

---

---

Posted on Thu, Jun. 01, 2006

## Cargill fined by state over toxic spill into bay

By Paul Rogers  
Mercury News

State water officials have fined Cargill Salt \$71,000 after the Newark company spilled thousands of gallons of toxic brine last year along the eastern shore of San Francisco Bay.

The spill occurred on June 1, from a railroad tank car parked near the Newark Barge Canal, an inlet south of the Dumbarton Bridge near Cargill's headquarters.

The substance spilled was bittern, a toxic byproduct of salt-making that is up to 10 times as salty as the ocean and harmful to fish, shrimp and other aquatic life. Bittern is used to reduce dust on dirt roads and to de-ice roads.

State officials who responded after Cargill reported the incident said they did not see floating fish or other evidence of ecological damage in surrounding marshes. However, bittern is heavier than water and can sink to the bottom, affecting species there, water quality experts have said.

Cargill, an agribusiness giant based in Minneapolis, uses large evaporation ponds ringing the bay to produce thousands of tons of salt a year for food, medicine and road de-icer.

The incident was Cargill's fourth bittern spill into the bay since 2000.

Last week, the company was notified of the fine by Bruce Wolfe, executive officer for the San Francisco Bay Regional Water Quality Control Board in Oakland.

``I think the incident was significant, but not extremely damaging," Wolfe said Wednesday.

``We were more concerned that the procedures Cargill had in place were not adequate. This was preventable. In general, Cargill's procedures are quite good, but this is an area they should improve."

The water board's investigation found that a Cargill employee, thinking a railroad car was empty, opened a valve on the bottom of the car parked on tracks near the bay.

In fact, the car was full of bittern. Hardened salt that had blocked the opening dislodged, and 17,650 gallons spilled. Some was captured in a containment basin, but 7,100 gallons poured into Barge Canal, which flows into Newark Slough and San Francisco Bay.

Tests that day showed the marsh had salinity levels 13 times the normal level of the saltiest bay waters. For five days after, samples in the area showed unusually high levels of salinity.

Calls to Cargill spokeswoman Lori Johnson were not returned Wednesday.

The company has three options: Pay the fine, appeal it at the water board's July 12 meeting or fund an environmental restoration project somewhere in the bay for up to \$43,000, paying the rest of the fine in cash.

Environmentalists said the fine is a good start.

``It's about time that the regional board is actually fining Cargill," said Sejal Chokski, director of the San Francisco Bay program Baykeeper, an environmental group based in San Francisco. ``It makes sense for them to start enforcing the law."

The water board did not take enforcement action after Cargill's other three bittern spills. In September 2002, the company spilled 36,900 gallons of bittern into the bay at Newark and faced potential fines of more than \$300,000. Several commercial fishermen in Alviso reported that shrimp catches were reduced for months after.

Why didn't the state fine Cargill then?

Wolfe said Wednesday that the investigation went off track when the two staff members assigned to the case departed. Because of state budget cuts, his agency has shrunk from 143 employees to 119 since 2001, he said. Also, state Fish and Game officials did not take water samples in 2002 immediately after the incident, so there was incomplete evidence.

Cargill also had a bittern spill on April 17, 2004, according to state records. That spill occurred from a cracked pipe on the company's facility at the Port of Redwood City; an unknown amount of bittern went into the storm drain there.

The company also spilled 1,000 gallons of bittern in 2000 from a rail car in Newark that was vandalized.

Cargill gained national attention in 2003 when it sold 16,500 acres of South Bay ponds to the state and federal government

for \$100 million to restore as wetlands for wildlife. Cargill continues to make salt on 11,000 acres in the East Bay.

---

Contact Paul Rogers at [progers@mercurynews.com](mailto:progers@mercurynews.com) or (408) 920-5045.

---

---

Posted on Thu, Jun. 01, 2006

## **WHAT HAPPENS NEXT**

Cargill's has been fined \$71,000 by state water officials for spilling toxic brine into San Francisco Bay last year. Its options:

- Pay the fine
- Appeal the fine
- Fund an environ-

mental restoration project in the bay up to \$43,000 and pay the rest in cash.