

# PITTSBURGH CityPaper

PENNSYLVANIA  
4-96

You've Got a  
**DUMP**  
in Pennsylvania

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4-97

The Keystone State is cleaning up  
in the import business -  
**Importing Trash.**

By Darlene White Natale

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You've Got  
a Dump In  
penNSylVania

Connoisseurs of fine, out-of-state trash measure  
their collections in the millions of tons.  
Neighboring states keep their landfills clean,  
importers keep the cash, we keep the trash.

By Darlene White Natale

14 JULY 11 - JULY 17, 1996 PITTSBURGH CITY PAPER

When William Penn was given a huge tract of pristine forest by Charles II, he called the woods Penn'ssylvania. Now, these same beautiful woodlands have become known as the "land of landfills," at least to our northern and eastern neighbors.

Supreme Court justices ruled in 1992 that garbage is a commodity protected by interstate commerce statutes, cementing Pennsylvania's place as the keystone of garbage warehousing. The ruling basically means that states do not have the right to stop the importation of trash. Pennsylvania landfills that have Department of Environmental Protection permits can make business contracts and accept the trash they choose without the consent of local government. The DEP can't deny a permit based solely on the source of the garbage, because that would violate interstate commerce statutes. The states did retain the authority to issue or deny permits to new landfills that plan to import this offensive commodity.

Pennsylvania's trash imports are up 94 percent since 1989. The waste comes from surrounding states and the District of Columbia, delivered in trucks to a landfill near you.

Island voted strongly Republican in the last election and flexed its political muscle to force the closure of Freshkill. Finally, New York Gov. George Pataki announced plans to close the landfill and expressed his desire to export excess trash to other states.

Pennsylvania Gov. Tom Ridge was not pleased, and he said so in a letter to Pataki. "New York now exports more than 2.7 million tons of waste to Pennsylvania for disposal, 15 percent of all the municipal waste New York produces," he wrote. "The closure of the Freshkill Landfill in 2001 means your state will have to find disposal sites for up to 4.7 million tons of waste annually. I was very disappointed to read news accounts quoting New York City officials as saying one of the first options being considered for disposing of this waste is to export it to other states. Specifically mentioned were Pennsylvania, Ohio and Virginia."

On June 4, Ridge traveled to Washington, D.C., and met with House Speaker Newt Gingrich to encourage congressional action on legislation that would empower Pennsylvania to limit the amount of imported waste. After his meeting with Gingrich, Ridge told reporters that he felt Pennsylvania had done the right thing in designing landfills and cre-

fill rules and a mandate for the Commonwealth's 67 counties, making them responsible for devising 10-year plans to control their own wastes. Many new state-of-the-art landfills were constructed in Pennsylvania to fulfill the mandate. We now have 50 permitted landfills in operation and new licenses are pending. All have the high-tech features of advanced landfill technology: double liners, leachate collection (for liquid runoff) and air monitors. Pennsylvania also has seven resource recovery incinerators which use the heat derived from burning trash to generate power.

Operators of the new facilities, however, frequently take advantage of the Supreme Court decision forbidding states from refusing foreign refuse. Import levels have nearly doubled in the state, leaving Pennsylvanians with everybody else's trash and dwindling room for their own.

New landfills have to pass the state's stringent operating codes and jump municipal hurdles. But once they do, neither local councils nor the governor's office can stop them from entering the import business.

Three examples are unfolding north of Pittsburgh. In Jefferson County, not far from the juncture of Interstates 79 and 80, the DEP

recently issued new dumping permits to two facilities — the Eagle Landfill and Leatherwood. The Leatherwood site was certified after a contentious permitting process which brought up many environmental and safety issues. Local community leaders and environmental groups opposed the site, and even the Federal Aviation Administration recommended against its licensing — a major concern was the landfill's proximity to a small airport. The FAA is worried about the increased risk of bird and airplane collisions and the possibility of birds being sucked into jet engines.

By law, sections of the old landfill should have been permanently capped. However, Vogel made a deal with the state Department of Environmental Resources (now DEP) to refrain from dumping at the site if the agency promised to take no action against Tri-County until the permit decision is made. Even if Vogel doesn't get permission to begin an operation at Tri-County, he won't be compelled to install a liner on the pre-existing dump. Contaminants could continue to leach into the water.

"It isn't a violation of law to import out-of-state trash, but the Vogel operation has a history of legal transgressions, albeit minor ones." In several instances, documents show Vogel operations accepted unauthorized hazardous and nonhazardous wastes. In 1986, Tri-County accepted unauthorized waste from General Electric and was fined \$30,000. It was negotiated down to a \$7,500 fine. Vogel says it was a single shipment of glass beads, used in an operation similar to sandblasting. In 1983, Tri-County was cited for accepting hazardous waste from Peron, a steel subcontractor working inside Sharon. Vogel insists "they had scraped up some reddish dirt or building material. It was only one load."

Surprisingly, the DEP's Boyle is quick to defend Vogel's regulatory errors. He says he can understand how errors or sloppiness could

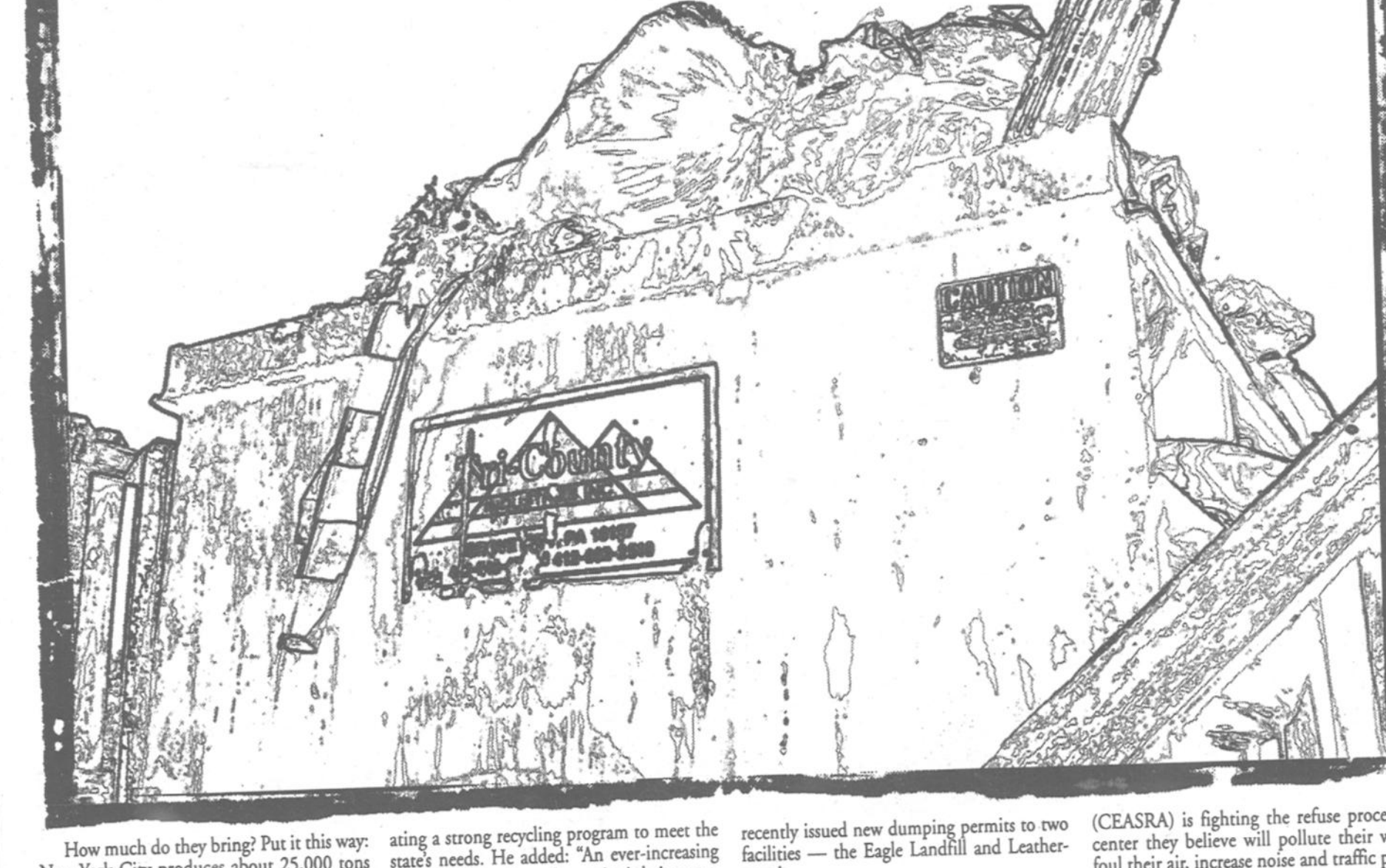
result in violations, considering the great number of regulations the DEP enforces. Boyle concedes that it's "an emotionally charged issue," and claims to understand that no one wants a garbage dump in their backyard.

But he carried the point further than you might expect from a government spokesman. Boyle is displeased with the media, he says, for using the words "dump" and "landfill" interchangeably. "Dumps conjure the image in the public of backing a truck over a bank somewhere and letting it fly," he says. "A dump is something you see beside the road where people drive up and throw McDonald's stuff out, and their old tires. Unfortunately, with that much use of the word 'dump' in the papers, people still think that's what a landfill is. It's like taking a shot poker and sticking it in a regulator's you-know-what to call facilities were talking about 'dumps'."

The regulations are still waiting for approval of their application, but Vogel is confident the permit will be granted. "I've got a lot of money betting on it," he says. "There's nobody more deserving of a permit than me." If they get it, it's a safe bet that more East Coast refuse will be crossing the state line. ■

Darlene White Natale is a freelance writer from Middlesex. Art by Nora Jayne.

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How much do they bring? Put it this way: New York City produces about 25,000 tons of waste a day, and we get about 15 percent of it. The Empire State's contribution alone is nearly equal to what is produced in the entire Commonwealth of Pennsylvania.

Why does it come here? Space. It's one thing Pennsylvania still has plenty of, and something most of us tend to appreciate. In newer New York, however, available space is long since overused. The Freshkill Landfill, for instance, was built on Staten Island in 1947 as a temporary dump site. Over the years, Staten Island residents watched as the other New York City landfills closed. Complaining they produce only 4 percent of what is dumped there, they began in recent years to protest the continued use of the site. Staten

ating a strong recycling program to meet the state's needs. He added: "An ever-increasing portion of our disposal capacity is being consumed by out-of-state trash. We need to have the ability for our communities to say no to imported trash."

Bruce Dallas, communications director at the Department of Environmental Protection, says there's a very good reason for this. "We were there first," Vogel says. "The borough or FAA shouldn't have issued grant money [to the airport] without doing a suitability study. They should not have issued the permit." Vogel suggests it's the airport that should be relocated, contending there's no room for expansion.

Cimino disagreed, saying airport space is not the problem. "The landfill may have well preceded established federal regulations, [but] once it becomes a public use airport... then our obligation is to ensure public safety," he says. "The landfill permit is issued for a finite period of time. When [the permit expires], any waste management facility is reviewed."

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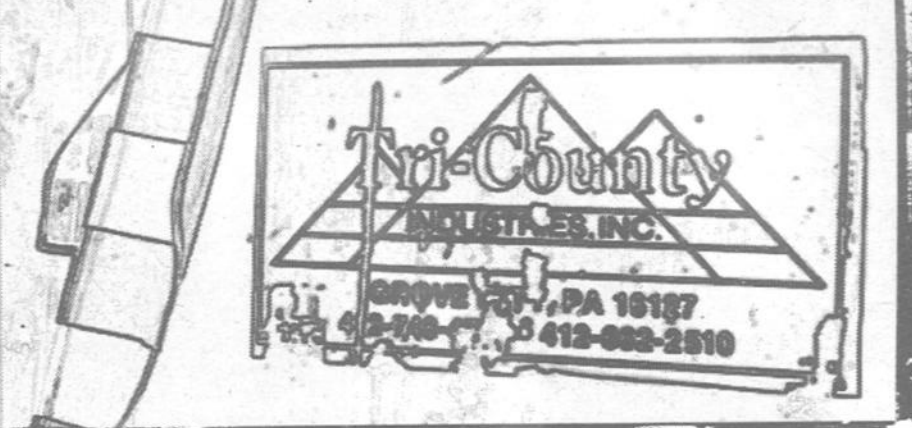
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tion of the site that's currently operating. Garbage is trucked to the transfer station, dumped on a concrete slab, reloaded into other trucks and hauled elsewhere. Until Tri-County receives a permit to begin landfilling, the garbage can't remain.

The Grove City site, a former 1950s-era landfill, is owned by Edward L. Vogel of Adams Township in Butler County. His son, Edward R. Vogel, manages the site. The younger Vogel seemed pleased to speak with me about his landfill, a business he is obviously proud to operate. He boasts that Tri-County currently has a permit pending with the DEP to expand the site to 75 acres, which, over the next 10 years, Vogel plans on filling with a 200-foot-high pile of garbage.

Statewide opposition to the plan hinges on the importation issue, but there are several local concerns as well. Mercer County Commissioner Dick Stevenson worries the landfill will be a hazard to airplanes, a concern shared by the Federal Aviation Administration. "The landfill lies directly, or in close proximity, to the flight path and landing patterns of planes flying in and out of Grove City," he says. "The FAA has concerns about the birds and the landfill."

The possibility of mid-air collisions is real. The landfill is situated on wetlands which attract considerable quantities of wildlife, including many birds. To beat the bird problem, the FAA's licensing code states that a landfill cannot be closer than 10,000 feet to any airport serving turbojet planes. Grove City Airport serves this type of plane, yet it is only 6,400 feet from Tri-County.

How can this particular landfill operate then? Pennsylvania DEP uses the same proximity standards as the FAA, but says airports must be FAA certified, a term the FAA doesn't use. According to FAA spokesman Vincent Cimino, the FAA doesn't "certify" airports. They do issue certificates to airports that handle planes with 30 passenger seats or more. There are only 67 airports in the eastern U.S. and those certificates, including ones in Philadelphia, Harrisburg and New York City (Kennedy Airport). Grove City is not among these airports. Tri-County is essentially operating in a 6,400-foot loophole.

Thomas N. Tomsa Jr., a wildlife biologist with the U.S. Department of Agriculture, is a specialist in the science of animal damage control. He wrote to DEP waste management regulator Patrick Boyle, about the re-permitting of Tri-County Landfill. In that letter he wrote: "Because of the tendency of some birds (e.g. gulls, vultures) to investigate the visual or olfactory attraction of the landfill from high altitudes... it is unlikely that an increase in the potential for bird/aircraft collisions can be prevented."

Tri-County has prepared an elaborate plan for the management of birds at the site including bird distress calls blared through a loudspeaker, pyrotechnics, automatic explosive devices and shotguns. Vogel has a permit to shoot geese, blackbirds, gulls and crows at his discretion.

Tomsa's letter questioned the effectiveness of the measures. "They cannot prevent gulls, vultures and other birds that may be attracted to the landfill from flying over it through airport space to investigate it. This could increase the potential for bird/aircraft collisions at and around Grove City Airport."

The landfill was operating decades before the permit was constructed, before permits were required. The initial application made no mention of an airport or its proximity. "We were there first," Vogel says. "The borough or FAA shouldn't have issued grant money [to the airport] without doing a suitability study. They should not have issued the permit." Vogel suggests it's the airport that should be relocated, contending there's no room for expansion.

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there has been a lack of clarity as to what the guidelines are," he says. "I'm concerned about the contents of the proposed landfill and that [allowable contents] will be expanded, and where the garbage will come from. I'm naturally concerned that this will become the landfill of choice for our neighbors to the north and east."

The materials to be dumped at the site would include chemotherapeutic incinerator ash, sewage sludge and infectious wastes (processed to be non-infectious), chemical wastes, graphite and plaster wastes, industrial lab wastes, paint waste and combustion residues. The transfer of pollutants to the food chain through the groundwater could affect locally grown produce and livestock.

"Monitoring walls were set up around the perimeter of the site," says CEASRA's Cleary. "Nine have shown hits of hazardous pollutants called volatile organic compounds (VOC)." Internal Tri-County documents show that some of the pollutants include benzene, dichloroethane, xylene and several "unknown" hydrocarbons. All can be hazardous to humans and wildlife.

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"They holler about the new dump contaminating the water," says Vogel. "It's not the new site, it's the old site that will contaminate. If we get it right we will clean it up. Somebody's got to get forward and clean up some of the old sites. We will clean up what we deposited and what [the former owner] deposited 15 years before."

Boyle explains that it is to Vogel's advantage to "clean up" the old site because "it provides a net gain in the volume that can go into the landfill. Once you dig it up, you can fill higher and into the adjacent area. ... It will translate into more dollars."

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Business Is Up

Pennsylvania imports of non-hazardous municipal and construction wastes are on the rise. The floodgates opened in '92. If the trend continues, we could be up to our asses in it by the turn of the century.

1995 6.7 million tons

1994 5.8 million tons

1993 4.9 million tons

1992 4.3 million tons

1991 3.5 million tons

1990 3.5 million tons

1989 3.4 million tons

Source: DEP

Whose Trash Is It Anyway?

1995 Pennsylvania trash imports

Delaware 275,225 tons

Maryland 34 percent of their total

New York 656,670 tons

New Jersey 4.9 million tons

1992 4.3 million tons

1991 3.5 million tons

1990 3.5 million tons

1989 3.4 million tons

Washington D.C. 152,789 tons

69 percent of their total

Source: DEP