

Rachel's Environment & Health News

#158 - Kentucky State Official Fired For Defying Demands Of Waste Industry

December 04, 1989

A respected public official in Kentucky--Don Harker, head of the Division of Waste Management--was fired at 4:30 p.m. the day before Thanksgiving. Harker had defied the demands of the waste hauling industry once too often, and he was terminated without explanation. Observers throughout Kentucky agree that his firing was an act of avarice and cowardice by Kentucky's Democratic Governor, Wallace Wilkinson, who clearly now expects that the waste industry (and the chemical industry) will keep him in office for a second term because he has just cleared the way for dumping and incineration to expand throughout Kentucky. Like George Bush, Governor Wilkinson had ridden into office mumbling pleasantries about being an environmentalist, but when push came to shove he caved in to threats and blandishments from the shadowy nether world of chemical waste generators and haulers.

Like other southern and border states, Kentucky is under relentless pressure from the waste industry. As wealthy, industrialized states tighten up their own environmental rules, the waste industry has invaded the south and midwest, seeking places to dump poisons from New Jersey and New York and elsewhere. In the south and midwest, where local people are friendly to strangers, the waste industry has proposed hundreds of new dumps and incinerators. Particularly in poor counties where the level of formal education is below average, unemployment is high, and people are generally trusting and open, the waste industry is circling for the kill.

The federal EPA (U.S. Environmental Protection Agency) seems actually to be promoting these developments. Region 4 EPA in Atlanta is the weakest branch of that federal agency; Region 4 seems to have abandoned all pretense of protecting the public and is now more or less openly in league with the poisoners. Many state officials recognize what's going on, but few have what it takes to stand in opposition to the waste industry's onslaught. Don Harker has what it takes.

Two kinds of decisions lost Don Harker his job: he opposed the siting of new landfills in inappropriate locations, and he tried to prevent incinerator operators who violated the law from getting permanent licenses to operate.

Those of us interested in protecting the environment can learn some important lessons from Don Harker's courageous work:

1) There are some sites that are entirely inappropriate for landfills of any kind. For example, any site that sits atop fractured bedrock, such as limestone or dolomite or granite, is entirely unsatisfactory for placement of a landfill. The fractures (also called cracks) in such rock formations serve as pipes carrying water. Because the fractures are underground and are not visible, their underground pathways are not known and are not knowable. When contamination from a landfill gets into these fractures, it will be carried away through the system of underground "pipes" (fractures). Whose water supply it will ultimately contaminate must remain unknown until the contamination occurs; by then it's too late. Monitoring wells are useless under such circumstances; no one can tell where to place the monitoring wells because no one can know which fractures will be carrying the contamination in what direction. For the same reason, the cleanup of such contamination is impossible. The leading hydrogeological consulting firm in the U.S. is Geraghty and Miller of Plainview, NY [phone (914) 249-7600]. On November 30, 1982, David W. Miller of Geraghty and Miller testified before the Congressional Subcommittee on Natural Resources, Agriculture Research and Environment that "[I]t is my recommendation that no new land disposal facilities be allowed under these conditions regardless of engineering design." He was referring to sites "in fractured rock areas and in regions where a number of different aquifers comprise a complex flow system." Seven years later, when Kentucky official Don Harker opposed the siting of landfills over fractured limestone for the sensible technical reasons offered by David Miller, Don Harker was fired.

2) Aerial photography can be used effectively to locate illegal

dumping. Don Harker denied a permit to an incinerator (LWD, Inc., of Calvert City, KY--see RHWN #132) because past violations of the law were apparent first from aerial photographs and later from other sources of information. A stunning new report available free [phone (202) 224-8996] from the Congress's Office of Technology Assessment (OTA) [at 600 Pennsylvania Ave., SE, Wash., DC 20510], COMING CLEAN: SUPERFUND PROBLEMS CAN BE SOLVED [OTA-ITE-433] (Washington, DC: U.S. Government Printing Office, 1989), pg. 90, points out that the entire U.S. has been photographed from the air about every five years from 1938 onward. These photos are stereoscopic and thus afford three-dimensional views of the ground, from an altitude of 12,000 feet. Waste dumping and the effects of waste dumping are visible in these photos, which are held in five national archives around the country. U.S. Environmental Protection Agency (EPA) has an office whose job it is to interpret these photographs. These photographs represent a phenomenal untapped resource for citizens and regulatory agencies alike. Everyone should read this OTA report.

Starting with evidence of illegal waste handling provided by aerial photographs, Don Harker and his staff interviewed former employees of LWD, Inc., and they collected affidavits from 10 people describing various illegal acts by LWD's management. On that excellent basis, Harker's agency denied LWD a permit to continue operating. It was an exemplary performance by a regulatory agency. In Wallace Wilkinson's Kentucky, it was enough to get Don Harker fired.

Don Harker is an outstanding example of what public officials are supposed to be: honest, intelligent, inventive, uncorruptible, and dedicated to protecting the interests of the public. Jean True, vice chair of Kentuckians for the Commonwealth, said Don Harker is "the kind of person who didn't knuckle under to industry." Tom FitzGerald, director of the Kentucky Resources Council, said, "I can't think of a more dedicated public servant." U.S. EPA official Hugh Kaufman calls Harker "The best state waste official in the country, a giant among pygmies."

Why not send Governor Wallace Wilkinson your opinion about the firing of Don Harker? Write him at the State Capitol Building, Frankfort, KY 40601. The Governor's phone is (502) 564-2611 and his office fax number is (502) 564-2735.

Send us a stamped, self-addressed envelope and we'll send you a copy of David Miller's testimony on landfill siting over fractured bedrock.

To help Kentucky enter the 20th century, keep in touch with Corinne Whitehead, The Coalition for Health Concern, Box 25, Route 9, Benton, KY 42025-9809; phone (502) 527-1217.

--Peter Montague

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