

Everyone's Backyard

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTES, INC.

Vol. 1, No. 2 — Winter 1983



Together we can protect our children; alone the suffering will continue.

What Has the Clearinghouse Been Up to Lately?

After months of organizing and fundraising, the Clearinghouse is up and running and we are showing some concrete results. We now have two issues of *Everyone's Backyard* under our belts. We have been on site helping local communities solve their hazardous waste problems. Leadership Conferences are in the works around the country. And recently, the Clearinghouse sponsored the Washington, D.C. area opening of *In Our Water* (see review on page --).

Site Visits

The Clearinghouse has been helping citizens by visiting over 40 communities and working with the local groups to better understand their problems, provide information, and help organize and motivate their neighbors. These people are fighting for their lives! They refuse to take *NO* for an answer. They want existing problem areas cleaned up, and they refuse to shut up and go home! Included among the problems we are facing are:

- Anson, North Carolina: Chem-Security is proposing a new landfill facility that, if it leaks, will not only pollute their environment but all of South Carolina's by contaminating the Pee Dee River.
- Fulton, New York: a new municipal landfill is being built that citizens are afraid may someday be permitted to receive hazardous wastes, since it is similar to a toxic waste dump. Their concern is heightened because an existing municipal landfill nearby is

Citizens Put Their Bodies on the Line Against Warren County Dump

What makes over 500 normally peaceful, law-abiding citizens picket, disrupt traffic, and get themselves carted off to the pokey? Thirty-five thousand truckloads of PCB-contaminated soil in their backyard, that's what.

PCB stands for polychlorinated biphenyl, a family of toxic chemicals that causes cancer, birth defects, and skin and liver disorders. In 1978, midnight dumpers used a specially equipped truck to illegally spray 210 miles of North Carolina roadsides with electrical transformer oil containing PCBs. Although the culprits were caught and prosecuted, the problem of doing something with the contaminated

soil remained. Later that year Governor James Hunt announced that the soil would be dug up and deposited at a site being developed in rural, sparsely populated, and predominately black (60%) Warren County.

"This is the kind of thing revolutions are made of," says Ken Ferruchio of Warren County Citizens Concerned about PCBs, which formed the day after the Governor's announcement. The citizens group is convinced of two things: landfills are unsafe, and Warren County was selected for the landfill because its residents are mostly minorities and relatively poor — in a word,

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powerless. But the residents have shown the State of North Carolina otherwise.

According to Ferruchio, "You have a broad range of groups here who have all coalesced to fight this thing." Besides his own group, these include the NAACP, the Southern Christian Leadership Conference, local churches, and the Warren County Commission (which tried to block the landfill in court). People have crossed traditional racial and economic barriers to help stop the dump. Deborah Ferruchio puts it more bluntly, "People who before wouldn't have walked on the same side of the street are now hugging and singing and marching arm in arm."

But what is the fight all about? According to state officials, over 90 sites were investigated, and the Warren County site was determined to be the safest. To residents, however, "safest" means most easily steamrolled into existence over the wishes of the community. Citing recent scientific opinion, they believe that landfills are an unsafe technology and that no individual site can be guaranteed not to leak for more than a few years, if that long (see landfill article). In addition they fear that the site is intended to attract new toxics-producing industries to the area by establishing a new and "legal" dumpsite.

This may be an even greater threat than the existing PCBs. The contaminated soil will be stored on only 19 of the site's 142 acres. Because new hazardous waste landfills are so difficult to open, it is usually easier to expand existing ones. With 123 unused acres at the Warren County site, the promises of state officials that no further dumping will be allowed sound all too empty.

Since 1978, Warren County citizens have expressed their concerns to public officials, attended public hearings, conducted their own meetings, and sought injunctions against the landfill — all to no avail. Meetings with Governor Hunt have failed to produce results either. While many citizens will be satisfied with nothing less than carting the contaminated soil elsewhere, many seek proper treatment of the wastes on-site to render them harmless. To date, even



this concession has been denied.

Last September, the issue came to a boil when trucks began delivering the PCBs to the Warren County landfill. After all legal means had been exhausted, citizens resorted to a march on the site where they attempted to block the trucks from entering. Although only one minor injury occurred when a truck brushed a half-blind minister, over 500 protestors were arrested over a period of several days. Since then, most of the soil has been delivered.

Did the residents lose? It is too soon to say. EPA officials call it the first incident in the country of citizens using mass civil disobedience to stop a hazardous waste landfill. To the residents of Warren County, however, it is a fight to protect their health, their community, and their children from chemical poisons. They have made some important gains. They have unified their community around the hazardous waste problem. They have set an example of informed action and

creative non-violence for other communities facing similar problems. They have drawn the attention of the entire country to their struggle. And they may yet gain the waste treatment solutions they are fighting for.

"We realize," says Ken Ferruchio, "that the big challenges are still ahead of us."

He hopes that, as a minimum, detoxification will be required at the landfill. He also fears what may happen at other sites. Warren County has served as "an early warning system. "We saw what happened here with an absolute commitment to non-violence. At a site where they don't have that kind of commitment, you're talking about real revolution."

"By allowing situations like ours," he continues, "EPA has inadvertently — or perhaps intentionally, I don't know — built into their hazardous waste regulations a mechanism for discrimination against civil rights and human rights."

LEGAL CORNER

By Lewis M. Milford and Ronald Simon

QUESTION: Our local group of homeowners just found out our tap water is contaminated by some dangerous chemicals. Our group is small, it has little money and we are thinking about hiring a lawyer to help us. Do you have any advice?

—M.J., Lansing, Michigan.

Answer: In choosing a lawyer, you should find out about:

- 1) experience — toxic chemical cases are complicated. Be sure that the lawyer has experience handling cases involving difficult scientific issues, lots of people and large corporate defendants.
- 2) commitment — find out whether the lawyer is willing to take responsibility for everything you want, not just a limited part.
- 3) working with experts — does the lawyer know, have access to, and experience with scientific experts. The lawyer must be knowledgeable enough so that he cannot be intimidated by complex scientific evidence.
- 4) working with groups — the lawyer will have to work with your group. That means dealing with various individuals, answering their questions, and being willing to take direction from the leadership of the group. Since each group has its own internal struggles, the lawyer must be willing to work with the group in fulfilling its complicated needs.
- 5) conflicts of interest — toxic waste litigation is likely to involve private individuals, corporations and government entities. The lawyer must be willing to pursue all of the group's objectives against any of these groups without any hesitation. Since toxic issues involve political conflict, a lawyer who is hesitant about taking on

government authorities may have problems. The lawyer should be comfortable with the public conflict that your political strategies may cause.

6) preconceived notions — sometimes the client and the lawyer enter a case with a notion of how the case should be resolved. The client may want \$100 million dollars in health damages and the lawyer may think that the case should be ended if the company will put a clay cap on the dump. To be successful each side must know and accept what the other wants. Even though the client has ultimate approval of all decisions, the relationship will not work if the lawyer doesn't want to pursue the direction desired by the client.

7) fees — lawyers work on two kinds of fees — one is by the hour and the other is contingency (the lawyer receives a percentage of the recovery). In either case, find out what both you and the lawyer will receive. Get an estimate of potential legal fees and who will spend the funds for expert witnesses and litigation costs while the case goes on.

Being clear about all of this in the beginning is the best way to avoid misunderstandings later.

We can offer one general piece of advice. Getting all the information we suggest may seem both difficult and time consuming. But remember that the litigation process is long and choosing someone quickly without considering the above could lead to problems.

Lewis Milford and Ron Simon represent citizens exposed to toxic chemicals and are lawyers on the faculty of the American University Law School in Washington DC

at all four landfills were—and still are—leaking. Testifying before Congress, he stated, “*The failure of four primary liners does not give me reason to have confidence in landfills in general...the conclusion is inescapable that all landfill liners will ultimately leak.*”

Evaluations have also been made in other states. A report by the New York

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leaking toxic wastes into the soil, air, and creek. This dump, too, was *only* to accept “household” garbage when it began.

- Erie, Pennsylvania: residents are reporting severe health problems that they believe are related to a chemical dump in their community.

Leadership Conferences

The Clearinghouse is also beginning to hold leadership development conferences across the country. The first state-wide conference will be held in Ohio and the second in Virginia.

These conferences are intended to bring people together from within each state to share ideas, strategies, and experiences; to teach techniques to help communities organize and motivate residents; to form strong united grassroots organizations and coalitions; and to bring in scientists who will teach citizens how to use science in their fight... while... not getting swallowed up by the jargon. These sessions will also discuss approaches available to properly dispose of hazardous wastes, the pros and cons of the many methods of disposal, and information on the toxicity of the chemicals most commonly found in the environment. Legal professionals will also be available to provide an explanation of everything from when you should hire an attorney to the legal approaches available for fighting hazardous waste problems.

Anyone interested in organizing a conference should contact the Clearinghouse. They take about 120 days to put together, so timing is important. If anyone is interested in attending one of the conferences in Ohio or Virginia and have not been contacted by CCHW or other local groups working on the planning of the conference should also contact us. Everyone is welcome because everyone is affected by toxics!

State Attorney General's Office found that “secure” landfills in the state could not permanently isolate toxic wastes without expensive remedial work and perpetual care. This conclusion was based upon documented cases of deterioration of landfill caps, high leachate levels, and premature remedial work at three landfills. At Wilsonville, Illinois, a landfill once considered one

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double liners, a primary—the one closest to the wastes—and a secondary. Two of the primary liners were made of Hypalon—a tough, plastic-like, DuPont product, a third was made of polyvinyl chloride—a plastic, and the fourth consisted of 30 inches of clay.

After evaluating the information, Montague found that the primary liners

Organizing Toolbox II: Meetings

By Will Collette

In volume one of *Everyone's Backyard* we looked at the first step in organizing—talking to people, one by one. Once you have made a successful contact with a potential member, you want that person to do SOMETHING, probably to come to a meeting. As simple as that sounds, meetings can present problems. We have all been to meetings only slightly more rewarding than an impacted wisdom tooth, the result being a continuing lack of interest in the organization responsible. Careful planning can prevent this.

People come to meetings only if they have a reason to come, and not everyone comes for the same reason. According to Tim Sampson, a long-time teacher of community organizing, *people are likeliest to turn out if 1) they have made a commitment to someone to come, 2) they have a role or responsibility in the meeting, 3) they have an*

immediate and specific self-interest in what will happen, or 4) they have past, positive experiences with similar meetings.

What kind of meeting are you asking people to attend? There are various meeting formats for various purposes.

THE HOUSE MEETING. This is the kind of meeting many groups hold when they are first forming. The location is a member's home; the style is likely to be informal. Some of the biggest benefits of this kind of meeting are more comfortable relationships among your members.

THE PLANNING MEETING. Before any major decision by a group—as well as before every general membership meeting—there should be a planning meeting. Leaders and other key decision-makers within the organization must get together to set agendas, review

the work that has been done, and plan activities. When things go wrong, nine out of ten times the cause is either poor planning or no planning.

The setting for a planning meeting is less important than who is invited to attend. Has your organization set rules on who comes to such meetings? If not, think about who needs to come in order to make an activity a success. Some should be invited because you can count on their good ideas; others should be invited because their participation gives them a positive role in the process and a sense of *ownership*. One important note, consider who may cause trouble, such as bad-mouthing or disruption, if they are not involved in the planning process. You will have to decide whether you want to deal with that person in advance at the planning meeting or later when they raise a ruckus.



THE GENERAL MEMBERSHIP MEETING. Most organizations need to hold regular membership meetings. They insure that all members of the organization share the responsibility for its actions rather than a few leaders or insiders. These meetings, however, are the hardest to carry out in a lively and productive way. There should be an agenda. The highlights of that agenda should be shared with everyone who is asked to attend. The time and location of the meeting should be chosen to accommodate the maximum number of people. Watch for time conflicts—work schedules, popular entertainment such as TV or community events, and other, previously scheduled events.

Running a good meeting requires good instincts and common sense. You will need a good sense of balance to deal with matters like:

- Making the meeting fun and sociable without seeming silly or frivolous;
- Making the meeting orderly but not stiff;
- Allowing everyone to have their say while avoiding long repetitive speeches;
- Making sure decisions get made without jamming them down people's throats;
- Ending the meeting on time while covering all key items in the agenda.

Good planning and shared responsibility are probably the best ways to ensure this kind of balance. And the best way to measure your success in holding meetings? Count how many people come back. Notes Tim Sampson, people will come to the next meeting if they enjoyed the first one, if it started and ended on time and wasn't a drag, if it produced concrete results, if it was lively and exciting, and if it delivered what was promised. Another simple, but crucial, point: people come to the next meeting only if they know when and where it is.

THE ACTION MEETING. An action meeting includes an *event* tied in with your group's work on an issue. Most often, this means you have invited a public official or other decision-maker to attend and respond to your group's position on the issue. Careful planning is VITAL to making this kind of meeting successful!

The main question is: What do you want to accomplish by inviting this *target* in? Make sure you have invited the right person. You will be embarrassed if you invite an official and she or he does not have the power to give you what you want. You should anticipate that your guest will say: "I don't have the power to do it." Be ready with a comeback—the best being based on research showing that the official does have the power.

Make sure that you have handled the invitation properly. Don't give the *target* the chance to say: "I never got the invitation," or "You didn't give me enough notice." Never allow the blame to fall on the organization or its leadership.



Many groups use the *empty chair* to deal with invited officials who don't show. Some members might even be encouraged to pose questions to the empty chair. Most people get angry when they are treated rudely. If your guest doesn't show, this anger can often be channeled into future action.

If your *target* does show, be prepared with demands. Although some people are uncomfortable with the term, demands focus attention on what you want. Have them in writing on a big sheet of paper that everyone can see. Have *Yes* and *No* columns next to the demands, and check off your guest's answers. Avoid having a *Maybe* or *Other* column, since it is a rare public official who won't make ample use of this escape hatch.

When you have gone through the list, you should have a product that looks like a written agreement. To make it official, why not have your guest sign it. If she or he refuses, ask how serious were the answers. One word of caution: if the success of your group depends on action by the *target* or if the *target* is already sympathetic to your cause, you must decide in advance if this person's future support is worth the risk of embarrassing them in public now.

Here are some other replies your guest may make which you should be ready for: *No; We don't have the money; You do not and cannot understand the situation; You don't have all the facts; You're too rowdy and rude, I'm leaving; Let me think about it, and I'll get back to you later; My assistant will send you some information; You're asking for "x," let me give you "y" instead; I think we can work this out if I can just speak to a couple of your leaders privately; I agree with you in principle, but I can't give you an official answer right now; After all I've done for you, how can you people treat me this way?*

THE MEETING FOLLOW-UP. No matter what kind of meeting you hold, you should get back to everyone who came. This is one reason why you **MUST** have a sign-up sheet for attendance. By following up, you guarantee that everyone has a common understanding of what happened and feels that their presence was important. Follow-ups give shy people a chance to talk so they may feel more comfortable speaking up next time. Also, people who had additional ideas can express them. Sometimes follow-ups can be uncomfortable, especially if the meeting did not go according to plan. All the more reason to follow-up! This way you get views on what went wrong, and you can encourage members to take some responsibility for making the next meeting better.

Meetings work best when everyone takes some responsibility for making them successful. It's a common myth that organizations need strong leaders. Instead, what they need most is a strong membership. Such strength grows from leaders who share responsibility and consciously try to build people power, rather than their own power.

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of the most secure in the nation was discovered to be leaking severely. Chemical concentrations as high as 36% were reported in monitoring wells nine feet from the burial site. By court order, the wastes were dug up and transported to a more "secure" disposal site.

Recent laboratory findings are demonstrating the inadequacy of clay liners in containing hazardous wastes. Dr. Kurt Brown of Texas A&M has shown that clay liners leak many times faster than experts had previously believed. "All clay liners," notes Brown, "eventually leak, even if they are just storing water." More importantly, certain organic chemicals commonly placed in landfills "could cause clay liners to leak 1,000 times faster than designers anticipated." In related research at Colorado State, Dr. Fred Lee found that certain organic solvents such as benzene, carbon tetrachloride, and xylene can shrink moist clays, resulting in the formation of cracks or channels in three types of clay liners. Echoing the results of these and other recent research findings, Allen Morrison of *Civil Engineering* magazine remarked, "Researchers are finding that the clay liners typically used in landfills may be vulnerable to the effects of certain chemicals which can modify compacted clay soils that were of low permeability—rendering them highly permeable."

In addition to problems with liners, a whole host of other factors can undermine the effectiveness of landfills. These include:

- inappropriate siting
- inadequate facility design
- poor construction and materials
- adverse weather conditions—resulting in damage to berms and covers, off-site runoff, and leachate production
- earthquakes and earth tremors
- internal activity, including uneven settling, which can cause cracks in the cover, decay of drums, and the release of wastes
- inadequate post-closure monitoring and maintenance
- the inability of governments to prevent encroachment by people and construction activities over the long

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Have You Ever Heard What A Talking Outhouse Has to Say?

No, we're not talking about your favorite politician, state or federal official. We mean a real (or as close as you can get without the - - -) outhouse!

The residents living in Ottawa, Illinois are the creators of the talking outhouse. They found it to be a very effective way to educate the public about their problem. The citizens group, Residents Against a Polluted Environment (R.A.P.E.), built an outhouse equipped with speakers. Then, a person with a wireless microphone stood away from the outhouse and talked to the people as they walked by.

R.A.P.E. took their talking outhouse to the state capitol, set it up and began to tell the public about the existing leaking dump in their community and how their neighborhood has been chosen as the lucky recipient of a new hazardous waste landfill.

How did it work? Effectively! Imagine walking down the street and suddenly hearing a voice coming from an outhouse on the sidewalk—"Do you know what they're trying to do to our neighborhood?" Suddenly, there is a person dressed in a three-piece suit saying, "No, what?" Other pedestrians then stop to see why this person is talking to an outhouse. Now you have a crowd, being amused, but more importantly, being educated. The crowd, of course, returns to their offices, places of business and home and can't wait to tell their friends and family about the

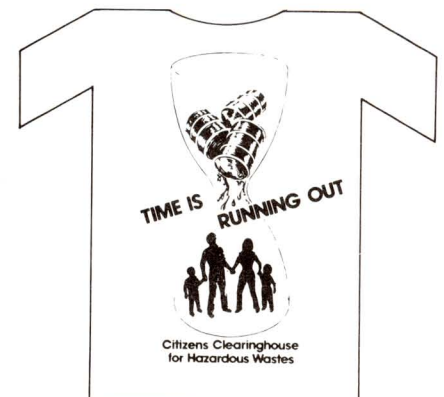


outhouse on the sidewalk talking about chemical dumps.

What a great way to educate! Good work, R.A.P.E.! If any other groups have ideas on how to educate the public, please let us know so we can share your ideas with others.



This book is available for \$12.95 plus \$1.00 postage from CCHW, P.O. Box 7097, Arlington, VA 22207. Make checks payable to CCHW.



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time periods that some wastes remain hazardous.

The state of California, which prepared this list, states that there is no guarantee against these problems because of our limited understanding of the complex processes involved and because the prediction of success with any certainty requires prohibitively expensive preliminary site investigations, extensive monitoring during the operation of the landfill, and perpetual care after site closure.

Raising similar concerns in his Congressional testimony, Dr. Montague noted, "even in those few, rare instances when an adequate geologic liner can be found to prevent leakage through the bottom of a landfill, the critical element will remain the top cover liner, the umbrella. The umbrella is not only the most important part of a landfill, but it is also the part most likely to fail." Montague went on to list six forces which, acting in unison, will "ultimately destroy any cap cover that humans can devise in the ground." These forces are erosion, vegetation, the activity of soil-dwelling animals and insects, sunlight, subsidence, and human encroachment

Even the U.S. Environmental Protection Agency has found landfills ineffective in the long run. Here is its position in the *Federal Register* of February 5, 1981:

"Unfortunately, at the present time,

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BAFFLED by the TERMS

In each issue of *Everyone's Backyard* different technical and scientific terms used in the accompanying articles will be described. Most of these terms have precise meanings in either a legal or scientific sense, meanings which provide a starting point for dealing with public officials, technical "experts" and lawyers. Several important terms used in this issue follow:

Leachate is liquid that migrates through soil from a landfill or surface impoundment and may contain hazardous compounds.

A *berm* is a small dirt wall used to contain or prevent surface water from spreading from a contaminated area.

Subsidence is an uneven settling or shifting of the topsoil (or cover) of a

closed landfill. Waste material placed in landfills are usually not compacted when they are put into the fill. As time passes, they slump or settle under the weight of the wastes above them. In addition, as organic matter decays, solid matter is turned into gases which tend to move out of the landfill, leaving void spaces. These void spaces become filled from above by wastes sinking down. This natural force can cause cracks or tears in the covering of the landfill, thus destroying the integrity of the cap.

Permeability is the rate at which water or leachate moves through soil. Sandy soils are generally considered to be highly permeable while clay is less permeable.

it is not technologically and institutionally possible to contain wastes and constituents forever or for the long time periods that may be necessary to allow adequate degradation to be achieved. Consequently, the regulation of hazardous waste land disposal must proceed from the assumption that migration of hazardous wastes and their constituents and by-products from a land disposal facility will inevitably occur."

We have quoted many different sources in this article for good reason. Scientific opinion does not put much stock in landfills as a long-term solution to hazardous waste disposal. As a result, we should stop thinking of so-called "secure" landfills as *secure* or

safe. At best they retard or slow down the time before landfilled wastes leak out into the environment. They do not prevent it.

These are the reasons that citizens all over the country are outraged by the existence of hazardous waste landfills or the siting of new ones. The concern of these people is not fueled by hysteria or emotional insecurity, but rather by the facts, that is, scientific research and the disturbing performance record of existing state-of-the-art landfills.

For more detailed reports on the technical problems of "secure" landfills, contact the CCHW. A number of the terms used in this article are explained in the *Baffled by the Terms* corner.

Yes, I would like to help clean up our environment and help my fellow citizens. Enclosed is my tax deductible donation to support the work of the Clearinghouse/Crisis Center.

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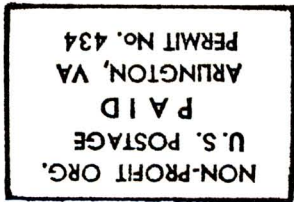
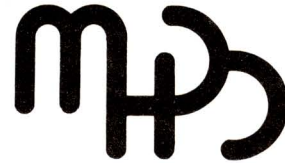
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Secure Landfill? Don't Bet the Farm on it!

How many times have we heard government officials or industry representatives claim that "secure landfills" can solve a hazardous waste problem? And how often have concerned citizens been dismissed as hotheads and trouble-makers, unwilling to listen to "the facts"? But scientists are now finding that many of the public's worst fears are well-founded. Even state-of-the-art landfills are not secure and will not contain wastes for long periods of time. Let's look at "the facts."

Dr. Peter Montague, Project Manager of Princeton's Hazardous Waste Research Program, has reviewed public records held by the New Jersey Department of Environmental Protection regarding four, "secure," state-of-the-art chemical landfills. Each of these landfills was constructed within the last five years; each was equipped with



Hazardous waste problems are stacking up.

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