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**HEADLINE:** THE **STRINGFELLOW** MONEY PIT

California taxpayers may end up footing the \$ 1 billion bill to clean up

**BYLINE:** TODD WOODY

**BODY:**

To reach California Deputy Attorney General Donald Robinson at the Ronald Reagan state office building in Los Angeles, a visitor must sign in, pass through a security door, take an elevator to another floor, be buzzed through a second checkpoint and negotiate a labyrinth of hallways that leads to a windowless conference room.

The bunkerlike surroundings match the mood these days of the man who has spent the past 12 years engaged in a Byzantine struggle over who will pay for the potential billion-dollar cleanup of the **Stringfellow** Acid Pits, a defunct, state-licensed toxic waste dump 60 miles east of Los Angeles.

After 11 years of Superfund litigation and tens of millions of dollars in legal costs, California taxpayers face the unprecedented prospect of paying nearly the entire bill for cleaning up the site. And if a ruling last November by a federal court is upheld, the defense contractors, chemical manufacturers and other companies that dumped 34 million gallons of DDT, heavy metals and acids at **Stringfellow** between 1956 and 1972 could walk away paying virtually nothing.

"I lose sleep over it all the time," acknowledges Robinson, 47, an affable if intense career government attorney. "Personally, I'm very frustrated by it because I feel the state's situation is correct. But I can't seem to get that point across."

Throughout the terms of two governors and two attorneys general, Robinson has argued in vain that "holding a government accountable when it performs government functions is bad policy, pure and simple."

In a colossal blunder that one judge called "grossly negligent, if not reckless," the state couldn't have chosen a less suitable site to dump dangerous chemicals than the canyon they selected in Riverside County in 1955. The canyon is lined with fissured granite above a buried stream. The carcinogens that have contaminated the drinking-water

supply of the nearby working-class town of Glen Avon seeped into the groundwater through the cracks in the granite.

Twenty years ago, environmental officials described the dump as a time bomb, and governors, attorneys general and legislators have treated Stringfellow as political dynamite ever since.

As the ticking grows louder with each passing year, so seems to grow the curious detachment of those who must make the hard decisions about Stringfellow. This attitude toward a case that will define the limits of taxpayers' liability seems especially odd, given that last year California officials made their biggest environmental gamble yet: the controversial licensing of the state's first nuclear-waste dump at Ward Valley, 20 miles from the Colorado River.

"It (the Stringfellow case) is a hot potato, and no one (higher up) wants to take responsibility," says Los Angeles attorney Christopher Bisgaard, who represented dump operator James Stringfellow Jr. until Stringfellow's death last summer. "We have beat our head against the wall trying to find someone who can ... make decisions for the state. That person has yet to appear."

The Stringfellow case has spawned other long-running litigation that may also affect California taxpayers. On another front, the state is battling nearly 4,000 Riverside County residents who claim they were poisoned by the dump. On a third front, the state is fighting insurance companies over who will ultimately pay in both of these cases if the state loses.

By some estimates, this three-way fight has employed hundreds of lawyers and consumed more than \$ 150 million in attorneys' fees for all sides. Even the private rent-a-judge appointed to preside over the federal case has made more than \$ 1 million from the lawsuit. The litigation will likely cost many millions more before it all ends -- probably sometime in the 21st century.

Outrage over the money and time consumed by lawyers in Superfund litigation is driving efforts to reform the 14-year-old federal law designed to clean up some of the most contaminated sites in the nation. Study after study has confirmed long-standing criticism that the law has enriched many an attorney while cleaning up relatively few of the 1,249 sites on an ever-lengthening list of toxic-waste disasters.

But the law alone did not dig the Stringfellow money pit.

"I think there's this attitude on the state level that if you put it off long enough it won't be their problem, it will be someone else's, whether that be (Governor) Pete Wilson or (Attorney General) Dan Lungren or someone else," says Penny **Newman**, the Glen Avon schoolteacher who sued the state over Stringfellow in 1984.

"It's as if they're living in a dream world," says **Newman**, whose tidy tract home sits two miles from the dump. "But some day soon it's all going to blow up in their faces."

To paraphrase Ross Perot, California politicians seem to regard Stringfellow as the crazy aunt in the attic no one wants to talk about.

Even the Los Angeles federal judge assigned to the case, James Ideman, has kept his distance. In 1985, Ideman turned the litigation over to Special Master Harry Peetris, leaving nearly all of this monumental fight to be conducted in rented rooms by a rented judge.

Peetris, 74, a retired superior court judge, currently charges \$ 400 an hour for his services and has earned more than \$ 1.2 million for the 3,848 hours he'd spent on Stringfellow through December 1993, according to court records.

The mere mention of Stringfellow sends the state's former attorney general backpedaling. "I'm really not the best person to talk to," says former Attorney General John Van de Kamp, who held the state's top legal office during the first eight years of the Stringfellow litigation -- 1983 to 1991. Now a private attorney in Los Angeles, Van de Kamp refers questions to former lieutenant Andrea Ordin.

Although willing to be interviewed about Stringfellow, Ordin -- who supervised the case as Van de Kamp's chief of

the public rights division from 1983 to 1991 -- also treads gingerly.

"I really don't know how much help I can be," she says from her 19th-floor office at a Los Angeles law firm.

Ordin notes that until 1989, when a federal court found the state liable for Stringfellow's cleanup, the attorney general's strategy had been successful. In 1986, a federal judge found the companies that had dumped and transported wastes at Stringfellow were liable under Superfund law.

The state, along with the federal government, had sued these companies in Los Angeles federal court in 1983. The companies -- including McDonnell Douglas, General Electric and Rockwell International -- hit back with countersuits.

The current chief of the public rights division, Roderick Walston, concedes that Stringfellow is not a case he's followed closely. But Walston insists that he and Lungren are keenly aware that losing this case would be "a major blow to the state's general fund."

In the Legislature, there's been virtually no oversight of Stringfellow since litigation began in 1983, according to a key committee counsel.

"When it comes to litigation, usually there's great deference to the attorney general," notes one Senate staffer.

When asked about Stringfellow, Assemblyman Tom Umberg, the Orange County Democrat challenging Republican Lungren's re-election bid, remarks that the state may finally have to own up to its responsibilities. "It looks like the chickens are coming home to roost," Umberg says. But Umberg, too, is sketchy on the details of the litigation. In an interview, he promises, however, to pay close attention to the case if elected.

"Because of the fiscal burden on the state it would be one of the first things on the civil side I will review to see what can be done to stop the hemorrhaging," he maintains.

For the past decade, San Francisco attorney Barry Goode has coordinated the defense committee that includes the so-called "generators" -- the companies, like Rockwell and McDonnell Douglas, that shipped toxic waste to Stringfellow. He clasps his hands and looks doubtful at the prospect of change any time soon.

"I have not had the sense of a hands-on attorney general -- not under this one or the last one," he says, glancing out his Embarcadero office in the direction of Sacramento. "Whatever the realpolitik of the state's situation, you'd hope someone would ask what's the right thing, the fair thing to do, and bring this to a reasonable conclusion."

Today the idea of dumping DDT into open, unlined ponds or spraying toxic chemicals into the air to evaporate them may seem crazy.

In the 1950s, however, when industry routinely disposed of its toxic wastes in rivers, the ocean and city sewers, building dumps like Stringfellow was considered an enlightened response to the environmental problems produced by Southern California's postwar boom.

In 1954, the state Water Pollution Board sent a neophyte geologist named Robert Fox to assess Stringfellow's suitability as a toxic waste dump.

Fox spent about 45 minutes looking at the 17-acre canyon before pronouncing Stringfellow geologically perfect. His peers testified at a 1989 hearing that any competent geologist of the era would have detected numerous red flags indicating that the canyon was a virtual sieve that probably began leaking the day the first shipment of toxic waste arrived at the dump in 1956.

Fox himself would later call his cursory investigation, conducted on a shoestring budget of \$ 300, "a joke."

Fox's superiors eventually convinced a reluctant Jimmy Stringfellow, then a 28-year-old high school dropout and quarry operator, that the site was perfectly safe to serve as a toxic waste dump. Operating a toxic waste dump, they assured him, was a no-brainer money maker. The state said it would even help him with the design and construction of the facility, according to Stringfellow's testimony at the 1989 hearing.

But in 1972, after chemicals began showing up in monitoring wells, Stringfellow shut the waste dump down.

The state dallied eight more years before beginning a full-scale cleanup. In an era when California routinely racked up multibillion dollar budget surpluses, the state haggled over pennies when millions were at stake. The delay proved costly.

Torrential rains in 1978 forced local water board officials to release 800,000 gallons of toxic waste into a creek running through Glen Avon. The rains also swelled the amount of contaminated waste at Stringfellow from 300,000 gallons to 3 million gallons, vastly complicating the cleanup. In the meantime, a plume of carcinogens was discovered moving through Glen Avon's aquifer.

Stringfellow did everything he could to keep the leaking dump from contaminating Glen Avon, but his efforts failed. His name became synonymous with environmental catastrophe. Shamed by the glares and stares from neighbors who accused him of poisoning their children, he left his hometown. By 1989, he was nearly destitute and working as a handyman. Stringfellow died of cancer last summer at age 66.

"Clearing his name became the most important thing for him," says Bisgaard. "It meant the world to him that it be understood that he was not this evil person who created this infamous so-called Stringfellow Acid Pits."

Despite his declining health, Stringfellow attended every day of the 1989 trial held to determine the state's liability for the disaster.

Toxic dump operators usually do not elicit much sympathy from juries, but Stringfellow's simple, unvarnished manner seemed to belie the state's contention that he was a sophisticated businessman who took the lead in establishing the dump. In litigation dominated by technical jargon and numbing debates over Superfund law, Stringfellow provided the only flesh-and-blood focus for jurors.

At one point the state claimed that in 1968 Stringfellow had failed to notify water board officials about a leak in a dam designed to contain toxic waste. On the stand, Stringfellow testified that he had notified water board officials and that they were present when he uncovered the dam for repairs. But those same officials denied they ever knew about the leak.

Later 25 photographs of the dam being repaired in 1968 were discovered in those officials' offices. Peetris subsequently concluded "there is no question" that state officials took the photographs in 1968.

The case, Bisgaard told jurors, is "about more than just a piece of dirt, a piece of property, a waste dump.

"This case is about an individual as well, an individual who has been victimized by governmental negligence and incompetence of virtually untold proportions."

Indeed, Peetris would later find "Stringfellow's testimony to be the most credible." The jury agreed, finding the state liable for overseeing the dump's construction and failing to clean it up.

So outraged was one alternate juror that she protested to then-Attorney General Van de Kamp. "Because of the obvious irresponsible action of the state, Mr. Stringfellow has been labeled a liar, a murderer ... and he has lost his land but also his good name," the juror wrote in a letter. "I feel that the state, at the very least, owes him a public apology."

None would be forthcoming. With his health deteriorating, Stringfellow spent the last years of his life cleaning toilets and doing odd jobs around the docks at Costa Mesa.

"His back would go numb, his leg would go numb -- at one point, he sawed off a couple of fingers," Bisgaard recalls. "But he had to work. Your heart would break to see this man who couldn't even stand up, couldn't grip a screwdriver."

Stringfellow died six months before Peetris offered a vindication of sorts late last year. In a blistering attack on the

state for placing "the entire burden of the cleanup upon the shoulders of ... Stringfellow" and the companies that used the dump, Peetris recommended that the state pay for up to 95 percent of the potential billion-dollar cleanup.

But Bisgaard believes Stringfellow won a Pyrrhic victory.

"As far as Jimmy's good name, nothing could be done to restore that," he says.

These days, California's most notorious toxic waste dump borders on the bucolic.

Where a sea of industrial solvents and pesticides once percolated in open ponds, sunflowers grow head-high. Framed by the rocky foothills of the Jurupa Mountains, Stringfellow's green fields overlook a semirural tableau of tumbledown houses and grazing horses.

But amid the wildflowers, squat gray wells continuously pump up contaminated water. So toxic is the soil at Stringfellow that to keep the water table from being contaminated, the wells may have to run in perpetuity.

The prognosis for the litigation is not much better.

It could be years before the federal case reaches the U.S. Supreme Court, as it seems destined to do.

In the meantime, Deputy Attorney General Robinson, who was 8 years old when Stringfellow agreed to operate the dump, has no plans to abandon his 12-year defense of the state's role in the case.

"Governments are expected to act aggressively when there's an environmental problem -- that's what the state did and they shouldn't be punished for it," he says evenly, in the monotone of a man who has repeated the same argument while logging nearly 18,000 hours on the case.

That attitude leaves Robinson's opponents shaking their heads.

"I like Don, I really do," says Goode, the San Francisco attorney who represents defense contractor Rohr Industries. "He's a nice guy, a great adversary. But he's lost touch with it. He just can't accept the evidence."

Such comments don't faze Robinson.

"I get extremely frustrated year after year, feeling like my arguments aren't given any credibility," he says. "But I want to win this case, and I think it should be won. I'm not the type of person to give up, despite the fact we've not been successful so far."

He laughs. "Hope springs eternal."

**GRAPHIC:** PHOTO (6),(1) Sunflowers now grow around the acid pits, where solvents and pesticides once percolated in open ponds (2) San Francisco attorney Barry Goode has spent a decade coordinating the companies that shipped waste to Stringfellow, (3) California Deputy Attorney General Donald Robinson has spent 12 years on the Stringfellow case , BY TED SOQUI, SPECIAL TO THE CHRONICLE, (4) Attorney Christopher Bisgaard represented James Stringfellow until Stringfellow's death last year , BY TED SOQUI, SPECIAL TO THE CHRONICLE, (5) Harry Peetris received \$ 1.2 million for eight years of work as a 'rented judge' in th

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