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Mr. Marvin Waddey
Buncombe County
Ashby

Landfill leaks

County officials knew of EPA concerns since 1990

by Andrea Helm

Buncombe County officials kept silent about potential groundwater contamination at the landfill for at least 18 months, according to documents obtained by *Green Line*. Even after citizens' groups exposed the longstanding problems last month [see May '92 *Green Line*], the county denied any knowledge of them.

A letter from the U.S. Environmental Protection Agency to then-Director of Engineering Services Marvin Waddey dated Aug. 28, 1990, asked permission to "conduct an investigation ... [because] there may be a release or threat of a release of hazardous substances from the site into the surrounding environment."

County Manager Steve Metcalf signed the letter, which was returned to EPA, granting the agency permission to go on site. Metcalf told citizens last month that his office had just received a report from EPA documenting groundwater contamination. Asked why he had not mentioned the EPA investigation sooner, Metcalf responded, "Quite frankly, I forgot [EPA officials] were on site." Metcalf said Waddey brought him the letter and he signed it without really reading it.

In response to citizen concerns, the county commissioners ordered tests of nearby drinking-water wells in May. The tests showed no immediate threat to public health, but some citizens are left wondering why they were not told about the problems, and questioning government's ability to safeguard public health.

"I'm not surprised," said Claudine Cremer of North Buncombe Against the Dump, one of three local groups that found the evidence of contamination in state files. "We were lied to numerous times in the past. It just proves that we were right all along."

An estimated 2,125 people living within four miles of the landfill obtain drinking water from domestic wells, according to the EPA's report on its testing.

Local, state and federal officials have all denied any attempt to deceive the public, while refusing to accept responsibility for the breakdown in communication.

"I in good faith told people that I didn't know anything about [contamination], and I didn't," Metcalf said, adding, "[Waddey's information] is what I had to go on. I am not misleading anyone."

Waddey, who is now director of solid waste facilities in Berkeley County, S.C., did not return numerous phone calls.

North Carolina officials blamed their silence on inadequate staffing. Because of limited resources, the state must prioritize cases based on whether or not the public is in danger of drinking contaminated water, said Solid Waste Division Director Bill Meyer. The agency's hydrogeologist, Bob Lutfy, noted that

there are more than 70 other landfills in the state that are leaking worse than Buncombe's. Those communities don't know about the leakage either, he said.

Nevertheless, "There is not a landfill in North Carolina that is impacting anybody's drinking water," Meyer said.

Report documents contamination

The EPA final report, dated Oct. 7, 1991, documents "elevated concentrations of numerous volatile organic compounds and metals ... present in groundwater samples collected from onsite monitoring wells" at the Buncombe landfill. The report states that hazardous and liquid wastes including solvents, organics, heavy metals, mixed municipal wastes, textile waste and paint sludges were deposited at the landfill with the permission of landfill personnel from 1973 to 1980.

EPA staff person Tracy Gross said that legislation governing disposal of hazardous wastes was not enacted until May 19, 1980. Before that date, landfill disposal of the wastes was legal.

The report also suggests that Waddey knew about the problems as early as 1985, when the N.C. Division of Environmental Management collected samples from a monitoring well. Analysis showed levels of contaminants that exceeded the maximum allowable federal standards. Duplicate samples of that testing "were offered to and accepted by Marvin Waddey," the EPA report states.

In a May 21 interview, Metcalf said Waddey came to him with the EPA letter and said the agency wanted to test some wells. Metcalf signed the letter without really reading it, he said.

When later pressed by citizens to disclose

any knowledge he had of groundwater contamination at the landfill, Metcalf said he asked Waddey, who told him there wasn't any. Depending on his staff's information, Metcalf gave citizens that answer, he said.

In November 1991, the landfill was classified as a "high priority" for rescoring under a new EPA system that will determine which sites should be investigated first for possible Superfund or hazardous-waste site designation, according to EPA Site Assessment Officer Craig Benedikt.

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— County Manager Steve Metcalf

Citizens uncover the facts

Earlier this year, members of the Blue Ridge Environmental Defense Fund (BREDL) traveled to Raleigh, searched through state files, and found copies of state test results that also documented groundwater contamination in samples taken from on-site monitoring wells. BREDL, along with North Buncombe Against the Dump and the Long Branch Environmental Education Center, called an Asheville press conference on April 9 to present the findings.

Regional Director Ann Orr in the Asheville office of the state Department of Environment, Health and Natural Resources

said she was not notified by county, state or federal agencies of any contamination problems either, but she did not think there was any intention by any agency involved to keep information from the public. Lack of intent to deceive, however, does not absolve the county of the responsibility to know what's going on at the landfill, she said.

"Ultimately, the county has the responsibility [to notify the public of potential problems] because it's their landfill, but obviously they have to rely on direction from the state. If there's a problem, people have to know about it. Citizens have every right to know what's going on, especially when there's tax money involved."

The fact that the state is understaffed is "no excuse," she said. "With the new landfill technology and new solid waste regulations, there are steps being taken to try and prevent this kind of thing from happening in the future."

Understaffed and facing serious budget shortfalls, the state is shifting the burden of responsibility back onto municipalities. Because of those problems, said Meyer of the Solid Waste Division, the state is in a "transition process," trying to shift more responsibility for landfills onto local governments. "The state is trying to maximize its resources," Meyer said. "Counties will have to provide solid waste management ... and will be responsible legally, morally and financially" for making sure public health is protected.

NBAD member Cremer, who also serves on the Solid Waste Subcommittee of the Buncombe County Environmental Affairs Board, responded: "Here we have a situation where county officials have proven that they can't be trusted, [and] the state wants to give counties more responsibilities for landfill oversight? That's not a very comforting thought." ◆

