Two workers were killed at a landfill owned by Waste Management, Inc. April 14 in Bordentown, NJ. Donald R. James, 31, and John J. Pallante, 28, were asphyxiated when they were buried in a 15-foot-deep clay trench that collapsed on them while they were constructing it. According to the Philadelphia Inquirer, the men tried to escape but were not able to outrun the collapsing clay. Their co-workers tried "frantically" to dig them out from under 3 to 12 feet of heavy clay, unsuccessfully.

Trench construction is a well-known technology. Shoring up the sides of an earth trench to prevent collapse is something civil engineers have known how to do for many years. An inspector for the federal Occupational Safety and Health Administration (OSHA) gave permission for construction of the trench to continue, provided that either lumber be used to reinforce the sides of the trench or a trench box be used to shore up the trench walls. Don Allendorf, OSHA area director, said neither of these precautions was being used when the trench collapsed.

Waste Management in Oak Brook, IL, issued a statement saying the company regretted the accident and extended its sympathies to the families of the victims. A spokesperson for the company, Peter Yaffe, said construction of the trench would only resume when "it's an absolutely safe site."

The New Jersey Department of Environmental Protection (DEP) sent an investigative team to the site to determine the cause of the accident. At the end of one day, they announced "Our investigation is over." They also announced they had not determined the cause of the accident, but a spokesperson for the New Jersey Department of Environmental Protection (DEP), Edward Londres, said they’d found that the construction site met all state standards, and he praised Waste Management, Inc., saying "Their record with New Jersey is excellent. I have no problems with them at all."

The New Jersey Public Interest Research Group (NJPIRG) and the New Jersey Environmental Federation are currently carrying out campaigns to limit the DEP’s discretionary authority for law enforcement. The environmental groups charge that the agency has consistently failed to enforce existing laws and that the situation has worsened under the administration of Governor Thomas Kean.

Waste Management is the largest waste hauler in America; it operates 110 landfills in 40 states and four foreign countries.

--Peter Montague

STATES MUST INVENTORY WATERS THAT ARE 'IMPAIRED' AND MUST DEVELOP PLANS FOR ABATEMENT

According to the federal Water Quality Act of 1987, each state government are supposed to draw up a list of "impaired" waters in each state, including a list of individual polluters, and the amounts of pollution they discharge, and then to develop individual control strategies for each polluter. The federal government recently issued a document describing how this process is supposed to be carried out in each state. To get a copy, write James Taft, Office of Water Enforcement and Permits (EN-336), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; phone (202) 475-9537. Ask for “Guidance for Implementation of Requirements under Section 304(1) of the Clean Water Act as Amended.” Additional information appears in the FEDERAL REGISTER Vol. 53, No. 53 (March 18, 1988), pg. 8973.

--Peter Montague

CA. COURT AWARDS $3.9 MILLION FOR POLLUTION DAMAGE TO FOUR PEOPLE

A California court has awarded damages of $3.9 million to four plaintiffs whose groundwater was contaminated by a now closed hazardous waste dump in Salinas, CA; the dump is owned by Firestone Tire and Rubber Co. of Akron, OH, who will have to pay the plaintiffs $2.6 million in punitive damages and $1.3 million in compensatory damages.

The plaintiffs—Frank and Shirley Potter and Joe and Linda Plescia—will receive compensatory damages as follows: $800,000 for fear of life-threatening disease, $163,000 for medical monitoring, over $269,000 for psychological damage, and about $108,000 for "disruption of lives.” According to the law firm representing the plaintiffs, this represents the highest per capita compensation case in the U.S. involving groundwater.

For over seven years the plaintiffs lived adjacent to the Crazy Horse landfill in Salinas where Firestone disposed of hazardous chemical wastes between 1963 and 1980.

The plaintiffs became aware of a problem with their drinking water in November, 1984, but "did not receive an adequate response to the problem from the local, state, and federal agencies that have jurisdiction over Monterey County. In January, 1985, tests of the plaintiffs’ drinking water showed concentrations of five to 20 parts per billion (ppb) of several chemicals, including benzene, chloroform, methylene chloride, toluene, and vinyl chloride." The judge in the case, Robert O’Farrell, said the chemicals in the drinking water "fingerprinted a tire-making factory." The plaintiffs filed suit against Firestone in early 1985.

During the lawsuit, information surfaced showing that Firestone continued to dump in the landfill despite memos written by Firestone personnel saying such dumping was illegal under California law.

A spokesperson for Firestone says the company plans to appeal the decision.

For further information, contact attorneys for the plaintiffs: Gordon Stemple, Stemple & Boyajian, Suite 900, 1888 Century Park East, Century City, CA 90067; phone (213) 556-2650.

--Peter Montague

CITIZEN GROUPS NOW ELIGIBLE FOR SUPERFUND GRANTS OF UP TO $50,000

Groups of citizens living near Superfund dump sites can now apply to the federal EPA (U.S. Environmental Protection Agency) for grants of up to $50,000 to hire experts to help citizens understand the dump cleanup process. To learn how to apply for a grant, contact Daphne Gemmill, Office of Emergency and Remedial Response (WH-548E), EPA, 401 M Street, SW, Washington, DC 20460; phone (202) 382-2460. For additional information, see the FEDERAL REGISTER, Vol. 53, No. 57 (March 24, 1988), pgs. 9736-9752.

--Peter Montague

Descriptor terms: sara; citizen groups; epa; daphne gemmill; wmi; settlements; victim compensation; firestone; crazy horse landfill; landfilling; leaks; robert o’farrell; lawsuits; water; water quality; water quality act of 1987; monitoring;