

Everyone's Backyard

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTE, INC.

Vol. 3 No. 4 — Fall, 1985



When we visited Lawrence County, in Appalachian Kentucky, we met one of the reasons why residents are fighting to keep from becoming "Somewhere Else, USA."

Fighting To Save A Piece of New Jersey

By Alison Fiocchi

Amid the toxic waste dumps of New Jersey lies a million-acre forest known as the New Jersey Pinelands. Living in it are two-foot pine trees over 100 years old and endangered species which exist nowhere else in the world. The preserve, created in 1980, is governed by the Pinelands Commission according to a *Comprehensive Management Plan*.

In the center of the Pine Barrens, nestled between two massive preservation areas and the world's largest blueberry and cranberry farms, lies Mullica Township. It is a small rural forest community with a population of 5,000. The pristine Mullica River flows through it, and in its center rests the Amatol Tract where, during World War I, an entire town and munitions plant were built in a few months complete with movie theaters, hospitals and railroad stations, only to be dismantled when the war was over. All that remains of it now are some dirt roads.

As idyllic as it sounds, there are those who would destroy it. While we are normally a passive community, we

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Medical Help for Toxic Problems

By Gary L. Gillen, M.D.

My friends at CCHW asked me if I could help them advise people how to get medical help with hazardous waste problems from local physicians. Individuals and groups need help both with personal health problems and with public health concerns. Up to now, doctors have been slow to become involved with local groups. Some doctors have been reluctant to believe that various illnesses might result from exposure to hazardous materials. A few in the public health structure have been downright difficult to deal with even when circumstances suggested that coopera-

tion would be more appropriate.

I think most of you will start to see more local physicians and medical societies becoming interested in hazardous waste problems in the next few years. But advice is, "Don't wait for it to happen!" Get busy getting your local physicians involved. There is no magic to how to do that: get the information in front of them in a way that gets their attention. That is really the same method you use to build your group no matter who you are approaching.

Doctors as a group are slow to

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RAGE leaders in Old Bethpage, NY show Lois Gibbs the monster dump they're trying to control. After this visit, RAGE beat the proposed expansion of the dump.

NEW JERSEY, from page 1
band together and fight when threatened. Nothing had ever threatened us as much as our most recent adversary. Almost the entire township united to fight our county government when a 700-acre landfill was proposed for Amatol. It would have been the largest dump on the East Coast: capable of spreading over 600 acres without crossing a road.

In April of 1983, I read in the newspaper that Atlantic Co. intended to create one colossal landfill that would house all of the region's garbage. Two of the four possible sites were in Mullica Township. I presented our freeholders with a petition and met with the people responsible for choosing the targeted site.

The Atlantic Co. Utilities Authority seemed cooperative. They gave me some charts ranking 11 potential sites. The charts were quite clear. One site outside the Pinelands stood out above the rest and was rated #1 in all categories. *Knowing that no landfills are allowed in the Pine Barrens if a feasible site is outside its jurisdiction, I wasn't too worried but waited for the decision to be announced.* In 1983, news articles stated the site would be chosen within a week. But the decision never came.

In the spring of 1984, I read a little legal notice saying the ACUA was having its regularly scheduled meeting. I flew to their office, video camera in tow. I was the only "public" in attendance. My serenity was shattered when the targeted site was named: it

was our beloved Amatol. Tears came to my eyes at the thought of 700 acres of virgin forest becoming a dump. Where do I turn? I was told it was useless to fight County Government. But I contacted Lois Gibbs and, as luck would have it, her group was speaking in a nearby community. I attended that meeting and then realized how big the battle could be. While we are usually a politically quiet community, I knew the people would not allow a landfill to be sited here. I reserved our elementary school. In less than a week, we had over 700 people crammed into the gym. I had never spoken before a group prior to this. But I learned that if you speak from your heart, the words come easily.

This was an issue that crossed all party lines and income brackets. People were upset. We banded together into the largest grassroots movement ever in southern New Jersey: No D.U.M.P., Inc. (Don't Undermine Me With Poisons). Subcommittees were formed and environmental lawyers were hired within one week. Those of us who used to take a good novel to bed are now staying up nights reading the *Pinelands CMP*, the *Landfill Siting Study*, and literature from experts on everything from dioxin to incinerators.

Our group hit hard and fast. We got TV, press and radio coverage. Emotional issues soon gave way to factual ones. For three months, we worked nonstop 18-hour days gathering facts and attending meetings. We systematically disproved the contents of a study which had cost the taxpayers a quarter of a million dollars.

Amatol was the only site on waters which flow both toward the Mullica River and, in the other direction, to Make Peace and the Greater Egg Harbor River. No other site had the potential for polluting two clean rivers. Yet, the study stated that no water was near the site. Many know ponds and headwaters to the Mullica River are on site.

The study did admit that rare and endangered species were on site, and we verified this. The small corridor of the Gene's trail linking the two large preservation areas encompasses all of the Amatol tract. The sands beneath Amatol are like a great

sponge. Leakage from a landfill would go straight down into the Cohansey Aquifer, one of the largest bodies of pure water in the Northeast.

The decision to put a landfill in the center of the Pinelands, directly atop the Cohansey Aquifer, was close to being criminally insane. It would have meant the destruction of the New Jersey Pinelands. We presented our facts to various governmental bodies, but few seemed to listen. Then, in the summer of 1984, we persuaded Congressman Florio, Congressman Hughes, representatives from the offices of Senators Lautenberg, Bradley, and Dalton to tour the Amatol site. Terry Moore, executive director of the Pinelands Commission, was also present. Our freeholders adopted a resolution opposing Amatol for serious environmental reasons. However, the ACUA persisted in pushing Amatol, limiting and making expensive our access to public records. We had to fight for every piece of information gathered. But in December, the freeholders voted another site in the Pine Barrens to be the targeted landfill.

Throughout this entire nightmare, certain questions troubled our minds. Why did our newly elected mayor meet with the ACUA and then deny he knew Amatol was the site prior to its announcement? Why was an experienced reporter pulled from our beat and replaced with a rookie?

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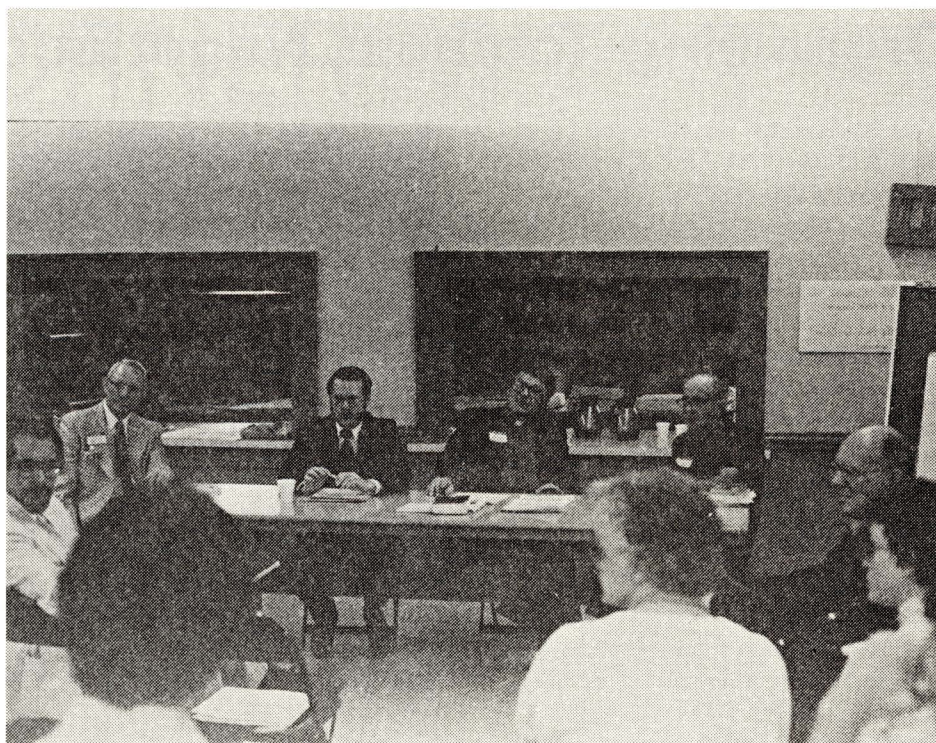
Local leaders from more than a dozen states came together for CCHW's Leadership Roundtable on Land Disposal.

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Why was our State Senator so conspicuously silent? Why did our County Executive push so hard for Amato? Why were 1983 charts ignored and their #1 sites name never mentioned? These questions remain unanswered but on our minds.

We are continuing our battle to save the center of the Pinelands (and in reality the entire Pinelands). Our current threat is a proposed water pumping station that would withdraw a minimum of 15 million gallons per day from the center. This would be devastating to the region. We will do whatever we can to prevent the destruction of our country's first National Reserve. Any contributions or help in saving our Pinelands would be appreciated. ●

NOTE: Alison Fiocchi chairs NO D.U.M.P., INC., RR #1, Box 149, Hammonton, NJ 08037, (609) 567-1015.



Gary Gillen, MD, Rev. Elford Hoff and Ralph Woolover lead workshop discussion on Moral and Medical Implications of Toxic Pollution for Pickaway County, OH residents.

DOCTORS, from page 1

jump on bandwagons. Our training and our daily practice regularly demonstrate to us that the good new ideas are far outnumbered by the bad new ideas. Time will usually show the difference. We tend to stick with the old tried-and-true methods and ideas until the new treatments or procedures have clearly demonstrated their safety and effectiveness. Our conservative streak has saved us from many personal and professional disasters. We have seen new medications taken off the market after a year or two because they caused babies to be born without arms or legs, liver toxicity, and sudden allergic reactions resulting in death. (Unfortunately, that same conservative tendency has also resulted in needless deaths, illness and suffering due to delays in accepting the safety of smallpox vaccination, slowness in seeing the value of washing one's hands before surgery, and reluctance to accept the safety of anesthesia during surgery.) We do come by our conservative image honestly and, in general, without apology. Understanding that might help you to understand your own doctor's slowness to see your point of view.

Don't count your doctor out,

though. Our own literature is beginning to run articles about the effects of hazardous materials and toxic wastes. Doctors and scientific groups are becoming more aware of what you already know. In the next few years you will find your local doctors more interested in what you are doing. Don't wait for them to come to you, though. Get your information to them *now*. Ask them to join you in cleaning up your local problem *now*. Show them summaries of your engineering studies. Not all of them will read them, but many of the ones who do will become very effective allies. Most doctors still did get into medicine with the idea of helping people. Most will come out to help when there is a threat to their local community if they can recognize the threat and believe in it.

If you are going to your doctor with a more personal health problem, be aware of those same conservative tendencies. Your doctor may be slow to recognize that your medical problem might be due to a toxic exposure—we have not been taught to think about such things. Furthermore, many of our own resources have been slow to alert us to possibilities of toxic effects to "protect" the public from panic situations. Talk with your

doctors about your concerns. Ask their opinion. Tell them the source of your concern. They shouldn't laugh. Even if they don't believe you at first, they may come to a different conclusion after some thought or some attempts at treatment, or some more patients coming in with similar problems. If your doctors won't take your concerns seriously, or refuse to talk about it, you need to get new ones.

Be patient. Be persistent. Be honest. Don't overlook recruiting your doctor's spouse. You *can* get medical help for your toxic waste problem. ●

EDITOR'S NOTE

Gary's right that physicians are changing and are now more approachable than ever to help fight toxic problems. For example, the Mississippi Medical Society played an important role in helping MEMO win a ban on nuclear waste dumping last year and a ban on new landfill development this year. Write Carol Mann, MEMO, Box 16937, Jackson, MS 39236 for more details. In Lake Charles, Louisiana, the Calcasieu Parish Medical Society has backed up CLEAN in its efforts to shut down a couple of nasty sites operated by BFI and Waste Management, Inc. Get more details from Peggy Frankland, Rt. 7, Box 3070, Sulphur, Louisiana 70663. Help from medical and public health studies is becoming available. This past summer, several community organizations benefited from volunteer help from the Vanderbilt University Student Environmental Health Project (Station 17, Vanderbilt University, Nashville, TN 37232). The American Medical Student Association plans to connect its members, all medical students, with citizens groups that they can help. For more information, write Frank Groves, AMSA Taskforce on Occupational and Environmental Health, Box 144, New Orleans, LA 70112. The bottom line is that there is more physicians and medical and public health students can do than just provide medical care.

Organizing Toolbox: Negotiations

By Will Collette

All Agreements are preceded by negotiations—that's how you find out what you're agreeing on. You negotiate with your spouse over what TV shows you're going to watch, with the kids over chores, with the car dealer over the price of a Chevy. You have to negotiate with public officials over how the next meeting with them will run, with state officials over what tests will be done, with EPA over how your site will be cleaned up. Who gets the *best deal* out of all these negotiations? The side that's (1) got the greater power and (2) knows how to negotiate best. Organizations get power through their members and by their actions, (the subject of many CCHW writings). But even with power, you can lose a lot if you don't negotiate well.

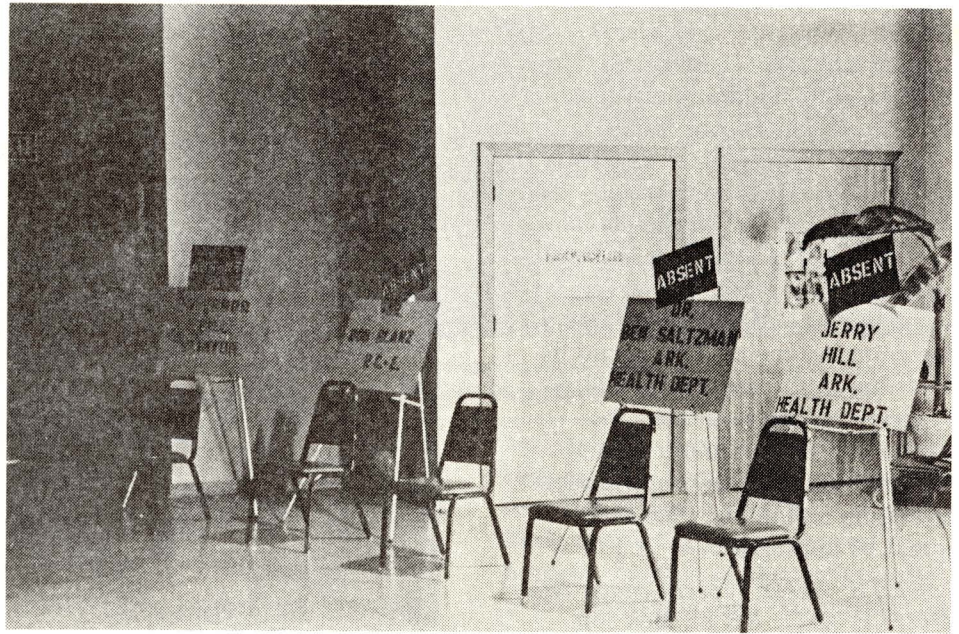
Start With "What Do We Want?"

And end with, "What will we settle for?"; also known as your "Bottom Line." When you establish your best "pie-in-the-sky" uppermost demand and your "Bottom Line," you've just developed what professional negotiators call your "range." This means that you'll be satisfied if you win something between the two extremes. Your opponent in the negotiations also has a range—try to figure out in advance what it is. If your "Bottom Line" is greater than the absolute tops your opponent is willing to give, there's little point in negotiating, (at least for now) because there's no point of agreement.

Never begin with your "Bottom Line." You're only going to be offered less and you'll (a) have no room to move or (b) be forced to accept even less. After all, you would never offer a seller the asking price (unless the commodity is grossly underpriced). By the same token, your first offer shouldn't be so outrageous that your opponent will leave the negotiations in disgust because you're being unreasonable.

Plan

Key members of your group must be part of planning the group's position. The bigger the stakes, the more



Here's a "hardball" negotiating tactic used by the Arkansas Chemical Cleanup Alliance: if your opponents refuse to come and negotiate with you, show the world they don't care through empty chairs.

important it is to have group process and consent. Without it, you could come back from what you thought was a great negotiating victory and be labeled a traitor to the group. Having group consent on the "range" is vital because it helps the group understand what "victory" is. Without it, you could win the best deal possible and your folks could still feel whipped.

Know what you want, concretely and specifically. The Old Forge (PA) Toxic Waste Removal Committee drew up a list of six concrete demands before meeting with then Superfund Chief, Lee Thomas. They won specific agreement on five of them, with timetables for delivery. They won with good planning, backed up by a united community.

The Negotiating Process

Location. Always try to negotiate on your home turf. In sports, they always talk about "Home Field Advantage." It's true! Part one of most negotiations is negotiating where you'll negotiate. Try to get them to come to you or, at least, to "neutral" territory.

The Rules. These are always made up for the occasion and are subject to negotiation themselves. Your oppo-

nent will say, "We can only meet with one or two representatives"—meaning that too many people will spoil the process. What this really is aimed at is getting you to limit your strength. Another argument often arises over the presence of the media. Resist.

The Agenda. "We'll talk water contamination, but not air emissions—that's another department?" Or, "We can't talk about enforcement—That's subject to pending litigation?" Or, "Those issues can only be addressed by the feds—Our authority is limited to..." "Find out these limitations beforehand, decide if you'll accept them and proceed to negotiate. Also find out in advance if your opponents across the table have the *authority* to make decisions on the issues. If not, it's a judgment call whether it's worth meeting. Determine who's coming from the opposition, and know how much time they've allotted for the meeting. Public officials are notorious for "remembering" appointments and leaving you with your lips flapping. Plan for this. Firm up these details in advance.

Some Tricks of the Trade

Mutt and Jeff. Also called "good

See NEGOTIATIONS, page 7

LEGAL CORNER

By Ron Simon

Q. What does it take to win a legal case—how strong does a case have to be? I'm particularly interested in a compensation case. How do I prove my injury was caused by chemicals?

A. To prevail in a case for damages, we must look at a number of different questions.

The first issue is the legal theory. Probably the most common legal theory is negligence. This means that the person who is sued did not behave in a way that a reasonable person should have behaved. The negligent act can be in the manufacture and sale of a product, the failure to provide warnings, the disposal of the product, etc.

A second legal theory is called strict liability for products—or “product liability”. Under this theory you do not have to prove that the person you sued is negligent—you merely have to prove that the product is “defective”. The defect can be that the product was dangerous and did not have warnings. This is the typical theory used in cases where workers are injured by a chemical in the workplace and sue the manufacturer of the chemical.

A third legal theory is strict liability for ultra-hazardous substances. The law makes a person who uses ultra-hazardous substances such as dynamite responsible for any damage caused by the ultra-hazardous substance. Under this theory you do not have to prove that the substance was defective nor that the person was negligent—the law makes people who deal in ultra-hazardous substances responsible for the damages without regard to fault.

I have limited my discussion to these three legal theories—there are many others—but the point to remember is that the law looks at the substance and the harm it created. Whether the law looks for carelessness, defects, or hazardiousness, in fact, lawyers typically use all of the theories and work to match the facts into whatever theory fits best.

The second question is one of the causation of the injury. The law of torts looks at “proximate” cause since any particular event has a variety of facts and factors that make up the causation of the event. Causation of injury is hard to prove for a number of reasons:

1. The injury often takes place long after the exposure to the chemical
2. Good records of the amounts and duration of the exposure to the chemicals made at the time of the exposure do not exist.
3. Not everyone exposed to a dangerous chemical necessarily gets the injury (cigarette smoke causes lung cancer, but all smokers do not get lung cancer)
4. Scientific studies of the effects of chemicals are often very limited because of a variety of reasons—including that we do not deliberately expose people to chemicals thought to be dangerous in order to do a scientific study.

In order to prove that a chemical caused an injury, you need an expert to testify that in his/her opinion the illness was caused by the chemical. The expert can be a physician, toxicologist, or epidemiologist. A physician is the type of witness preferred by courts—but physicians (unless they have specialized in occupational medicine or epidemiology) are not trained or practiced in determining the cause of injury. Epidemiologists are trained to do statistical studies, which are

often the best way to show the effect of chemicals. These studies show an association between the chemicals and the disease. Because the statistical association is not causation, courts are sometimes reluctant to allow epidemiologists to testify. In each case, there are legal battles about what kinds of experts and scientific data will be admitted as “evidence”.

The final question is “how much proof is needed”. In a civil (cf. criminal) case, the plaintiff must prove a case by a preponderance of the evidence. This has been said to mean that the proof needs to be at least 51% (Interviews with judges have shown that they think “preponderance” means 65% and juries think it is 75%.) In presenting this proof there are a variety of steps at which its adequacy is reviewed. Before trial, the defendant will usually file a “Motion for Summary Judgment” in which it is claimed that the case is cut-and-dry and has no factual dispute. At that point, the judge can refuse to let the case go to trial saying there are not facts to support one side of the case and rule for the other side. If the case is tried to a jury, the judge can take the case away from the jury either before jury deliberations or after a verdict on the basis that there were no facts in dispute. If the case is appealed, the higher court can review all of the decisions of the lower court including the instructions to the jury. The jury verdict itself is very, very rarely reverse.

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).

Thank You

It's been no secret to many of our regular members and organizations in our network that CCHW has recently been going through a serious financial slump. We asked many of you to help us get through it, in proportion to the kind of help you've gotten from CCHW. And we've been made both proud and humbled by your response! Your generosity in helping us in our time of need was wonderful and there are no words we can find to tell you how grateful we are. Though we're not out of the woods yet, you got us through the crisis. We also learned the valuable lesson that the only folks we can count on for continuing support of the Clearinghouse are *you*, our members and friends. Thank you!

Lois Gibbs, Executive Director

CLEAN UP, *from back page*

In the end, EPA selects an option based on "cost-benefit analysis". But the most "cost-effective" cleanups are often *not* the best cleanup for a site. *You* can influence that decision if you organize and send a clear message to EPA: we will only accept the best for our community.

What are the Options?

There are primarily four cleanup options: onsite containment, onsite or offsite treatment, removal and storage.

Containment Technologies attempt to stop the movement of contaminated groundwater or soil. Leachate generated when wastes come in contact with water must be collected and treated. Containment methods *do not* destroy or inactivate harmful wastes. So contained sites must be monitored indefinitely.

Containment techniques include groundwater pumping, groundwater barriers (slurry walls and grout curtains), underground tile collection systems, encapsulation/fixation techniques, surface water controls and surface seals such as clay caps or plastic liners. Which methods should be used depends on specific site factors such as groundwater flow patterns, bedrock fracturing, erosion, slopes and rainfalls. Containment technologies have been used for years in traditional construction engineering but have no long-term performance record for effectiveness at dumpsites. According to the Congressional Office of Technology Assessment (OTA), "there is little data available to support the view that containment technologies are reliable or proven for use with hazardous wastes." OTA actually provides details to the contrary, raising concern that, at best, these methods only delay the need for more effective cleanup¹.

Treatment Technologies reduce the toxicity of contaminants by either destroying the characteristics that make the chemical hazardous or by immobilizing the contaminants. Treatment technologies include biological, chemical, physical and incineration process. Which one you pick depends on specific properties of the waste. All these methods produce a residue which must be disposed of (and



Jacksonville, Arkansas residents come together to demand a safe and thorough cleanup of dioxin levels in their town which exceed the levels that caused the evacuation of Times Beach, Missouri.

perhaps additionally treated). Some treatment methods simply shift risks from one point to another. For example, incineration creates air pollution risks.

Removal methods simply excavate wastes and transfer them to another site, for either treatment or land disposal. EPA has used this technique extensively at Superfund sites, transferring risks from one site to another: the "Toxic Merry-Go-Round." This method accomplishes three things: (1) it gives another community your problem; (2) it makes the waste disposer very rich and guarantees him perpetual employment; and (3) it takes care of only some of your problems.

Storage techniques are temporary method which hold wastes until better techniques are available to permanently destroy them. Storage methods include bunkers, tanks, vaults or possible above-ground landfills. Storage techniques were used at Times Beach, MO and is being considered at Love Canal, NY, where EPA is considering an above-ground cement storage bunker the size of three football fields.

In the Superfund program, more than 95% of cleanups involve either containment or removal of the wastes². Often several technologies are used together, such as groundwater treatment with containment. Only 1% of 395 sites have used technologies that destroy wastes (primarily by incineration). As a result, many sites will still need cleanup in the future. The only way to avoid this is to permanently destroy wastes. Do such technologies exist? YES! OTA describes 26 being

developed by private industry in a recent report¹. Some are already being tested at different sites. EPA is not likely to use these technologies, however, because of their reluctance to try something new and because Superfund regulations require the use of "proven" (existing) technologies. (We'll discuss these new technologies and barriers to their use in a future issue of EBY).

You can influence EPA's selection of a cleanup option. EPA won't exactly welcome you as a participant, but they will listen to you if you speak strongly enough. EPA responds to the loud squeaky wheel. The key is developing a strong community organization with a loud and strong voice. ●

For more information on the RI/FS process, contact CCHW.

1. Superfund Strategy, US Congress Office of Technology Assessment, OTA-ITE-252, April 1985. Available from OTA, Congressional and Public Affairs Office, Washington, DC 20510, (202) 226-2115.
2. US EPA Summary Report: Remedial Response at Hazardous Waste Sites, EPA-540/2-84-002a, March 1984. Available from EPA, Office of Research and Development, Cincinnati, OH.
3. EPA has just published "Guidance on Remedial Investigations and Feasibility Studies Under CERCLA" (2 Volumes) USEPA, Office of Solid Waste and Emergency Response EPA/540/G-85/002, June 1985, Available from Denise Sines Superfund Docket WH-548D, USEPA, 401 M Street, S.W., Washington, DC 20460, (202) 382-4676, \$34 each volume. These documents outline how RI/FS reports are to be prepared. They are long and detailed, telling you what EPA *should* be doing. Many site coordinators and regional offices have not followed these procedures. Your knowing them will help to keep them honest, but the high cost will limit those who can afford them.

NEGOTIATIONS, *from page 4*

cop, bad cop?" One or more members of your negotiating team puts forward extreme positions and pushes them. Their purpose is to force your opponent to pay more attention to the "reasonable" members of the team who are presenting your *real* demands. The "Mutts" should be well-rehearsed, so they don't overdo this role and send your opponents screaming from the room.

Human Lie Detector. Designate one or two team members to watch for non-verbal signs (e.g., sweating, twitching) that can show what your opponent is thinking. The "Lie Detector" folks can then signal the speaking team members or pass notes.

Caucus. A time-honored negotiating device where you all "time out" to meet privately to discuss developments and re-establish your plan. If the "Lie Detectors" spot something important (Example: "He really sweats when we ask about test well #7"), call a caucus.

The End

Negotiations conclude successfully when both sides get an agreement they can live with—meaning one that's within their range. To reach this point, you must not only follow these rules but most also give your opponent room to move and a chance to "save face," no matter how powerful you are. Rehearsing through role-play nearly always helps you do a better job. And, after you come out with the signed, written, concrete and specific agreement in hand, don't forget to celebrate!

Who We Are

For many of you, this is the first time you're getting *Everyone's Backyard*. Since some of you are now on our list because your name was submitted by a friend or associate, we should explain who we are and what we do. CCHW is the only national environmental organization whose resources are devoted to helping local residents organize strong and effective grassroots groups. CCHW was founded in 1981 by Lois Gibbs, Steve Lester and other "veterans" of the Love Canal residents fight for justice. CCHW was formed to fill the need local residents often face, the need for a resource and "crisis center" that can give concrete help in dealing with specific toxic hazard emergencies.

CCHW collects and distributes huge amounts of information, often available no where else, through its two newsletters, *Everyone's Backyard* and *Action Bulletin*, and through its growing list of action guides and publications. We help local leaders analyze problems, think through the process of organizing, formulate strategies and win! We are the only national environmental organization that also offers site-specific scientific technical assistance, such as help in interpreting and responding to EPA cleanup plans. We also conduct special programs, such as our Leadership Roundtables which bring local leaders together with national policy-makers so that grassroots people can exercise their rights to have a meaningful say in the shaping of public policy. We conduct Leadership

Development Training Conferences several times a year to give local leaders intensive training to help them build stronger, more effective groups. We carry out special emphasis projects that address special needs, such as the Southern Leadership Campaign directed toward stopping the immoral use of low-income, minority rural communities as convenient dumping grounds; Project HOPE, which is our special outreach program to the Hispanic community; and our Children and Family Stress Project which will serve to reduce the severe stress suffered by many of our constituent leaders, ordinary people who for the first time in their lives are called upon to do extraordinary things.

CCHW relies mainly on its members (through dues and contributions), private foundations and churches for its support. We count on *you!* We're a small organization (six staff, plus college work/study students and volunteers) with a big mission: the end of irresponsible waste disposal brought about from the bottom up, through grassroots citizens' action. We're fully tax-exempt, so all contributions are tax deductible, and have very low overhead. About 80¢ of very dollar contributed goes directly into services for people. We've come a long way from the time when we operated on a narrow shoestring out of Lois' basement. But we've all got a long way to go, and we can do it, if we all help each other to do it. ●

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

Lois Marie Gibbs, Executive Director
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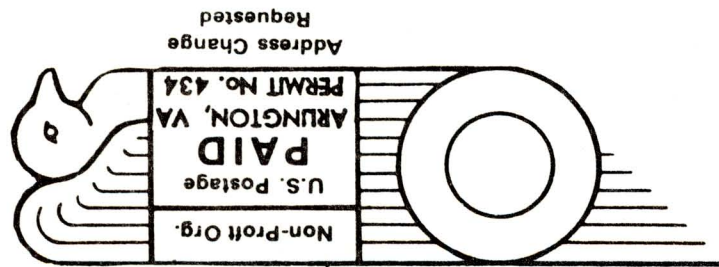
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CLEANING UP DUMPSITES: WHAT ARE YOUR OPTIONS?

By Stephen Lester

A community in Massachusetts recently received a Remedial Investigating Feasibility Study (RI/FS) outlining 11 "options" for cleaning up a dumpsite. One was to "do nothing," (hardly an "option"), one was to remove the wastes to an offsite landfill, and the other nine involved onsite landfills: one with two bottom liners and a clay top; another with one bottom liner and a clay top; two liners on top, one on the bottom; two on top, two on the bottom; and so on.

EPA was quite satisfied that the community was being given a lot of choices. In reality though, what were their options? A landfill, a landfill, or a landfill. The residents were first confused and then mad when they realized a landfill was their only choice.

When you review cleanup options at your site, keep this in mind: are the options really different? Or are

they only slight variations?

When selecting cleanup options, EPA does a Remedial Investigation (RI) Feasibility Study (FS) evaluating the characteristics of the site, the hazardous properties of the wastes, the extent of contamination, costs of technologies, and regulatory constraints and requirements for Superfund. The RI, generally a 300-page report, focuses on data collection and site characterization; the FS, usually 100 pages, focuses on data analysis and evaluation. Despite the dependence of the FS on results from the RI, EPA conducts both simultaneously. So the feasibility of different options gets evaluated early in the process. By the time the FS is given to the community, EPA has already decided what options are best! EPA then gives you three weeks to comment on a report that may have taken them three years to develop! But you



Newark residents are negotiating a clean up plan for dioxin in the Ironbound neighborhood through the Ironbound Community Corp. Here, local leaders show Lois Gibbs their office. Photo courtesy of Photovation.

can demand more time—two to three weeks extensions have been granted to groups across the country who asked and applied a little pressure.

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