

***SUMMARY OF ENVIRONMENTAL CONDITIONS AT THE
WASTE MANAGEMENT, INC., AUSTIN COMMUNITY
LANDFILL***

AUSTIN'S "LOVE CANAL"***

April 3, 2003

Prepared by

Robert S. Kier Consulting

- Around 1970, with a letter of authorization from the Texas Department of Health, the landfill owned and operated by Universal Disposal and now known as Austin Community Landfill (ACL), began receiving municipal solid waste. No actual permit was necessary then. Waste Management Holdings, Inc., currently owns and operates the ACL through its wholly-owned subsidiary, Waste Management of Texas, Inc. (WMI).
- From the mid 1960s to 1982, Travis County operated an adjacent landfill to the south along U.S. 290. There is no discernable hydraulic barrier (no effective separation) between much or all of the waste deposited in the closed Travis County landfill east of the creek traversing the closed Travis County landfill and waste deposited at the ACL. Solid waste deposited by Travis County, by Universal Disposal and successor operators is commingled at the property boundary. Without regulatory approval, WMI may also have deposited waste in the portion of the ACL in which the wastes are commingled.
- Leachate (liquid that has passed through or emerged from solid waste) leakage through the final cover on the closed Travis County landfill is being addressed through installation and operation of a leachate extraction system that since 1998 discharges to one of the City of Austin's publicly owned treatment works (POTWs).

*** The term, "Austin's 'Love Canal'" was coined by Tom Clark with the U. S. Environmental Protection Agency in an "Informal Memo," dated June 17, 1982, in reference to the IWMM site at the Austin Community Landfill.

- Most of the surface water from ACL drains through the closed Travis County landfill into tributaries to Walnut Creek. Some of the surface water from ACL drains into Harris Branch and into Lake Walter E. Long. Natural ground water flow directions generally follow surface topography.
- From 1971 into 1972, under emergency authorization from the Texas Water Quality Board (TWQB), Industrial Waste Materials Management (IWMM), an entity related to Universal Disposal by common ownership, was allowed to take bulk liquid and drummed waste characterized as spent acids, solvents, and industrial process wash water for disposal within the permit boundary of ACL. Exactly what was disposed at the IWMM site is not clear, but it is known from public records that many of the materials received would today be considered hazardous waste. At the time, though, hazardous waste had not been regulatorily defined and all such wastes in Texas were simply considered as industrial waste, which was regulatorily defined by statute.
- The exact quantity of industrial/hazardous waste received at the IWMM site also is not known, but it is known that more than 21,000 drums containing liquid and semi-solid waste are buried in unlined trenches at the site and that the aggregate capacity of the unlined pits into which bulk quantities of spent acids, paints, solvents, and industrial process water were placed was in excess of 1.8 million gallons. Assuming the average weight of wastes received at the IWMM site was 13.4 pounds per gallon, which is based on documents filed by IWMM with the TWQB, and assuming that the volume of bulk liquid waste received was no more than the capacity of the unlined pits, more than 19,000 tons of industrial/hazardous waste was disposed by IWMM, on the same order of magnitude as the amount disposed at Love Canal. Based on other information gleaned from the same documents in the public record, and using the same assumptions with respect to the weight of the waste, it is possible that approximately 80,000 tons of industrial/hazardous waste were disposed at the IWMM site, approximately four times the amount of waste disposed at Love Canal.
- Analysis of historical aerial photographs shows that as of February 4, 1973, four out of the five pits that received bulk liquid wastes were still open and contained fluids. In addition, another excavation, which was labeled "Acid Pit 4" on a TWC map and which was even larger than the pits at the IWMM site, had been constructed west of the IWMM site. This excavation was subsequently removed by WMI and the contents dispersed.
- At least in 1976, public records show that ACL received additional industrial-type waste from businesses in Austin and elsewhere in the state for burial in the landfill; the locations in which this waste was buried are not known; both Phase I

(adjacent to and interconnected with the closed Travis County landfill) and Phase II (Old Wet Weather Area), neither of which were lined, were active at the time.

- WMI bought the company that owned the landfill, including the IWMM site in August 1981. There is no public record that liners had been installed in any of the waste disposal cells used to that point. Prior to buying the site, in 1980 and 1981, WMI conducted an investigation of the site. Memos written by Ms. Jane LaPorte, an employee of WMI who investigated the site on behalf of WMI, recognized that "There is a fairly well-documented history of hazardous waste disposal on site" and installation of a cut-off wall may be necessary (7/15/80); recommended that "a barrier wall be constructed" between the ACL and the closed Travis County landfill to the south (8/17/81); and stated that the closed Travis County landfill "had a history of leachate problems due primarily to poor surface water controls and inadequate cover" (8/19/81). As of March 26, 2003, WMI was advertising the ACL as a hazardous waste landfill on its web site.
- In late 1997 and early 1998, WMI stated they would relocate much or all of the industrial/hazardous waste buried in the IWMM site because it was "the responsible thing to do." Coincidentally, moving the industrial/hazardous waste from the IWMM site would potentially allow using the ACL to its maximum possible capacity for municipal solid waste disposal. Regulatory agency approval designating a portion of the municipal solid waste landfill for disposal of non-hazardous industrial waste was received and the work plan to investigate the nature of the industrial/hazardous waste was approved. The investigation, carried out by OHM, a company partly owned by WMI, was flawed and was incapable of properly characterizing the waste, especially if the waste were characteristically hazardous and, thus, ineligible for re-interment at ACL. The plan to relocate the industrial/hazardous waste was challenged by local neighborhood groups. As of this date, the industrial/hazardous waste at the IWMM has not been relocated.
- On May 5, 1998, a coalition of environmental groups – Clean Water Action (CWA), People Organized in Defense of the Earth and her Resources (PODER), the Save Our Springs Alliance (SOS), and the Sierra Club -- filed a petition with the U. S. Environmental Protection Agency (EPA) to have the ACL assessed and added to the NPL (National Priorities List, a.k.a., Superfund list); supplements were submitted in June 1998 that added a local neighborhood association, the Walnut Place Association, and the management arm of a nearby industrial park, the Walnut Creek Improvement Association, to the petition. In addition to placement of the ACL on the Superfund list, the environmental groups requested EPA's immediate assistance in evaluating the wastes disposed at ACL and the health and environmental risks associated with the ACL and EPA's immediate action to stop further activities at ACL that could result in the release of hazardous materials to the air and the water. The petition was also filed to request EPA's immediate investigation of the management of hazardous materials at ACL

pursuant EPA's oversight authority under the Clean Water Act and the Resource Conservation and Recovery Act.

- Following a series of newspaper articles and recommendations from the City of Austin's Solid Waste Advisory Commission, in November 1998 Austin retained a third-party consulting engineering firm, Carter & Burgess, to evaluate all three privately owned landfills in Travis County prior to awarding a thirty-year contract to dispose of the city's residential waste. Carter & Burgess's report, dated February 16, 1999, and titled the City of Austin Private Landfill Assessment states "It is the Carter & Burgess team's opinion that the former IWMM site at the ACL poses a substantial environmental risk and potential future liability to the owners and users of the site." Consequently, the City of Austin disqualified WMI from consideration for its thirty-year contract for disposal of residential solid waste collected by the City.
- In an attempt to counter the Carter & Burgess report, in 1999 WMI contracted with ThermoRetec, an environmental consulting firm, to perform another investigation of the IWMM site. Boreholes were advanced within and around the IWMM site and materials sampled for analysis. Several drums are known to have been penetrated in the process. Potential industrial/hazardous waste sites outside the presumed area of the IWMM site were not examined, including what appears to have been the largest pit for receiving bulk shipments of acid (Acid Pit No. 4), which according to a former WMI landfill manager had been excavated and used for waste cover. Despite its flaws, the 1999 investigation revealed the following:

[All regulatory citations noted below pertain to alleged potential violations by WMI at the ACL of the regulations applicable to municipal solid waste facilities.]

- Industrial/hazardous and municipal solid waste within the designated IWMM site were exposed at the ground surface. *[Potential violations: 30 TAC §§305.125(1), (4), (5), (9), & (20); §§305.145(a)(1) & (2); §330.4(b); §330.5(a)(1) through (3), §330.5(b); and §330.133(f)]*
- Industrial/hazardous-type waste encountered ranged from soil with yellow or black discoloration and/or a chemical odor to a viscous dark red brown fluid, resinous material, white to brown crystals exhibiting a chemical odor, and an oily brown fluid or tar with a hydrocarbon odor. *[Potential violations: 30 TAC §§305.145(a)(1) & (2); and §330.4(b)]*
- Contaminants detected in samples from the IWMM site included chlorinated and non-chlorinated organic compounds, pesticides, polychlorinated biphenyls (PCBs), dioxins/furans, cyanide, and heavy metals. The total of undifferentiated hydrocarbons was in the percent range for some samples, meaning over ten million parts per billion.

[Potential violations: 30 TAC §§305.125(1), (4), & (9); §330.4(b); and §§330.5(a)(1) &(b)]

- Chlorinated and non-chlorinated organic compounds were detected in samples from the bottom of borings drilled thirty feet into unweathered Taylor Clay that underlies the entire ACL at depth; compounds detected include 1,1-dichloroethane, acetone, benzene, carbon disulfide, ethylbenzene, methylene chloride, xylene, toluene, and trichloroethene. *[Potential violations: 30 TAC §§305.125(1), (4) & (9); §330.4(b); and §§330.5(a)(1) & (b)]*
- Municipal solid waste was intermixed with, placed over, and deposited around the IWMM site and in the creek/drainage course to the south. At least on the south side of the IWMM site, there is no discernable barrier to waste, leachate, or gas migration from the industrial/hazardous waste buried at the IWMM site, through the municipal solid waste disposed to the south, and to the stream course that passes from the closed Travis County landfill through ACL and back to the Travis County landfill. Examination of the first occurrence of fluid or moisture in the borings at and around the IWMM site indicates moist, wet, or saturated conditions within a few feet of the ground surface and a hydraulic gradient from the IWMM site toward drainage courses to the south and to the west. Subsurface drainage to the east is likely, too, but further study is needed to confirm this and to determine the nature and extent of any contamination. *[Potential violations: 30 TAC §§305.125(1), (7), (8), & (9); §330.4(a) & (b); and §330.5(b)]*
- Fluid, leachate, was encountered in nearly every borehole at the IWMM site. Fluid pressure was so great in at least one borehole advanced into waste beneath the drainage course south of the IWMM site that the investigators had to quickly pack bentonite into the hole to keep the fluid from emerging at the ground surface. The only fluid sampled, though, was from the few monitoring wells ostensibly installed outside the IWMM site during the investigation; benzene, 1,4-dioxane, 1,1-dichloroethane, and tetrachloroethene were detected. Existing monitoring wells near the IWMM site, including two monitoring wells installed in 1982 and two piezometers installed to monitoring well quality, were not sampled. *[Potential violations: 30 TAC §§305.125(1), (4), (9), & (20)(A); §§305.145(a)(1) & (2); and §§330.5(a)(1) & (b)]*
- The creek/drainage course between the IWMM site and the Phase I area that is underlain by municipal solid waste (discovered by ThermoRetec in 1998) provides a conduit for downstream and offsite fluid migration onto the closed Travis County landfill and beyond; WMI has refused to install

monitoring wells along the creek/drainage course, where contaminant migration is most likely to be detected, because the wells would have to be installed through waste. WMI also has not installed monitoring wells along the boundary between the Phase I area and the closed Travis County landfill where there is not real separation between waste deposited in the two landfills. *[Potential violations: 30 TAC §§305.125(1), (4), (7), (9) & (20); §§305.145(a)(1) & (2); §§330.4(a) & (b); §§330.5(a) & (b); and §330.8(b)]*

- Ground water monitoring wells were not installed at the ACL until 1982, approximately ten years after the IWMM site was reportedly closed.
 - Analyses of samples from the original six wells installed, two of which were installed to monitor the IWMM site, and additional and replacement wells used since 1996, none of which monitor the IWMM site, have shown repeated occurrences of volatile organic compounds, including vinyl chloride, and indicator parameters such as total phenolic compounds, total halogenated (chlorinated/fluorinated) hydrocarbons (TOX), and chemical oxygen demand (COD). *[Potential violations: 30 TAC §§330.5(a)(1) through (4); and §330.5(b)]*
 - Samples from the two monitoring wells installed in 1982 nearest the IWMM site, but abandoned in 1996, also have shown elevated concentrations of iron and manganese and unreasonably low pHs. *[Potential violations: 30 TAC §§330.5(a)(1) through (4); and §330.5(b)]*
 - Samples from monitoring wells on the east side of the landfill show elevated concentrations of total dissolved solids with respect to samples from other wells. *[Potential violations 30 TAC §§330.5(a)(1) through (4); and §330.5(b)]*
 - Water levels in almost all wells have risen through time; water levels in the two former monitoring wells nearest the IWMM site have risen to a level higher than the ground surface at the time the wells were originally installed; the wells had to be extended upward, a fact not known to have been reported to the regulatory agencies. *[Potential violations: 30 TAC §§305.125(7) & (8)]*
 - Inspection of analytical results for samples from monitoring wells installed at Applied Materials, which is located to the east of the ACL across Giles Road, indicates elevated total dissolved solids concentrations and the occurrence of TOX compounds, which Applied Materials indicates they do not manage. *[Potential violations: 30 TAC §§330.5(a)(1) through (3); and §330.5(b)]*

- No monitoring wells have ever been installed by WMI or Travis County where waste was deposited in a continuum across the joint property boundary.
- I am unaware that any notices of violation have been issued based on reported ground water monitoring results for the ACL.
- Landfill gas migration has long been a problem at ACL.
 - Sampling of gas monitoring probes since 1989 has indicated numerous exceedances of the lower explosive limit (LEL) for methane in air, despite the installation of a landfill gas collection system. [*Potential violation: 30 TAC §330.56(n)(1)(B)*]
 - Landfill gas migration may be more extensive than reported because ground water levels commonly have risen above the screened intervals in many of the gas monitoring probes, preventing landfill gas from entering the monitoring probes and potentially yielding false negative results when the gas monitoring probes are sampled. A review of the public record for ACL indicates that the ongoing inability of the landfill gas monitoring probes to perform as designed and installed has never been directly reported to the TCEQ or its predecessor agencies nor has WMI provided any explanation or demonstration that functioning gas monitoring probes cannot be installed around the entire perimeter of the landfill. [*Potential violation: 30 TAC §330.56(n)(2)*]
 - In 1995, field workers installing ground water monitoring wells at the ACL were sickened by emissions from one of the boreholes. [*Potential violation: 30 TAC §330.8(b)*]
 - Over approximately the last one and one-half years, or more, neighboring residents and others who are not so near ACL have complained about a nauseating stench emanating from the ACL. Although the landfill operator admits ACL is a source of the odors and ACL has received a notice of violation from the Texas Commission on Environmental Quality (TCEQ), nearly a year later, neighbors continue to complain about the occurrence of the odors. [*Potential violations: 30 TAC §§330.5(a)(2) & (3)*]
- Through sworn testimony of current and former WMI employees and from documents on file at the TCEQ, it is evident that WMI has allowed numerous conditions to develop that appear contrary to the municipal solid waste management regulations, and WMI has not been forthcoming in reporting the

occurrence of those potential violations nor timely correcting them. These potential violations include:

- Allowing landfill leachate to migrate from pre-Subtitle D municipal solid waste landfill units into Subtitle D municipal solid waste landfill units, be collected, and commingling the leachate potentially recirculated in the landfill. [*Potential violations: 30 TAC §330.5(e)(6)(A)(ii)*]
- Extraction of landfill leachate from one municipal solid waste landfill unit, commingling it with leachate extracted from other municipal solid waste landfill units, and recirculating the leachate into municipal solid waste landfill units from which it did not originate. Presumptively, the transfer of landfill gas condensate from one municipal solid waste landfill unit to another is also occurring. [*Potential violations: 30 TAC §305.5(e)(6)(A)(ii)*]
- Commingling contaminated ground water (ground water in which organic constituents had been detected) purged from ground water monitoring wells with landfill leachate and potentially recirculating the commingled fluid in a municipal solid waste landfill unit. [*Potential violations: 30 TAC §330.5(e)(6)(A)(ii); §330.56(o)(2)*]
- Recirculation of leachate over landfill liner systems represented to be "composite liner systems," which are defined in 30 TAC 330.200(b), but which are actually performance-based liner systems, which are defined in 30 TAC 330.200(a), over which recirculation of leachate is not permitted. [*Potential violations: 30 TAC §330.5(e)(6)(A)(ii); and §330.56(o)(2)*]
- Allowing leachate to pond to depths of tens of feet for extended periods over post Subtitle D liners; one foot is the maximum allowable depth at the ACL. [*Potential violations: 30 TAC §305.125(9); 330.5(b); and §330.200(a)(2)*]
- Failing to correct erosion of the cover system such that solid waste was exposed and contacted surface water runoff that was released directly offsite without testing or treatment. [*Potential violations: 30 TAC §§305.125(1), (5), & (9); §330.5(a)(1); §330.5(b); §330.5(e)(6)(A)(ii); §330.55(b)(1); and §330.133(f)*]
- Disposing of leachate from the leachate-holding pond into a "hole" at the top of the "hill," which is inferred to be the "west hill" of the landfill in the TCEQ's inspection report and which is almost entirely underlain by pre-Subtitle D insitu liners, approximately half for which there is no public record that the liner systems were certified by an independent professional

engineer. *[Potential violations: 30 TAC §330.5(e)(6)(A)(ii)§330.56(o)(2); and §330.125(9)]*

- Allowing numerous leachate outbreaks from the vicinity of the IWMM site, from the Phase I area connected to the closed Travis County landfill, and from the west hill at ACL to occur for protracted periods of time, and failing to report these occurrences to the TCEQ. Leachate outbreaks are where leachate emerges through the landfill cover system. Public records indicate that leachate outbreaks occurred before WMI purchased the landfill in 1981, and testimony by a WMI employee indicates that leachate outbreaks have also occurred over the past few years. At least some of these leachate outbreaks reached the drainage courses on the ACL. *[Potential violations: 30 TAC §§305.125(1), (4), (9) & (20)(A); and §305.145(a)]*

- During 2002, TCEQ and its predecessor agency TNRCC has issued notices of violations for:
 1. Allowing leachate to accumulate to depths greater than the regulatory limit; 2/4/02.
 2. Failure to achieve emission and operating standards required under the Clean Air Act; 2/21/02.
 3. Failure to secure the flange on a leachate collection riser pipe; 2/21/02.
 4. Failure to determine the effectiveness of erosion control measures at a surface water discharge point; 3/28/02.
 5. Unauthorized discharge of waste and debris from a surface water discharge point; 3/28/02.
 6. Failure to prevent discharge of air contaminants in such concentration and of such duration as to interfere with the normal use and enjoyment of property; 4/4/02.

To my knowledge, no enforcement action has been issued against WMI related to notices of violation received by ACL during 2002.



Barrels of buried gunk worry neighbors



Taylor Johnson/AA-S

Neighborhood association presidents Charles Croft and Amy Kersten, examining aerial maps of the landfill, want more testing done on industrial waste buried adjacent to their subdivisions.

By RALPH K.M. HAURWITZ
American-Statesman Staff

Amy Kersten had never been active on environmental issues. That changed last year when she learned about 21,000 drums of industrial waste buried less than a mile from her brick-and-siding house in a tidy subdivision along U.S. 290 just east of Austin.

Now she spends many hours studying state environmental records, meeting with neighbors and demanding accountability from government officials.

"We're not a bunch of crazy environmentalists," said Kersten, 41, an office manager for a real estate company and president of the Chimney Hills North Neighborhood Association. "We're just plain-Jane neighbors. But I will not rest comfortably until proper scientific testing is done on that waste by an independent third party or a government agency."

The drums were buried in 1971 and 1972 in clay-lined trenches. In addition, acids were poured into a series of pits. The 9-acre disposal field is covered with soil and surrounded by what is now a municipal-waste landfill operated by Waste Management Inc.

State regulatory files copied by Texas Disposal Systems, which is competing with Waste Management for a contract to receive trash

from Austin, show that numerous companies sent a hodgepodge of industrial chemicals to the site. These range from solvents mixed with printer's ink from the American-Statesman to lubricating oil from IBM in Austin.

Few residents knew about the waste until they read newspaper articles last year describing Waste Management's plan to test, excavate and rebury the material in another part of its landfill. Company officials said the \$10 million project would provide two benefits: It would shift the industrial waste to an area lined with a synthetic material to protect against leaks, and it would enable the landfill to accommodate more municipal trash.

"The plan is on hold. It's subject to review and modification," said Ric Green, district manager for Waste Management.

A 12-acre pit for the industrial waste is empty. The company will not proceed until the city decides where to send its trash and until the company meets with neighbors and obtains regulatory approvals from the state, Green said.

He said new management has a policy of working closely with residents to address concerns. USA Waste Services of Houston acquired Waste Management last year in a deal that retained the Waste Management name but put USA Waste executives in charge.

Preliminary testing of the waste was done last year by OHM Corp., a company partly owned at the time by Waste Management. But Waste Management has divested itself of that holding and will use independent companies in the future, said Green and Marcos Elizondo, a project manager for Waste Management.

Meanwhile, neighborhood and environmental groups have petitioned the U.S. Environmental Protection Agency to list the site under the federal Superfund toxic-waste cleanup program. The Walnut Creek Improvement Association, which manages a nearby business park, joined in the petition.

A 1982 EPA memorandum referred to the site as "Austin's Love Canal," a reference to a neighborhood in Buffalo, N.Y., that was built atop toxic waste and later had to be evacuated. But the memo went on to say that Texas regulators had found no evidence of leakage.

The EPA has deferred to the state on the question of a Superfund listing. The state has not requested it because there is no evidence of waste migration, according to the Texas Natural Resource Conservation Commission.

Occasional readings of vinyl chloride, a cancer-causing substance, and other compounds in ground water monitoring wells have been inconsistent and do not constitute evidence of a leak, the agency said.

naked city,

from p. 20

voting to opt into the district - Aleshire and his fellow commissioners agreed to delay a vote on the matter for another week. That didn't mean, though, that Aleshire was going to hold his fire (or his tongue) when it came time to discuss the project. He found reasons to criticize the proposal on almost every front, including the collection of sales tax on the district's trains. When **Richard Hamner**, the legislative aide to Austin's State Sen. **Gonzalo Barrientos**, later explained to Aleshire that the district would keep any sales taxes collected on the trains because it would be too hard to keep track of which sales occurred in which taxing jurisdiction, Aleshire snapped, "I've already figured that out."

So it went for more than an hour as Hamner, who played a key role in writing the legislation that permits the creation of the rail district, tried to allay Aleshire's fears about the district. After long discussions about eminent domain, financing, legislative intent, and several other topics, an exasperated Hamner told Aleshire, "We can look at this thing for hobgoblins, but I don't think they are there." But Aleshire, as usual, has hobgoblins on the brain. Look for him to kill the proposal next Tuesday. - R.B.

Have Gun, Will Graduate

Following last week's fatal shooting spree by an Oregon high school student, Austin Independent School District officials told the *Austin American-Statesman* that the incidence of weapons in Austin schools is "dramatically low," and that the district enforces a "zero tolerance" policy of expelling any student who brings a gun to school.

But just days before that article ran on Saturday, May 23, an Austin High School graduating senior had shot a hall monitor in the leg with a pellet gun from a car in the school parking lot. After the victim identified the shooter from yearbook photos, AHS principal **Dr. Tina Juarez** recommended that the student be suspended, and also prohibited from crossing the stage during graduation ceremonies. But that punishment was rescinded by AISD administrator **Dr. Kay Psencik**.

Computer science teacher **Guy Davis** said teachers were struck by the irony of Psencik's decision as they discussed the *Statesman* article on Saturday. "We were saying that here it is in plain black-and-white and they aren't enforcing it. We were concerned about that," says Davis. Austin High teacher **Wayne Packwood** was so incensed when he learned of the shooting and subsequent district action that he organized an impromptu meeting of 70 AHS staff on Friday, who heard the victim's story and drafted a letter protesting the overturning of Juarez's punishment.

"To reverse Dr. Juarez's decision is unacceptable," the letter states. "It contradicts the District's stated policy of Zero Tolerance, and it sends the message that there will be no consequences for bringing weapons onto campus." Packwood added later: "It doesn't seem to make any sense, does it? On the same day that the shooting was taking place in Oregon, it's absolutely incomprehensible that that decision could have been made." A teacher who spoke with Dr. Juarez after her decision was countermanded says the administration is pressuring the principal to keep the event hushed up and not contest the ruling. "My belief is that they told her not to talk about it with us, and the punishment for disobeying superiors is fast and severe," said the teacher, who declined to be named.

Rubin Matthews, of the Austin Association of Texas Professional Educators, says his group is consulting with an attorney about filing a grievance against Dr. Psencik for violating AISD policy and failing to enforce a federal law which prohibits firearms on school campuses. - K.F.

WMI's Landfill Woes

Four environmental groups have petitioned the U.S. Environmental Protection Agency to

halt the cleanup of a toxic waste dump at Austin Community Landfill, a site on Giles Road that is owned by trash giant **Waste Management Inc.** Some 21,000 barrels of industrial hazardous waste, including toluene, acetone, and sulfuric acid, were buried at the site in the early 1970s, before WMI bought the landfill. Earlier this year, WMI unveiled plans to dig up the hazardous waste and dispose of it at a cost of some \$10 million. But on May 5, in a letter to EPA chief **Carol Browner**, the environmental groups asked that the cleanup be halted.

The letter, written by Austin attorney **Richard Lowerre**, says reports generated by WMI "suggest that hazardous materials have already been released." The groups contend that testing the site with probes "could release toxic gases and/or cause explosions as the wastes mix. Public records suggest that WMI does not even know where the drums are located and, thus, how to avoid puncturing them." In addition to asking that the cleanup be halted, the environmental groups - the Save Our Springs Alliance, People Organized in Defense of the Earth and Her Resources, Clean Water Action, and the Sierra Club - have asked the EPA to add the site to the National Priorities List (Superfund), and to prevent WMI from doing any further examination of the site until the EPA is available to assist in evaluating the site. WMI spokesman Loren Alexander told the *Chronicle* in March that the company is remediating the site "even though we aren't required to because it's the best thing to do environmentally." Asked for a comment last week about the groups' request to the EPA, company spokesman Al Erwin offered, "One of the reasons we are doing this industrial cleanup is that our insurance company has agreed to pay for it. And so we are pretty interested in getting it cleaned up from that perspective."

The toxic waste was buried in unlined pits at the landfill beginning in 1971. The following year, the state ordered the site closed due to possible groundwater contamination. Since then, the site, which covers about nine acres near the center of the 108-acre WMI landfill, has been covered with dirt. WMI bought the landfill in 1981. They are currently in negotiations with the city of Austin on a 30-year contract for waste disposal and materials recycling.

Lowerre says the four groups want to see the toxic waste site cleaned up. But, he says, the state "hasn't notified anybody and hasn't required Waste Management to notify anybody. If this were a Superfund site, as it should be, there'd be all kinds of public notification. That's the minimum we expect, to open this process up to allow citizens to have more input." - R.B.

Money Cuts Sink Gardens

A 23-year-old Austin institution suffered a serious setback Friday when **Austin Community Gardens**, whose most prominent project is its six-acre Sunshine Garden near Lamar and 45th, announced drastic cuts in its staff and services due to major funding shortfalls. ACG, whose projects include school wildlife gardens, a food pantry donation program, and community gardens in low-income areas, fired its only two full-time staff members and eliminated all staff support for its 17 satellite community gardens in neighborhoods, homes for the elderly, and schools. Executive Director **Frank Fuller**, one of the two employees whose jobs were eliminated, said he had expected such a drastic restructuring for some time. "Something had to change," he said.

Funding from the city and county - always hard to come by for an organization whose principal focus is on "community-building," not hunger alleviation - had dried up long ago and local foundations and business community members were unable to permanently fill the gap. The problem, Fuller suggested, was in the organization's mission. "The county came to us and said, 'Why should we give you \$30,000 to help people grow food when we can give the same amount of money to a food pantry to go out and buy \$30,000 worth of food themselves?' The value of the gardens, Fuller sug-

gested, is in their ability to provide recreation, beauty, and community rather than in their ability to provide food for Austin's hungry or educate its community about gardening techniques. The funding cuts affect virtually all of ACG's programs, including its small community gardens like the Mosby Community Garden in East Austin, its Wildscapes gardens in local elementary schools, its urban educational programs, and its Food Pantry Garden, which produced over two tons of vegetables for two local food banks in 1996. - E.C.B.

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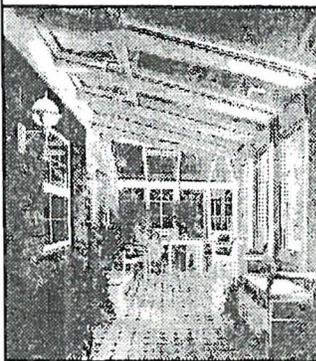
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Austin American-Statesman



EPA asked to halt landfill cleanup

■ Environmental groups say process could backfire, releasing toxins northeast of Austin

By MIKE KELLEY
American-Statesman Staff

Four environmental groups have asked the U.S. Environmental Protection Agency for immediate action to stop a landfill cleanup just northeast of Austin, which they say could release harmful elements into the air and water.

But the company that owns the landfill says it is going beyond what is required and that its plans have been approved by the Texas agency responsible.

At issue is cleanup of about 21,000 barrels of waste, buried nearly 30 years ago in a landfill just north of U.S. 290 and east of Giles Road. The owner of the property, Waste Management Inc., has earmarked \$10 million to put the barrels in a new, lined trench on the site. The current disposal area is unlined.

The company says it will take bore samples to determine how dangerous the old waste material is. Al Erwin, a company spokesman, says he doubts that any of the material will prove so hazardous that it will have to

be moved from the landfill.

But some environmentalists say the testing itself could be dangerous. Boring into the site for samples could puncture drums and release hazardous materials, they fear.

Requesting EPA intervention in assessing dangers at the site are the Sierra Club, Save Our Springs Coalition, People Organized in Defense of the Earth and Her Resources, and Clean Water Action.

Rick Lowerre, the attorney who filed the petition, said that while the company's plans have been approved by the Texas Natural Resource Conservation Commission, if the EPA puts the landfill on its list of so-called Superfund sites, greater public participation would be allowed in deciding how the cleanup proceeds.

How quickly the federal agency might respond, Lowerre said, "is kind of hard to predict. I would hope, if something is going to be done (in beginning the cleanup) in the next week or two, they would have somebody here for that."

Company officials say that the cleanup is not expected to begin until June or July.

Erwin said Thursday: "We don't have to do anything with this waste. We could just leave it where it is. But we want to clean it up. ... It's the most responsible thing to do."

METRO & STATE

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Company cleaning up its toxic-waste legacy

By RALPH K.M. HAURWITZ
American-Statesman Staff

Nearly 30 years ago, 21,000 barrels of toxic waste were buried in trenches cut into the clay-lined hills northeast of Austin. In addition, acidic wastes were poured into three pits at the site, which is just north of U.S. 290 and west of Giles Road.

Now the owner of the property, Waste Management Inc., is preparing to excavate the industrial residues and dispose of them in a safer manner. Waste Management has earmarked up to \$10 million for the work, which could involve hauling hazardous waste to a suitable incinerator or landfill and burying less potent material in the company's municipal-waste landfill, which surrounds the 9.2-acre industrial-waste site.

"It's better to find a problem now and fix it than it is to bury your head in the sand," said Robert Barber, regional director of operations for Waste Management. "We want to be very careful here."

But some environmental activists say the company is not being careful enough. They con-

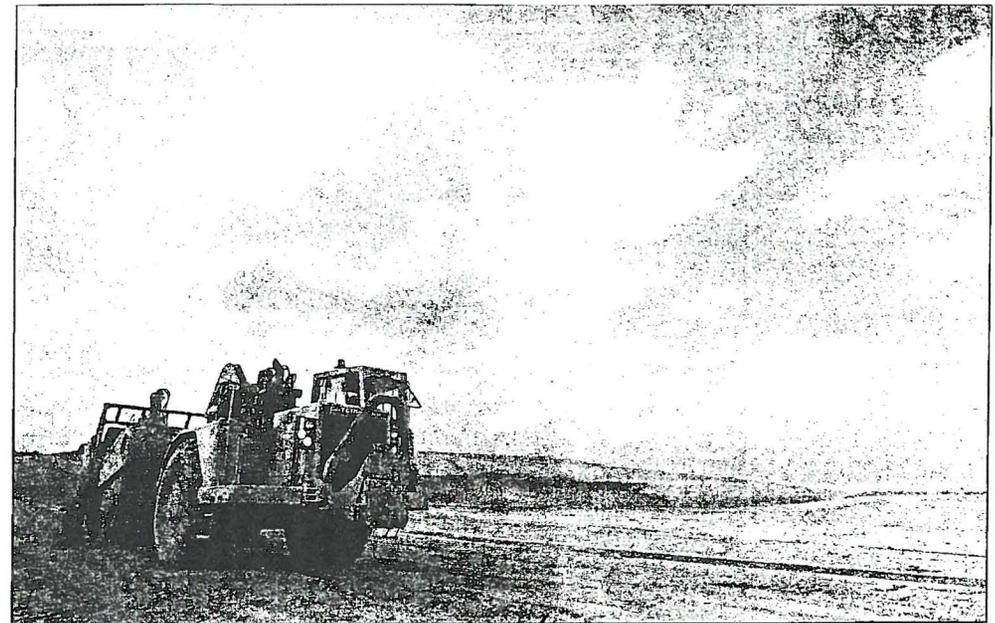


AA-5

tend that the Texas Natural Resource Conservation Commission, which regulates landfills, has sanctioned a work plan with dangerous waste sampling procedures, loose oversight and too little testing of samples.

The site contains a hodgepodge of materials, including solvents such as acetone and xylene, polyester resins, anti-foaming agents, grease trap fluids, sulfuric acid neutralized with limestone and lubricating oil tainted with phosphene and other compounds. Exposure to some of the substances, de-

See Company, B3



Larry Kolvoord/AA-5

Earth-moving machinery scrapes its way layer by layer into the soil that covers more than 21,000 steel drums containing toxic waste at a landfill owned by Waste Management Inc. Buried almost 30 years ago, the drums contain waste that today would be illegal to store in this manner.

Company cleaning up its toxic legacy

Continued from B1

pending on their concentration and the length of exposure, could cause respiratory irritation, skin burns, dizziness and even death.

Rick Lowerre, an environmental lawyer in Austin, and Ken Kramer, director of the Lone Star Chapter of the Sierra Club, said the use of a probing device to extract samples of waste could rupture drums and cause leakage, fumes or a fire. They also complained that residents who live along Springdale Road to the west and in the Harris Branch subdivision to the northeast of the site should have been notified before the project began. The site is less than a mile from the nearest houses.

"I was surprised to learn that there was an industrial waste site of this magnitude located in the Austin area," Kramer said.

The company and the conservation commission defended the testing and cleanup plan. Officials said the use of a truck-mounted,

hydraulics-driven device to plunge sampling tubes deep into the ground is much safer than the alternative of bulldozing or digging by hand to expose waste.

The initial round of sampling was completed in January without incident, said Rusty Fusilier, an environmental engineer for Waste Management, which also operates under the names Longhorn Disposal and Austin Community Landfill. He said more sampling and testing would be done later.

State and company officials said it was true that neighbors had not been notified. No law requires public notification for such a cleanup, which is being undertaken voluntarily by the company and not in response to an order or request from the conservation commission, said Susan Janek, manager of the agency's municipal waste regulatory section.

Company officials said they intended to inform residents once

they had a better idea of how the cleanup would be done. Excavation of waste will not begin until June at the earliest, they said.

"It's always a good idea to inform the public," said Alexander Porter, a lawyer who lives in Harris Branch and serves as president of one of its municipal utility districts. "I'm not the least bit concerned in terms of health and safety. There's a huge buffer between us and any portion of that landfill."

The Austin Fire Department was unaware of the project until an inquiry by the American-Statesman. The department has no jurisdiction because Waste Management's property is just outside the city limits, but its crews nonetheless might be asked to help if an emergency should arise. After touring the site, David Fiero, the Fire Department's hazardous materials chief, said he was satisfied with the company's procedures for handling wastes.

Company and state officials say

the waste in its current state — buried beneath thick layers of clay — poses no threat to the public, workers or the environment. Ground-water monitoring wells ringing the site show no evidence of contamination. However, none of the wells was drilled on the site itself, so officials cannot say with absolute certainty that no ground water has been tainted.

Barber said a cleanup would allow disposal under current environmental standards. The waste was buried in the early 1970s without a plastic liner, a practice that would be illegal today. Waste Management acquired the site along with the adjacent landfill in 1981.

Another reason to excavate the buried wastes is that the site occupies the center of the landfill, which Waste Management intends to operate for an additional 50 years. Dump trucks and earth-moving equipment must maneuver around it. "It's in the way," Barber said.



Staff Photo by Tom Lankes

Len and Phyllis Whitenight want to make sure people know about the danger of the chemical waste dump:

Waste site scares Austin's refugees from Love Canal

By MAX WOODFIN

American-Statesman Staff

Forced out of their Love Canal home by poisonous chemicals, Len and Phyllis Whitenight decided to move to Austin because of its reputation as a clean, healthy city.

Today they're fighting against another chemical waste dump that they fear may be as dangerous as Love Canal. This one is near their new home in Austin.

"We just left it all and now, here it is again," said Mrs. Whitenight.

The Whitenights moved from Niagara Falls, N.Y., in February 1981, ready for a new life and ready to forget they had been on the losing side of the most famous and tragic environmental battle fought in America.

Their son, stationed at Bergstrom Air Force Base, told them Austin was a clean city that discouraged heavy industry and seemed to move quickly to clean up potential sources of pollution.

"We're not sorry about the move, don't get that impression," Mrs. Whitenight said. "We love Austin already, which makes us want to fight this situation even more."

The Austin problem is a set of dumps on several sites near the intersection of East U.S. 290 and Gilles Road in northeastern Travis County. Below the disposal sites is a decade-old, 10-acre earthen vault that is filled with tens of thousands of 55-gallon drums of toxic chemical wastes.

The citizens groups fighting expansion of the dump have documents showing at least 21,102 fifty-five-gallon drums were buried. They say that the number may be twice that many. Their records show that waste solvents, oil, phosgene, laboratory chemicals and possibly benzene were either stored in drums or poured out of tanker-trucks into the site.

Some leaking of the chemicals has been found. Trace amounts have reached a branch of Walnut Creek, which flows across the site on its way to the Colorado River.

Two companies, Austin Community Disposal Co. and Tiger Waste Systems, have state waste-disposal permits that allow them to expand the dumps. When the permits were issued, state health officials said the sites were appropriate for waste disposal and expansion of the sites wouldn't endanger the chemical dumps.

A group of citizens from 14 Northeast Austin neighborhoods have filed suit in state district court to have the permits revoked. The suits are expected to be heard this summer.

The Whitenights live in one of the neighborhoods, along Walnut Creek about three miles from the waste site.

They had lived in Austin about a month when they read a story about the dump. "We felt sorry for those people," Mrs. Whitenight said. "We knew what was going to happen. We knew all of the double talk they would get, all the do-nothing people they would run into."

Not familiar with Austin, they didn't realize that some of their neighbors were among those fighting expansion of the dump.

"When we found out it was our area, we were just sick," Whitenight said.

"I'll tell you, I just didn't want to get involved. We had been through hell and I didn't want to go through it again," he said. It's been almost two years since I've talked to a reporter, and I hoped I wouldn't have to do it ever again."

Somewhat reluctantly, they decided they had to help their neighbors. "Really all we can do is tell people

what we went through, warn them that it can happen again and maybe tell them a few shortcuts that we didn't discover until we'd wasted a lot of time," Mrs. Whitenight said.

Whitenight, 51, is a printer at the *American-Statesman*. Mrs. Whitenight, also 51, works in a pet shop. Two of their daughters live in New York, while three other children, including the son who urged them to move here, live in Austin.

As they flipped through newspaper files of pictures taken during the Love Canal crisis, they saw several familiar sights. "That's our car outside the Homeowners' Association," Mrs. Whitenight said. "And here, our house was right here." She pointed to a spot just off an aerial photo of the dump site in Niagara Falls, N.Y. Their home was within a tenth of a mile of Love Canal.

The Whitenights moved to Love Canal in 1955. They made the final payment on their home in March 1978. The leaking, toxic chemicals that would force them out of their home were discovered 6 months later.

"People had been complaining about funny black gunk since 1976," Whitenight said. "We didn't have any problems until after a blizzard in 1977. When the snow started melting and we had some rain, our cellar floor cracked and it filled with water, some foamy stuff and then a black brackish something.

"Then we noticed that it was smelling."

Most of what next happened to the Whitenights and their neighbors is a part of the most famous man-made environmental disaster in the United States. Chemical wastes disposed of years earlier by the Houston-based Hooker Chemical Co., began to leak. First, a school built over the dump was closed, and eventually hundreds of homes, including the Whitenights', were condemned.

They were among the most active in fighting to have something done about the situation. Whitenight was a regular picket at the city hall and in front of the disposal site. Mrs. Whitenight typed letters and raised money for the homeowners group.

Most of their memories are about the slowly increasing terror that filled their lives as more and more problems were discovered.

"We both have been found to have chromosome damage," Whitenight said. They were the only two members of the same family to be diagnosed with that medical and hereditary problem, he said.

Mrs. Whitenight had breast cancer and a miscarriage. She was one of nine people from the 15 homes on their street to have cancer. There have been three deaths from cancer among those nine.

Once their son Jeff's foot looked so bad they thought gangrene had set in. It turned out to be chemicals that had leaked into a ditch where he and his friends played.

"As soon as we moved away from Love Canal, all of the physical problems stopped," Mrs. Whitenight said.

Although the federal government bought their home, they said they had to take \$10,000 to \$15,000 less than the market value. They are ready to buy a home in Austin now, but it won't be close to a dump site, Mrs. Whitenight said.

"I love Austin," Whitenight said. "It's a beautiful city and I don't want to see anything mess it up."

"It could be a Love Canal all over," Mrs. Whitenight said. "That's why we're involved. In a few years we're going to need the vacant property that's between us and that dump. What are they going to do? Build a park there? Build a school over the dump site?"