

*** NEWS RELEASE ***

DISTRICT ATTORNEY SETTLES ASBESTOS CASE WITH CARMEL VALLEY MANOR

FOR IMMEDIATE RELEASE

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Monterey County District Attorney Dean D. Flippo announced today that his Environmental Protection Unit has reached a settlement with Northern California Congregational Retirement Homes, Inc., doing business as Carmel Valley Manor, for violations of asbestos-related environmental laws and regulations that occurred at the Manor for over a decade, from approximately 1998-2013. Violations alleged include the failure to survey for asbestos and notify Monterey Bay Air Resources District (“MBARD”) prior to undertaking demolition and renovation work at the Manor. Alleged violations also include the failure to properly handle asbestos-containing materials during removal and disposal. The violations came to the attention of MBARD in 2013 after the Manor’s then-newly hired engineering consultant observed a renovation project and immediately arranged for proper asbestos testing and subsequent asbestos abatement.

“I commend Carmel Valley Manor for promptly taking corrective action and working cooperatively with my office to resolve this case,” said District Attorney Flippo. Carmel Valley Manor agreed to a total settlement of \$825,000, comprising civil penalties, costs, and supplemental environmental projects benefiting local seniors and aiding MBARD’s ability to detect asbestos in the field. The settlement terms also include a permanent injunction requiring the Manor to comply with asbestos-related laws and regulations. Asbestos is heavily regulated because asbestos exposure increases the risk of respiratory diseases including lung cancer, mesothelioma, and asbestosis.

Buildings, both old and new, commonly contain asbestos. The EPA has not banned asbestos from building materials. The federal asbestos National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for demolitions and renovations, incorporated in MBARD’s Rule 424, applies to buildings regardless of the age of the building or date of construction. A “demolition” includes the wrecking or removal of any load-supporting structural members of a facility. According to Deputy District Attorney Dije Ndreu, owners and operators of demolitions and renovations must comply with the asbestos NESHAP, even if a facility has previously undergone renovation or demolition.