numerous toxic chemicals, including radioactive thorium 230, in the soil and water at the Halaco facility. The Ormond Beach Wetlands provide habitat for 30 species of birds, including several threatened and endangered species. Ormond Beach also serves as a popular recreation spot for neighboring residents and visitors.



EDC file photo

In addition, the Ventura County Air Pollution Control District ("APCD") found that Halaco had been discharging air contaminants in violation of the Clean Air Act. A health assessment conducted by the APCD found significant cancer and chronic health risks (including reproductive toxicity) from Halaco's air emissions. Despite these findings, Halaco had failed to take corrective action and instead sued the agencies for trying to enforce health and safety laws.

EDC filed suit on behalf of EDC and SBCK in January, 2001. After years of litigation, we reached an agreement this fall that requires Halaco to install measures to protect against stormwater runoff, offsite leaching of pollutants, groundwater contamination, toxic air emissions, and odors from the site. Halaco also agreed to remove a heap of toxic waste material located next to Ormond Beach or pay significant penalties to environmental programs. Finally, Halaco agreed to fund environmental projects in the Oxnard area. *EDC would like to acknowledge our co-counsel Lawyers for Clean Water and Andrew Packard for their work on this case.*