

Everyone's Backyard

CITIZEN'S CLEARING HOUSE FOR HAZARDOUS WASTES, INC.

Vol. 2 No. 4 — Fall, 1984

CCHW Newsbriefs

On July 9, leaders from around the country met with EPA Administrator Bill Ruckelshaus. The meeting was set up after Lois Gibbs cornered him at the "grand opening" of Clean Sites, Inc. (another corporate coverup) and told him that "if you spent more time talking to real people you wouldn't be supporting this Clean Sites program." This chance encounter won an hour-long meeting for local leaders to press Ruckelshaus to: (1) support reauthorization for Superfund, (2) increase Superfund to \$9 billion and (3) come out to regional meetings with local people. "Mr. Bill" said "No!" to the first two demands and only agreed to "consider" meeting with the people. Remember the old "Mr. Bill" segment on "Saturday Night Live?" There, torture and pain was only fiction; in our communities it's very real, but our "Mr. Bill" doesn't want to see it. But then, his boss is perfectly happy getting his information and ideas from old movies.☆

Six Old Forge, PA leaders came to visit CCHW before their long-awaited meeting with EPA Superfund head Lee Thomas on July 12. The group won the meeting with Thomas to press for action on the awful problems at their Superfund site. After a very intense preparation session, the leadership team went to Thomas to press nine specific demands and won 8 out of 9. Determination and good advance planning pays. Congratulations!!! ☆ See NEWSBRIEF, page 3



Photo Courtesy of the MONTGOMERY (AL) ADVERTISER

ChemWaste Management site at Emelle, Alabama, called the "Cadillac of Landfills" by its owners, is the largest site in the U.S., if not the world.

Sumter County Residents Want "Cadillac of Landfills" Driven Out

by ALICE PARIS

Sumter County is located in Alabama's "Black Belt." It is historically an agricultural community, once cotton, now mainly timber, beef and soybeans: agricultural activities that don't require as much labor as cotton did, leaving much of the adult population un- or underemployed. The total population is just under 17,000, 69% black and 30% white. 44% of the Black population and one-third of the county is poor, with a per capita income of \$4,399.

In 1977, a new industry located in Sumter County. Resource Industries

(R.I.) was introduced to the people of Sumter County by local political and economic leaders (George Wallace's son-in-law among them) as a great industry in just the right place. R.I. had found a new use for the clay formations found here: they were just the right medium for containing the landfilling of hazardous waste. To many, this new industry was proof of what the future held—Sumter County would soon be in the mainstream of the national economy.

In 1978, R.I. was bought out by Waste Management, Inc. of Illinois,

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CADILLAC, *from page 1*

one of the largest multinational hazardous waste disposal corporations. Soon after, employees at the site, located in Emelle, came to the Federation of Southern Cooperatives and the Minorities People's Council, asking for help in filing a complaint against the company. They complained of unsafe working conditions, including being drenched with the chemicals they were burying, malfunctioning equipment, brake failures on equipment carrying toxic waste drums, and the lack of backup horns. The Federation helped them petition the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) for investigations. OSHA agreed but notified Waste Management when they were coming. Of course, when the inspection occurred, everything was outwardly fine. EPA, in the meantime, approved the site for handling and storage of PCBs.

The workers went out on strike and won some health and safety concessions, but not enough to make them feel really secure on the job. They learned that OSHA and EPA could not be counted on to protect them. The Minority People's Council and the Federation began to research the conditions on the site, worried too, that EPA and OSHA would not act responsibly.

The Emelle site, called by Waste Management the "Cadillac of Landfills," is one of the largest sites in the U.S., at 2,400 acres. Because the Demopolis/Selma Chalk is reported by the company to be 500 feet thick and sound, EPA has given Emelle approval for the permanent burial of PCBs. Solid waste is buried in trenches 150 feet deep. Liquid waste comes either in bulk tankers or drums, which are removed from the containers, the barrels crushed, the waste solidified and dumped into the ground. (This is a recent development: before the changes in EPA rules, barrels containing liquid toxics were simply dumped or poured into the trenches.)

Recent reports of contamination of the streams and soil around the landfill have been verified. Waste Management disavows responsibility,



Photo Courtesy of PATRICK J. LEONE, LOCK HAVEN

PA grassroots leaders came together on August 3-5 in Lockhaven for the first annual Leadership Laboratory. In addition to the nuts-and-bolts workshops in the classroom, leaders got the chance to get "hands-on" experience through Field Exercises that were built into the training. Here, leaders stand at the site of the abandoned Drake Chemical plant, which along with American Color and Chemical, another run-away shop, have left most Lock Haven residents exposed to known, cancer-causing chemicals. We kept our time at this particular site very brief.

blaming the trucks bringing in the toxics. No agency that regulates any of the disposal chain has been willing to take action. Residents have decided that if they're going to protect their lives, homes and environment, they'll have to do it themselves. So, the Minority People's Council, the Federation and ACE (Alabamians for a Clean Environment) have joined together.

One of the first objectives of this multi-racial coalition is to monitor and protect the health of the people. Health screening is beginning so that, if the contamination begins to have its feared effects, there will be a basis for comparison. Action is being planned to enforce people's right to have control over their own communities.

Local elected officials have tried to pass local ordinances to control the situation at Emelle, but they have been overruled by the Alabama state legislature in violation of the century-old "Gentleman's Agreement" whereby the state legislature granted local government the right to control its own affairs. This may also be a violation of the federal Voting Rights Act prohibiting any action which, in effect, deminishes the power of local

elected Black officials. Sumter County's local government is Black and the county is under the "protection" of the Voting Rights Act, so such a violation of the "Gentleman's Agreement" may only be undertaken with the Justice Department's approval. However, efforts to get the Reagan Justice Department to intervene have not yet been successful.

Another complicating factor is the relationship between the Emelle site and efforts by Waste Management, Inc. to win EPA approval for its hazardous waste incinerator ships to operate off the Gulf Coast. Chem-Waste said that much of the waste being held in Emelle is destined for those ships. However, the incinerator ship plan was "scuttled" (at least temporarily) when EPA postponed indefinitely awarding the licenses. So millions of gallons of waste are still in the ground, leaking, at the "Cadillac of Landfills,"

The Sumter County groups are getting help from both the United Church of Christ's Commission for Racial Justice and from the Citizens Clearinghouse for Hazardous Wastes. CCHW is working with the groups to present a Leadership Development

See CADILLAC, page 3

NEWSBRIEFS, *from page 1*

CCHW has been very busy in its own backyard, Northern VA. Practicing what we preach, CCHW helped organize two new groups who both scored quick victories. In Woodbridge, the group organized by CCHW forced the US Army to agree to a total cleanup of a PCB dump on a secret Army laboratory. In Fairfax County, CCHW brought to public attention groundwater contaminated arsenic, chromium and 11 organic chemicals at the site of a \$125 million dollar planned community. Realizing the potential risks, the developer has agreed to do "whatever it takes" and has committed to pay for a massive sampling program designed to determine the extent, severity, and hopefully the source of the contamination. The developer has also agreed to hire consultants recommended by CCHW. ☆

Our Victims Compensation Leadership Roundtable was such a success that CCHW is now institutionalizing the process: over the next year and a half, we plan to convene Roundtables on all of the key hazardous waste issues coming up for consideration. The plan is based on our commitment to fighting to ensure that *you*, people who's lives will be directly affected by public policy decisions, have the chance to have your concerns and interests heard. The first series of Roundtables will be on hazardous waste management alternatives. The very first one will be on incineration (both municipal and hazardous waste). Others will be held on recycling, source reduction, neutralization, stabilization, deep-well injection and other options. If you would like to be part of this process or want more information, call us (703/276-7070). ☆

The latest CCHW Leadership Development Conference was held on August 3-5 in Lock Haven, PA. (see photo) Two other Leadership Development Conferences were being held between press time and the time you are now reading this: Alabama (near the Emelle "Cadillac of Landfills"), August 24-25 and Ohio on September 7-9 which is Ohio's second annual event. □



CADILLAC, *from page 2*

Conference at the Federation in August, for leaders from Alabama, Mississippi, Louisiana and elsewhere. Chief among the common problems is how to avoid falling into the trap where dumpers, like ChemWaste, pit one community against the other, as they have by linking the Emelle site with the approval of the incinerator ships. Other actions, raising issues such as the racist treatment of the Sumter County residents, the right of local control, and the threats to health and safety, are planned throughout the year to draw national attention to the problem.

You can help! The Voting Rights Act violation threatens to undermine years of social progress. *It also has a direct impact on you:* If Alabama takes away the right of a local community to protect its own health and

safety, they can do it to you, too. The man in charge of enforcing the Voting Rights Act is Asst. Attorney General for Civil Rights, William Bradford Reynolds, who says he believes in the need to vigorously enforce the Voting Rights Act. If you are concerned about the injustice we have suffered *AND* what it means to the right of *your* community to make its own decisions, write Mr. Reynolds at the U.S. Justice Department, Office of Civil Rights, Tenth Street and Constitution Avenue, NW, Washington, DC 20530. Please send us a copy of your letter. □

Ms. Paris is on the staff of the Federation of Southern Cooperatives. For more information, contact her at Box 95, Epes, AL 35460, 205-652-9676.

Organizing Toolbox: Group Spirit

by WILL COLLETTE

Tactics should contain an element of fun. Because organizing is so hard, we should make every effort to make sure people enjoy doing it. Don't go empty-handed. Though most groups bring flyers, fact sheets or picket signs, there are other props you can use to get your message across.

- *Flags.* In San Francisco, 300 marchers protesting PCB transformers went down the street led by the American and United Nation Flags, with dozens of flags of all nations among them rating a special, full-color photo on the front page of the San Francisco Chronicle!
In Lake Charles, LA, shrimp boats were decked out with *black* flags, the maritime signal for plague, to protest ocean incineration. After the procession, the black flags were recycled for a mock funeral procession as draping for cars and black armbands.
- *Dry Ice.* Confront the legislative opponents of "right to know" laws with bubbling containers of water and a chunk of dry ice. The lawmakers will shout "What the heck's in that!?" "Oh, so you think you have the RIGHT TO KNOW?"
- *Balloons.* Groups in New Jersey and Virginia fighting incinerators used balloons released at the site of incinerators to show how wind would carry wastes all over the community. "Balloon Actions" will get you publicity and coverage on the site where you release them and, if you play it right, elsewhere. Try leading a press tour as you follow the balloons on their travels. Attach a card to the balloons for retrieval where they land: "This balloon was released at the site of a hazardous waste incinerator. Just as this balloon landed here, so will toxic waste. Concerned? Call Citizens Against Contamination in the Air (CACA), 222-2222."



Save Our County Committee (SOCC) of East Liverpool, Ohio has tee-shirts, caps and "Day-Glo" yard signs which blanket the county to build support for their fight against the WTI incinerator targeted for their community

- *Mister Wizard.* Try this at the next public meeting. Take a clear glass container and fill it with soil from the local site. Pour colored water in the top and watch how long it takes to travel to the bottom. Is your site "ideal" because of its clay soil? Set up the demonstration in advance: pour the water into the container in front of the local minister or pastor, and unveil it later at a public meeting.
- Groups in Naugatuck, Conn. and Baltimore, have done "Moonsuit" actions, with simulated hazardous waste garb, purchased for \$10 or less. You can also buy hard hats for less than \$5 and army surplus gas masks to complete the outfit. The Naugatuck group can supply you with suits, *Custom-designed* if you wish, for a nominal fee. Contact PEG, c/o Mary Lou Sharon, 228 Lewis Street, Naugatuck, CT 06770.
- In a Baton Rouge hearing, citizens tried to dramatize their well water contamination by holding up a fishbowl filled with well water. The lead speaker said he would drop goldfish into the bowl and "by the time my testimony is over, these fish will be dead." The legislators were outraged by "cruelty" to animals but less concerned that people had to drink that same water.
- In Toledo, another "Mr. Wizard" display was planned to fight a proposed dump site. Public officials claimed the site would be perfectly safe with a plastic liner. The "Toximatic" display involved: a blender, water, a plastic bag and two eggs. Just the week before, Toledo had an earthquake. The "Toximatic" was to show the effects on toxic waste barrels (the eggs) with their plastic liner (the bag) on ground water when an earthquake hap-

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LEGAL CORNER

By RON SIMON

Q. I live near a dumpsite and the state told me my water is contaminated with Trichloroethylene (TCE) and Methyl Ethyl Ketone (MEK). The state has been providing us with bottled drinking water, but we still have rashes which we think are from the chemicals in the bath water.

We have been contacted by a lawyer who said he represents the owner of the dump. The lawyer said that the company will buy our property but we need to give the company a "release" of liability. We are concerned that we may have future illnesses and are concerned about what is fair settlement of all our claims against the people who polluted our land.

What is a release and what is a fair settlement?

Do we need a lawyer?

A. A "release" is your statement that you will release someone from future liability. Simply stated, you are saying that you will not have rights against that party in the future. Since you will be giving the release in return for money, the release will be a legally binding contract.

The most important thing about a release is to look at it and see who it releases and from what. The rights affected by the release depend on what the release says. First, you only give the release to the party with whom you make the settlement and you can reserve your rights to pursue grievances against other parties. (How the

release of one party effects your rights against other parties is primarily a question of state law referred to as "joint tortfeasors"). You definitely should have a lawyer consider all of this before signing anything.

Whether the release is fair depends on your injuries. In addition to property damage, many people feel that their health has been injured by their exposure to chemicals. If you have been made sick by the chemicals, you have claims for your medical bills, lost wages, and pain and suffering. In addition, you may have legal claims for these injuries if the injuries continue in the future.

Evaluating your damages includes one especially tricky problem. Injuries caused to humans by chemicals in many instances (particularly with diseases such as cancer) do not occur until many years after exposure to the chemical. Thus, it is possible that you will become ill in the future because of the chemicals. If you believe that this is possible, then you must decide whether you will sign a release that prevents you from suing in the future for illness that you don't have yet.

In determining whether to sign a release of your right to sue in the future, you must look carefully at the law in your state.

The statute of limitations in some states allows you to sue within a fixed number of years from the time you get the illness; while in other states you must sue

from the date of the last exposure even if you have not gotten sick yet. The law also varies from state to state as to whether you can bring a lawsuit against a party based on a new illness, once you have had some resolution (settlement or decision from a court) of another illness caused by the same chemical and the same defendant.

In thinking about possible future illness and placing a settlement value on them (in exchange for a release) you also need to look at the kinds of health tests and treatments you may need to look for and treat those diseases that are most likely to occur from the chemical exposure. In addition, you have to look at problems you may have in getting health and life insurance because of the increased likelihood of future illness and the fact that you will have received money in exchange for a release of liability.

In conclusion, a release is a technical legal matter and you need to review carefully with a lawyer what rights you are giving up before making an agreement. In the next column, I will discuss the harder question of how you decide how much money is enough.

Ron Simon is special counsel to the Citizens' Clearinghouse for Hazardous Waste. He is on the faculty of American University Law School and represents citizens around the country exposed to hazardous chemicals. He represents workers who are exposed to chemicals in the workplace. He is also counsel to the White Lung Association (asbestos victims).

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pens (turn on the blender). Props help you tell your story: "Talking Outhouses" (used by groups in Ohio and Illinois), symbolic coffins, toxic waste barrels and costumes will keep your actions lively.

- Incorporate your community institutions into your actions. Some groups use religious ser-

vices as part of all of the action! For example, if your issues include waste dumptrucks cruising through your neighborhood, how about a church service right in the middle of the road!

You can come up with your own great ideas for tactics. But, you as a leader, have to open the door! Don't be so solemn that members feel out of line when they think of creative

ways to deliver the message. Some groups are so concerned about maintaining a dignified image, in being unemotional, that their meetings and actions are about as energizing as a funeral. And they wonder why people don't come back; why only a small core group of people does all the work. The general rule is that people are most likely to come to the next group event if they liked the last one. □

UP IN SMOKE,

from the backpage

unproven technology and inadequate cost projections and analyses.

Scientific studies on garbage incinerator emissions give a different picture. In Europe, Japan, Canada, and the U.S., incinerators have been causing air and water pollution of a kind no one has ever had to deal with before.

Incinerators are not the "good, clean alternatives" advertised. They constantly emit relatively large quantities of microscopic fly ash from their stacks. Pollution control equipment was not designed for this type and size ash particles. It gets right through the controls and is dispersed for miles. Toxic chemicals are primarily on these ash particles, which are easily breathed into the deepest part of the lungs, and then can be easily absorbed into the body. According to F. W. Karasek in *Analytical Chemistry* "Evidence of the presence of most of the PCDD (dioxins) at high parts-per-billion levels has been found in each fly-ash sample analyzed, regardless of the type of garbage, the design of the incinerator, or the detailed composition of the mixture of more than 400 organic compounds found absorbed or the particles?"

Some of the pollutants you might be inhaling from the more than 400 chemicals are: *DIOXINS*. Dioxins are a family of 75 chemicals. They are formed from the burning of ordinary garbage (hazardous waste input is not necessary) at the relatively low temperatures at which these incinerators operate 1500 to 1800 degrees which is too low to completely destroy dioxins.

Some of the family members are not thought to be dangerous. However, one dioxin, 2,3,7,8-TCDD (the toxic component of Agent Orange) is potentially one of the most toxic chemicals ever made. Several other dioxin family members may be almost as toxic, and they are all in garbage incinerator fly ash. These dioxins are capable of promoting cancer, causing birth defects, and lowering the body's defenses to infection. The precise risks to people are not yet known, yet the incinerators are being planned and built



"Never mind the side effects, what about the profits?"

(C) Leed — Rothco Cartoons 84-6E20

anyway. Many other dioxins emitted are reported as non-toxic; what is really meant is that they have not been tested. Other toxic air pollutants include dibenzofurans, close chemical cousins to dioxins, heavy metals such as lead, arsenic, cadmium, mercury, and hydrochloric acid which contributes to acid rain and acid fog.

Incinerators are usually financed with long-term contracts which require cities or countries to ship their garbage to the incinerator for up to 30 years. Once an incinerator is built, there is likely to be little alternative to it, and most incinerators operate 24 hours a day, 7 days a week, constantly emitting pollution, and not just in the air. Ash will rain down on our streams and lakes, threatening our water supplies.

Mythmakers content garbage burning eliminates landfills. However, ash residues, with all the chemicals that do not escape into the air, must still be landfilled. Incinerators do not eliminate landfills; they just make them more deadly. The landfill will now receive hazardous ash instead of ordinary garbage.

If your town or county wants to build an incinerator, check your state pollution control regulations for any that apply. It is very likely that you will find only a few regulations that apply to garbage incineration. There

are no federal or state regulations for total dioxins, total dibenzofurans, or most heavy metal emissions anywhere in the country. Only California has proposed stringent guidelines for the particulates, but do not yet have the force of law.

Mythmakers will tell you we *must* have one of the "easy answers"—a landfill or an incinerator. But cities in California and Oregon refused to buy that: they put a moratorium on garbage burning while research was being done. Berkeley, CA, started a massive professional recycling campaign to recycle 5% of its waste stream. In four years Woodbury, NJ, has started to recycle over half its waste stream, and that program is still growing. Meanwhile, Signal-RESCO Corp, which builds incinerators, has stated that incineration can only take care of 63% of the incoming waste stream.

Recycling is more than a temporary solution. It is a safe, proven, feasible alternative. However, it takes commitment in the form of legislation, financial support, educational programs, and lifestyle change. Mythmakers with no commitment will tell you such a program isn't possible. The same thing was said over a decade ago when energy conservation (a "soft-path" technology like recycling) was promoted as a means of dealing with the energy crisis. Yet conservation has played the major role in improving our energy outlook, unlike the much-touted "high-tech" easy answer, nuclear power.

It makes sense to implement the safe alternative of recycling to the maximum extent possible before building incinerators with all their potential hazards. Until health questions have been answered and complete regulations are in place, counties or municipalities have no business building incinerators that put residents at risk.□

Jim Hilbert holds a Ph.D. in medical chemistry, has authored several articles on physical organic chemistry and is a trustee of the New Jersey Grassroots Environmental Organization (GREO).

BAFFLED BY THE TERMS by STEPHEN U. LESTER

Incineration is the process of reducing waste by burning.

Incinerator is a device for burning consisting of a combustion chamber where the wastes are consumed on moving grates at temperatures ranging from 800-3000°F (400-1600°C), a secondary combustion zone for consuming combustible gases, and flues or stacks that release the gases and suspended particles.

Incineration of Hazardous Wastes—The burning of hazardous wastes is very different from burning household garbage. The wastes must be carefully separated and the contents defined, otherwise, the burning efficiency will be lowered, resulting in increased air pollution. Special attention must be directed to four factors: temperature, usually above 2500°F (1400°C); residence time, or the length of time the wastes are burned; turbulence, or the mixing of the wastes with oxygen (in the form of air), needed to achieve complete combustion; and the waste characteristics, or the types of wastes being burned. This last factor, the type of wastes, determines all the other factors. If you don't know what you're burning, then the other factors cannot be properly established. Each of these factors must be finely tuned together—and maintained at the established values—to yield maximum combustion and optimum incineration (*optimum operating conditions*). The greater the

chlorine content of the wastes, such as the PCBs or dioxin, the more difficult it is to achieve optimum operating conditions. Some non-chlorinated wastes, such as benzene, toluene or xylene can be completely burned (no residue), when burned under optimum operating conditions.

Incineration of household garbage (municipal wastes)—Household garbage incinerators are not regulated or designed and operated with the care and control of hazardous waste incinerators and may, therefore, represent a greater risk (see accompanying article).

A good waste incinerator should reduce the weight and volume of a waste material by approximately 95%, depending on the contents of what is being burned. Incinerators will not burn plastics or inorganic materials such as metals or glass; they do burn organic materials, such as food wastes, paper and yard wastes. Unfortunately the people who operate incinerators are not chemists and often burn materials that will never burn causing increased air emissions and increased unburned residue (*fly ash*). And, since so many hazardous waste generators are exempt from control by EPA (see *Everyone's Backyard*, Vol. 2, No. 3), many toxic materials are burned in these "municipal solid waste incinerators" (see accompanying article) resulting in previously unacknowledged toxic air emissions

and toxic content of the unburned residue.

Resource Recovery Plant, or Waste to Energy Plants—The recovery of energy by producing steam or hot water from the burning of household garbage wastes. Problems associated with typical household garbage incinerators equally apply to Resource Recovery plants. The only difference is that one captures the energy which is produced and the other doesn't.

Cement Kiln Incinerator, or Rotary Kiln Incinerator is a type of waste incinerator which is primarily and originally designed to dry and calcinate cement. To utilize a cement kiln to burn wastes, the kiln must be modified slightly, including lining the cylinder with heavy-duty surfaced-fired brick and adjusting the operating conditions to achieve optimum combustion (temperatures must be increased from 1500-1800°F to over 3000°F) for the wastes to be burned. In this country, cement kilns are being adapted from its primary use in making cement to burning of hazardous waste as a means to "fuel" the kiln while making cement.

Stephen U. Lester is CCHW's Science Director. If you have any questions, or need help with a technical or scientific problem, give Steve a call at CCHW, 703/276-7070 or write him at CCHW, P.O. Box 926, Arlington, VA 22216.

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Lois Marie Gibbs, PRESIDENT

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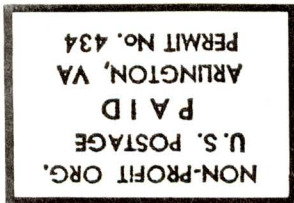
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Environment Up in Smoke by Dr. James Hilbert

When it comes to garbage incineration, inaccuracies, myths, and legends abound. Federal, state, and local officials unwilling to confront the difficult problems of waste disposal seek to convince us there are easy answers.

Remember "safe" landfills? Now, it's garbage incinerators, marketed with a mythical name: "resource recovery", but the only resource recovered is energy, and less than the energy that would be *saved* by recycling. The incinerator is usually presented using the catch-phrases of the 80s: "high-tech" and "state-of-the-art"—about as meaningful as the "New! Improved!" labels on laundry detergent boxes.

An incinerator could cost up to \$250 million. Functioning ones have been subject to huge cost overruns. Related plants across the country have failed due to inexperience with

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