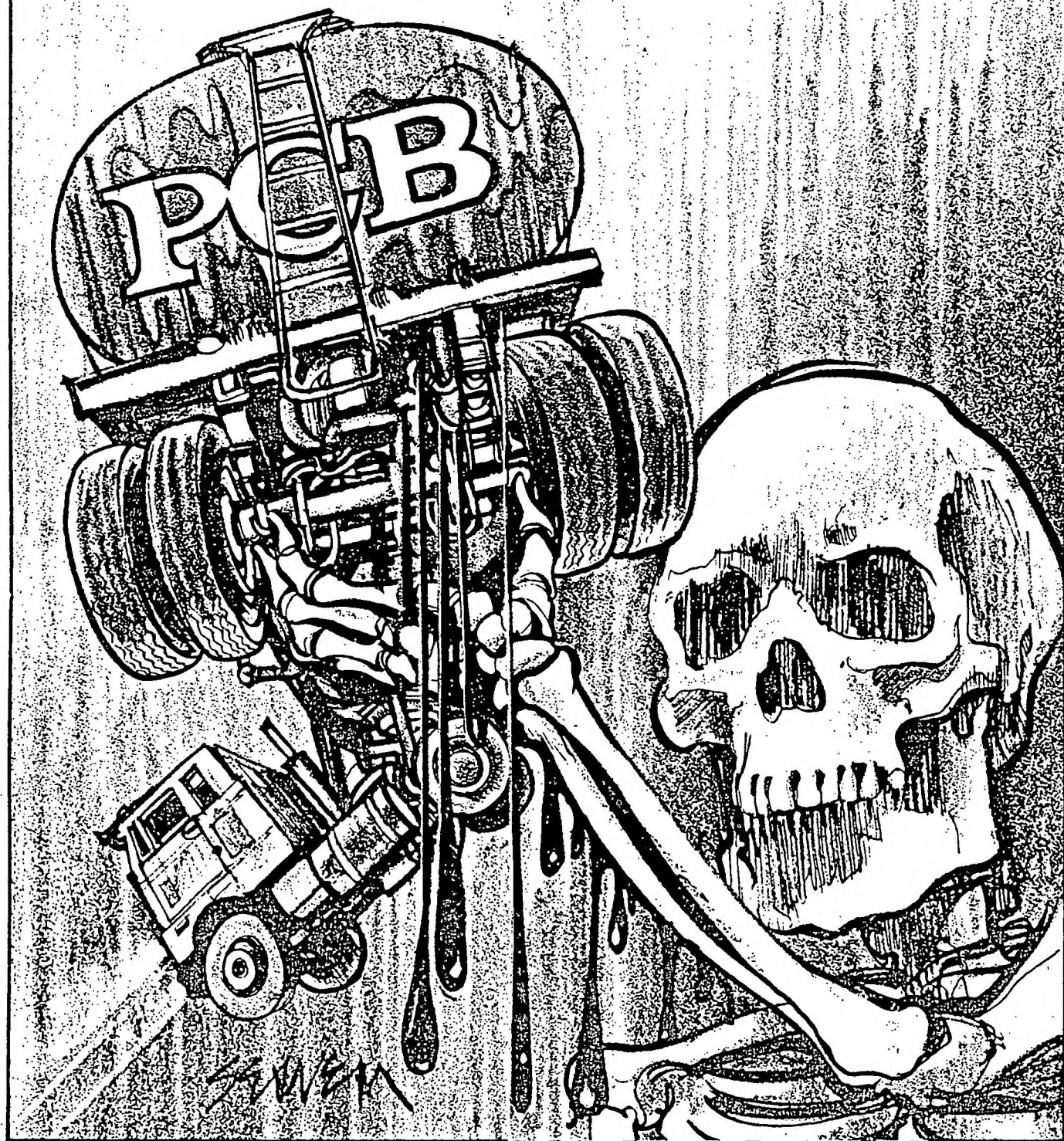
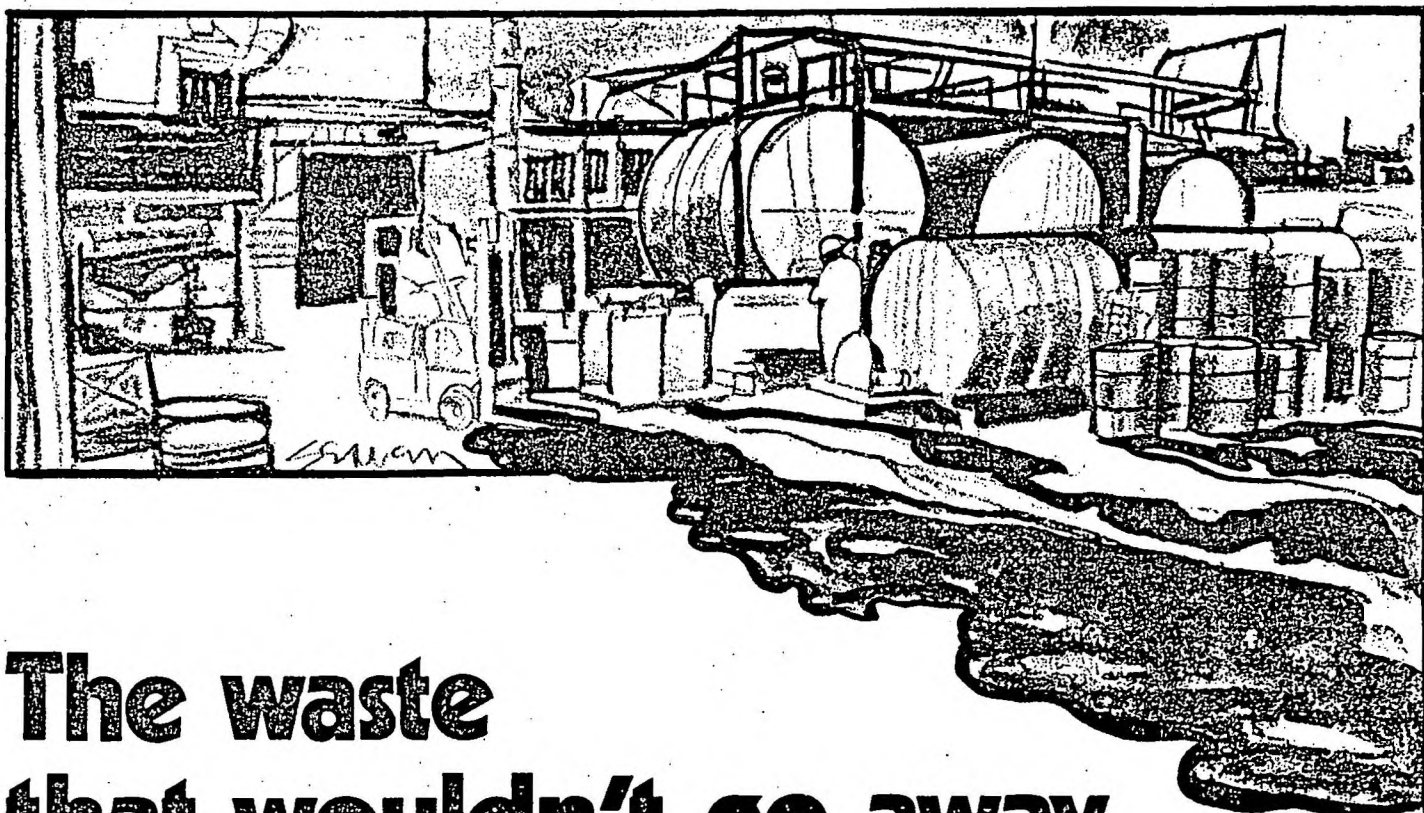


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environmental **E**ACTION



Midnight riders



The waste that wouldn't go away

Marc Leepson

This is a story about a midnight mover. Not a guy who skips out on his rent in the middle of the night. Not a late night disco dancer. Our midnight mover is a clandestine waste hauling operator who empties toxic chemical cargoes illegally, under the cover of darkness. Midnight movers operate in every state of the union. They've dumped toxics in sewers, streams, lakes, rivers, oceans, old quarries and in forests, fields and trenches. Some even dump their poisons along roads.

On Aug. 31, Robert Burns, the owner of Transformer Sales Co. of Allegany, N.Y., and Burns' two sons Randall and Timothy were arrested and held without bail in New York on fugitive from justice warrants filed by the state of North Carolina. Burns and sons were charged with dumping 33,000 gallons of transformer oil containing the industrial pollutant PCBs (polychlorinated biphenyls), long known as one of the most toxic substances ever synthesized. The three also face federal charges stemming from the incident.

Burns' Transformer Sales Co. is in the business of salvaging PCB oil from transformers, and it has been identified as the largest PCB transportation, storage and resale firm in the country. Sometime this summer, Burns was contacted by an old business associate, R.E. "Buck" Ward Jr., who owns Ward Transformer Co. in Raleigh, N.C. According to newspaper reports, Ward paid

Burns \$75,000 to dispose of 33,000 gallons of PCB oil.

The nearest legal PCB chemical waste landfill is located in Livingston, Ala., about 650 miles from Raleigh. According to police investigators, Transformer Sales didn't take the PCB oil to the Alabama landfill. Instead, sometime during the night of July 28, it was dumped along a network of secondary roads in 15 North Carolina counties located between Raleigh and the Virginia state line.

The PCB oil looked like ordinary road oil, and it would have gone unnoticed if a chemist who happened to be vacationing in North Carolina hadn't become suspicious about its peculiar odor. He scooped up a sample, analyzed it and notified North Carolina authorities when he discovered what it contained. Witnesses recalled seeing an unmarked truck with New York license plates spreading the oil along the highway.

Nearly a month later New York State police impounded a 24 foot truck containing an oil tank. The truck, painted white with no identifying marks, is equipped with a switch near the driver's seat enabling someone inside the cab to release the contents of the tank. Burns admitted that he owns the truck but insists that his company was not involved in the dumping. He can account for every drop of Ward's PCB oil, he said.

North Carolina authorities are now debating what to do about the spill—and who is going to

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pay for the cleanup. State Highway Division workers, protected by rubber suits and masks, sprayed the oil with activated charcoal, soapy water and emulsified asphalt soon after the spill was discovered. The idea was to deactivate the PCBs before the state removed the soil so the PCBs "won't be absorbed into the soil or wash away," said Dr. Martin Hines, an epidemiologist with the North Carolina Department of Human Resources. The state estimates that the cost of removing some 40,000 cubic yards of PCB contaminated soil could reach \$2.5 million.

After collecting dirt samples, North Carolina Agriculture Commissioner James Graham warned against "any direct human consumption" of crops within 100 yards of the spill. "This would also apply to pasture and hay for feed," he said. "In corn for silage, we recommend that the first five or six rows be left and plowed under."

Area residents reported attacks of nausea, dizziness and cramps soon after the oil was dumped. State officials say there is no serious health problem, but signs have been posted warning pedestrians to keep off the sites. And local school officials are considering re-routing school buses around the spills. "In general, we want to keep kids out of these sites, not because there's an immediate risk of picking up a great amount," said Dr. John MacCormack, head of the Communicable Disease Department of the N.C. Division of Health Services, "but because it's better to be more conservative than not conservative enough."

Meanwhile, back in western New York, Burns and his Transformer Sales Co. are in more legal hot water over other incidents of alleged mishandling of PCBs. On Aug. 24, a 24 hour police guard was posted on a shed in Allegany owned by Transformer Sales. Inside were 5,000 gallons of PCB transformer oil stored in 55-gallon drums. After an emergency meeting, the Cattaraugus County Health Department told Burns to remove the oil. The oil was trucked to an approved disposal site in Porter, N.Y. near Niagara Falls, and county officials say they'll bill Burns for the cost of the move.

The health department was concerned with reports that some of the PCB oil was leaking into a well located about 400 feet from the shed. The well is a major source of drinking water for Allegany's 2,700 residents, and Mayor Nicholas Amato ordered the well closed pending tests of the water supply.

The day after the police guard was posted around the Allegany shed, 27,500 additional gal-

lons of PCB oil stored in 500 steel drums were discovered in a Youngsville, Penn. warehouse also leased to Burns. According to Youngsville Borough Manager George Probst, some of the drums were leaking, and scientists from the Pennsylvania Environmental Resources Department were called to check the community water supply for possible PCB contamination. The PCB oil will be removed, he said. Burns has admitted possessing even more PCB oil. He told police investigators that some 4,000 gallons are sitting in a tank truck parked in a lot near Jamestown, N.Y.

Burns, however, claims that the press has exaggerated the dangers of PCBs. There's a general misunderstanding about PCBs and what they do, he says. "Without doubt, based on government information, PCB is a bad oil. If you drank a glass of it, it wouldn't do you any good." But PCB is not "something like chlorine gas, where you get one whiff and you're dead," Burns said.

"I have worked around PCB for 15 years. . . . I have breathed it, I have had it on my hands, I have had it dumped on me" without ill effect. Burns offered to demonstrate his conviction that PCBs aren't particularly harmful. "I would be willing to go before television cameras or whatever and stand in a barrel of it," he said on Aug. 29.

Burns may be willing to immerse himself in a barrelful of PCBs, but others who have been unwittingly exposed to the chemical haven't been quite so fortunate. In 1968, for example, 1,000 Japanese suffered severe reactions to PCB contaminated rice oil. And in other instances, PCB, a suspected carcinogen, has caused severe skin and eye irritations and has been linked to reproductive disorders, kidney damage and liver ailments in humans.

While Burns plans his public PCB bath, the Environmental Protection Agency (EPA) is in the process of setting up two separate regulations governing the disposal of hazardous wastes—one specifically for PCBs and the other for all other hazardous wastes. But EPA is far behind schedule. Why? Primarily because Congress has been reluctant to fund EPA's costly program to police the nation's toxic chemical supply. Furthermore, the job has been infinitely more complex than originally anticipated.

There are approximately 70,000 chemicals manufactured or processed right now in over 115,000 chemical plants across the country. EPA's job under the Toxic Substances Control Act of 1976 is to test and prevent dangerous chemicals from entering the market, as well as

to oversee the removal of existing hazardous chemicals.

The law also ordered EPA to end U.S. production and marketing of PCBs and to set up methods of disposing of the chemical. PCBs are no longer being made in this country; Monsanto, the last American PCB manufacturer, voluntarily stopped producing them last year.

But that doesn't mean there aren't any PCBs around. Millions of tons of PCBs can be found inside many electrical products, and companies stuck with PCBs are now trying to figure out what to do with them. Many are taking the easy way out and selling their PCBs to midnight movers who can dispose of them legally at only four sites—Grand View, Idaho, Arlington, Ore., Livingston, Ala., and Porter, N.Y. All are privately run chemical waste landfills that have met EPA requirements for PCB disposal which went into effect last April. Although high temperature incinerators could be used to safely dispose of the chemicals, as yet none has met EPA standards.

Regulations for disposal of all other hazardous wastes come under the 1976 Resource Conservation and Recovery Act (RCRA). When set in motion, the law will establish a comprehensive system to track hazardous chemical wastes from the time they leave the factory through their burial or incineration.

But EPA has yet to implement any of the waste disposal regulations under RCRA. The law called for the regulations to be established by April 21, 1978, but four of the seven regulations

have not yet been proposed, and EPA officials say they won't be until early next year. This means that the RCRA tracking system and waste disposal regulations won't take effect until mid-1980 at the earliest.

Convinced that EPA was mired down needlessly in regulatory reviews of the situation, Environmental Action and the Environmental Defense Fund recently brought suit against the agency to force it back on schedule. The lawsuit, if successful, will lead to EPA regulations both defining what a hazardous waste is, forcing companies to identify wastes, package them properly and reveal the details of their production to disposal cycles (see box, page 7).

Are the long delays contributing directly to the growing use of midnight movers? *Chemical Week* magazine reported earlier this year that "there are indications that illegal traffic in hazardous wastes is big business." Since the chemical industry generates some 35 million metric tons of wet hazardous wastes a year, another question is: will chemical companies and other waste generators try to unload great quantities of the hazardous wastes on midnight movers in anticipation of costlier EPA regulated sites?

Since there is plenty of time between now and 1980 for more Robert Burnses to turn up around the country, the answer will undoubtedly be yes. ■

