

EL PASO TIMES

Contaminants found at El Paso Jobe site in 1989, report says

By Diana Washington Valdez \ El Paso Times
04/30/2013

An environmental consultant for El Paso businessman Stanley Jobe reported finding various contaminants and potentially hazardous substances -- including lead and PCBs -- at the old Toro quarry site on West Paisano Drive and Executive Center Boulevard, according to the firm's report.

Gregory Evans, a lawyer for Asarco Inc., which is suing Cemex, mentioned the Raba-Kistner Consultants Inc. report during a hearing Monday in federal court, and told the court that Stanley Jobe may be the most important person in the case between Asarco and Cemex.

Inspectors found lead, cadmium, chromium, barium, chloride, sulfate, high pH levels and PCBs on the premises, according to the 1989 Raba-Kistner report, which was addressed to Jobe Concrete Products Inc. on Dec. 5, 1989.

"As instructed by Mr. Jobe, regulatory agencies were not contacted," the Raba-Kistner report states. "Therefore, background of any enforcement actions or pending legal activities involving this property or the owners is not known."

In its lawsuit against Cemex (Cemex is a company that succeeded Jobe's former corporation), Asarco is asking Cemex to pay for its share of the \$19 million in remediation that Asarco agreed to pay for environmental remediation of land belonging to the International Boundary and Water Commission in West El Paso.

On Monday, after hearing brief discussions related to the lawsuit, U.S. District Judge Phil Martinez agreed to reschedule the civil trial for July.

After the hearing, Evans said Jobe is a key figure to answer questions about alleged contamination that existed or still exists at the site.

"We're going to go where the truth takes us," Evans said. "We want to know what happened to the contamination mentioned by the report. And, if the contamination was removed, did they prepare a manifest of the disposal pursuant to environmental regulations."

Evans said Asarco agreed to pay nearly \$100 million to remove contamination from areas in El Paso affected by its industrial processes, including the money for the IBWC clean-up. He said Cemex and its predecessors should pay for part of the remediation costs.

Ralph Richards, who represents Jobe, said Monday that he could not comment on the Raba-Kistner report because he had not seen it.

In a previous deposition for the lawsuit, Jobe said he was not aware of any contamination on the property.

A more recent communication, a July 28, 2011, letter from the Brown and Caldwell firm to the Texas Commission on Environmental Quality (TCEQ), alleges that there was contamination at the Cemex site.

Brown and Caldwell is El Paso Water Utilities' engineering consultant for the Paisano waterline replacement project, and Cemex was included in communications related to the Paisano waterline work.

"We are in receipt of Mr. Jon Williams' July 21, 2011 email correspondence regarding the referenced project and contamination encountered last month within the Cemex (Paisano) property," says the letter, which does not specify what contamination was found at the site.

No one at TCEQ or Cemex was immediately available Monday to respond to questions about the alleged contamination at the Cemex property.

The report

The 1989 Raba-Kistner report states that Stanley Jobe commissioned Raba-Kistner Consultants (SW) Inc. (R-KCI) to perform a limited environmental site inspection and assessment of the former Southwest Portland Cement Plant in southwest El Paso, to determine what environmental hazards and potential liabilities may exist on the site and the general limitations for future development.

The production facilities described in the report included a raw materials crusher, rock sampling and storage, raw materials grinding units, four bag houses, a kiln feeding building, rotary-type cement kilns, coal bins, oil and lubricant storage, truck repair and storage, a 500,000 gallon fuel oil storage tank, a boiler shop and an office building.

Raba-Kistner inspectors reported finding several drums of hydrocarbon lubricants and solvents and heavy dust accumulations in the kiln feed building and in the old precipitator building.

They also found three pad-mounted transformers in a fenced-off area on the west side of the precipitator building, two of which "were labeled as containing non-PCB fluid, and the other labeled as 'PCB-contaminated,' meaning that the fluid contains between 50 and 500 (parts per million) PCBs," the report said.

In the raw clinker building, the inspectors detected an odor of natural gas, and more kiln dust accumulations. According to environmental experts, kiln dust can be produced by rotary kilns used in the manufacture of lime or cement.

"Some types of dust from cement production processes may potentially cause runoff waters and effluents to become very basic (i.e., have a high pH In all cases, the dust is (a) potential health hazard due to fugitive particulate matter," the Raba-Kistner report said.

The consultant's inspectors also found several areas where lubricating oils, fuels and solvents and other hydrocarbons were stored or used.

"Liquid hydrocarbons have a potential for contaminating surface and underground water supplies and are subject to regulation by the Texas Water Commission," the report said. "The use of metal-containing additives during cement production creates the likelihood that refractory brick and waste products from the kilns have significant metal concentrations."

Raba-Kistner had two different types of kiln brick analyzed for total chromium. One of the bricks had a concentration of 800 mg/kg of chromium and the second one had a concentration of 1,200 mg/kg.

"The pH of the soil samples is generally high and again, the highest values are from materials near the bag house operations area may be considered hazardous where pH reading are 12 or greater," the report said. The pH is the level of acidity or alkalinity in soil.

A test sample taken from near the truck repair shop had a total petroleum hydrocarbon (TPH) concentration of 1,974 mg/kg.

"This is considered by the Texas Department of Health to be a Class I Industrial Waste, equivalent to a Class I Hazardous Waste, and would need to be disposed of in a Class I landfill," the report said.

A paint sample from a shower and change room had 54 mg/kg of lead, which was in the range of low to medium.

Raba-Kistner inspectors did not have access to some parts of the facility that were locked or sealed off, and their inspection was not meant to be comprehensive.

"The soil samples in general have high concentrations of metals, and a high pH ... (Disposal) of kiln dust is treated on a site specific basis. Disposal plans for this material should be made after consulting with the EPA, Texas Department of Health and the Texas Water Commission ... Due to potential for serious pH and metals contamination of the aquifer, we recommend several wells on site to monitor, and due to the close proximity of the Rio Grande, samples of storm water runoff from the site should also be obtained and analyzed."

In unsafe concentrations, some heavy metals, PCBs and other substances mentioned in the report are considered to be cancer-causing or toxic. Some of the substances occur in nature, such as arsenic, and others are released into the environment by industrial processes.

The Raba-Kistner 1989 report is titled "An Environmental Site Inspection and Limited Asbestos Survey of the Abandoned Southwest Portland Cement Facility El Paso, Texas Performed for Jobe Concrete Products, Inc."

The plant at West Paisano and Executive Center Boulevard was commissioned in 1907, used coal for energy, and was modified over the years until it ceased operations in 1986. At the time of the 1989 report, part of the facility was used by Southwestern Sunbelt Cement Co. as a distribution center, was not part of the environmental assessment.

Jobe Materials LP, the firm most recently associated with Stanley Jobe, supplies ready-mixed concrete, construction aggregates, asphalt and landscaping materials in West Texas and Southern New Mexico.

According to testimony by Ralph Richards for New Mexico's environmental regulators, Jobe Concrete Products Inc. was a Texas corporation owned by Stanley Jobe and members of his family, which was sold to the British company RMC Group in 1999.

From 1999 until March 2005, Jobe worked for RMC and was the president of Jobe Concrete Products Inc. In March 2005, Cemex purchased all the assets of RMC Group plc, including all of its subsidiaries, which included Jobe Concrete Products Inc., and that's how Cemex became the owner of Jobe Concrete Products Inc. in March 2005, Richards said.

Richards is vice president and general counsel of Jobe Materials LP.

Diana Washington Valdez may be reached at dvaldez@elpasotimes.com; 546-6140.