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NEWS ARTICLES 9/8/09 - 9/12/09

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9/12/09

Foreman charged in Gridley High painting case

By LARRY MITCHELL - Staff Writer

Posted: 09/12/2009 12:03:11 AM PDT
OROVILLE — The foreman on the painting job that resulted in lead contamination of soil at Gridley High School is being prosecuted, Butte County District Attorney Mike Ramsey said Friday.

John Henry Bese, 65, of Chico pleaded innocent to three misdemeanor charges in the case, Ramsey said.

He could be ordered to pay thousands of dollars in fines and spend up to a year in jail.

The charges relate to illegally transporting and disposing of hazardous waste.

In July 2008, The Hignell Companies of Chico painted structures at Gridley High School and other schools in the Gridley Unified School District.

Mike Sobrero, one of the painters, said he told his supervisors that because old paint on a covered walkway at the high school probably contained lead, the work should be done with great care.

Sobrero said when his supervisor told him not to worry about it, and the job proceeded without all workers' being given protective gear, the painter refused to scrape off the old paint. The next day, Sobrero said, he was fired. He then reported the incident to two state agencies: the Department of Occupational Safety and Health (Cal/OSHA) and the Department of Toxic Substances Control.

Ramsey said the Department of Toxic Substances Control investigated and sent his office a report in

late July. After that, Bese was charged and arraigned in court.

The district attorney said he met with Hignell managers who were "shocked" to learn of the incident. He said company leaders cooperated with the investigators.

According to the Toxic Substances Control report, Ramsey said, Bese should have suspected the old paint contained lead and should have taken precautions.

The paint that was scraped off was put into bags, brought back to Chico and put in a garbage bin at a Hignell facility, he said.

All the flakes of scraped paint should have been removed from the ground, but they weren't, he said.

In late July, after receiving the state report, Ramsey said, his office sent a staff member to the high school with an X-ray fluorescence spectrum analyzer, which can determine the composition of substances. The device showed some lead "hot spots" in the ground near where the painting had occurred, he said.

About a month later, officials from his office and the county Department of Public Health took soil samples from the area, which were determined to contain lead.

Gridley school officials are working on a plan to have the area cleaned up. They say lead levels are fairly low, and there is no significant danger to students.

Sobrero is suing Hignell, claiming he was fired in retaliation for complaining about the Gridley High painting job and about another incident. He said the latter incident was in Chico, where a large paint spill

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was washed down a storm drain.

Ramsey said washing paint down a storm drain is a crime, but his department has no evidence to corroborate Sobrero's story about this action.

Joseph Earley, Sobrero's attorney, said the paint was washed down a storm drain at University Village, an apartment complex at 1325 Nord Ave., which is owned by Chico State University.

Staff writer Larry Mitchell can be reached at 896-7759 or lmitchell@chicoer.com.


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Ex-worker sues Hignell over firing

Unsafe business practices alleged by former employee

By **LARRY MITCHELL**
Staff Writer

A former employee is suing the Hignell Companies, claiming he was fired in retaliation for complaining the firm's actions damaged the environment and endangered workers and students.

Michael Sobrero had worked on and off for Hignell for about four years when he was fired at the end of July 2008, according to the suit filed in Butte County Superior Court several weeks ago.

Rebecca Camara, director of human resources for Hignell, said Sobrero was not fired but resigned. That was the only comment the company would make about the matter now, she said.

The lawsuit referred to two cases in which Sobrero objected to actions by his superiors. In one case, it said, spilled paint was washed down a storm drain in Chico. In another, workers scraped paint containing lead from structures at Gridley High School without taking proper safety precautions, the suit said.

In both instances, according to the suit, Sobrero's supervisors rebuffed his complaints, telling him to mind his own business.

At the painting job in Gridley, the suit said, Sobrero refused to scrape paint without proper safety precautions, such as protective clothing, and he told his supervisor that "if things didn't change," he would think about resigning.

Sobrero's supervisor said he would accept his resignation, but Sobrero replied that he wasn't quitting but just wanted work practices to change, the suit said.

The next day, according to the suit, Sobrero was fired. That same day, he contacted the state Department of Occupational Safety and Health (Cal/OSHA). The agency investigated and later cited Hignell for failing to provide workers adequate protective clothing and proper training for removing lead-based paint. It fined the company \$17,905, the suit said.

Sobrero's attorney, Joe Earley of Paradise, said Hignell has appealed the citation.

In the case of the paint spill, Sobrero called and left a message on some kind of "hazardous-waste hotline," Earley said, adding an investigation was conducted but apparently no action was taken against Hignell.

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■ See **HIGNELL**, 7A

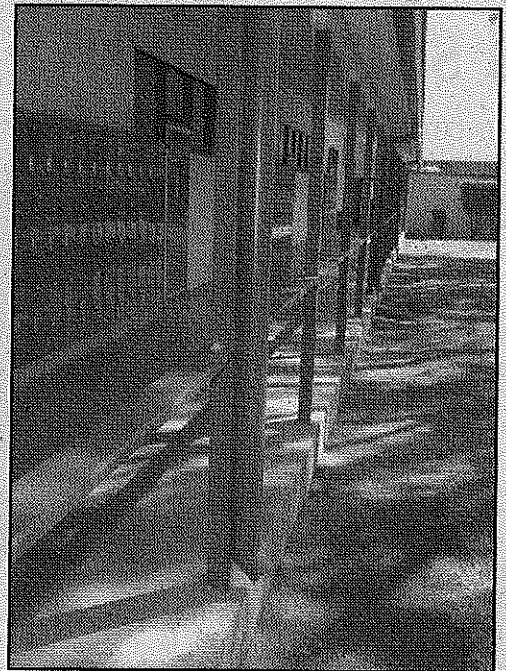
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WHAT'S NEXT: A plan will be developed for cleaning up lead-contaminated soil at the Gridley campus.

This picture taken Wednesday shows the dirt area (right) where Hignell workers are accused of leaving lead paint chips.

Ty Barbour
Staff Photo



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A complete cleanup plan will be developed, he said, and under the law, Hignell should be responsible for paying the cost.

"I want to make sure it's done correctly and in an expeditious manner," he said.

The Hignell Companies have operated in Butte County for more than 60 years, developing subdivisions, apartment houses and commercial complexes and offering property-management services.

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Vance Severin of the Health Department said his agency and the Butte County District Attorney's Office tested soil in the area and found levels of lead that were fairly low but still in excess of state safety standards.

The lead was found next to a walkway canopy that Hignell employees painted in the summer of 2008.

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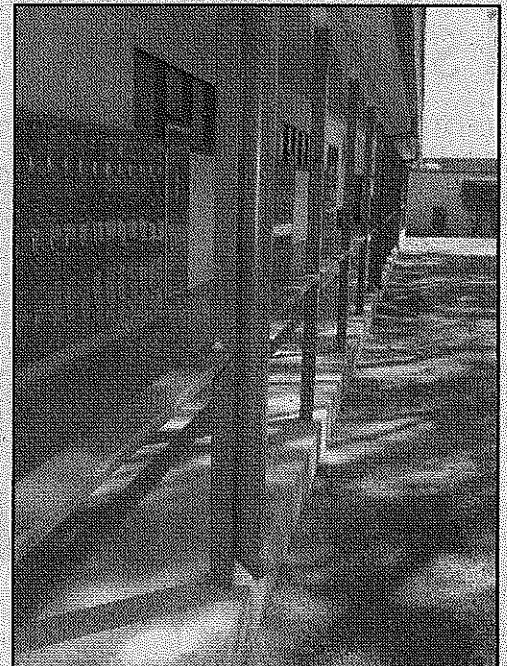
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By LARRY MITCHELL - Staff Writer

Posted: 09/10/2009 03:29:53 AM PDT

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Oakland Tribune

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Minor lead contamination at Gridley High School

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The Gridley Herald
Wed Sep 09, 2009, 11:08 AM PDT

Gridley, Calif. -

The Butte County Public Health Department has released a public notice of environmental contamination for specific locations at Gridley High School, as required by the Safe Drinking Water and Enforcement Act of 1986 (Prop 65).

An investigation by California Division of Occupational Safety and Health and the Butte County District Attorney has determined that a contractor failed to employ proper work practices during removal of lead-containing paint before painting covers over walkways at the school during the summer of 2008.

Subsequent investigation by the Butte County District Attorney's Office and the Environmental Health Division of the Butte County Public Health Department confirmed the presence of elevated levels of lead in soil at lawn areas immediately adjacent to the repainted walkway covers.

This contamination is likely the result of residual paint chips and paint dust from the painting project.

Environmental Health staff observed that the lawn areas where samples were taken are used only minimally by students, due to barricades along the adjacent walkways. The walkways are about a foot-and-a-half above the ground that's been identified as contaminated.

Students don't walk out there or kick up the dirt, and are not in danger, said Superintendent Clark Redfield. The highest soil contamination was 750 parts per million, while the tolerance level is 150 to 400.

"The tolerance level is really not critical for me," he said. "If they've identified lead in an area at school, we're going to mitigate it and clean it up. But we need to get a plan from the state or the county on what the cleanup looks like.

"We're going to secure the area so there isn't any dust coming out of it for any reason. So we're going to make sure that it's ultra safe for the students at the school."

Concentrations of lead in several of the soil samples exceed California "Preliminary Remediation

Goals," which are stringent standards adopted to help determine if further assessment or cleanup of properties is necessary.

The Butte County Public Health Department is providing this notification to inform students, parents, and the public so that contaminated areas can be avoided at this time.

The Department is assisting the Gridley Unified School District to immediately implement protective measures to prevent exposure, and to determine the best options for further assessment and cleanup of the contamination.

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Gridley Unified School District Mitigating High Lead Levels



Reported by: Britt Carlson
Email: bcarlson@khs1tv.com

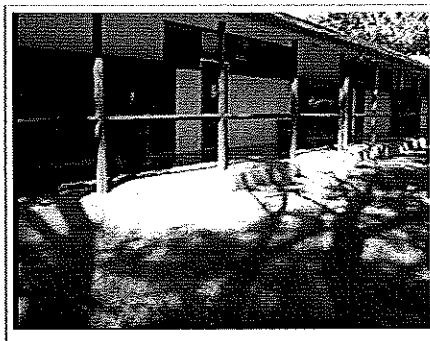
Last Update: 9/08 11:29 pm

The Gridley Unified School District is getting the upper hand on a lead contamination problem at the high school.

The school district informed Gridley High School parents over the weekend that there are several areas that were contaminated by lead paint last year.

Hignell Incorporated repainted the eaves of the outdoor walkways at the school last year.

Before that, they scraped off the older paint, which contained lead, spread the contaminant to the dirt below.



When an OSHA case was filed against Hignell, the Butte County Health Department tested the school's soil 3 weeks ago and found some areas contained high amounts of lead.

Superintendent of Gridley Unified School District Clark Redfield says, "During that entire process we weren't worried about students safety. No one uses the dirt area they walk on the sidewalk and the railings keep them out of the dirt area."

A mitigation contractor will seal off the contaminated areas this week.

A state agency will then mitigate the areas when the students are out of school.

ChicoER.com

Paint contamination found at Gridley High School

By LARRY MITCHELL - Staff Writer

Posted: 09/05/2009 12:00:00 AM PDT

GRIDLEY — Lead has been found in the soil of some lawns at Gridley High School, the Butte County Public Health Department reported Friday.

The lead contamination occurred because a contractor failed to use proper work practices in removing paint that contained lead, said Vance Severin, deputy director of environmental health for the department.

The good news is the levels of paint in the ground are fairly low, and the contamination is in areas where students don't typically go, he said.

Next week, the school will have a contractor cover the areas, probably with plastic, he said. After that, decisions will be made about how to remove the contamination.

The work that caused the contamination was done in July of last year, he said. Paint was removed from underneath canopies over some walkways.

The state Division of Occupational Safety and Health (Cal/OSHA) became concerned that workers were exposed to lead and, after an investigation, cited the contractor in December.

Later, the Butte County District Attorney's Office notified the Public Health Department, and the two county agencies took soil samples from lawns near where the work had been done, Severin said. Test results came back positive on Friday.

Friday afternoon, Severin said he went to the high

school, fearing that the areas were heavily used by students, but it turned out they were not, he said. There are railings along the walkways that prevent easy access to the lawns.

The department issued a public notice of contamination Friday to let students and their parents know that the areas in question should be avoided until they are cleaned up, he said.

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