Maine Is Suing Navy Yard On Hazardous Waste Site

By KEN O'QUINN

PORTLAND, Maine (AP) — The state is suing the Portsmouth Naval Shipyard in Kittery because it has illegally disposed of hazardous wastes and has refused to clean a contaminated landfill, Attorney General James Tierney said yesterday.

Tierney said paint, chrome-plating liquids, acids, and mercury-contaminated materials that had been buried at the site between 1945 and 1978, could seep into the Piscataqua River.

Spokeswoman Ruth Dow said shipyard officials had not received a copy of the suit and would have no comment until they read it.

"The federal government must be held to the same standards as any private industry," said Tierney. The Navy has identified the disposal sites but has refused to take any corrective action for a variety of misuses, said Tierney, who is running for governor.

The shipyard, which began building submarines in World War I, once poured acetone, a solvent, down the drain without adequately treating it first, said Tierney.

Hazardous wastes have been sold or given away without regard to whether the recipient is licensed to handle the chemicals, and liquids containing lead have been flushed through the wastewater treatment plant, which is not licensed to process hazardous materials, Tierney said.

The waste storage site was expanded "to almost double" its original size without prior state approval, and Tierney said a contractor had removed contaminated soil in October of 1984 and had disposed of it improperly.

State and federal environmental officials reported finding open drums and improper labeling of wastes when they inspected the site. Assistant Attorney General Marcia Cleveland said mercury-contaminated wastes also were found.

"They (shipyard officials) say they're contained in concrete cylinders and will not leak out, but we'd like them to look at that more carefully," she said.

Tierney called the contamination at the shipyard sites the equivalent of that found at the McKin site in Gray and at the Winthrop landfill, both of which are on the U.S. Environmental Protection Agency's list of sites in urgent need of Superfund cleanup money.

But the shipyard area "is not near any drinking-water site, so we are not talking about an immediate human-health threat."

The Defense Department has argued in the past that it does not have to comply with the same environmental standards as others, but Tierney said Congress amended the Clean Air Act and the Clean Water Act to make it "extra clear" that military installations "must live by the same rules as everyone else."

Tierney said the Navy has been urged to submit an appropriate cleanup plan, but the Defense Department has "crawled into a black hole and has not responded."

"They continue to tell us it's coming," he said.

He said the shipyard is liable for severe financial penalties.

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