

Rachel's Environment & Health News

#268 - EPA's New Landfill Rules Protect Only The Largest Garbage Haulers

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U.S. Environmental Protection Agency [EPA] issued new solid waste landfill regulations (FEDERAL REGISTER October 9, 1991, pgs. 50978- 51119), requiring the nation's 6500 municipal garbage dumps to install liners and leachate collection systems within two years, or shut down. This means most communities will have to close their local landfill and will not be able to afford to build a new one because the liners and leachate collection systems simply cost too much. A landfill in compliance with the new law will cost \$10 million or more.

This means instead of 6500 local dumps, the nation will develop about 1000 large regional dumps, owned and operated not by local people but by huge waste hauling companies like Waste Management, Inc., Browning-Ferris Industries (BFI) and Chambers Development. Communities will face a difficult choice: either host a regional dump and put up with the truck traffic and the fear of contamination, or pay a high price to have their garbage trucked to a remote regional landfill.

"A little county like ours can't afford to build a new dump, so we have to have a [waste-hauling] company do it for us," Dwight Faulk told the NEW YORK TIMES January 6, 1992 (pg. 1). Mr. Faulk is chairman of the County Commission in Crenshaw County, Alabama. "These laws were set up for big business to monopolize an industry," he said.

"The new regulations are proving to be a bonanza to the nation's largest garbage companies," said the TIMES. "Rarely have environmental regulations produced as many political distractions for the communities they are written to protect, or meant as much to the bottom line of the industry they are intended to regulate.... In effect the Government may be helping to establish regional monopolies, and that worries some officials," the TIMES said.

"It's not difficult to project a situation in the future where very few firms could have regional or statewide control on the management of public wastes," said Thomas C. Jorling, the Commissioner of Environmental Conservation of New York. The TIMES then quotes waste industry executives who argue that it won't be a monopoly situation-- communities can choose other alternatives like recycling and incineration. But the TIMES points out correctly, most garbage will still be buried in the ground. "The big money in garbage, nevertheless, still remains in dumping it," the TIMES says. Whoever owns the landfill controls the prices charged to anyone dumping there--so the company that owns the dump has a big advantage over competitive haulers.

Managing garbage is now a \$30 billion per year industry, and it is expected to double in the next five years as large companies gain control over fewer and fewer dumps. They will be in a position to dictate the price of garbage disposal--an essential public service, as anyone knows who has experienced a garbage strike when tons of stinking garbage pile up on street corners. Profits in the garbage business can run 25% to 50% on investment for a shrewd operator able to monopolize markets and dictate prices.

Even waste industry executives admitted to the TIMES that EPA's new landfill regulations will give them a natural monopoly over this costly and essential public service: "There are only a handful of companies that have the capabilities to provide the type of environmentally sound facilities that the public is demanding," said John C. Shirvinsky, vice president of public affairs for Chambers Development, a Pittsburgh-based garbage company that operates 14 huge landfills around the country.

The great irony in all of this is that no one--certainly not the garbage haulers, and least of all the EPA, which made the new rules-- believes that landfills with liners and leachate collection systems are environmentally sound, or will protect public health and safety. Everyone who has ever looked into the matter agrees that all landfills will eventually leak when their liners degrade. "Eventually liners will either degrade, tear, or crack and will allow

liquids to migrate out of the unit [the landfill]," says EPA's official handbook on landfill liners, known as SW-870 [1, pg. 1].

A landfill is a bathtub in the ground. When fluids, such as rain, get into the bathtub and combine with the wastes they produce a toxic soup that, sooner or later, will contaminate the local environment. If the bottom liner fails, leakage occurs through the bottom. If the bottom liner doesn't fail, fluids fill the bathtub and it spills over the top of its sides. To forestall this inevitability, EPA has developed what the agency calls its "Liquids Management Strategy" [2, pg. 1], a fancy name for keeping the rain out. A plastic liner forms the bottom of the landfill and, when the landfill is full, a plastic cover over the top acts like an umbrella.

Thus the dangerous wastes in municipal garbage--oven cleaner, paint thinner, rat poison, and so on--are held inside a huge plastic baggie to protect the local environment. This is the essence of a modern landfill. No one believes it will protect the local environment for very long. EPA's textbook on the design and construction of landfills says, "EPA realizes that even with a good construction quality assurance program, flexible membrane liners (FMLs) will allow some liquid transmission either through water vapor permeation, or through small pinholes or tears in a slightly flawed FML." [2, pg. 121]

The protective parts of landfills--the liners and leachate collections systems--are only INTENDED to last 30 to 100 years [2, pg. 113]. The manufacturers of liners only GUARANTEE their products for 20 years. EPA's own regulations only require landfill operators to try to protect the environment for 30 years after a dump is filled and closed. If they meet their design potential, modern landfills will protect the environment only until our grandchildren start paying taxes. If they don't meet their design potential--and experience tells us many won't-- they will pollute the land and water of our children.

Why, then, has EPA passed regulations that will cost the public an estimated \$330 million, will end local control over garbage hauling, will wipe out small competitors in the garbage business, and won't protect the environment? Three reasons.

First, to a distracted public it can be sold as action by the "environmental President" to solve the garbage crisis. Only when you look into the details do you realize landfills won't protect the environment, and how many members of the public will ever look into the details of landfills?

Second, the waste business is now one of the largest and fastest-growing businesses in America. Waste haulers make really good money, and they kick some of it back into the political process. Politicians therefore curry favor with the waste industry. For example, when George Bush announced appointments to the President's Commission on Environmental Quality, the waste industry had three representatives out of 25: Browning Ferris Industries, or BFI, has William Ruckelshaus; and Waste Management, Inc. has two members from its board of directors: Dean Buntrock and Kathryn S. Fuller (a WMI board member but presently "on leave"). (NY TIMES 7/24/91, pg. A14.) No other industry comes close in terms of representation. The waste industry is among the most politically powerful, and politically favored, in America.

The third reason why George Bush's EPA issues make-believe landfill regulations is that real environmental protection would require fundamental changes in the way we do business. Real environmental protection is not a plastic baggie in the ground filled with toxins waiting to poison our children. Real environmental protection will require us to make our products compatible with the environment, starting with the DESIGN of products. From the extraction and transportation of raw materials, the energy required to process them, the manufacturing method itself, the use of products in our homes and businesses, and the disposal of products (when they are returned to the environment)--each of these steps

must be thought out in terms of environmental compatibility and human health. This concept is called "clean production" and it will limit the freedom companies now have to make any product they wish to, using any materials and processes they like, no matter what the consequences to the environment or public health. Real environmental protection will require companies to be accountable to the public for their decisions.

Clean production will change the way we make decisions. Anything less-- including expensive regulations requiring us to wrap our toxics in silly plastic baggies--prolongs the myth that "business as usual" is sustainable, and thus hastens the destruction of the planet as a place suitable for human habitation.

--Peter Montague

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[1] U.S. Environmental Protection Agency, LINING OF WASTE IMPOUNDMENTS AND DISPOSAL FACILITIES [SW-870] (Springfield, VA: National Technical Information Service [NTIS], March, 1983.) NTIS publication number PB86- 192796.

[2] U.S. Environmental Protection Agency, SEMINAR PUBLICATION; REQUIREMENTS FOR HAZARDOUS WASTE LANDFILL DESIGN, CONSTRUCTION, AND CLOSURE [EPA/625/4-89/022]. Cincinnati, OH: Center for Environmental Research Information, Office of Research and Development, U.S. Environmental Protection Agency, August, 1989. Free; phone (513) 569- 7562.

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