

Court nullifies area industry fine from DEQ

**By Fred Kalmbach/
State-Times writer**

A fine levied against a major chemical company — a fine environmentalists argued was too low — was struck down today by a state appellate court because state environmental officials had failed to justify the amount of the penalty.

The 1st Circuit Court of Appeal also nullified the \$66,700 fine against BASF Wyandotte because the public was denied opportunity for input and the state attorney general did not approve of the fine.

The decision "puts more burden on DEQ not to cut these behind-the-door deals," Darryl Malek-Wiley of the Sierra Club said.

The penalty — assessed in 1986 by Department of Environmental Quality under then Secretary Pat Norton — was for five violations of state law. Those violations included the illegal release of the toxic gases toluene and phosgene.

See DEQ/ Page 2-B

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