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Rights, Wrongs and the NRA

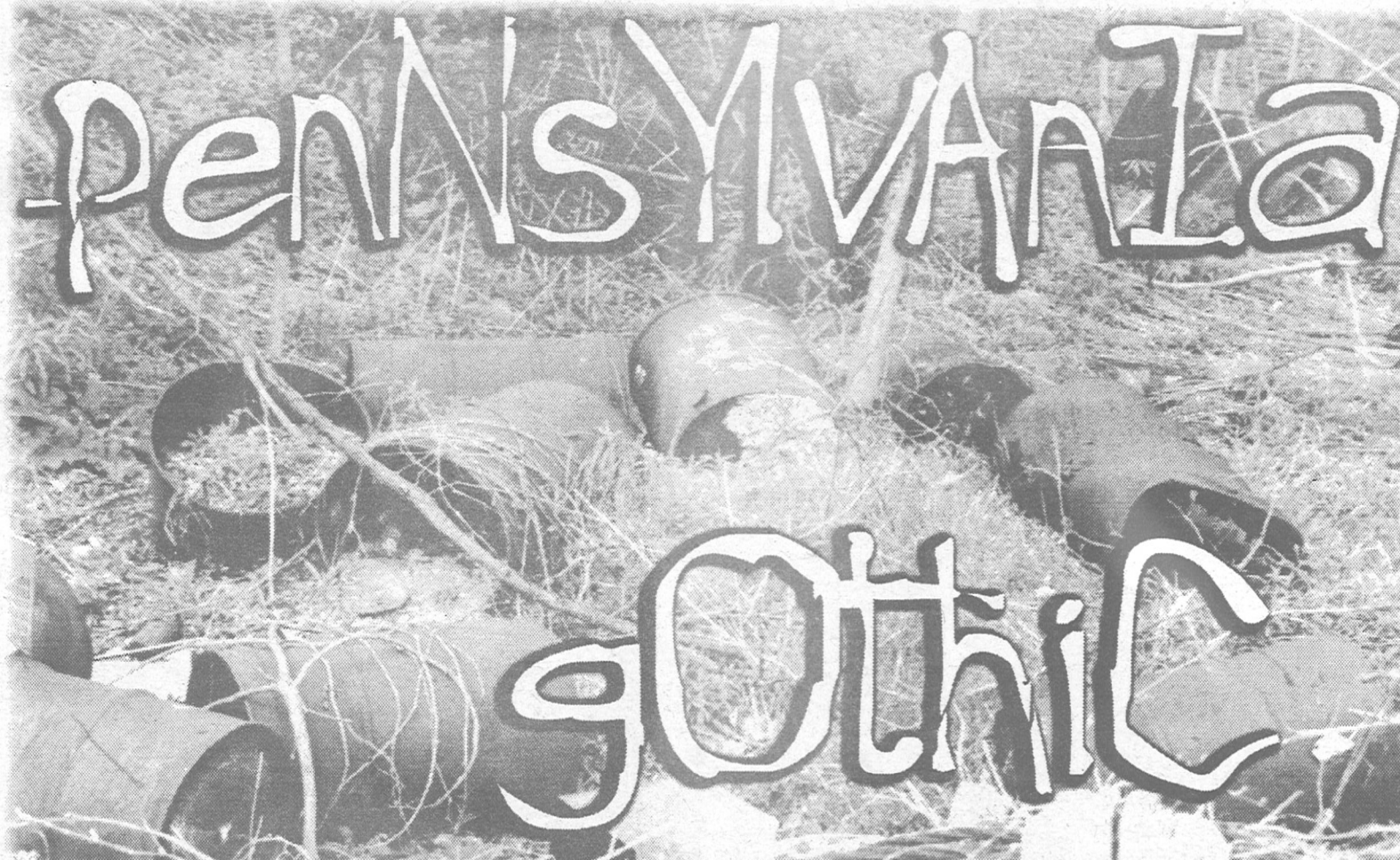
Love Serenade

Ziggy Marley

## Pennsylvania Gothic

Across the state,  
landowners are  
uncovering a new crop...

TOXIC WASTE



Decades after being legally  
dumped, toxic wastes are  
sprouting up across the state.

By Darlene White Natale

It was like a scene from a Jane Fonda movie. Former employees of a giant corporation described the company's unique method of eliminating toxic liquid waste. They spoke of sloshing it across dirt roads to keep the dust down, then applying creams to their skin to keep the rashes from itching.

In June, former Conrail employees told special agents from the Pennsylvania Attorney General's office that Conrail illegally dumped hazardous waste at its Hollidaysburg site throughout the 1970s and '80s. Former employees reported personally dumping and having knowledge of the dumping of solvents, degreasers and lead paints at the Hollidaysburg Reclamation site near Altoona, where the railroad refurbishes and repairs damaged equipment. Randy Coho, a former Conrail worker, described how drums of hazardous materials were lifted with a crane or derrick while employees used picks to puncture the drums. The crane operator would then drive away, swinging the drum from side to side so the liquid would drain. Coho reported that the drum contents often splashed against his legs.

A 40-year Conrail employee, Earl Claar, who operated a derrick at Hollidaysburg, confirmed the puncturing of drums. His affidavit described how he would drive the derrick around the plant, spilling the liquid on dirt roads for dust control and dumping the balance on the ground.

A "slop truck" driver, Thomas Kleiner said he emptied tanks of degreasers and solvents with his vacuum truck and discharged about 2,000 gallons a day in fields or on the road at the reclamation plant. Kleiner testified that Conrail was aware that the "slop" was dangerous — creams and Vaseline were made available to employees to ease skin irritation and rashes from chemical exposure.

Following the dramatic testimony, James Seif, secretary of the Pennsylvania Department of Environmental Protection (DEP), ordered Conrail to clean up the site. "This is the largest illegal hazardous waste site we've discovered in Pennsylvania in the last 10 years," he said in a press release. Conrail will be required to identify, characterize and classify all the waste created at the site. And this time, says Seif, proper handling will be required. However, in keeping with the Ridge administration's doctrine of corporate non-interference he added, "We think the cleanup of the reclamation plant at Hollidaysburg can occur without closing the facility."

Hollidaysburg may be the largest site discovered to date, but unconfirmed reports from landowners and environmental groups list many unofficial and potentially illegal dump sites and landfills in desperate need of DEP attention. The dilemma for environmentalists is twofold: although the sites may pose a grave danger for people and livestock, many are technically legal, and the DEP under Gov. Tom Ridge, they claim, is reluctant to penalize companies for environmental infractions.

### Toxic Legacy

Before the late 1960s, the dumping of unwanted industrial byproducts and waste was commonplace. Little or no documentation was required for a company to dump on its own property, and hidden ravines frequently became convenient receptacles for unwanted waste. Many of those sites have changed hands several times since their days as casual dump sites, and no records are available listing the discarded materials. Current owners may not even be aware of what's buried beneath their land. Pollutants are only now beginning to leach into water tables, contaminate topsoil, or worse, find their way into agricultural crops.

Case in point: Recently, an ailing, 69-year-old Butler County farmer wrote to the governor that his cows are dying. "Two years ago I came to know that my farm of 146 acres, which I purchased 25 years ago, contained a landfill," wrote farmer Joe Chechak, "[a] municipal garbage dump. Through all the title searches, etc., it was never revealed to me."

The Ridge administration ordered DEP Regional Manager John Fruehstorfer to contact Chechak about his problem. Fruehstorfer informed Chechak that, yes, he remembered that in the '60s there was a landfill in that area that served a couple of garbage haulers, and it was open for public dumping. Unfortunately, prior to 1968, no licensing

or records were required to operate a dump. There is no way, Fruehstorfer said, of knowing who used the dump or what materials were buried in the area then known as Wade Landfill. Parts of Wade remain buried under what is now Chechak's property.

Chechak bought the farm in the early '70s from a private owner who was active in Washington Township government. Chechak wrote to the current township supervisors that during the previous owner's time in office, "an accumulation of all kinds of highway scrap [was dumped on the property]. ... Some years ago residents near Morris Road complained to your department that their water wells became polluted. I know for fact [that] Washington Township was involved in [a] so-called cleanup. Some junk and junk vehicles were removed, and [the] remainder was ... covered up. ... Pollutants [were] diverted ... onto my property and into my stream. ... Then in spring of 1996, I had a severe outbreak in my cattle herd and later walked the covered up area and noticed the whole area had been burned off to my property line." The "burn-off" he described was an area where vegetation wouldn't grow.

But Richard Ealy, chairman of the Washington Township Board of Supervisors denies that the township ever dumped on the site. "The only thing we dumped there was one load of dirt that the owners asked for that we had cleaned up from the berm of the road. It was so overgrown our mirror got broke and our truck scratched, so I told them not to go back there."

Chechak's allegation of an illegal township landfill on his property has opened a rift in the community that sometimes flares with acrimony. Ealy went as far as to call Chechak "a thorn in everyone's side" and worse yet, "a city farmer. ... If he would feed [his cows] they would live."

Chechak thinks toxins are the reason his herd is dying. He points to shallow, parallel, leech-filled ruts scarring the land adjacent to his lower pasture. Runoff appears to be seeping from the contested site. Chechak speculates the ruts were made with heavy equipment to divert leachate onto his property.

Chechak no longer pastures his cattle in this lower field where now not even alfalfa grows. "Whenever I plowed it over, the soil was just black. I call that Death Valley. About 60 acres of 140 are contaminated," he says, although contamination hasn't been confirmed. Chechak admits he hasn't had the soil tested.

Nevertheless, he says, his cows die when the ground is saturated after a very heavy rain or whenever snow melts. The water table rises, he believes, mixing leachate from buried pollutants with a stream that traverses his property. Dead animals are frequently found near the stream, he says, and he's attempted to protect his dwindling herd by fencing the stream to keep the cows from drinking from it.

Despite his passionate appeals, however, Chechak's claims haven't been taken seriously by township authorities or the DEP. Ed Orris of the DEP does not deny that the area was a former landfill, but says he doesn't think it is a serious problem. He suggests perhaps Chechak has a farming problem and recommended he seek help from the Penn State Agricultural Extension.

Still, Chechak's cows are dying. Among his remaining herd of 60 cattle, he says, 32 have been ill in the past year. Twelve have died, and one cow has been lying in his barn since September with a paralyzed hindquarter. He thinks the DEP should do more testing. In February, he wrote to the DEP's John Fruehstorfer: "This toxic landfill condemns the whole ecology of my farm — everything on it, in it, or connected to it."

In response, the DEP tested surface water and sediment. Tested surface water at times of normal flow resulted in high levels of metals — zinc (which may cause stomach and digestive problems), cadmium (which can damage the kidney and stomach), and lead

(which causes brain and kidney damage and has been linked to premature births). These and other pollutants were recorded by the DEP in samples taken for Chechak. Orris says additional water samples tested for Chechak by a private lab showed no immediate danger to Chechak or his livestock.

The exasperated Chechak hired a Pittsburgh attorney, K. Patrick McKay, who is also a registered professional engineer. McKay believes the DEP should conduct subsurface sampling and program sampling not during periods of normal flow, but during the times Chechak claims his land is being contaminated — when ground water flow is at its heaviest.

"If you are going to look for subsurface contamination you can't test surface water," he says. "The DEP is not going to [test] until they're forced to. To take cores 20 to 50 feet to get a sample is very expensive." McKay says Chechak can't afford the estimated \$5,000 to \$8,000 needed to conduct subsurface testing and to install monitoring wells.

DEP Regional Director Steve Beckman believes the state has done all it can do — intervention by a hazardous materials removal unit is out of the question. "If the [DEP] tested the surface water, and the surface water over a

◆ Neville Island was pitted with trenches which the Pittsburgh Coke & Chemical Co. filled with sludge that often contained toluene and benzene, pesticides, slag and other industrial waste.

◆ Harrison Township is the location of the Lindane Dump, so named for the more than 400 tons of the powdered pesticide Lindane dumped there in the first half of the 20th century. Industrial dumping continued at the site until the mid '60s. On-site contaminants include arsenic, benzene and chromium.

◆ The newest Superfund site, added just last year, is the Breslube-Penn site in Coraopolis, used for fuel oil recycling and processing and as a fuel waste repository.

And there's more to come. On Feb. 19, DEP Secretary Seif said he supports the suggestion of the federal Environmental Protection Agency (EPA) to add the Mazzaro Landfill in Findlay Township to the Superfund National Priorities List. Mazzaro is a 90-acre site that houses industrial and municipal waste. Cyanide and other metals have been found in the groundwater.

The Superfund list resulted from the enactment of Comprehensive Environmental

permission to receive any more garbage.

Pennsylvania landfill operators with the proper DEP permit, however, can contract to accept garbage from any hauler from any state. States are powerless to control the flow of garbage across their borders because the Supreme Court ruled that trash is protected by interstate commerce statutes.

As Pennsylvania struggles with its open-borndump trash importation problem, old trash dumps buried decades ago are showing up where current landowners least expect them. On July 9, Gov. Ridge and four other governors from the Mid-Atlantic region wrote to Thomas Bliley, chairman of the House Commerce Committee, asking for a comprehensive trash flow control bill this year.

### Dishonorable Discharge

More toxic waste is showing up in the state's river systems. Pennsylvania businesses legally dump tons of toxic chemicals into rivers, streams and waters with EPA permission, claim lobbyists from the Environmental Working Group (EWG). Many companies are not held accountable for millions of additional pounds of toxins flushed down the drain into publicly maintained sewage systems. The EPA allows for a flushing loophole it calls a "transfer" of pollution. "The government needs to make it clear that taxpayers are picking up the tab for industrial polluters who dump huge amounts of toxic waste into public sewer systems," says Jackie Savits of the EWG.

The EWG report *Dishonorable Discharge* claims that despite the high levels of toxic water pollution reported in its study, "The federal government acknowledges that the data upon which the report is based, the federal Toxic Release Inventory (TRI), account for only about 5 percent of all toxic water pollution." The TRI excludes sewage plants, power plants, hazardous waste treatment facilities and trash incinerators. There are so many loopholes in reporting says Savitz, "... we believe that the actual amount of toxic chemicals dumped into the nation's waters may be 20 times the amount reported in *Dishonorable Discharge*."

Four of the top five Pennsylvania waters receiving the most cancer-causing agents are in Southwest Pennsylvania: the Shenango, Clarion and Ohio rivers and the Connoquenessing Creek. The area also takes the top three slots for waterways receiving the most reproductive toxins: the Allegheny, Ohio and Shenango rivers. The Monongahela River received the dubious distinction of placing second for receiving the most pounds of industrial pollutants.

So polluted are the region's waterways that the DEP's Seif has issued a new protocol for lowering human exposure to river-borne contaminants. The protocol explains how much fish taken from the rivers can be eaten without risking adverse health effects.

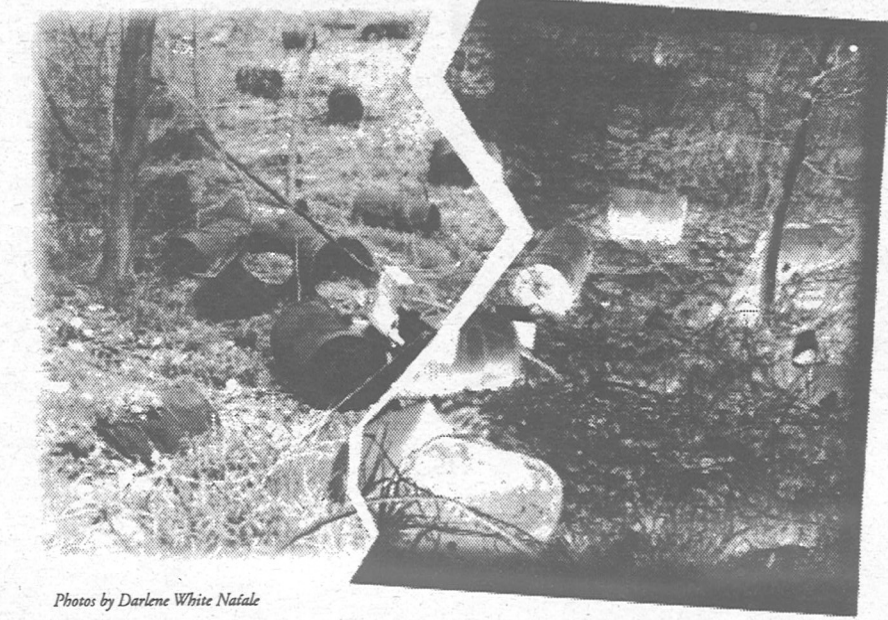
The fish bans and restrictions result from PCBs and other organic contaminants that remain in the fish's fatty tissue. Among its recommendations:

◆ Do not eat carp and channel catfish pulled from any Pittsburgh-area river.

◆ In the Allegheny and Mon, the bass are technically safe to eat once a week, but anything taken from the first 30 miles of the Ohio, starting at the Point, is more dangerous.

◆ One dinner per month of fish that came from a Pittsburgh-area river is the maximum recommended. Call the DEP at 442-4182 with any questions.

Considering Pennsylvania's many dirty little secrets — from forgotten leachate flows to legal flush-dumping — residents are increasingly faced with tough decisions on where to fish and farm, what to eat and who to believe. Until the full extent of industry's toxic legacy is uncovered, and until new violations are vigorously stopped, Keystone State residents will have to continue to look at their soil and water with an unhealthy suspicion. ■



Photos by Darlene White Natale

period of time is meeting those standards, that's probably all the department will do," he says. "... We don't intend to take any further action at this time. We don't think the dump qualifies as a hazardous site that needs to be addressed by that particular program."

However, when shown photographs (taken to accompany this article) of punctured drums rusting on Chechak's land, Beckman agreed to further investigation. "Because of some of the photographs you had shown me of what appears to be ongoing activity there, I got in touch with one of my supervisors in waste management." Beckman says DEP will investigate it from a waste management/waste violation aspect.

### The Superfund State

Just a few miles from the Chechak farm is the infamous Bruin Lagoon, so polluted by the petroleum industry that it was placed on the EPA's Superfund site list. A site similar to Chechak's former Wade Landfill is the Hranica Landfill, also in Butler County. It contained over 7,700 drums and is contaminated with substances including PCBs and heavy metals.

Allegheny County is home to four Superfund sites:

◆ Near the Monongahela River in Jefferson Borough is a 26-acre resin disposal site that consisted of ponds and a landfill in a strip-mined valley. The ponds contained oil from resin manufacturing as well as solvents, filtering materials and resin. The on-site groundwater contains the potentially lethal substances benzene and toluene.

Response, Compensation and Liability Act (CERCLA) of 1980 and was expanded in 1986. A major effect of the statute was to establish liability for pollution, assess costs and clean-up contamination.

As dangerous as these Superfund sites are, at least they're being contained by the government. The sites that continue to silently poison us need to be identified. Northwest of Bruin and the Chechak farm, near the borders of Butler, Mercer and Lawrence counties, is the Osborne Dump Superfund Site. It was placed on a national priority list in 1982. Jan Kopinsky, an Osborne-area resident, says she empathizes with Chechak because it took 24 years to get the Osborne site cleaned up. She and other area residents fought many of the same bureaucratic roadblocks Chechak is now facing despite the fact that the Osborne dump was filled with heavy metals like lead and arsenic.

One major Osborne polluter, Cooper Industries, was made to clean and cap the site, which was contaminating local water. Cooper removed 83 filled drums, 460 empty drums and contaminated soil. The EPA ordered that site cleaned, but not so Tri-County Landfill about 3 1/2 miles away, even though Citizens Environmental Association of the Slippery Rock Area (CEASRA), a local environmental group, says that Cooper dumped the same type of foundry materials there.

Tri-County Industries has been trying to reopen the landfill since 1993. Since regulations were strengthened in 1990, and because it is located next to an airport and a state gamelands area, its owners have been denied