

Everyone's Backyard

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTE, INC.

Vol. 3 No. 1 — Winter, 1984



The DECALE Community Watch built People Power, which ultimately led to mass protests at the Kinsley Landfill.

Watch to Win

by BEA CERKEZ

On August 8, 1984, thousands of Americans came out of their houses to participate in "National Night Out," neighbors helping neighbors by watching out for crime. Local hazardous waste groups can take a page from that book. In Deptford Township, New Jersey, we turned out to watch for wastes and changed the way things were in our community.

Ten years ago, a neighbor of mine told me about Kinsley Landfill, located a few thousand feet from my house in a residential neighborhood. I have lived in this quiet, country farming community for 21 years, never thinking that anything could

disturb my happy and serene life. But something was there, and the more I looked at it and investigated, the more upset I became.

The landfill was growing bigger. It now surrounded 3 schools and the community college. It was polluting our lake and streams. Trucks used camouflaged entrances at odd hours. What was this dump doing to our drinking water? And, of course, was there illegal dumping?

About two years ago, we formed "DECALE" ("Deptford Citizens Against Landfills and Extensions")

CCHW Newsbriefs

Ohio's second Leadership Development Conference took place September 7 through the 9th at Hocking Hills State Park. Leaders from across the state participated in making the weekend a success and the workshops lively and dynamic. Organizing, strategies, and science was the main focus of the discussions with the leaders successfully out-strategizing the trainers in a role play situation (the trainers surrendered).

The Southern Leadership Campaign was kicked off August 24 through the 26th in Sumter County, AL at the Federation of Southern Cooperatives. Leaders from "the last frontier", the South, joined together to share ideas, learn and unite to stop the procession of dumpers to what has been referred to most recently as "somewhere else U.S.A." The leaders at this conference committed to forge ahead and conquer "the new frontier" and throw the corporate polluters out.

CCHW received a *Dump Busters* award from C.F./Water in Ohio, a community group, for service rendered to Citizen For Wise Action Toward Environmental Resources on behalf of our Air and Water who cannot protect itself.

Future Events—Roundtable on Deepwell Injection. Anyone interested in participating, please contact our office.

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See NEWSBRIEF, page 3

and operated it out of one of our member's basement. Just about every citizen group starts out small and has to figure out how to (1) give people a sense of hope, overcoming that feeling that, "Well, what's the use—everything's stacked against us," and (2) find ways to get people involved in a manner that is comfortable to them. The trick is to find a job that the average person can do that means something but doesn't cause them to choose between living a normal life and making tremendous sacrifices. The sacrifices may have to come later, but it's hard to recruit people to your group, right off, by expecting new members to drop everything and devote the rest of their lives to fighting hazardous waste problems.

Our answer was to start a "Dump Watch." The idea was very simple. Members stood one- to two-hour "watches" and documented what they saw. They watched for trucks and took note of the time of day, direction they were going, license plate numbers, markings on the trucks, and any other piece of information they could catch as the vehicles rolled by. We logged our results and compared notes. We had all suspected that there were peculiar and suspicious activities, with trucks moving in and out at odd hours. After setting up the "watch", we knew. Many of the trucks were in violation of the law, traveling down our roads without tarpulin covers on the loads they were carrying.

After a short time, we made our presence known. We let our "watchers" be seen, and we pressured for proper operations. In a very short time, the dump started opening and closing at the proper hours, and nearly all of the trucks were covered with tarps. Soon after our watch started, drums of waste were found dumped by the side of the road in the next Township, only a few miles from Kinsley.

Our "dump watch" went to 24-hour coverage. We started to report our observations to state and local officials. We got some concrete results, making our group members feel very good. Through a small and very simple act, a lot of people got involv-

ed, and they started to see results. Every time volunteers or members took a "watch", they felt like an important part of the group, opening the possibility of even greater involvement.

DECALE then started a letter writing campaign to all the local newspapers, elected officials, and government agencies. We started to attend all Township council meetings, freeholder meetings, and other meetings where our concerns needed to be heard. DECALE started a newsletter along with holding regularly scheduled meetings. We now have a successful telephone chain that keeps everyone in touch. We started holding fundraising events: one of our favorites was a yard sale held directly across the street from the Kinsley landfill. This fundraiser not only made money, but also slowed the traffic onto the site and got us exposure. We've also picketed the site, with lots of spirit, good speakers, and high visibility.

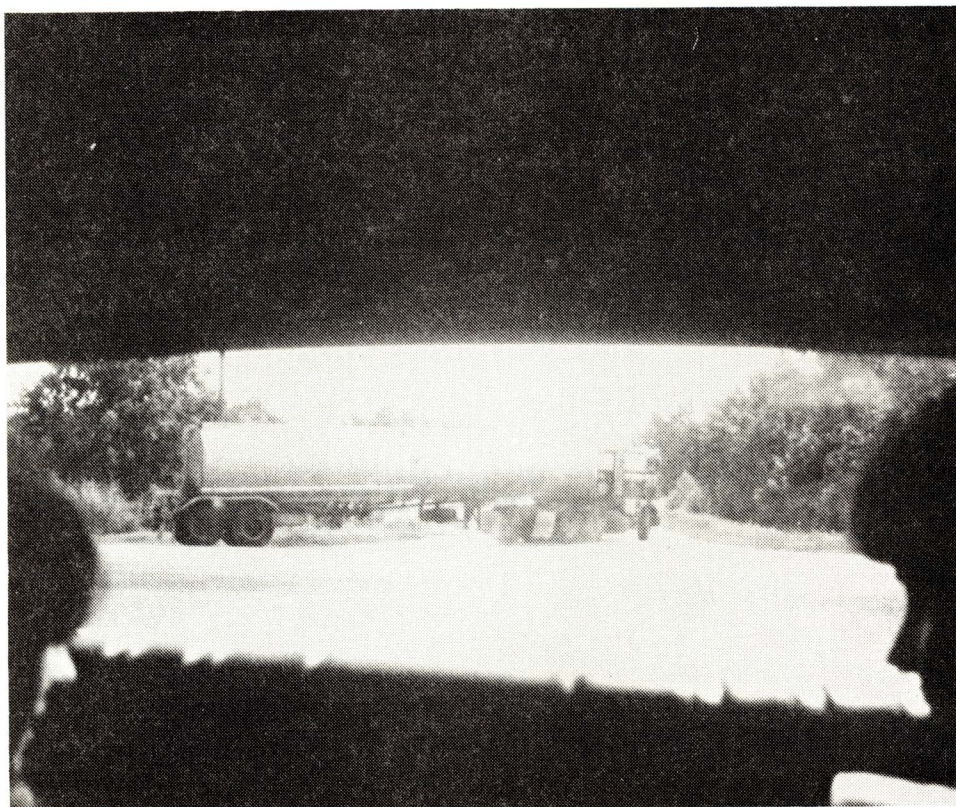
In November, 1984, I ran for Township council. I felt that politics had played such a big part in the landfill



Community Watch programs can turn up cases of illegal dumping. Here are barrels by railroad tracks in Sayreville, NJ, just 100 yards from a cluster of homes.

that I could be even more effective on the "inside," opening doors that might be closed to a DECALE person. I won on a vote of 2 to 1, winning not only the seat on the council,

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CCHW Staff did their own community watch in Alabama. Here, we spotted a chemical truck coming from the "Cadillac of Landfills" (see last issue of *Everyone's Backyard*) heading down a road toward Mississippi where it was forbidden by law to go.

WATCH from page 2

but becoming deputy mayor! Two other DECALE supporters, Gary Covley and Don Ulzheimer, were also elected.

Over the past 2 years, we've made Kinsley "clean up their act." By constantly being a thorn in their side, we've made them cover the site, use only one entrance, not dump after hours, tarp the trucks, and clean up the roadway. But we still want Kinsley closed and are working harder at it than ever, getting more members, and gathering momentum. We are getting ready for the last public hearing before Kinsley applies for a 10-year expansion.

When we look at how far we've come, we know we can do it! ●

Bea Cerkez is a wife, mother of 2, and has 3 grandchildren. She is also a cheerleading coach and has lived in Deptford for the past 21 years.

NEWSBRIEFS from page 1

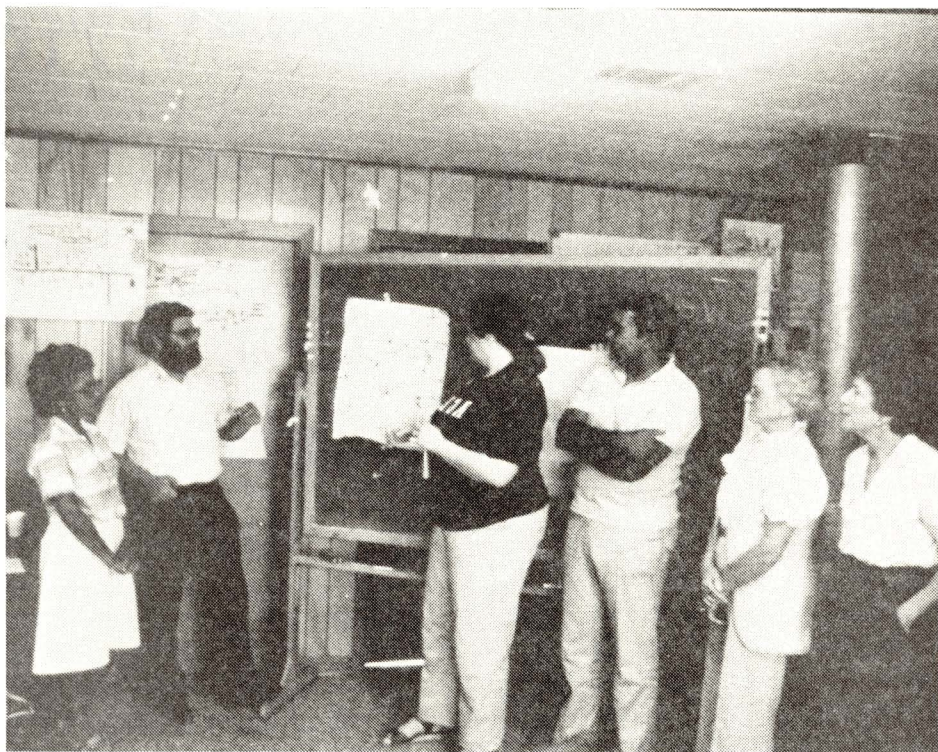
Leadership Development Conferences are being planned in Florida, Connecticut, and Louisiana. Anyone interested in either attending or organizing an LDC, please contact us.

Footnote: Christmas will be organized again this year by Santa Claus. Anyone who wishes to help, please call the North Pole for information. ●

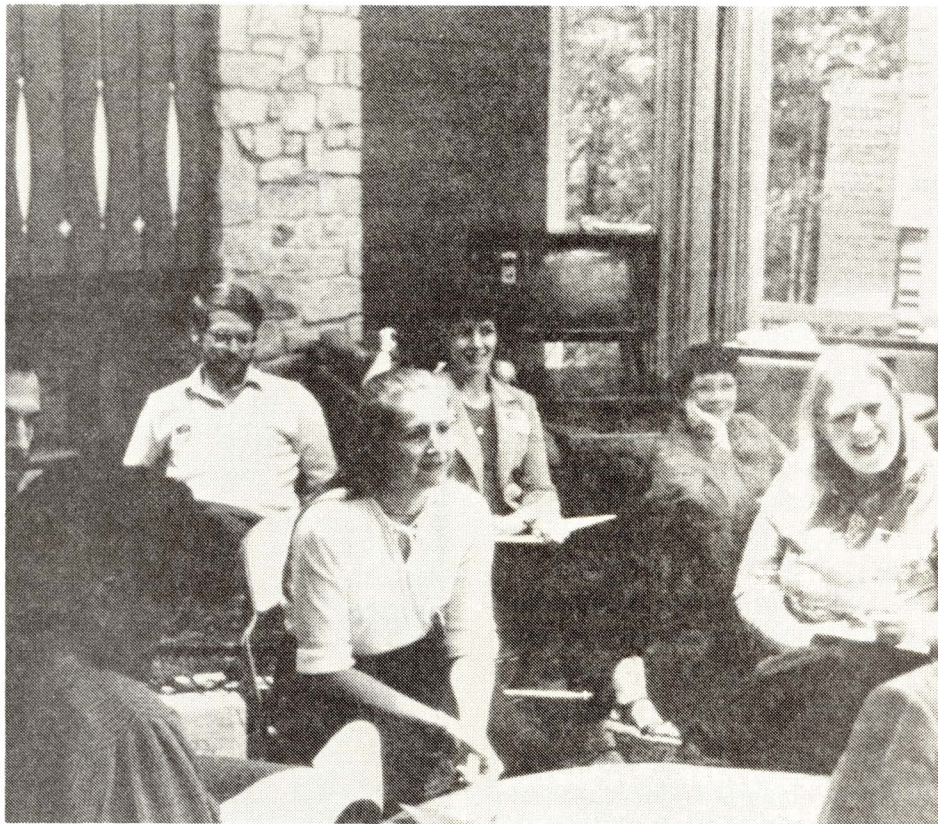
HOW CLEAN from page 7

through personal, physical, and financial losses. Since people are paying the bills, they should be the ones to decide the extent of cleanup actions.

Therefore, the answer to how clean is clean: is to put it back the way it was. There are already too many involuntary risks in our daily lives, and it is unfair to ask waste site communities to take on additional risks, of which many receive no benefits. ●



Sumter County, Alabama leaders (representing the Minority People's Council and Alabamians for a Clean Environment) "map out" the relationship between their community and the "Cadillac of Landfills" at Emelle, AL. This occurred at the first, major event in the Southern Leadership Campaign against hazardous waste.



Ohio leaders learn negotiating techniques by doing. They're up against two slippery wheeler-dealers, trainers Dave Beckwith from the East Toledo Community Organization and Will Collette from CCHW. This was part of CCHW's Second Annual Ohio Leadership Development Conference. Incidentally, the Ohio leaders took Will and Dave to the cleaners!

Organizing Toolbox: User's Guide to Politicians

by WILL COLLETTE

"...and if it don't work, get a bigger hammer, and if you can't cut it, get a bigger knife..."

— a Vermont troubadour

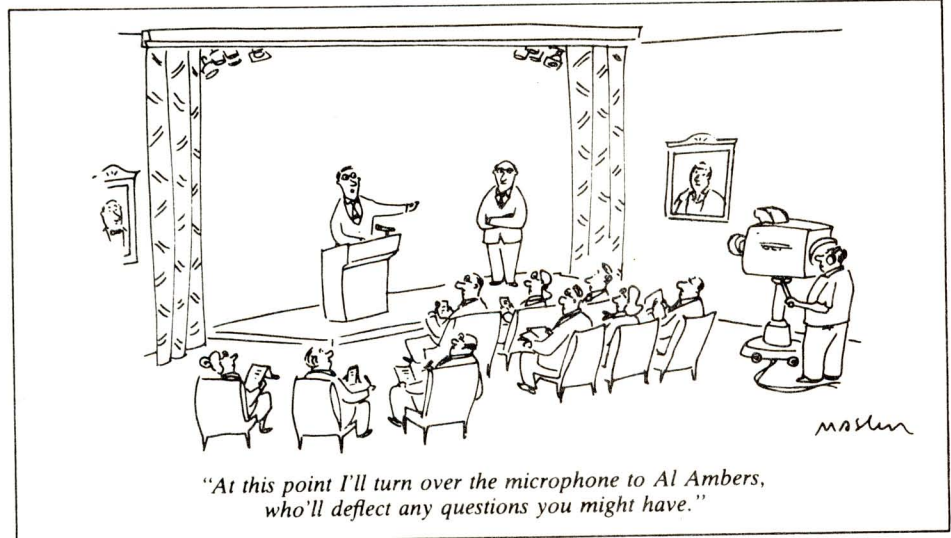
The election's over. It seems like forever before you'll be able to hold the ballotbox over elected officials' heads again. Now, how do you get their attention? All of our hazardous waste fights are 90% political, 10% technical—so do we have to sit it out until the next election season?

The answer, of course, is "No." When your issue first arose, your first thought wasn't "Ahah! We can make this an election issue!" More likely, your group tried to figure out, "Who's got the power to help us" and then, "What do we have to do to get them to help?" Even after the election, politicians remain politicians, sensitive to pressure. Election time only makes them a little more nervous.

Dealing with politicians, you need to decide what kind of relationship you should have to get what you want. In the long run, it's better to have them *respect* or even fear you than *like* you.

Some groups (and in every group, some members) think it's good to get chummy. I don't. Sooner or later, you pay a very heavy price for that friendship. Some examples:

- Rep. Bullflop came around to your very first meeting, said he was with you 100% and would go right to work to solve your problems. You never see him again. Plus, you never see half your members again, since they figure Bullflop will keep his word.
- Councilman Lipflap regularly attends membership meetings. People respect Lipflap. But every time the group thinks about taking action, Lipflap says, "No, that's too emotional, no, that's not how you get things done—do it this way," and prescribes a dull, boring, and basically futile plan for getting some meaningless ordinance passed. Folks buy it, because Lipflap's nice.



"At this point I'll turn over the microphone to Al Ambers, who'll deflect any questions you might have."

- Every time Sen. Boondoggle comes to your meeting, he uses it as a political grandstand. Boondoggle looks nice, talks grand, and has gotten many key group members working on his campaign. People turn away from your group saying, "They're nothing but Boondoggle's election committee!"
- Your friend, Mayor Smoothie, asks for the group's endorse-

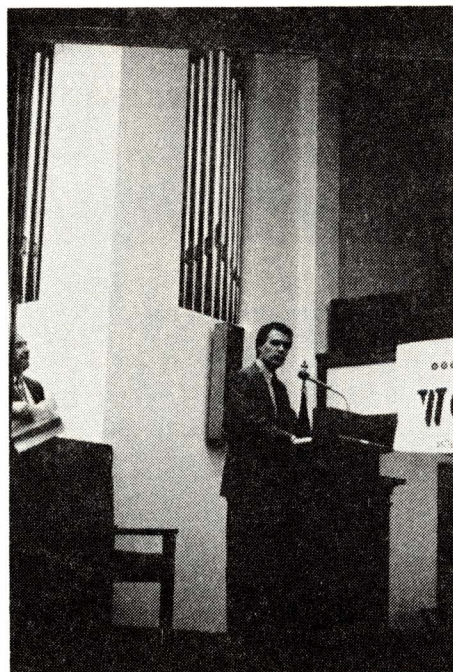
ment. You give it. Kiss any chance of getting tax-exempt status for your group good-bye.

- Even worse, Mayor Smoothie gets re-elected. But now, Smoothie says, "Gee, this issue is a lot more complicated than I thought. We'll have to study it some more." How do you beat up on a friend?

Politicians are a *tool* that groups can use to win their goals. You don't make friends with a screwdriver—you use it—and besides, you yourself don't want to get screwed.

Rules For Using a Politician-Screwdriver

1. *Use the right size for the job.* Too small (too weak or low ranking) and there's not enough power to do the work. Too big (too powerful or high-ranking) and you won't be strong enough to turn it.
2. *Stick it in the right slot.* If you need a state law, for example, don't use a city council member.
3. *Apply the right amount of pressure while turning in the proper direction.* Tools, even power tools, don't work themselves. They have to be guided, aimed, and forcefully held in place.
4. *Don't let it slip out of the groove.* Watch what you're doing. Don't get sloppy.



Once you elect a "friend" to high office, how, then, do you hold them accountable?

See TOOLBOX, page 5

LEGAL CORNER

By RON SIMON

Q. We live near a toxic waste dumpsite and are planning to file a lawsuit. Since more than a hundred people have been exposed to the chemical, we're considering filing a "class action". Is that a good idea?

A. A "class action" is a mechanism in which the case involves people who are not named in the lawsuit. Normally, the people in the lawsuit are those who have hired a lawyer to prosecute a lawsuit. In a class action, people are represented who have not hired a lawyer.

The class action allows the court to decide the case of many people who are injured in the same way, at the same time, by the same people. This both protects the rights of people who may not know about the violation of their rights and those who may not be able to afford an attorney.

In situations where many people are injured but the amount of the injury is small in terms of dollars, it may not be worth it for any single individual to file suit since the fees and costs would exceed the recovery.

This type of situation could allow a wrong to go unchallenged and uncorrected. The class action allows the aggregation of the claims so that it becomes feasible

to correct the alleged wrong.

The person who files the lawsuit asks the court to allow the case to proceed as a class action, but the court must decide whether to let the case be a class action. Courts generally do not favor class actions, particularly in cases of personal injuries. Courts have typically said that even if individuals are wronged by the same conduct, their injuries are different and, therefore, a class action would be inappropriate.

When the case is a class action, the law requires that the rights of people whose interests are involved in the case but have not hired an attorney are especially protected.

Notice of the action is sent to all prospective class members, and they are given the right to hire their own lawyer or to "opt out" of the litigation altogether. As the case progresses, the court will take a much more active role in order to protect the rights of unnamed class members.

The class action approach can have direct effect on the statute of limitations. The filing of an action as a class action tolls the statute for all members of the class. Thus, if the statute of limitations were about to run out on a large number of people, filing a class could protect their rights.

On the other hand, in a jurisdiction where the statute of limitations starts to run only when a person knows of the problem and its cause, the filing of a class action puts people on notice and forces them to assert their rights in a fixed period even though they otherwise might choose to wait until later.

Whether to file a case as a class action is a complicated legal question. It also has political implications. By asserting a class you are representing people who may not choose to be with you. In the extreme, some purported class members may have conflicting interests. Although possible conflicting interests is one factor the court looks at in determining whether to certify a class action, looking at these issues should not be left solely to the court. Many actions involving many plaintiffs have been filed not as class actions, but only on behalf of those who affirmatively have chosen to sue. ●

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).

TOOLBOX from page 4

5. *Keep at it till the job's done.* The finished product will fall apart later if you drive the screw only halfway through the Board.
6. *If it doesn't work, get a better tool,* and
7. *Don't ever go to work with only one tool in your toolbox.*
8. *Keep it clean, well-oiled, and properly stored*—in your toolbox not in a velvet case.

Reward politicians who help you by publishing their records and publicly thanking them. But don't get too

grateful—they're helping you because you showed them it was in their self-interest to do so.

Use your politician/tool by regularly holding "Accountability Sessions" calling for specific, concrete answers on important group concerns from the politicians. CCHW Leadership Handbook (\$7.50 postpaid) has detailed advice on how to conduct an "Accountability Session".

In closing, the wisest advice I ever got about tools from my sainted grandmother: "Grab the right end, boy, and hold on tight!" ●

CORRECTION

There was a typo in Dr. Jim Hilbert's article on *incineration* in the last issue of *Everyone's Backyard*. As written, it said that Berkeley, California's recycling program recycles only 5% of the waste. In fact, the correct number is 75%! Recycling works!

(often call TCE for short). State officials turned on the hot shower and shut the bathroom door. Fifteen minutes later they measured the amount of trichloroethylene in the steamy bathroom air. Calculating the amount of liquid a normal adult consumes during the day and the amount of air an adult breathes in 15 minutes showed that 2,700 micrograms (ug) of TCE would enter the body from drinking contaminated water all day and 6,700 micrograms of TCE from breathing contaminated air for 15 minutes. That means that over 70% of the daily intake of TCE from contaminated water came from a shower.

There is an even more dramatic example of this phenomenon. In Hardeman County, Tennessee, local groundwater became contaminated as a result of chemical wastes leaking from a landfill. In 1978 numerous organic chemicals including benzene, chloroform, TCE, and carbon tetrachloride were detected in private wells serving the local residents. Carbon tetrachloride levels ranged from 61—18,700 ug/liter (parts per billion—ppb) Most residents ceased using the water for drinking and other domestic uses. Concerned that exposures might have continued, a team of researchers* conducted a series of air tests inside several homes. One of their most surprising findings was that bathroom air levels of carbon tetrachloride increase from 23 to 3,600 mg/m³ following a 15-minute shower! This result combined with other indoor air levels of toxic chemicals prompted the researchers to conclude that exposures of toxic chemicals did indeed continue after the residents stopped using the water for drinking purposes.

Bottled water is not enough!! A home with contaminated well water must be provided with clean water for *every* use.

This is especially important for volatile, that is, easily evaporated, chemicals like TCE.

If your well is contaminated and you don't have a source of clean water for bathing yet, what can you do? The most important thing is to organize the community as a group, insist upon your right to clean water.

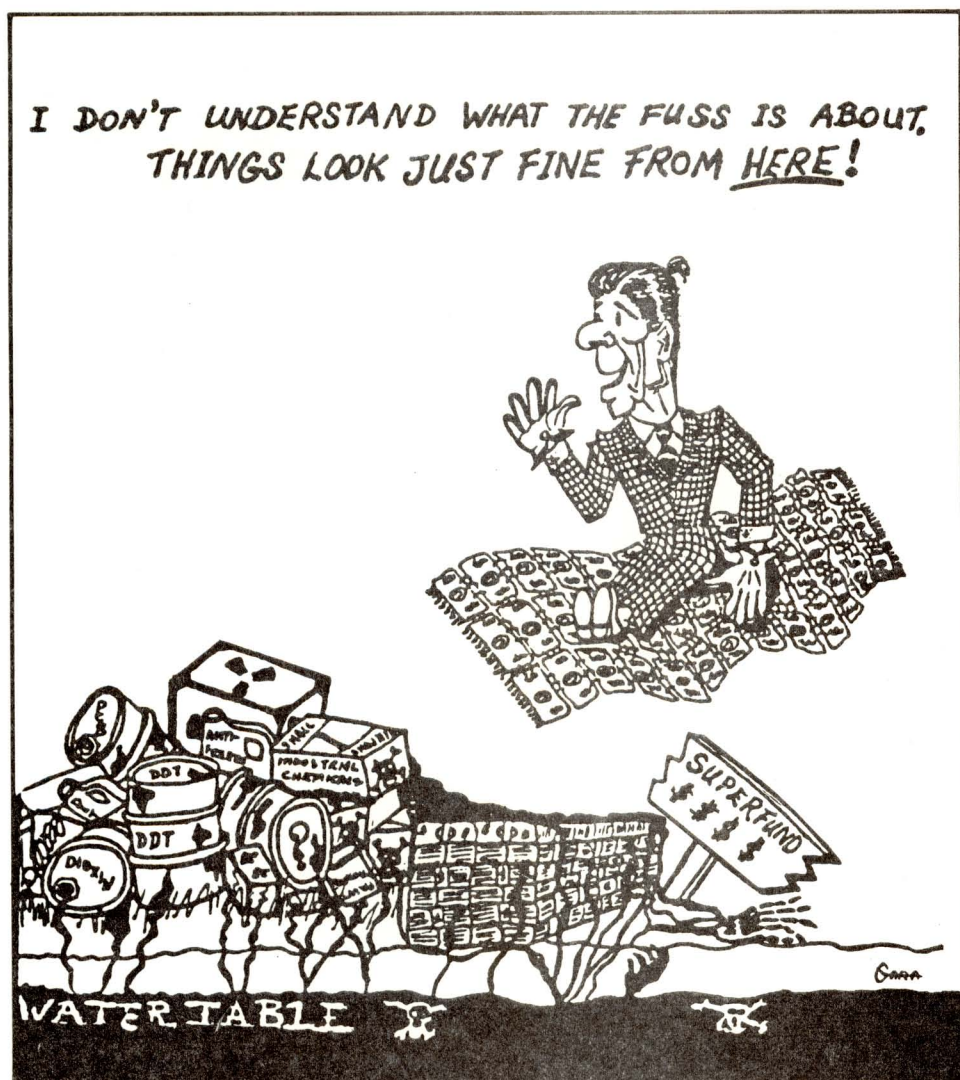
Until you get it, protect yourself and your family by taking baths rather than showers and by having an open bathroom window during the bath. The amount of chemical that volatilizes, or evaporates, from contaminated water depends on two things—the temperature of the water, and the size of the surface that the evaporating chemical can escape from. The warmer the water, the more chemical that will evaporate. The greater the surface area, the more chemical that will evaporate. One cup of water in a coffee mug will not have as much TCE volatilize as one cup of water broken up into hundreds of tiny drops as in a hot shower. So baths rather than showers should be the rule until you get clean water. To reduce your exposure further, fill the tub with very hot water and let it stand with the bathroom door and window open until the water cools to

the right temperature. This will allow some TCE to evaporate and escape.

These suggestions apply if the contaminated water has volatile chemicals such as TCE, benzene, and chloroform, but not if the chemicals are not volatile such as the metals lead, chromium, or arsenic.

**Adverse Health Effects At a Tennessee Hazardous Waste Disposal Site* by Harris, J. Rodricks, R. Rhamy, and S. Papadopoulos, presented at the Fourth Annual Symposium on Environmental Epidemiology, University of Pittsburgh, Pittsburgh, PA, May 5, 1983. A copy of this paper is available from CCHW for \$2.50. ●

Dr. Beverly Paigen is a cancer research scientist at Oakland Childrens Medical Hospital in Oakland, California. Dr. Paigen is also on the Board of Directors of CCHW.



Cartoon by Sara Scott, CCHW member in Sheboygan, Wisc.
Send us your cartoons!

How Clean is Clean: What Do You Think?

There has been a continuing controversy across the country, at hazardous wastes sites, on defining how clean do you clean up a site. CCHW was asked this question recently and responded in the article below. We would like to hear from you; how clean do you think a site should be cleaned, and what is your opinion on our article?

Citizens across the country living near hazardous waste sites have been asked their opinions on how much of the contamination should be removed as part of the site cleanup. Their answer has been consistent: clean up the site until the area is the same as it was before the chemical wastes were deposited there. From the perspective of the local communities, there can be no less than total clean-up. After all, they didn't make the waste or reap the profits, nor did they make the conscious decision to bury it there. All the community received from such a site is physical, emotional, and financial damages; they have been victimized!

Furthermore, it is the citizens who will ultimately pay the highest costs of cleanup. The costs of such cleanups are born by citizens through consumer product prices increased by industry to pay the up-front cleanup costs, through public taxes used by government agencies at such sites and

See HOW CLEAN page 3

BAFFLED BY THE TERMS

People are often concerned about whether there are toxic chemicals in the soils around their homes. Industry or government sometimes respond by conducting an "EP Toxicity" test on their soils. When the tests are completed these concerned people are given results which are *not* necessarily reflective of the real chemical contamination levels in their soils. The actual levels of contaminants could be anywhere from 1,000 to 10,000 times higher than this test would indicate. To make matters worse, these same agencies then take the inaccurate results and decide how dangerous the environment is to people living there, through the use of risk assessments.

The EP Toxicity test was designed by EPA to simulate the ability of metals or chemicals to move or leach out the soil into the groundwater of a solid waste landfill. However, it is being misused at hazardous waste sites across the country by EPA and state agencies primarily to determine the "risk" posed by contaminants, mostly metals, in soil.

Determining concentrations of chemicals in soil is a difficult complex task and interpreting these results, especially for heavy metals, is even more difficult. This is primarily because some metals occur naturally in soils (before any contamination occurs). However, if you are interested in finding out how much contamination exists in an area, you must do a test that tells you what is there...and for metals this means a straight acid digestion test.

The reason the EP Toxicity test is inadequate is because it only measures the chemicals that are "pulled" off the soil by the test procedure. And since most metals adhere very strongly to soil, most of the metals that exist in the soil will remain bound to the soil and thus will not be measured. As a result, this test will only measure a small portion of what is actually in the soil.

The EP Toxicity test itself, is an extraction procedure (hence the "EP") which involves collecting a sample of soil, filtering the sample and drying it out. The sample is then ground up into fine particles and placed in a container. Water is then added to the mixture and stirred for 24 hours. The liquid is then filtered (which removes the soil) and the remaining liquid is then tested for chemicals. Only what is in this liquid is measured, the remaining soil is ignored.

So if someone wants to use the EP Toxicity test in your community, don't let them for the reasons stated here. Ask a lot of questions and find out exactly what the purpose of the testing is. After all, if the wrong test is used, a real problem may be overlooked. ●

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

Everyone's Backyard is published by the Citizen's Clearinghouse for Hazardous Wastes, Inc. CCHW is a nonprofit, tax-exempt, public interest center which primarily focuses its work on grassroots environmental organizations across the nation.

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703/276-7070.

YES!

I want to fight the improper disposal of toxic wastes and help suffering families. Include me as a member of CCHW. Enclosed is my tax-deductible donation.

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| <input type="checkbox"/> \$50 for sustaining members* | <input type="checkbox"/> \$100 for corporations/institutions or individual patrons* |
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*Individual donors of \$50 or more receive a free, autographed copy of *Love Canal: My Story* by Lois Marie Gibbs. All members receive CCHW's quarterly newsletter, *Everyone's Backyard*.

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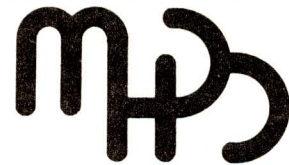
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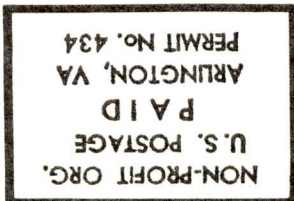
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Is bottled Water Enough

by Dr. Beverly Paigen

What happens when your well water is contaminated with toxic chemicals? To "solve" the problem, public health officials often recommend or provide a source of bottled water for the family's drinking and cooking. However, the contaminated water is still used for washing dishes, washing clothes, baths, and showers. Are these activities an important source of exposure to the toxic chemicals? A person taking one 15-minute shower can get more than twice as much chemical from the air during those 15 minutes as from drinking all liquids consumed during the day from that contaminated water.

This alarming fact can be illustrated by measurements made at a home in Gray, Maine, where chemicals had seeped from a nearby chemical dump into wells. The well water measured 1.8 parts per million trichloroethylene



See BOTTLED WATER, page 6

Take away people's water and they get pretty upset!