

## Cage says Marine Shale probe to continue

LAFAYETTE — No indictments were handed down against hazardous waste handler Marine Shale Processors by a federal grand jury that met here for 22 months, but the U.S. attorney for the area said a new grand jury is expected to be empaneled early this year.

"There are further matters that need to be looked into," said U.S. Attorney Joe Cage, chief federal prosecutor for the Western District of Louisiana. "We have filed a motion to have a new grand jury empaneled."

Fred Thompson, an MSP attorney in Washington, acknowledged that another grand jury could continue the investigation of the St. Mary Parish company, "but we're hopeful they won't."

"All I can say is that as far we know the grand jury expired without taking any action," Thompson said.

The investigation into the Amelia firm is being handled by Assistant U.S. Attorney Mickey Brunner, also based in Washington. She could not be reached for comment. Cage would not comment on any details of the probe.

Thompson complained that MSP was never made aware of what federal authorities have been investigating.

"We were never told what specifically they were looking into," Thompson said. "We obviously have some general idea over a period of time from documents supplied. The environmental crimes unit (of the Justice Department) was in charge. If you're talking about the substance of the case, this thing has been written about, hashed and rehashed in the newspapers for a year and a half."

Marine Shale mixes and burns hazardous wastes, shipped in from industries nationwide, in a 245-foot-long rotary kiln, and the process produces a rock-like substance that the company says is not hazardous. The substance is sold to contractors as aggregate for use in roadbeds, pipe yards and a variety of other purposes.

The company doesn't fall under various environmental incineration regulations because it is a recycler of wastes.

Critics complain that the company is using the recycling as a loophole to avoid the regulations.

Among those critics are environmentalists and a trade group that represents Rollins Environmental Services and other competitors of Marine Shale.

In addition, a Morgan City citizens group has charged that toxic discharges from the kiln's smokestack have contributed to an outbreak of a rare childhood cancer called neuroblastoma.

Meanwhile, the Louisiana Department of Environmental Quality is trying to enforce a \$2.8 million fine on Marine Shale last October for water pollution violations dating back several years. The alleged violations have to do with the storage of wastes on barges in Bayou Boeuf.

The company has appealed the fine to the courts.

Marine Shale has said that it is covered by stringent air and water pollution laws that in some ways are tougher than the regulations governing incinerators. Spokesmen for the company have said efforts to reclassify it as a hazardous waste incinerator instead of a recycler are really an attempt by competitors to shut it down. There is no provision, company spokesmen have said, for allowing it to remain open while the lengthy permit process for hazardous waste incinerators takes place.

The company would likely go out of business if forced to shut down for several months or longer while applying for a permit, spokesmen have said.

Competitors and other detractors

have pointed to figures showing that the company makes more money by charging for handling hazardous waste than it does by selling the resulting aggregate.