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Waste Management Dumped 65 Loads of Asbestos-Contaminated Soil at Bovoni Landfill in Deliberate Violation of Regulations, Complaint Against Roger Merritt and WMA Alleges

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Did officials at the V.I. Waste Management Authority plan or conspire to dump contaminated soil from a Housing Authority project into a local landfill instead of using the federal dollars allocated to ship it off-island?

In our reporting earlier this week on the civil complaint filed against the Virgin Islands Waste Management Authority and Roger Merritt Jr, its executive director, we focused on the allegations of workplace harassment and intimidation made against Merritt by Nadine Noorhasan, the plaintiff in the matter.

However, [the document](#) filed in the St. Croix Division of the Virgin Islands Superior Court earlier this month makes additional claims with far more wide-reaching implications. Noorhasan, who worked for WMA in several roles in the area of Compliance Management and Environmental Enforcement, says that she was demoted and sidelined in favor of someone completely unqualified for the job. After that occurred, Noorhasan alleges that the Waste Management Authority engaged in actions that violated regulations set out by the Department of Planning and Natural Resources, as well as the Environmental Protection Agency.

At the center of the issue is WMA's handling of the permitting process for the disposal of waste soil coming from the demolition phase of the VI Housing Authority's Estate Donoe public housing project. Noorhasan claims that in late 2021, before she was demoted from Compliance Management Director, she received lab results from soil samples taken from the site by a company hired to do so. The data, according to the complaint, showed "that the soil was contaminated with heavy metals" and thus could not be accepted at the Bovoni Landfill. In addition, the company told WMA through correspondence with Noorhasan that "the soil would contain asbestos as no abatement was done on the site prior to demolition." That company allegedly also communicated to Noorhasan that the Housing Authority had federal funds that would pay for the contaminated soil to be safely disposed of off-island.

In December, while she was on vacation, Noorhasan says she was demoted from director to manager. Although the position as director was never advertised, the complaint claims that two people from Governor Albert Bryan's security detail were subsequently identified for her former position, neither of whom had the academic or technical background for the role.

In January of 2022, Noorhasan says she was notified that Anderson Poleon, Governor Bryan's former chief of security, would be appointed director of Compliance Management and Environmental Enforcement, a position which the executive director deemed it necessary to have a science background to fill. The CMEE director was also required to be qualified to review analytical data, according to Noorhasan's complaint, a skill which Poleon's previous job experience would not necessarily have afforded him the ability to acquire.

Nevertheless, the trained peace officer became Noorhasan's boss in Compliance and Environmental Enforcement. According to the complaint, amidst an ongoing campaign of harassment and intimidation coordinated between Merritt and Poleon, Noorhasan says that an application came in on March 16, 2022 for a permit to dump the soil from the Estate Donoe demolition at the Bovoni Landfill. According to her, VIHA wanted the material classified as non-hazardous special waste, even though the first set of sample data indicated contamination with asbestos and heavy metals. According to Noorhasan, the VIHA official who submitted the application indicated that dumping the waste at the Bovoni landfill would save the project money.

Noorhasan reportedly told the official that the local landfill could not accept the material, and with no response forthcoming from VIHA, also says she had that discussion with her new boss some months later, as well May 13, according to the lawsuit.

On that same day, Noorhasan says she resent her initial email from March explaining to VIHA that the contaminated soil could not be dumped at the Bovoni landfill. The same VIHA official allegedly promptly responded by indicated that the soil had been re-tested by a different company.

The complaint makes a point of noting that the company that initially tested the soil from the Estate Donoe project, BioImpact, has been in operations for over three decades. Publicly available records indicate that it may have been established in 1986. The second analysis was done by

Tysam Tech, a company established in 2017, according to publicly available records. Tysam was the contractor responsible for cleanup, and also on May 13, an employee emailed Noorhasan data indicating that there was in fact no contamination of the resampled, retested soil. However that data, according to the plaintiff, was missing some crucial elements. Unlike the data submitted by BioImpact, Noorhasan claims what Tysam Tech submitted did not include any information about the chain of custody of their samples, meaning that she could not determine whether the soil was “actually taken from the Donoe site or taken from someone’s backyard”. Information from the laboratory analysis was similarly absent, as well as information about how the samples were collected.

Also missing, Noorhasan says, was any explanation or indication about why soil samples at the site were found to contain contaminants in the earlier testing but now tested clean the second time around. Inquiries with the Tysam Tech representative did not yield the missing required information, but instead Noorhasan says she was informed, sometime around May 16th, that the company had received a permit from WMA authorizing them to dispose of the Donoe site soil at the Bovoni landfill.

Noorhasan says she was shocked to learn that her agency had issued a permit when key information that would have been needed for consideration of said permit was still outstanding. The lab data from the soil sample analysis, information about the samples’ chain of custody, a clearance letter from DPNR regarding the presence of asbestos, and manifests showing that all material containing said asbestos had been shipped off-island — all not in the possession of WMA when the permits for Tysam Tech were reportedly issued. The lab data was belatedly submitted on May 24th, the complaint said, but other key information remains outstanding.

Nevertheless, Noorhasan says she continued to push back on Tysam Tech’s insistence that the material be disposed of at the Bovoni Landfill, until the company decided to appeal directly to her boss — Anderson Poleon, who’d gone from the Governor’s security chief to the director of Compliance Management and Environmental Enforcement despite his lack of an academic or professional background in science or scientific analysis. Despite this, Poleon also requested that Tysam obtain the clearance letter from DPNR.

The back and forth continued until June 9, 2022, when Noorhasan claimed that she found out that Poleon had issued Tysam Tech a permit to dispose the Donoe site soil at the Bovoni landfill, despite never having received the required correspondence from DPNR asserting that the material was not contaminated with asbestos.

That development, according to the civil claim, triggered Noorhasan’s reporting responsibilities, which she says are part of her job requirements. As such, the WMA staffer reported the matter of the Donoe site permitting process to both DPNR and the EPA, first via email and then by official, formal complaint to DPNR. The complaint does not specify whether a formal complaint was sent to the EPA, but does make mention of a second complaint to DPNR, based on WMA’s improper “handling of fluorescent lightbulbs at Peter’s Rest Convenience Center and the burial of electronic waste at the Anguilla landfill.”

Noorhasan says she learned on June 23 that a total of 65 loads of soil from the Estate Donoe site had been dumped at the Bovoni landfill in the absence of required documentation from DPNR. This, in her opinion, violated not just regulations from DPNR and the EPA, but also went contrary to a longstanding consent decree dating back to 1984.

On June 27, Poleon and a representative from Human Resources brought Noorhasan a letter from Executive Director Roger Meritt accusing her of “restricting operations”. She was placed on administrative leave from WMA and asked to leave her office immediately. An appeal of her suspension, Noorhasan says, has not yet been responded to by the Board.

The EPA confirmed to the Consortium Thursday night that it received correspondence from Noorhasan. "EPA received allegations from Ms. Noorhasan regarding potentially contaminated soil being dumped at a local landfill. EPA raised this concern with the Virgin Islands Department of Planning and Natural Resources, which is responsible for enforcing the Resource Conservation and Recovery Act Subtitle D requirements, which govern landfill operations. VIDPNR indicated it would follow up with the VI Waste Management Authority on this matter, and we await their response. EPA remains committed to engaging with our U.S. Virgin Islands partners to ensure compliance with environmental laws and regulations," the federal agency said.

Consortium journalists have also reached out to DPNR and WMA for a response, and will update our reporting if our requests are acknowledged.