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Wednesday, Sep. 02, 2009

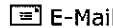
State sues Bonzi landfill

Polluted water, unmet obligations led to legal action

By Garth Stapley
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State authorities are suing Bonzi Sanitation Landfill for millions of dollars needed to close it by early 2011.

The troubled landfill, at 2650 W. Hatch Road, west of Carpenter Road, also must correct groundwater contamination threatening the drinking water of 300 people in the Riverdale Park neighborhood three miles southwest of Modesto, California Attorney General Jerry Brown demands in the lawsuit.

"These people have really been able to skirt, duck and evade their obligations," said Cris Carrigan, senior staff counsel with the state Water Resources Control Board, which has been on Bonzi's tail for more than 20 years. "It's gotten to the point where the board just didn't think we had any other recourse (than to sue)."

Also, Riverdale Park residents this week received notices to boil water before drinking it for reasons unrelated to the landfill. Water in distribution lines has high levels of bacteria, a relatively common problem that could be corrected in a few days or less, a Stanislaus County official said.

Bonzi Sanitation Landfill in southwest Modesto. September 2, 2009. (BRIAN RAMSAY/bramsay@modbee.com)

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- Location of Bonzi Sanitation Landfill
- Bonzi Timeline: Down In The Dump
- Landfill owners told to clean up
- Bonzi landfill in trouble again

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Named as lawsuit defendants are the landfill, parent company Ma-Ru Holding Co., and Miliza Bonzi and Steven Bonzi. Brian Terrell, president and general manager of Rudy Bonzi Inc., said Tuesday he had no comment on the lawsuit. Terrell also said he would discuss with lawyers whether to present to the public the landfill's side of the story.

"(Bee) articles in the past have been so egregious and grossly erroneous," Terrell said. "I am eager to get the information out (to confront) the hysteria that's been created."

A previous lawsuit ended with Bonzi agreeing in 2005 to pay \$500,000 in fines, plus \$8.6 million spread out in scheduled payments to cover closing costs by 2011. A year later, the landfill had paid \$100,000 in fines and \$4 million in closing costs, but has not paid more since and is more than \$2 million behind, Carrigan said.

Some Riverdale Park neighbors, across Hatch Road from the landfill, said they have little faith that Bonzi will meet the state's demands, and fear that their water eventually will be tainted. Should that happen, the city of Modesto will provide drinking water in pipes already hooked up as a precaution.

"Bonzi shows no intention of doing the right thing," said Kelly Murphy, a resident and member of the Riverdale Park Tract

Community Services District. The agency provides water for \$25 a month from a well in the path of a contaminated underground plume slowly moving toward the Tuolumne River.

"If you go back and look at all the violations," Murphy said, "it just makes your jaw drop and go, 'What the hell is wrong with these people?'"

State officials have demanded that Bonzi clean up the tainted groundwater since the mid-1980s, about the time the landfill closed to the public, although garbage trucks have dumped loads there since. The late Rudy Bonzi had started the 128-acre landfill in 1967 without a bottom liner or means of collecting liquids draining from the site.

Toxins detected in tests include cancer-causing components of gasoline and metals such as barium, chromium, vanadium, manganese, nickel and zinc.

"The Regional Water Board must ensure that the ongoing threat to groundwater in the Modesto area,