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Maricopa County Judge Enters \$71,100 Judgment Against Kuhles Capital for Violations at Dewey-Humboldt Facility

PHOENIX (Nov. 13, 2009) – A Maricopa County Superior Court judge has entered a \$71,100 judgment against Kuhles Capital, LLC for illegally disposing of asbestos-containing materials and failure to obtain an aquifer protection permit required for solid waste disposal facilities at its landfill in Dewey-Humboldt in Yavapai County.

The Arizona Department of Environmental Quality (ADEQ) and the Arizona Attorney General's Office filed a civil complaint against Kuhles Capital in April 2009 for 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 in siding material, roofing paint, and floor tile at the facility. State and Federal law requires regulated asbestos-containing material to be wetted and covered, which inspectors did not observe during two subsequent visits.

ADEQ's complaint also addressed other violations, including accepting un-permitted wastes such as household waste and tires into its landfill; and failure to monitor groundwater and landfill gas, failure to submit a landfill closure plan to ADEQ, and failing to maintain financial assurance for monitoring the landfill after closure.

Maricopa County Superior Court Judge Michael Barth's ruling also orders Kuhles Capital to comply with ADEQ's 2008 abatement order and to provide the necessary closure and post-closure plans for the landfill including proof of financial responsibility.

"The judge's ruling underscores the importance of pollution prevention and careful management of asbestos and hazardous waste at landfills," ADEQ Director Benjamin H. Grumbles said. "ADEQ is committed to working with businesses to reduce risks to Arizona's citizens and natural resources and this ruling sends a strong signal that it doesn't pay to put people and aquifers at risk."

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"This case represented 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.

ADEQ issued a Compliance Order in 2005 to stop the landfill from accepting unpermitted waste, and a Notice of Violation in 2006 because the landfill failed to conduct waste screening and removal as required by the Compliance Order.

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