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ADEQ Files Civil Complaint Against Kuhles Capital, LLC for Asbestos Violations at Dewey-Humboldt Facility

PHOENIX (April 6, 2009) – The Arizona Department of Environmental Quality (ADEQ) and the Arizona Attorney General’s Office have filed a civil complaint in Maricopa County Superior Court against Kuhles Capital, LLC for alleged violations that occurred at its landfill located near Dewey-Humboldt in Yavapai County.

The 10 counts against the company include failure to perform a thorough asbestos survey before beginning demolition activities; handling regulated asbestos-containing materials improperly, such as not removing them from structures before demolition or disposing of the materials as soon as practical; and failure to have at least one on-site employee trained in asbestos removal regulations.

In July 2007, the company began to close its landfill and demolish structures on its site. ADEQ issued an Order of Abatement in February 2008 to stop the demolition because samples taken by ADEQ inspectors tested positive for asbestos-containing material in siding material, roofing paint, and floor tile at the facility. Federal law requires regulated asbestos-containing material to be wetted and covered, which inspectors did not observe during two subsequent visits. The company has not fully complied with the Abatement Order.

ADEQ’s complaint addresses other violations by the company, including accepting unpermitted wastes such as household waste and tires into its landfill; and failure to monitor groundwater and landfill gas, to submit a landfill closure plan to ADEQ, or to maintain financial assurance for monitoring the landfill after closure.

“For years ADEQ has tried to work with the company to bring it into compliance with the standards that protect human health and the environment in Arizona,” says Patrick J. Cunningham, ADEQ’s acting director. “We are left with no choice but to pursue this action.”

"The violations alleged in this complaint represent an unnecessary and highly dangerous disregard for the health of the Dewey-Humboldt community," Attorney General Terry Goddard said. "I am committed to working with ADEQ and local environmental enforcement agencies to maintain the healthy environment and quality outdoor lifestyle that attract so many to Arizona."

Asbestos is known to cause cancer and respiratory diseases in humans. There is no known safe exposure level to asbestos. The greater the exposure, the greater the risk of developing an asbestos-related disease.

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ADEQ issued a Compliance Order in 2005 to stop the company from accepting unpermitted waste, and a Notice of Violation in 2006 because the company failed to conduct waste screening and removal as required by the Compliance Order. An Order of Abatement was issued to Kuhles Capital in 2008 regarding failure to comply with asbestos regulations.