



How Not to Run a Toxic-Waste Dump

Lessons from 50 years of dumping in Huntington Beach

By Nick Schou

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From the air, it must have looked like a lost patch of wetlands. There's a high school uphill, and on either side are the red-tiled roofs and well-watered cul-de-sacs of a typical Orange County suburb. Just downhill on the ocean side are the fat, round towers of a water-treatment plant.

To a circling pelican, the three 25-foot-deep lagoons might have seemed like a swampy, delicious corner of the earth, an inviting patch of green just a half-mile inland from the coastal wetlands separating Newport Beach from Huntington Beach.

So now the pelican--which probably mistook its own reflection for the flash of a silvery mackerel--rests beak-down in a toxic-waste pit just 20 feet from me. Only the top of its broad, downy rump protrudes from an oily slick that covers the huge lagoon--except that "lagoon" is too pretty a word for something this malodorous and bizarre. The surface of the lagoon looks like the frozen crust of some extraterrestrial sea, replete with mysterious lumps and bulges, cracks and holes that leak a shiny, black liquid.

The pelican's sorry fate has an added irony: it mirrors the misfortune that has befallen everyone who has touched this cursed chunk of land in the past 15 years. Everybody who has come into contact with this hillside quagmire--a string of waste-disposal companies, land developers, mortgage firms, and feckless state and local environmental agencies--has left the worse for it.

There's no indication the pelican will be the last of the victims. For the first half of this century, Orange County was a semilawless, frontier-style economy of mineral extraction and ranching. Around the county, it's conceivable that there are a score of oily swamps just like this one--unknown, anonymous dumpsites whose toxic runoff isn't considered hazardous enough to warrant government intervention. Even environmental activists, who for years have been embroiled in a running battle over the future of the nearby Bolsa Chica wetlands, say they haven't thought about the dumpsite in years. In short, no one seems to know whether this forgotten, quasi-final resting place for millions of gallons of industrial waste is a unique one, or whether you'll find places just like it in Brea, Anaheim, Seal Beach, Santa Ana or Costa Mesa.

In the meantime, the "Ascon-Nesi Hazardous Waste Site"--that's how officials refer to the place--is a classic example of how not to clean up a toxic dump.

While obviously a point of fatal curiosity for airborne wildlife, Huntington Beach's last open toxic-waste dump is, for humans at least, an amazingly well-protected secret. The place looks like a reservoir surrounded by 20-foot-high earthen berms that are planted in a utilitarian landscape style like

you see along freeways, only denser. The warning signs are almost useless: a few simple, declarative "no trespassing" signs are the most visible; others lie moldering on the ground. Although a few mention cancer-causing chemicals, others list emergency phone numbers and health hot lines long since disconnected.

To the average passerby, in other words, the place looks clean. Which is exactly what worries Dean Albright, a retired planner and estimator for the U.S. Navy's Public Works Department who lives in Huntington Beach. Albright served on the city's environmental board in the 1980s and is now a member of the Restoration Advisory Board for the cleanup of the Seal Beach Naval Weapons Station. He expressed amazement upon viewing recent photographs of the dump's uncovered oil and chemical lagoons. "I'm surprised they're allowing this condition to exist," he said. From the photos, Albright identified floating pumps and other discarded remnants of an abortive 1992 cleanup operation. "With heavy rains, this is only going to add to the accumulation of the liquid," he observed. "It's got to go someplace."

Albright wasn't being prophetic. In March 1993, the sky opened, releasing torrential rains across Southern California. When the rain hit Ascon-Nesi, it puddled, then pooled, then raced away with some 500 gallons of watery ooze--over the site's earthen barriers and onto Hamilton Avenue.

"It seeped out onto the street and went down to the flood-control channel and the ocean," Albright recalled. "There's wildlife all around that area." Although Fire Department workers quickly cordoned off the street and health officials stated that the toxic content of the leak was nearly nonexistent, city workers nonetheless spent several hours scrubbing the gunk off the affected street gutters.

Albright is a bipedal repository of anecdotes from the annals of the oil dump's black lagoons. Once, during the mid-1980s, he said, local residents were alarmed by the pathetic, heart-rending whines of a wounded dog and its companion trapped inside the dumpsite.

"Everybody can remember those dogs because of the howling," he said. By the time someone managed to free the dog from its gooey trap, most of its flesh had been eaten away. Disgusted onlookers agreed that the dog had to be promptly relieved of its misery. The moral of the story is clear to Albright, who said simply, "Whatever is in there is highly toxic."

Attempts to clean the pit have gone just as badly. Don Churchward has lived in the neighborhood adjoining the dump for 30 years. He recalled how previous cleanup efforts at the dumpsite blew dirt and dust across Magnolia Street onto the tops of houses. He and other Huntington Beach residents also said that, over the years, the site has become a Black Flag Cat Motel: neighborhood felines check in, but they don't check out. Churchward placed blame for the dump's continued existence squarely on the shoulders of the City Council: "It's a very glaring inability of the city of Huntington Beach to take care of a problem that they promised to take care of 20 years ago."

Most residents who spoke with the Weekly cited the foul odor emanating over the years from the styrene pit as their biggest--and most recent--

complaint. After the South Coast Air Quality Management District (AQMD) filed a 1987 lawsuit, the dump's then-owner, Ascon Properties Inc., covered it with a plastic tarp, which began to rot within a few years. The Long Beach-based Signal Mortgage Co., the site's current owner, finally replaced the tarp this June, thanks to the year-old complaints of local residents. Debbie Clark, a resident of a nearby cul-de-sac, described how residents formed an ad hoc citizens-advisory committee, which has been inactive since Nesi Investment Group, another landowner, went bankrupt in 1993. But last summer, Clark said, she and other residents inundated the AQMD with telephone complaints about the renewed styrene odor. "At this point, I couldn't care less what happens to the site," she added--"as long as it gets cleaned up."

"We called the EPA and [a representative] came out that day," confirmed Beverly Markle, who lives down the street from Clark. "All of us signed a petition [saying] that it smells." Markle also said three women on her block have died of cancer in recent years, sparking lingering rumors about the dumpsite. "I don't know if [the pit] is caustic or toxic," she said, "but these were not old women."

Not all residents are particularly concerned about the dumpsite. Marsha Johnston moved to the neighborhood in 1979. "We've never been informed as to what's in there," she said, adding that the real-estate agent who helped her choose the home never mentioned the hazardous-waste dumpsite next door. However, she and other residents said they've never experienced health problems or foul odors because of the dump.

"It doesn't bother me at all," declared one resident who asked not to be identified, adding that he was aware of the dump when he bought his home. "Asbestos is a big bugaboo, too," he added instructively. "When they call [environmentalists] tree huggers, that's exactly what they are."

Edison High School principal Brian Garland was the only local who admitted to having ever seen the interior of the Ascon-Nesi dump. "The neighbors don't have any clue what's behind that berm," he said. "Until I had an opportunity to tour [the dump], I myself had no idea. When I finally did get a look, it was the worst example of environmental disregard I've ever seen. It was just so god-awful and disgusting."

Garland recalled when plans were announced to clean up the dumpsite in 1992 and he was asked to help develop an evacuation plan for Edison's more than 2,000 students--just in case cleanup crews mistakenly released a cloud of toxic fumes. That cleanup, he confirmed, never happened.

Nonetheless, Garland said he's not worried about the site's potential long-term hazards to the health of his students.

Another school official recalled a pair of truant Edison students who were spotted climbing over the fence from the interior of the dumpsite. Police were called. Now, the details are murky, and the story may be apocryphal--an example less of facts about the pit than of neighbors' fears. As it goes, several of Huntington Beach's finest--shirt sleeves rolled up against the pounding heat--confronted the teenagers but refused to put them in the squad car. The police wouldn't even touch the kids. They summoned the

parents and then drove away--clean.

Sixty years ago, Huntington Beach was little more than an oil field, owned and operated by highly speculative, well-connected corporations whose fortunes determined the pace of the nation's economic progress. Low oil prices were key to California's--and America's--efforts to survive the Great Depression and emerge as the world's leading industrial and military power after World War II.

In 1938, the oil companies started dumping their excess oil waste on this anonymous hillside dump operated by a company called Garrish Bros. Oil drilling was an unregulated industry in those days, so few written records exist to document what went in. Scientists and government regulators who have studied the lagoons estimate that at least 18 toxic chemicals and compounds swirl in their depths, including several million gallons of noxious crude-oil waste from dozens of local oil wells: everything from drilling muds to wastewater "brines." Experts admit they're unsure what else may lie hidden here.

In 1950, ownership of the oil dump was transferred to another familial-sounding firm, Steverson Bros. By all accounts, Steverson Bros. played host to the dumping of chemicals far more varied in origin. More oil and petroleum wastes--like phenol, benzene (which causes liver cancer and leukemia) and toluene--were dispatched to the lagoons. But so were aluminum slag, chromic and sulfuric acids, mercaptans (a natural gas additive), xylene, lead, barium, magnesium and potassium chloride, and other poisonous chemicals listed as cancer causing under California's Proposition 65 public-notification law.

In a separate pit that lay uncovered until 1988, a highly toxic plastics byproduct called styrene found its home.

Until then, everything was great--for the dump's owner and the oil companies that were giving it business, that is. Starting in the early 1960s, tracts of middle-class homes, complete with moms and dads and kids and bikes, erupted on the vacant lots around the waste site. The school district built Edison High School. The dumping continued. And nobody complained.

Even today, the U.S. Environmental Protection Agency swears there's no problem with the dumpsite's proximity to the local homes and school. One official said the feds are staying clear of the site because there's no evidence it has polluted drinking water. But the California Environmental Protection Agency (CalEPA) confirms that ground water (which isn't necessarily drinking water, but which may end up in the nearby wetlands and in the ocean) is already contaminated.

Part of the reason Ascon-Nesi still festers today, 30 years after it became surrounded by homes, is that cleaning it up is going to be expensive. "Expensive" doesn't even begin to get at the cost, which one expert put at between \$25 million and \$40 million. "The cleanup costs exceed the value of the property today," explained Ted Broedlow, president of Signal Mortgage Co., the site's current owner. "If you built 250 houses on the site, it wouldn't be worth the cost of putting in the dirt they'd be sitting on. Our

ownership doesn't have \$40 million lying around."

So, where will the money come from? Don't look to the government. Marina Robertson, a consultant with Savannah Resources Corp., confirmed that any cleanup arrangements are going to be funded by the private sector. Last year, her company signed a Voluntary Cleanup Agreement with CalEPA and Signal Mortgage Co. to complete studies on the site, which are necessary prior to cleanup. Signal wound up the property four years ago when the site's previous owner, Nesi Development Group Inc., filed for bankruptcy.

"They've lost quite a lot of money on this thing," said Robertson. "We came along and said that we'd do this for free if [Signal] gave us the option to share a portion of the profits they make once they are able to develop the land." As for the helpfulness of government health regulators, Robertson said: "CalEPA is doing everything they can. We're having to pay them to do their oversight work--they're working with minimal staff on this project."

But developing the land won't be easy. Removing the waste from the dump's five oil lagoons and then hauling the stuff away in trucks will be a job of Pharaonic proportions. Given the city's noise ordinances and other financial and scientific considerations, it should take two to three years. Because of the unknown nature of some of the chemical compounds that could be released by such an operation, it would also require expensive safety measures and contingency plans--including possible evacuations of the local high school and residential blocks. Official estimates vary on exactly how much toxic goo needs to go; the most conservative one rounds out to 250,000 cubic yards--enough crud to fill 12,500 toxic waste-disposal trucks at 4,000 gallons apiece. A single convoy to some remote desert dumpsite would stretch more than 70 miles, filling the slow lane of the I-5 from Surf City to Ventura County.

As we consider the troubled history of cleanup at Ascon-Nesi, it's good to keep the unfortunate pelican in mind. When Ascon Properties Inc. bought the property in 1984, it was determined to clean the site and build a housing subdivision there. But the company's hopes soon collapsed. Thanks to the open styrene pit--a gruesome, swimming pool-sized stew of petroleum and plastics-manufacturing waste--the AQMD in October 1987 filed suit against Ascon, demanding the largest sum ever sought by the agency until then: \$7.35 million. A separate order from the Regional Water Quality Control Board insisted that Ascon remove the contents of the pit and other surface liquids (like the three still-uncovered lagoons) from the site. The AQMD ultimately settled for far less--just \$25,000--but added public-relations insult to financial injury by listing the company as the 16th-largest "legal polluter" in Southern California in 1988, despite the fact that Ascon was in the process of trying to clean up the dump--and was not responsible for any of the actual dumping. It was the first time government regulators had demonstrated any concern whatsoever for the site's possible long-term health effects, and it came a bit late--some 17 years after the responsible oil companies had ceased dumping.

In newspaper interviews, Ascon officials responded to the AQMD suit by claiming that the property's previous owners had misled them about the extent of the site's contamination. They pointed out that they were going to

initiate lawsuits against some of the companies they suspected of illegal-dumping activities. (Ascon later settled out of court with a group of unnamed oil companies that paid the company an undisclosed sum.) Nonetheless, in November 1987, a Superior Court judge gave Ascon two weeks to cover the styrene pit with, of all things, a plastic tarp. The company agreed to comply but openly denounced the tarp as a "Band-Aid solution" that would do little to help it pay for CalEPA's mandated cleanup operation.

Besieged by equivocal government regulators (who demanded the site be cleaned up but refused to help pay for it), hammered with hefty fines, and suffering empty pockets, Ascon went belly up two years later. Through a foreclosure sale, Nesi Investment Group obtained the property and announced its intention to build several hundred single-family homes with a sprinkling of low-cost apartment buildings thrown in. In 1992, the company embarked on a risk-assessment study and performed a preliminary cleanup operation, which involved little more than removing several soil samples and stretching plastic tarps over portions of the oil lagoons. Later that year, the Huntington Beach City Council okayed Nesi's plan to remove millions of gallons of toxic waste from the site and build new homes on the land.

Residents were enraged but not for the obvious reasons. An Orange County Register reporter summed up the bizarre situation this way: "Which would you rather have across the street: a hazardous-waste dump brimming with a half-century's worth of toxins or a sea of red-tiled roofs topping almost 600 houses and condos? Huntington Beach residents lined up to tell the planning commission they'd gladly take the dump. Toxins sure beat traffic."

Four years after the last in a series of would-be cleanup operations fell apart, it is still unclear exactly when or how the dump will disappear. Somewhat heady-sounding talk of free-market solutions--like paying for the cleanup work by building a brand-new housing development there--are still being bandied about by the current landowner despite obvious past failures. And unlike O.C.'s famous El Toro Marine Corps Air Station fuel dump and the McColl dumpsite in Fullerton, federal health officials don't consider the dump dangerous enough to qualify for Superfund emergency-cleanup dollars.

Neither does CalEPA, which only briefly added the site to its Superfund list in 1984--the same year Ascon ceased dumping operations there. In its defense, CalEPA has already spent the last of its voter-approved, bond-measure cleanup funds on other sites.

"There is no public funding available for that site," explained Haissam Salloum, who oversees the Ascon-Nesi dump for CalEPA's Department of Toxic Substances Control. "Usually, [funding goes] to higher-priority sites than Ascon anyway."

The AQMD, for its part, said it's playing no role in either the cleanup or the oversight of the dumpsite, adding that it only acts when local residents complain about the fumes. "We have not issued any kind of notice in the past several years," said Richard Tambara, a regional coordinator for the AQMD in Riverside. And the city of Huntington Beach confirmed that, other than having prepared the necessary rezoning ordinances to allow

private homes to be built here, there's little else it can do to help clean up the dump.

"From the city's standpoint, it's still a high priority," insisted Herb Fauland, a senior planner with the city. "We do believe that, eventually, the site will be cleaned up. And I think it will be done by private funding."

But whether any of that private funding will come from the billion-dollar oil companies that helped make the dump such a disaster is unclear. Thanks to the terms of Ascon's settlement, the current owner can't sue the oil companies. CalEPA has the power to do so, but not necessarily the political will. Negotiations between the agency and an undisclosed group of oil companies over a possible cleanup partnership or settlement agreement are supposedly under way. Agency officials and a spokesperson for the dump's owners said they either don't know or can't reveal the names of these companies.

Signal's Broedlow remains optimistic about the future of his property. He's also enthused by the cooperation his company has been receiving from CalEPA. "This is a high priority for them," said Broedlow. "We're feeling pretty good about their efforts. And, at the end of the day, there will be a cleanup plan."

"Someone had to push this process forward," he continued. "We feel there is a win-win solution here. That's what we are trying to produce."

For his part, CalEPA's Salloum would only say that his department held a recent meeting with a representative of several oil companies to discuss the possibility of their helping finance the cleanup effort. "I cannot even discuss this matter," he said. Savannah Resources Corp.'s Robertson was equally tightlipped, although she expressed hope that the unnamed oil companies would volunteer for the cleanup project. "How would they rather deal with this," she asked, "as team members or by being dragged into this by their feet? Let's cooperate. All those legal costs would be saved, and it would be done a lot quicker. It would be ideal."

It is with the rancid quagmire of Ascon-Nesi's black lagoons that we began this search, for a close inspection offers much to teach us. On an elevated patch of ground, about 20 upturned barrels lie strewn about in a carpet of their own rust; others sit upright in rows. Some of them are missing their lids; others are half-covered in a feat of balance that seems to taunt the force of gravity. The three massive black lagoons, each producing hideous bulges and bubbles, lie just beyond them. Ten feet away, riding a surge of tar like a black, frozen wave, is a floating industrial pump, complete with jaunty pontoons and a massive hose. It lies discarded like an Alaskan icebreaker stuck for the winter. It has no relevance here, where there are just two competing forces: natural life and man-made death.

Natural life is subjected to unfortunate surprises in this place, according to the slimy bulge of a semiskeletalized animal close to shore. The poor creature is lying on its back in a shallow, oily puddle, surrounded by crusted dimples like something from a just-cooled Hawaiian lava flow. Despite my inspired guesswork, I'd need either a forest ranger or a forensic paleontologist to identify it. All that protrudes from its shiny, ebony torso

are three bone-stripped stumps.

Standing there in the midst of Huntington Beach's last open-air, industrial-era toxic-waste dump, I consider all the failed efforts to clean it up. Its history suggests this place isn't going to be cleaned up any time soon, either: political inertia, inconsistent environmental regulation and the near-complete apathy of local officials have created a toxic-waste dump for the 21st century here. And I mean that in the worst possible sense.

I feel a gust of O.C.'s famous offshore breeze. Rushing uphill at me, it blasts over my head and goes straight toward Edison High School. I fill my hesitant lungs with a blast of fresh-smelling air, wondering if I've just ingested thousands or even millions of invisible particles belched out by the lagoon. Probably not, I think, trying not to look at the dead animal.

Time to leave. A uniformed character on a bicycle who is pedaling along the elevated causeway of the power plant has spotted me. As he rides past me, I patiently observe the angle of his head twisting in my direction. I could get arrested for being here, judging from the no-trespassing signs on the fences outside. But what about the people who dumped this shit here, I wonder? What price should they pay?

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