

County flies flag of rights in fight against PCB dump

By JOAN OLECK
Staff Writer

Warren County vs. North Carolina and the U.S. Environmental Protection Agency:

"It's a David and Goliath kind of thing," a Warren County resident mused Friday.

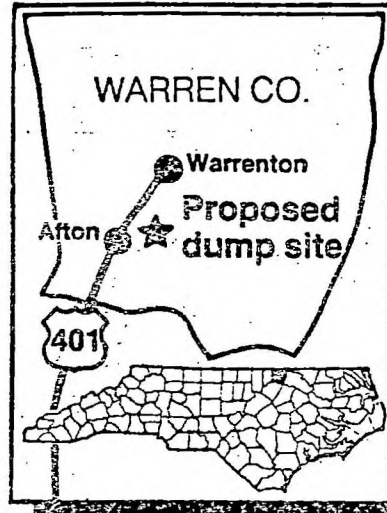
"You've got to use the right pebbles of information, get your slingshot, and hit at the right time and the right place," he said. "It's the only thing that makes a democracy work."

But what some folks in Warren County see as democratic challenge has stiff opposition up the governmental ladder. The state wants to build, near Afton, a 142-acre landfill to hold soil contaminated with PCB — polychlorinated biphenyls — illegally dumped 3½ years ago along state roadways.

The state is bound by the federal Toxic Controlled Substances Act to dispose of the chemical under a plan approved by the EPA. Formerly used in electrical transformers, PCB was banned after tests on laboratory animals linked the chemical to cancer, birth defects, skin problems and liver troubles.

The state, which wants to pick up 40,000 cubic yards of PCB-laced soil lying along highway shoulders, not only has EPA approval, but court approval. Last month, U.S. District Judge W. Earl Britt dismissed two Warren County lawsuits that had blocked the state from proceeding.

Gov. James B. Hunt Jr. said Thursday that he had directed the Department of Crime Control and Public Safety to proceed with the landfill. Friday, Crime Control Secretary Burley B. Mitchell Jr.



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that they had authorized their attorneys "to appeal the decision of the court and to take whatever legal actions necessary to protect the interests of Warren County."

Attorney Charles T. Johnson Jr. said the appeal would be made to the 4th U.S. Circuit Court of Appeals in Richmond, Va., based on technicalities in Judge Britt's decision.

Kenneth R. Ferruccio, a spokesman for Warren residents, expressed confidence in the move, couching it in terms of rights and morality.

"It seems Britt has made a political, not a scientific, decision," Ferruccio said. Neither the judge nor the state can guarantee the landfill's safety, he said.

"Without scientific assurances, doesn't it make constitutional sense that we would have freedom of choice?" he said. "This would be a carcinogenic experiment

er when the issue is a hazardous waste landfill. An "unknown" like PCB raises deeper questions than legality, he said.

Warren County officials do not want the landfill between two streams leading to the water table.

They are skeptical of a vinyl liner that the state proposes to use, along with clay and sand layers, to hold the PCB soil in an instrument-monitored, 28-foot-deep, 157,000-square-foot pit.

The state sees right on its side, too.

"What everyone seems to ignore is that we're not dealing with material being held in a vat by industry," Mitchell said. "We have 210 miles (of PCB-laced soil) lying out in the open. If it's dangerous to anyone, it's dangerous in that situation."

Having explored disposal options such as covering the soil with neutralized charcoal or trucking it to an Alabama dump — some not approved by the EPA, others not practical or scientifically sound — state officials see themselves faced with two options: leave the stuff where it is, or scoop it up and bury it.

"What we're talking about is not a perfect world ... what we have to

do is choose between two arguably unattractive choices," Mitchell said.

He stressed the state's determination to make up for lost time. "We are not going to hold back and wait to see what they (Warren County) do," he said. "Our intention is to press ahead and get these materials off the roadside and into

a safe place."

Some Warren County leaders disagree with Mitchell.

Lennon noted that the governor's Task Force on Waste Management suggested in February that "land burial should be avoided if at all possible." He said landfills had failed in other states,