

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Vice-Chairman Don Sallee at _____
Chairperson

8:13 a.m. ~~p.m.~~ on March 20, 190 in room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present:

Raney Gilliland, Legislative Research Department
Don Hayward, Revisor of Statutes
Pat Mah, Legislative Research Department
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Representative Bill Wisdom, District 31
Representative Sherman Jones, District 35
Norman Justice, Kansas City, Ks.
Marvin Robinson, Quindaro Town Preservation Society
Verdis Robinson, County Commissioner, Wyandotte County

The Vice-Chairman Senator Sallee opened the hearing on HB 2363 - concerning solid waste; relating to location of certain processing facilities and disposal areas. He called on Representative Wisdom sponsor of the bill.

Representative Wisdom presented written testimony addressing some of the medical concerns raised by the proposed landfill at Quindaro, and a letter from Congresswoman Meyers supporting HB 2363 (Attachment I).

Representative Jones presented written testimony in support of HB 2363 (Attachment II).

Dr. Sabato Sisillo, Lee Family Practice, Kansas City and instructor at the University of Missouri presented written testimony in support of HB 2363 (Attachment III).

Norman Justice testified in support of HB 2363.

Marvin Robinson presented written testimony in support of HB 2363 (Attachment IV).

Verdis Robinson presented written testimony in support of HB 2363, and distributed a copy of Resolution No. 2743 by Wyandotte County Commissioners registering their support for the City of Kansas City, Kansas in their opposition to renewal of the Sanitary Landfill Permit to Browning Ferris Industries (Attachment V).

Because of time restrain the committee was unable to hear the other conferees scheduled to testify, and their written testimony was distributed to committee members by staff. Those conferees are as follows:

Proponents

Charlene A. Stinard, Program Director, Kansas Natural Resource Council (Attachment VI).

Don Reck, Coalition for the Environment (Attachment VII).

Ervin Sims, Jr. (Attachment VIII).

John Freed, (Attachment IX).

Ernest Gayden, (Attachment X).

Jerry Hazlett, Kansas Wildlife Federation, Inc. (Attachment XI).

Joyce Wolf (Attachment XII). *Islandahan Society*

Dennis M. Shockley, City of Kansas City, Ks. (Attachment XIII).

Scott Andrews, Sierra Club, Kansas Chapter, (Attachment XIV).

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 423 Statehouse, at 8:11 a.m./p.m. on March 20, 1990, 1990.

Duane B. Kelly, The National Wildlife Federation (Attachment XV).
Betty Roberts, Kansas City, KS. (Attachment XVI).
Also distributed was testimony of Hugh Kaufman to Kansas City,
Ks., City Council (Attachment XVII).
Invitation to the Boy Scout Camp dedication 4/26/90 (Attachment XVIII).
and January and February, 1990 issues of The Quindaro Chin-Do-Wan
II Publication. (Attachment XIX).

Opponent presenting testimony for distribution was James Power,
Jr., Director, Division of Environment, Kansas Department of Health
and Environment. (Attachment XX).

A motion was made by Senator Thiessen to adopt the minutes of
the March 13, 1990 meeting. Senator Langworthy seconded the motion.
Motion carried.

The meeting adjourned at 9:00 a.m.

1990 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date 20 MARCH 1990

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

DVANE KELLY

CONSERVATION FED. OF MO,
NATIONAL WILDLIFE FEDERATION

SABATO SISILLO M.D

LEE FAMILY PRACTICE
CONSERVATION FED OF MO
FORESTRY COMMITTEE.

DON RECK

COALITION FOR THE ENVIRONMENT

Beverly Steinmeyer

Kansas Corporation Commission

William C. Woods Jr. Esq.

NORTH EAST WYCH. Co. Boy Scouts of America

Keth O Boyle

KANSAS CITY KS.

MATTIE R. McELUNEY

MASON MEMORIAL CHURCH - SENIORS

Phoebe May

Roeland Park - Interested Citizen

James Power

Kans Dept of Health & Envir

Tom Withy

Kansas State Historical Society

Richard Pankratz

Kansas State Historical Society

Ramon Powers

Kansas State Historical Society

ERNST CLAYDEN

John Brown Historical Society

Joyce Wolf

Ks. Audubon Council

Dorris Robinson

Wy. Co. Commissioners

DENNIS SHOCKLEY

DENNIS Shockley

Terry Leatherman

KCCI

Linton Bartlett

City of Kansas City, KS

Ervin Sims Jr

Board of Public Utilities - K.C., KS

1990 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date March 20, 1990

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Jerry Hylton Box 5715 Topeka Ks

Ks Wildlife Fed.

Charlene Stinard Topeka

Ks Natural Resource Council

John Patten 19th

Brian Van Schick

Medical Concerns
Raised by The
Proposed Landfill
At Quindaro

March 20, 1990

Bill Wisdom
Attachment I

3-20-1990
Energy & Natural Resources



LEGAL DEPARTMENT of KANSAS CITY, KANSAS

Ninth Floor - Municipal Office Building
701 North Seventh Street
Kansas City, Kansas 66101
Phone (913) 573-5060

City Attorney
Harold T. Walker

Deputy City Attorney
N. Cason Boudreau

July 26, 1989

Assistants:

Jody Boeding
Maurice J. Ryan
Ren'ee Markl Gurney
Loren L. Taylor
Mary Ann Neath
R. Wayne Lampson
Henry E. Couchman, Jr.

Prosecutors:

Wesley K. Griffin
Bill L. Klapper

Marvin A. Singleton, M.D.
President
Missouri State Medical Association
113 Madison Street
P. O. Box 1028
Jefferson City, MO 65102

Dear Dr. Singleton:

We have been requested by the Mayor and the City Administrator of the City of Kansas City, Kansas, to answer your letter of July 6, 1989. In that letter you requested information as to why the City of Kansas City, Kansas, has failed to vigorously oppose the establishment of the Quindaro Landfill.

The original land use permit for the Quindaro Landfill was issued to BFI in 1983. At that time the voters of Kansas City, Kansas, had approved the change of the form of government of the City from a three member commission to a seven member mayor-council-administrator form of government. The permit required under the City's zoning ordinance was approved by two of the three City Commissioners prior to the time that the new form of government was implemented. Both of the commissioners who voted for the permit had been appointed to replace elected officials who had either died or resigned in office. At that time no sanitary landfill existed within the City limits of Kansas City, Kansas, and both private industry and the Department of Health and Environment was urging the City governing body to approve a landfill site within the City. The Quindaro Landfill site was recommended for approval by both the Kansas Department of Health and Environment and the City-County Department of Health. Today both of those agencies still adhere to their original position that the landfill is safe and that dumping should be allowed to be initiated therein. When the new form of government took office in

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3/20

April of 1983, many of the members of the new council did not agree with the approval of the permit, but they were advised by this office that the permit previously issued was legally binding and that any attempt to revoke such permit would be subject to legal challenge.

In years that follow, the City Council has continuously received assurances from Browning-Ferris Industries Inc. and the Kansas Department of Health and Environment that no danger is presented by the proposed Quindaro Landfill.

Opposition to the landfill has continued, persistently arguing that danger in fact is presented to the metropolitan water supply. In May of this year, the Council unanimously voted to request Browning-Ferris Industries to delay the initiation of the landfill for 120 days in order that the City may hire its own consultant to report to the City Council as to the safety of the landfill. In June of 1989, the firm of Shannon & Wilson, Inc., a St. Louis based geotechnical consulting firm, was retained by the City to give an independent technical opinion as to whether any risk to the safety of the citizens of Kansas City, Kansas, and the rest of the metropolitan area is presented by the landfill. Their report will be presented to the City Council later this summer. We are certain that if the report indicates any danger to the health of the residents in the metropolitan area, the City Council will take appropriate corrective actions.

Please feel free to contact us if you have more questions in this regard.

Sincerely,



Harold T. Walker
City Attorney



N. Cason Boudreau
Deputy City Attorney

HTW/NCB/ev

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3/20



*Quindaro Landfill and Pollution
of the Missouri River*

Whereas, the West Central Medical Society of Missouri is comprised of physicians dedicated to serving the citizenry of 5 counties to assure them optimal health care.

Whereas, the Missouri River is one of our greatest natural resources and is expected to supply 80% of Missouri's drinking water by the turn of the century,

Whereas, the Environmental Protection Agency (EPA) stated in the August Federal Register that all landfills and leachate collection systems ultimately fail,

Whereas, Browning - Ferris Industries plans to place a solid waste landfill on the Quindaro Bend of the Missouri River 400 feet from the river.

Now, Therefore, Be It Resolved, that the West Central Medical Society at its November 30, 1988 meeting in Butler, Missouri opposes this landfill.

Be It Further Resolved, that we support the opposition of this landfill by the Conservation Federation of Missouri and request the Missouri State Medical Association also oppose this landfill because of the probable medical harm to our citizens and their offspring.

Be It Further Resolved, that the Environmental Protection Agency develop stricter criteria for municipal solid waste landfills so that no future landfills be placed in the 500 year flood plain and at least one mile distant from our major water resources or their major tributaries,

Be It Further Resolved, that the Department of Natural Resources of Missouri and the EPA commence cleanups of landfills that have been inappropriately placed in juxtaposition to our rivers.

1-4





Alternative To Proposed Landfill At Quindaro Bend On Missouri River

WHEREAS, the Missouri River has historically been regarded as one of the most significant natural resources in these United States; and

WHEREAS, Browning-Ferris Industries Inc., has applied for permits to place a sanitary landfill at the Old Quindaro Townsite in Kansas City, Kansas; and

WHEREAS, this landfill would be only 200 to 400 feet from the major drinking water resource of the State of Missouri - The Missouri River; and

WHEREAS, the landfill location is 16 blocks upstream of the Kansas City, Kansas drinking water in-take and 2.1 miles above the water in-take for Kansas City, Missouri; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has said in the Federal Register (August 1988) that "All landfills and leachate collection systems eventually fail"; and

WHEREAS, if the landfill was allowed, hazardous cancer-causing chemicals would leak into the surrounding land and water or would be carried in run-off to the river even though the company plans to use "state-of-the-art technology"; and

WHEREAS, if the landfill as planned was allowed, an undetermined amount of persistent hazardous chemicals would contaminate the Missouri River and accumulate in its sediments and biota; and

WHEREAS, extraordinary engineering safety features should be applied to landfills, including at a minimum features such as multiple liners, specific leachate collection and treatment systems, specific leak detection systems, and input restrictions; and

WHEREAS, Kansas and Missouri health and environment officials have said "if the landfill leaks and contaminates the Missouri River, the consequences would be serious", and

WHEREAS, alternative sites exist that are more acceptable and not within the floodplain of any river or stream; and

WHEREAS, the placement of a landfill so close to the Missouri River simply does not make good sense;

WHEREAS, this problem has broader implications for siting of similar landfills in floodplains; and

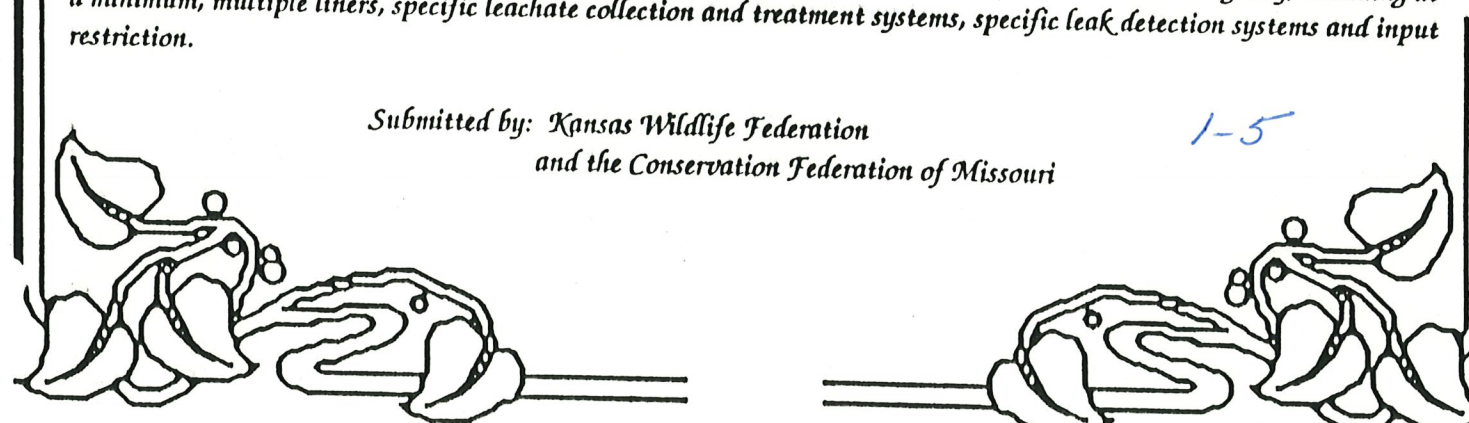
NOW, THEREFORE, BE IT RESOLVED, that the NATIONAL WILDLIFE FEDERATION (in annual meeting assembled March 16-19, 1989, in Arlington, Virginia hereby OPPOSES THE PLACEMENT OF A LANDFILL AT THE PROPOSED QUINDARO BEND SITE ON THE MISSOURI RIVER; AND

BE IT FURTHER RESOLVED, that we hereby recommend that Congress and EPA adopt a national policy that prohibits wherever possible the siting of solid and hazardous waste landfills within floodplains or hydrogeologically vulnerable areas; and

BE IT FURTHER RESOLVED, that we hereby recommend that all solid and hazardous waste landfills incorporate additional engineering safety features beyond those required by the U.S. Environmental Protection Agency, including at a minimum, multiple liners, specific leachate collection and treatment systems, specific leak detection systems and input restriction.

Submitted by: Kansas Wildlife Federation
and the Conservation Federation of Missouri

1-5



FROM A HYDROCARBON TO A CARBOHYDRATE ECONOMY

BY DAVID MORRIS

KEYNOTE ADDRESS

TO

THE MISSOURI FOREST PRODUCTS ASSOCIATION

LAKE OF THE OZARKS, MISSOURI

MAY 20, 1989

Institute for Local Self-Reliance
220 West King St.
Saint Paul, MN 55107
612-228-1875

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1-6

Whenever I'm invited to comment on the future I'm reminded of an observation by the French philosopher and writer Paul Valery. "The central problem with our times", he wrote, "is that the future is not what it used to be". Certainly the twists and turns of recent history bear him out.

Who would have predicted only ten years ago that in 1987 the Governor of Tennessee would tell us that his economic development strategy is "to get the Tennessee economy integrated with the Japanese economy".

Who would have predicted even a year ago that the head of Russia would visit China and precipitate a massive democratic revolt?

The times are certainly changing and perhaps the most important change is in our environmental awareness and its effect on our economic thinking.

We live in a country that prides itself on our free markets. There is no denying that the marketplace is efficient, but only when its price signals are accurate. Unfortunately, the principal feature of our age is the divergence of price and cost.

I define price as the amount the individual pays. Cost is what the community pays. Let me illustrate the difference by using a common, everyday household product: rock salt. The United States uses some 10 million tons of this product a year to de-ice our roads and sidewalks and driveways.

The price of rock salt is a penny a pound. But its cost is much, much higher. Rock salt, we know, corrodes cars. It also corrodes bridges. It destroys roadside vegetation and pollutes wells. In big cities it can corrode the inside of utility cable under the ground. In Manhattan one consequence is that gas escapes and can be set off by the tiniest spark. Flying manhole covers is a phenomenon in large part caused by rock salt.

One New York State agency did a rough calculation of what the actual cost of rock salt was when we add in corrosion, pollution, and so forth, and arrived at the figure of 80 cents per pound.

In Minnesota, with a population only slightly bigger than Missouri, we consume about 200,000 tons of rock salt a year. Individuals and highway departments pay \$4 million to use this product, but the community as a whole, in the long run, will pay \$320 million in damages as a result of its use.

A substitute for rock salt exists. It is called calcium magnesium acetate (CMA), is now made from natural gas. Its price is 20 cents per pound, but that is also its cost because it is not corrosive and is not polluting.

Thus CMA is 20 times the price of rock salt, but only 1/4 of its cost. How does CMA enter the marketplace? At present the only purchasers are those few entities that internalize the real costs of rock salt: parking garage owners in northern climates. Rock salt that is brought into parking garages by cars will corrode the steel in the reinforced concrete. Eventually the structure may collapse. The liability falls on the owner. Thus the owner "sees" the true costs of rock salt and prefers the non polluting alternative.

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One other interesting item, especially for this audience, is that CMA can be made from wood wastes. It can be made from cellulose, a raw material cheaper than natural gas. Already this is being done on a pilot plant stage in several laboratories. Thus, if only we were able to provide the proper price signals to the marketplace we might look forward to displacing a product that pollutes our vegetation with one that is made from our vegetation.

Another example of the divergence of price and cost is with oil. In the last ten years the price of oil has dropped by more than 50 percent in real terms. But the cost of oil has soared. We now know that the major culprit behind acid rain, which kills trees, and the greenhouse effect, which might end up killing a planet, is the combustion of fossil fuels and the price of fossil fuels is set by the price of oil.

Our awareness of the dilemma of price and cost has moved us to develop public policies that begin to internalize the true cost of doing things into the price we pay for goods. By doing so we provide accurate price signals to investors, consumers and entrepreneurs. We channel human ingenuity in a different direction, and in doing so, we may be altering the very fabric of our industrial society.

Take the example of garbage. We dispose of more than 300 million tons of used materials every year in this country. More than 35 percent of the world's garbage is generated within our borders.

When we discovered ten years ago that our landfills were leaking we imposed much more strict, and thus expensive, regulations on building landfills. In much of the country citizens banded together to stop the siting of new landfills. We responded, as we always do, by trying to dump the problem on someone else by exporting our garbage. We all remember the famous garbage barge from Islip, New York, the butt of Johnny Carson's monologue for weeks. Denied entrance by five countries, threatened with destruction by the Mexican Navy, after a 5,000 mile voyage, the garbage ended up in Brooklyn, New York.

We found we could not export our garbage so we began to look at ways to use it. We rediscovered recycling. Ten years ago recycling was considered a voluntary, do-gooder enterprise but today it is big, big business. Five years ago most states and cities predicted that no more than 10 percent of their wastes could be recycled. Today half a dozen cities are recycling as much as 50 percent, and the technical feasibility is 80-85 percent.

What will happen if we do recycle at these levels? We will have up to 300 million tons of used materials available. This in turn will attract processors. Just as a forest attracts sawmills and pulp mills so an urban paper trove will attract scrap paper processors. This is already occurring.

As we recycle more and more of our paper from our wastes we will change the pulp and paper industries. And we might also change the shape of our manufacturing complexes. Scrap based industries tend to be smaller, and much less polluting, than their virgin material based predecessors. The classic example is in steel.

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In the last 20 years so-called mini steel mills that produce 200,000 tons per year from 100 percent scrap have captured 35 percent of the domestic steel market from the iron ore based, vertically integrated steel mills that produce up to 3 million tons per year. And we have at least 7 years of steel scrap sitting in our driveways and our roadways and junk yards. And our consumption of steel has stabilized.

Thus it is conceivable that in the near future our steel industry will be located near metropolitan areas. The raw materials will come from the surrounding scrap yards and the customers will be regional as well. Scrap based manufacturing makes possible a decentralization, a miniaturization, of our economies.

And all of this has come about because we changed the rules. We changed the rules on disposal and have in turn created a new and different kind of industry.

Our garbage laws also spurred changes in chemical engineering. We found out, for example, that plastics don't dissolve and we demanded they do so. Which led industry to develop degradable plastics. But degradable plastics are degradable when starch is added. Today we can have degradable plastics made from 100 percent plant matter, either starch or cellulose.

We have changed the rules, and in doing so we have directed human ingenuity to meet certain social goals.

Consider the area of energy, where up to 40 percent of our materials are consumed. The rules here are changing very rapidly because of growing environmental awareness. This year the Los Angeles area, with 12 million people, has developed new rules that will affect its transportation systems forever. By the year 2010 virtually all its cars and buses and trucks must use methanol or ethanol or electricity for fuel, and stop using gasoline. Congress is thinking about imposing a carbon tax on power plant emissions.

What might this mean?

Because of rising energy prices in the 1970s fuelwood has just about achieved parity with pulpwood in terms of volume. But this has occurred almost haphazardly, with little planning. The fuelwood comes from forest and mill wastes. We really don't yet have a fuelwood industry. But that may soon change.

Brookhaven National Laboratories estimates the price of coal-fired electricity would rise 75 percent if rigorous carbon dioxide emission standards are imposed. In October EPA shocked the electric industry when it told a Wisconsin utility that wanted to upgrade an aging coal plant that it must meet new plant standards for sulfur and other emissions. The cost of keeping the plant in service soared from \$71 million to \$800 million. That in turn made wood fired power plants extremely competitive. Most of the 800 or so existing coal plants are more than 30 years old. They will all soon face the same choice.

At the same time environmental standards make wood more attractive as a fuel, environmental concerns make it more attractive to grow more trees. 1-9

Everyone knows by now the dire threat the build-up of carbon dioxide poses for our planet. Americans produce 25 percent of the world's carbon dioxide so we have a major responsibility in this affair. Happily, we also have enormous land areas available that allow us to easily shoulder this responsibility.

Two acres of trees, on average, absorb the five tons of carbon dioxide generated by the activities of a single American each year. The Department of Agriculture estimates 22 million acres of marginal cropland and pasture can profitably be planted in trees. The set-aside program called the Conservation Reserve Programs(CRP) idled some 28 million acres of marginal farmland in 1988 to reduce soil erosion.

If we were to plant all the CRP land in fast growing trees we would make a significant dent in our carbon dioxide problem. We would also, in 3-5 years, have an additional 200 million tons of biomass available. That enormous increase in supply would in turn present a great opportunity for rapidly expanding not only our wood fired electric capacity but our liquid fuel capacity as well.

Which leads me to ethanol. Ethanol from corn costs about 50 percent more than gasoline at present, but TVA and others have demonstrated methods to make ethanol from cellulose that may be competitive even at current low gasoline prices. They would certainly be competitive at the prices of gasoline if their true costs were imposed.

By 1993, because of the Los Angeles ordinance, GM and Ford will have 100,000 cars available that can use ethanol, methanol or gasoline or any fraction thereof the flick of a switch.

Where might all this activity end up? For a glimpse of the future we might want to look to the past. Only a little more than a century ago almost all our fuels and chemicals came from plant matter. We forget that the first plastics, for example, came from cellulose in the form of cotton. After World War I American farmers suffered a depression because they had planted fence row to fence row during the war to feed the troops abroad and afterwards demand and prices plummeted and American agriculture plunged into bankruptcy.

To the rescue came some of the leading scientists and engineers of the day: Henry Ford, Thomas Edison, George Washington Carver. They created the Farm Chemurgic Council whose objective was the creation of new industrial markets for plant matter. The war between the carbohydrate and the hydrocarbon waged for the next decades. Masonite comes out of that era, as does the southern paper industry from the yellow pine.

The most impressive demonstration occurred in 1941 when Ford unveiled his biological car. Soybean derived plastics composed the body. Corn derived ethanol filled the fuel tank, and goldenrods donated by his friend Edison comprised the tires. Ford envisioned a day when cars would be grown, when the farmer's prosperity would be tied to the automobile as much as to consumer appetites.

After World War II Ford's dream was put on hold. The price of oil plummeted and the Marshall Plan opened up export markets for US farm products. Carbohydrate chemistry went into eclipse.

1-10

Today the chemurgic dream is alive and well. The biodegradable plastics I talked about before come from one of the four regional laboratories established by Congress because of the efforts of the chemurgists. Today we can make plastic bodied cars, and the plastic may come from the lignin of trees.

And what if we did turn to a carbohydrate future? How might it affect the scale of our economy? Well, oil is easily transported by tanker or pipeline. That is one of the reasons that petrochemical plants tend to be very large, and very remote from their raw material supplies. But plant matter is bulky and difficult to transport. Thus botanochemical complexes will tend to be much more local and regional in nature.

Bob Dylan, the folksinger, told us more than 20 years ago that the times are a'changing. That they are. We may be moving into a carbohydrate, a cellulosic future. One where we use our materials much more efficiently than we used to, and therefore we use much less. The materials we do use come from in and around our communities, and are processed regionally into finished product for regional consumption.

And all this is driven by our agreement to internalize the true costs of production and disposal into the final price of our products. The marketplace does indeed work. It just needs a little nudge sometimes.

Requirements for a Test Liner

A test fill shall be constructed before construction of the actual, full-scale, compacted earth liner in accordance with the following requirements:

1. The test liner shall be constructed from the same soil material, design specifications, equipment and procedures proposed for the full-scale liner;
2. The test fill shall be at least four times the width of the widest piece of equipment to be used;
3. The test fill shall be long enough to allow the equipment to reach normal operating speed before reaching the test area;
4. At least five lifts shall be constructed;
5. The test fill shall be evaluated for the following physical properties:
 - A. Field testing techniques will be used to determine the hydraulic conductivity.
 - B. Samples will be tested in the laboratory for hydraulic conductivity. Enough tests shall be performed to provide a 95 percent confidence in the data. Laboratory results should show a statistical correlation to the field testing results.
 - C. Engineering parameters such as particle size distribution, Atterberg limits, water content, and in-place density that will be used to evaluate the full-scale liner.
6. Additional test fills shall be constructed and tested for each new borrow source, admixture, or change in equipment or procedures.

GERALD B. LEE, M.D.
3005 STRONG AVENUE
P.O. BOX 6037
KANSAS CITY, KS 66106
—
913-831-1111

September 7, 1989

Mr. J. Ronald Salley
Vice-President
Mr. Don McQueen
Shannon & Wilson, Inc.
11500 Olive Blvd.
Suite 276
St. Louis, Missouri 63141-7126

Messrs. Salley and McQueen:

Ten years ago, we were told landfills leak. Engineers and scientists went back to the drawing boards to improve their design. However, on August 30, 1988, we were told in the Federal Registrar, by The Environmental Protection Agency (EPA) p. 33345, that all landfills leak - regardless of the technology.

The National Wildlife Federation (NWF), including the Kansas and Missouri affiliates, have joined the physicians of Missouri to oppose the inappropriate placement of the Quindaro Landfill along side of our most important water resource - The Missouri River.

There are three ways that Quindaro will pollute the Missouri River:

1. Leachate from the landfill;
2. Cumulative effect of river pollutants;
3. Surface flooding of the collecting lagoon.

The Environmental Protection Agency has told us that all landfills will leak by leachate spread regardless of the construction.

1-13

Fred Brunner, PhD., former head of the Department of Natural Resources for Missouri, told the physicians that the cummulative effect of various chemicals and carcinogens from upstream will add to and affect various human cells and organs. For example, toluene leached from a landfill in Omaha or Souix City will be added to that which would be leached into the water supply on the Quindaro Bend. That cummulative effect of toluene would have enhanced adverse effect on human cells because of the additive chemical effect of toluene. Oogenesis and alternation of the DNA structure of the unborn fetus would be a direct toxic effect of that toluene. Director of the Kansas Department of Health and Environment, Dr. Stanley Grant, agreed with the "cummulative effect" theory of toxics when I spoke to him last fall.

As far as direct flooding of are lagoon below the landfill, there is a sharp difference of opinion. The U.S. Corps of Engineers of Kansas City produced data which indicated that the lower end of the lagoon would be several feet below water during the projected 500 year flood. This difference of opinion must be resolved. If the lagoon would be covered by several feet of flood water by the 100 or 500 year flood, the medical consequences would be devastating. As the flood waters would recede or fall, the leachate would be siphoned directly out of the landfill to the river. Because of the laminar flow of the Missouri River, on the South bank of the Quindaro Bend, toxic substances would be directed at the intake valve of Kansas City, Kansas.

If the data from the U.S. Corps of Engineers does not prove valid, leachate would still pose an unacceptable threat to our patients. What are chemicals or compounds that have been proven to cause disease or harm to the human body? I will not list the thousands of chemicals that might harm the human body - only those who all physicians agree harm the human body.

1. LEAD Lead may cause a variety of neurological problems such as mental retardation, muscular weakness, and in children, convulsions and coma. Lead may also cause kidney or blood disorders. Lead is cumulative in the body and once deposited in a tissue or organ, it remains forever. Used batteries are an example of a lead product that is often disposed of in landfills.

2. MERCURY Mercury also causes brain and nerve damage. A salt of mercury is corrosive and may erode through the clay liners used in the bottom of landfills. Dentists and doctors' offices routinely use mercury compounds and discard them in their trash.

3. CADMIUM Cadmium is used widely as a byproduct of zinc smelting. Cadmium is used in nickel - cadmium batteries and as a fungicide on lawns and golf courses. Cadmium can cause liver and kidney damage.

4. ARSENIC Arsenicals are used as rodenticides, insecticides, herbicides and in paints. Acute arsenic poisoning is well known but less well publicized are the chronic effects of arsenic. Lung and skin cancer are caused by chronic exposure to arsenic as well as liver and kidney damage. A commonly used insecticide - calcium arsenate - is highly toxic and may cause damage to the liver, kidney, brain, bone marrow and peripheral nerves.
5. AROMATIC AMINES Naphthylamine, a compound formerly used in the dye and cleaning industry, causes cancer. In one dye factory, 100% of the workers developed cancer of the bladder. Similar aromatic hydrocarbons are being used by our cleaning establishments today.
6. VINYL CHLORIDE Vinyl chloride is used as a refrigerant and aerosol propellant. Vinyl chloride causes a rare form of liver cancer, angiosarcoma.
7. TOLUENE Toluene is a solvent used in the rubber and plastic industry as well as the medical laboratories. Medical effects of Toluene are two-fold 1) depression and 2) alteration of the genetic expression or structure of the unborn fetus.
8. BENZENE Benzene was recognized by OSHA to be the cause of cancer of workers exposed in 1977. Benzene and closely related compounds are widely used in the manufacture of drugs, chemicals, pesticides, degreasers, varnishes, stains and cleaners.
9. CHLORINATED HYDROCARBONS AND RELATED COMPOUNDS An example of this very large, poorly understood and complex group is Lindane or benzene hexachloride (BHC). This compound has nine different isomers or structures all of which have different effects on the human body. For example, one form of Lindane is a stimulant and another isomer of Lindane is a central nervous system depressant. The EPA has sharply curtailed the availability of many of the compounds in this family but Lindane is still used and is the active ingredient in many of the products for pest control in the home and on the farm. Lindane is even used in medicine as the active ingredient in the drug to treat scabies (Kwell).
10. ORGANOPHOSPHATES Fonofos (Dyfonate) is one example of this group. A widely used pesticide, it may produce nerve damage. Malathion (Cythion) is another in this group. It is a widely used mosquito spray reported to be relatively safe. However, it has been discovered that malathion changes its structure after nine years to isomalathion which is highly toxic to nerve tissue. In fact, sprayers from Pakistan using malathion thought to be 15 years old had serious neurological complications. Of the 7,500 workers, 2,500 developed peripheral nerve problems; seven died.

Our knowledge of various compounds harming the human body is in an embryonic stage. We have recently learned that pyridine, a contaminate of water, may cause Parkinson's Disease at any age when exposed. Usually, this disease is limited to older and sometimes middle-aged groups. Recently, young people were found to have Parkinson's Disease with autopsy proven damage to the substantia nigra of the brain. The pyridine causes damage to that part of the brain which controls Parkinson's Disease.

Another theory - although not proved, is that aluminum, a contaminate of water may cause Alzheimer's Disease.

We physicians encourage the EPA to continue to develop formulae such as the complicated Carcinogenic Slope Factors and Reference Doses for Selected Hazardous Constituents. However, it makes no sense at all to us to endanger human life and resort to such formulae by placing a landfill so near a river that so many depend upon for "the staff of life."

Very truly yours,

Gerald B. Lee, M.D.
President
West Central Medical Society of
Missouri

GBL/erd

Box 5224
Kansas City, Kansas 66119

July 21, 1989

Mr. J. Ronald Salley, Vice-President
Shannon & Wilson, Inc.
11500 Olive Blvd. - Suite 276
St. Louis, Missouri 63141-7126

Dear Mr. Salley,

I am writing with reference to your study in progress of the health & environmental aspects of the proposed Quindaro landfill here in Kansas City, Kansas. Our organization, the Quindaro Town Preservation Society, has been most active in the attempt to save this historic site, both on the grounds of its historic significance, and for the protection of our city's health.

Therefore, we would urge that the following questions be answered in your study:

(1) What is the track record of the engineering design for the Quindaro project, both in any past laboratory test-type situations, and at actual landfill sites over extended periods of time? What types of waste have been disposed of in such tests, or at these sites? In particular, is the design similar to that of the Furley site near Wichita, Kansas which some years ago was announced as being "state of the art" and which subsequently leaked with serious consequences for water supplies in that area?

(2) What is the geological situation currently existing with regard to ground water at the Quindaro site? What is the water table there, as manifested in wells, springs and so on?

(3) What types of waste, if any, will be forbidden at the site? Will hazardous materials be dumped there, such as asbestos, medical waste, chemicals from industrial sources, carcinogens, organic compounds, solvents, petroleum products, or corrosives? Since Kansas City, Kansas has long had problems with uncontrolled and unpredictable fires at dump sites, will combustible materials be permitted at Quindaro? What will happen to the fluid collected in the leachate ponds?

(4) Will waste from outside Kansas City, Kansas or even outside the metropolitan area be dumped at this site?

(5) What are current levels of pollution in the Missouri River, and according to what criteria, particularly with references to the substances listed in (3) above, and including fertilizers and heavy metals? What pollutants are currently being tested for, or not tested for, and how might the Quindaro site potentially worsen this situation? How do the various pollutants affect human health, and to what degrees?

(6) The landfill site west of I-635, on the south bank of the Kansas River, is apparently already leaking waste, with possible deleterious effects on that water supply, which of course flows into the Missouri River a few miles downstream; what will be the costs to "clean up" that site, if indeed, it is pos-

sible to clean it up at all? What kinds of technology, if any, are effective in cleaning up such extensive and massive sites?

(7) What are new federal (EPA) regulations with reference to landfills placed adjacent to water supplies, especially rivers, and when do they go into effect? What impact does the intent of these regulations have on the Quindaro project? Have any codes of federal regulations been violated at this site previously?

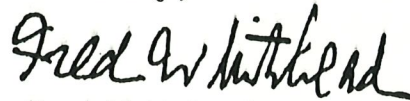
(8) What is your evaluation of BFI's national record with reference to safe waste disposal, particularly with reference to the "corporate profile" published by the Citizens Clearinghouse on Hazardous Waste? What has their record been in Illinois, that the City of Chicago would forbid any relations whatsoever with this company? What has their record been in the Houston, Texas area, and in the state of Louisiana? In the Kansas City area, what has their record been at their Parkville and Missouri City, Missouri sites?

(9) What is your evaluation of the liability insurance provided for in the contracts, etc. for this project, during the period of its operation, and afterwards? Will B.F.I. have any responsibilities at all after the project is completed? And in that situation, if they do not, does the liability fall on the A.M.E. Church and the City of Kansas City, Kansas?

(10) What is your evaluation of all prior consultant studies of this site, including the objections of the Board of Public Utilities water department engineers in Kansas City, Kansas, and the water department of Kansas City, Missouri?

Our organization stands ready to provide you with any materials we have concerning the above questions, and to clarify anything you may need in connection with arriving at the answers.

Sincerely,



Fred Whitehead
Secretary
Quindaro Town Preservation Society



State of Kansas

Mike Hayden, Governor

Department of Health and Environment

Division of Environment

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

(913) 296-1535

FAX (913) 296-6247

July 19, 1989

Marvin J. Singleton, M.D.
Missouri State Medical Association
113 Madison Street
P.O. Box 1028
Jefferson City, Missouri 65102

Dear Dr. Singleton:

I am surprised the Missouri State Medical Association adopted a resolution opposing creation of landfills without examining the alternatives. Under Kansas Governor Mike Hayden's administration, a 27-member task force was created. The task force represents diverse interests ranging from government, universities, businesses, and producers of solid waste. The task force is charged with examining and recommending to the Governor the direction Kansas needs to take regarding the handling of solid wastes.

Under Kansas law, the primary responsibility for solid waste management resides at the county level. The counties are responsible for preparation and implementation of solid waste management plans with assistance from our department. It is their duty to assure the citizens in their jurisdiction have access to the necessary solid waste treatment and disposal capacity. The law did make provision for cities to exempt themselves from the county plans and develop independent solid waste plans. Kansas City opted to pursue a solid waste plan independent of Wyandotte County and to assume the responsibility for the issuance of land use permits for waste disposal facilities within its jurisdiction. Although the Kansas Department of Health and Environment (KDHE) has the final authority for permitting all solid waste processing and disposal facilities, we attempt to avoid undue intrusion into the local land use decision-making process. We provide input to local units of government as they are screening and selecting prospective sites for solid waste facilities, but the ultimate decision on the local land use permit is theirs.

1-19

Charles Konigsberg, Jr., M.D., M.P.H.,
Director of Health
(913) 296-1343

James Power, P.E.,
Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.,
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.,
Director of the Kansas Health
and Environmental Laboratory
(913) 296-1619

Dr. Marvin Singleton
July 19, 1989
Page 2

Following the issuance of the local land use permit, a prospective applicant may submit an application to the Bureau of Air and Waste Management within KDHE for review of the technical adequacy of the proposed design, construction, and operation. The purpose of our review is to ensure any facility to be permitted can and will be operated in a manner that protects public health and the environment, while providing the disposal capacity needed for the solid waste produced from our homes, schools, and businesses. Despite any perceptions to the contrary, I assure you the department does not take this responsibility casually. The review of the Quindaro permit application took many months and was performed with a particular focus upon the prevention of surface water or groundwater contamination. Although it has been claimed otherwise by some of the opponents to the facility, as permitted it is not within the 100-year floodplain of the Missouri River. The underdrain system, the liner, the leachate detection and collection system, and the surface runoff detention impoundment were all designed specifically to prevent contamination from occurring. However, in recognition that no system of waste management is completely risk-free, the surface water discharge monitoring and groundwater monitoring programs were designed to allow the earliest possible detection of any problems. Thus, any necessary corrective action could be taken before significant consequences occurred in the event of a release from the landfill. In recognition of the facility's proximity to the Missouri River and the water intake of the Kansas City, Kansas Board of Public Utilities, conditions imposed at this site are the most stringent requirements ever imposed on a sanitary landfill in the state. These conditions were imposed with the intent of meeting the new federal criteria under consideration by the U.S. Environmental Protection Agency. If EPA's final criteria are more stringent than the current permit requirements at the Quindaro site, our permit will be modified to include the more stringent criteria.

Recognizing the risks associated with the disposal of hazardous wastes in sanitary landfills, the State of Kansas is much more restrictive than federal or Missouri regulations by prohibiting those businesses generating more than 25 kg/month of hazardous waste from disposing that material in sanitary landfills. When we phased the state's exemption limit from 100 kg/month down to 25 kg/month in 1984, we added approximately 4,000 businesses to our list of regulated hazardous materials from being disposed in our municipal waste facilities.

Although I recognize your concerns regarding our actions in the approval of the Quindaro permit application, I assure you we are deeply committed to ensuring that, in the event this facility is constructed and operated, it is done in a manner that will have no

Dr. Marvin Singleton
July 19, 1989
Page 3

adverse impacts upon the downstream water users. Despite our differences of opinion on the safety of the Quindaro site, I encourage you to work with Missouri to implement an effective waste management program which will focus upon a premise of waste minimization and recycling to reduce our dependence upon landfills as the sole method of waste management in our states. We cannot eliminate the need for sanitary landfills, however, we can significantly reduce the need for siting a substantial portion of the otherwise-needed capacity by aggressively pursuing alternative methods of waste management. Therein lies the best hope of achieving our goal of protecting the public health and environment of our state while providing the capacity for managing the wastes we generate individually and collectively as a society.

Sincerely,



James A. Power, Jr., P.E.
Director, Division of Environment

cah

C - Stanley Grant
Gary Hulett, Kansas Governor's Office
Robert Harmon, M.D.
Director, Missouri Department
of Health
P.O. Box 570
Jefferson City, MO 65102

JOHN ASHCROFT
Governor

FREDERICK A. BRUNNER
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE DIRECTOR
P.O. Box 176
Jefferson City, Missouri 65102
Telephone 314-751-4422

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation,
and Historic Preservation

May 27, 1988

Mr. Gerald B. Lee, M.D.
3005 Strong Avenue
P.O. Box 6037
Kansas City, KS 66105

Dear Dr. Lee:

RE: Construction of a Solid Waste Landfill in the Quindaro Bend
of the Missouri River in Kansas City, Kansas.

Your April 5, 1988 letters to Governor John Ashcroft, Lt. Governor
Harriett Woods and Representative Norwood A. Creason have been
forwarded to my office for reply.

The April 5, 1988 letters indicated four main concerns. Your first
concern was direct flooding of the landfill and lagoon. Contact
with the Solid Waste Section of the Kansas Department of Health and
Environment has indicated that all landfill operations and the top
of the lagoon will be above the 500 year flood elevation.
Therefore, they are not subject to flooding even during a 500 year
flood. The bottom of the lagoon is not above the 500 year flood
elevation, however, Kansas' solid waste staff indicates that this
factor has been taken into account in evaluating the environmental
protection afforded by the site design.

Your second concern was pollution of our key water resource by
adjacent groundwater contamination. The Missouri Department of
Natural Resources' (MDNR) contact with the Kansas Department of
Health and Environment indicates that the landfill will employ a
three foot compacted clay liner with a permeability of 1×10^{-7}
cm/sec or less (approximately 1 1/4 inches per year). In addition
the landfill will utilize a leachate collection system to remove
leachate from on top of the liner and a separate under drain system
to remove water from under the liner. This state of the art system
should adequately minimize the migration of contaminants from the
landfill.

Mr. Gerald B. Lee, M.D.

Page Two

May 27, 1988

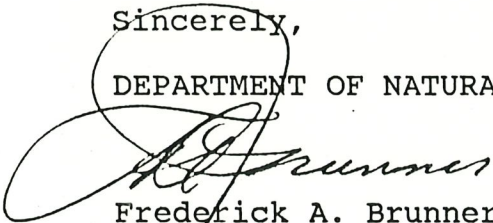
Your third concern dealt with a proposed solid waste landfill located 1.2 miles west of the Quindaro Bend Landfill. The Kansas Department of Health and Environment has indicated that the City Planning Commission has turned down the applicant's request for a special use permit to operate the landfill. (Local approvals are necessary prior to review of an application by the State of Kansas.)

Your fourth concern, cumulative effect of upstream pollutants, is a valid concern. There are currently ongoing federal and state programs that are presently monitoring the water quality of the Missouri River (U.S. Geological Survey and MDNR's Water Pollution Control Program). Additionally, the Kansas City Missouri Water Department monitors the water quality of the Missouri River on a continual basis for an extensive list of pollutants. The ongoing goal of the MDNR, as well as other government agencies, is to monitor the quality of all water resources while at the same time reducing the sources of pollution through the use of "state of the art technology" at existing and proposed facilities.

I hope the above has adequately addressed your questions and concerns.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Frederick A. Brunner, Ph.D., P.E.
Director

FAB:111

cc: Governor John Ashcroft
Lt. Governor Harriett Woods
Representative Norwood Creason
Mr. Kent Baer, Secretary of State's Office
Honorable Mike Hayden, Governor, State of Kansas
Mr. Stanley C. Grant, Director, Kansas Dept. of Health
& Environment

GERALD B. LEE, M.D.
3005 STRONG AVENUE
P.O. BOX 6037
KANSAS CITY, KS 66106

913-831-1111

June 16, 1988

The Honorable Mayor and City Council
City of Kansas City, Kansas
1 Civic Plaza
Kansas City, Kansas 66101

Dear City Officials:

Most of the correspondence over the past four years has stated there would be no contamination of the Missouri River drinking water if a solid waste landfill were placed on the Quindaro Bend in Kansas City, Kansas. However, a letter dated May 31, 1988 from the Kansas Department of Health and Environment raises new concerns from a public health standpoint.

In that letter, Secretary Stanley C. Grant, Ph.D, stated the landfill will be well constructed and is state of the art - but contamination of the Missouri River drinking water downstream from Quindaro could occur and "the consequences would be serious."

What types of materials do we generally discard weekly from our households and small businesses that may cause serious consequences to human life if those materials gain access to our drinking water? Materials such as waste oils, batteries, spent solvents, waste paints, corrosives, metal wastes and empty pesticide containers all may harm the human body.

Currently the EPA is working on a list of 83 contaminants to establish maximum contamination levels (MCL's); Congress mandated that the EPA establish these levels by 1992. From that list of 83 contaminants, let us examine only 8 substances and 2 groups of compounds that have been recognized as causing cancer or organ damage in humans; each of these substances is found in the trash daily. As references, I have used only the standard textbooks of Toxicology and Cancer 1, 2, 3.

1-24

LEAD Lead may lead to a variety of neurological problems such as mental retardation, muscular weakness (wrist drop) and in children, convulsions and coma. Lead may also lead to kidney or blood disorders. Lead is cumulative in the body and once deposited in a tissue or organ, it remains forever.

Lead is widely used in and out of industry. Used batteries and printers' type are lead products that are eventually disposed of in landfills.

MERCURY Mercury also causes brain and nerve damage. Kidney damage may be seen. A salt of mercury is corrosive and may erode through clay liners used in the bottom of landfills. Mercury is widely used in business and industry. Dentists and doctors' offices routinely use mercury compounds and discard them in their waste baskets or trash.

CADMIUM Cadmium is widely used in industry - a byproduct of zinc smelting. Cadmium is used in nickel - cadmium batteries and as a fungicide on lawns and golf courses. Cadmium causes liver and kidney damage.

ARSENIC Arsenicals are used as rodenticides, insecticides, herbicides and in paints. Acute arsenic poisoning is well known but less well publicized are the chronic effects of arsenic. Lung and skin cancer are caused by chronic exposure to arsenic as well as liver and kidney damage. A commonly used insecticide - calcium arsenate - is highly toxic and may cause damage to the liver, kidney, brain, bone marrow and peripheral nerves.

AROMATIC AMINES Naphthylamine - A compound used in the dye and cleaning industry causes cancer.

In one dye factory, 100% of the workers developed cancer of the bladder. Similar aromatic hydrocarbons are being used by our cleaning establishments today.

VINYL CHLORIDE Vinyl chloride is used as a refrigerant and aerosol propellant. Vinyl chloride causes a rare form of liver cancer, angiosarcoma.

TOLUENE Toluene is a solvent used in the rubber and plastic industry as well as the medical laboratory. Medical effects of Toluene are two fold 1) depression of mental function and 2) alteration of the genetic expression or structure of the unborn fetus.

BENZENE Benzene was recognized by OSHA to be the cause of cancer of workers exposed in 1977. Benzene and closely related compounds are widely used in the manufacture of drugs, chemicals, pesticides, degreasers, varnishes, stains and cleaners.

Chlorinated Hydrocarbons and related compounds An example of this very large, poorly understood and complex group is Lindane or benzene hexachloride (BHC). This compound has nine different isomers or

structures all of which have different effects on the human body. For example, one form of Lindane is a stimulant and another isomer of Lindane is a central nervous system depressant. The EPA has sharply curtailed the availability of many of the compounds in this family but Lindane is still used and is the active ingredient of many of the products for pest control in the home and on the farm.

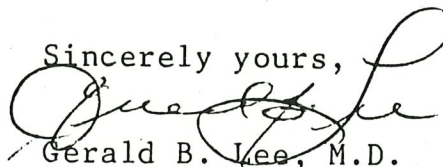
Lindane is even used in medicine as the active ingredient of the drug to treat scabies (Kwell).

ORGANOPHOSPHATES - Pesticides Fonofos (Dyfonate) is one example of this group. A widely used pesticide may produce nerve damage. Malathion (Cythion) is another in this group. It is a widely used mosquito spray that has been reported to be relatively safe. However, it has been recently discovered that malathion changes its structure after nine years to isomalathion which is highly toxic to nerve tissue. In fact, sprayers from Pakistan using malathion thought to be 15 years old had serious neurological complications. Of the 7,500 workers, 2,500 developed peripheral nerve problems and 7 died. Placing substances such as malathion at Quindaro could prove to be catastrophic to future generations.

Speaking as a physician, I feel there should be no landfill at Quindaro. Four hundred feet from our major source of water is too close. Secretary Grant says there could be pollution, if so, it would be serious. I suggest you follow his advice. I ask you to revoke the permit. Let us correct our mistake. Let us find an alternate site for the landfill which will not harm our water supply or endanger human life.

In closing, I quote part of the letter that Indian Chief Sealath of the Duwanish Tribe of Washington wrote to President Franklin Pierce in 1855, only two years before Quindaro was officially founded. "The whites too, shall pass - perhaps sooner than other tribes. Continue to contaminate your bed and you will one night suffocate in your own waste."

Sincerely yours,



Gerald B. Lee, M.D.

GBL/erd

References

1. Clinical Toxicology of Commercial Products, 5th Edition, Gosselin, Smith and Hodge, Williams and Wilkins, 1981.
2. Cancer Principles & Practice of Oncology, 2nd Edition; DeVita, Hellman, Rosenberg, Lippincott, 1985.
3. Recognition and Management of Pesticide Poisonings, U.S. Environmental Protection Agency, 3rd Edition, 1982.



CONSERVATION FEDERATION OF MISSOURI

DEDICATED TO THE CONSERVATION OF OUR NATURAL RESOURCES

728 WEST MAIN STREET • PHONE 634-2322 JEFFERSON CITY 65101-1534

ED STEGNER
EXECUTIVE DIRECTOR

CHARLES F. DAVIDSON
ADMINISTRATIVE ASSISTANT

August 20, 1988

The Honorable Mike Hayden
Governor of Kansas
State Capitol
Topeka, Kansas 66612

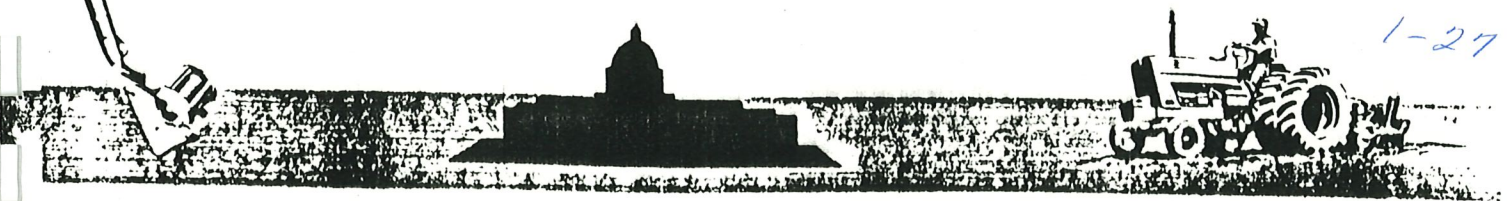
Dear Governor Hayden:

Governor John Ashcroft has shared with us your recent letter addressing the problem of a proposed landfill at Quindaro Bend. We of the Conservation Federation of Missouri are pleased that the governors of both states have been willing to look at this problem and through your leadership we are confident a compromise can be achieved.

As you know the Conservation Federation of Missouri objects to a landfill adjacent to the Missouri River because it basically is our only source of drinking water for millions of Missourians as well as Kansans. We commend the efforts of the Kansas Department of Health and Environment for requiring strict guidelines for Browning-Ferris Industries and their Quindaro plans, but the placement of a landfill so close to the Missouri River simply does not make good sense. We believe an alternative site can be chosen which will satisfy all parties concerned and in the long run will be much better for all citizens of Kansas and Missouri. We urge that a coordinated bi-state planning effort be undertaken so that we can adequately address the problems of trash disposal for the next decade as well as the next century.

One possible alternative to Quindaro is at Bonner Springs, the Lone Star Site. Lone Star is located in the western portion of Wyandotte County, just north of I-70, and has numerous advantages over Quindaro Bend. There are 13-1/2 million cubic yards of storage capacity for trash, almost twice as much as there is at Quindaro. And, the location should not pose a direct threat to the major water supply for the region - the Missouri River.

Browning - Ferris Industries should be interested in this alternative in view of the cost-benefit ratio. A Geotek liner, the very expensive but still unproven protection required by the Quindaro Site being so close to the Missouri River, would probably not be required at Lone Star.



Furthermore, at the Lone Star Site, the more modern "transfer station" concept could be applied. This concept would allow large back-loading trash trucks to dump their load at a building with a concrete slab whereby a process to sort the trash for three different uses would begin.

The first phase would be to sort out the recyclables such as aluminum, steel and iron. Such an operation would create new business and jobs for Wyandotte County citizens. Secondly, articles which are unsafe in landfills but which can be safely incinerated, would be sorted. An incinerator could produce a positive cost-benefit ratio for Browning-Ferris or some other company, and it is possible that they could also generate their own electricity -- a trash to energy plant. Should this approach be taken, less high sulfur coal would be needed to produce electricity, helping reduce sulfur dioxide, the main precursor of acid rain. The remainder of the items could then be landfilled at the Lone Star Site safely and with the satisfaction of knowing that we had all applied our most up-to-date knowledge to avert potential environmental problems.

Such a transfer station concept sounds complicated. But on August 17, Boulder, Colorado entered into such an agreement with Western Disposal, the major trash hauler for that area, and with Eco-Cycle, which is a non-profit organization that currently has been working in the Boulder area recycling various items for 22,000 Boulder households. It is my understanding that Denver and Colorado Springs are currently thinking about a very similar proposal. If it can be done in Colorado, I feel that we in Missouri and Kansas can also protect our environment and use the "transfer station" approach to deal with our trash and its various components.

Should an alternative site be selected, Quindaro could then be made into a national monument, a concept which is extremely appealing to several legislators at both the state and federal levels. This national monument would be a symbol in honor of the "black freedom historical movement" which played such an important role just prior to and in the early days of the Civil War.

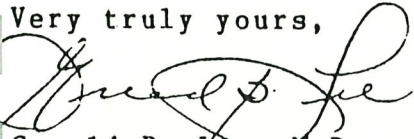
Kansas City, Kansas would gain from tourism benefits, and a marina could be considered at the Quindaro site. If that is not feasible, it might at least be possible to construct a landing with a bridge so that foot traffic could safely cross over the Missouri Pacific tracks to access the historical monument which would be on the hill above Quindaro. A national monument should appeal to the City Council of Kansas City, Kansas much more than an open field with methane gas produced from the landfill leachate.

Page 3

Governor Mike Hayden

We at the Conservation Federation of Missouri stand prepared to cooperate with you to find solutions to this very serious problem that straddles our state line. We would like to see a short-term as well as a long-term plan that addresses the problem of management of trash so that we can enter the next century knowing that we are protecting the public health of all our citizens, both in Missouri and Kansas.

Very truly yours,

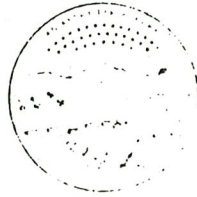


Gerald B. Lee, M.D.
Chairman, Forestry Committee

br

cc: Governor John Ashcroft
Charles Bell, President CFM

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, *Governor*

June 13, 1989

Stanley C. Grant, Ph.D., *Secretary*

Gary K. Hulett, Ph.D., *Under Secretary*

Representative Bill Wisdom
1915 South 29th Court
Kansas City, Kansas 66106

Dear Representative Wisdom:

Reference is made to your inquiry of June 6, 1989 regarding the sequence of events to be followed in construction of the proposed Quindaro Sanitary Landfill.

1. Liner test section. The permit requires that the permittee construct a test section of the landfill liner prior to commencing construction. The purpose of the test section is twofold: (a) It will allow the agency to satisfy itself that the materials and construction methods will meet conditions of the permit prior to commencing construction of the landfill and (b) serve to develop quality control procedures to be followed for the remainder of construction sequence. A copy of the liner test protocol is attached.
2. Underliner drainage system. This landfill is designed with an underliner drainage system, the purpose which is to intercept any groundwater which may flow into the active area from the side slopes of the fill. Although the geological investigation does not conclusively demonstrate the presence of any inflow, the department has taken the conservative position that inflow will be encountered during construction. Consequently we have required the developer to develop the underliner collection system. Collected inflow will not come into contact with solid wastes and should remain uncontaminated. Collected fluids will be discharged at discreet points which will be monitored during the landfill's operation and during the post-closure maintenance period. This monitoring will provide an additional check on the liner's performance.

The construction sequence requires each sidewall rock or shale strata to be uncovered, examined by a geotechnical engineer and the final layout of the subdrains determined at that time. The lines

Representative Bill Wisdom
June 13, 1989
Page 2

and grades shown on the current drawings illustrate concepts and may need to be modified to build a satisfactory installation.

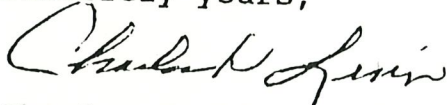
On December 19, 1984, the department issued permit number 464 for the proposed site. This permit will expire on December 30, 1989 and must be renewed on that date.

A letter has been received from D. H. Drier, District Manager for BFI, indicating their intention to renew said permit

In conducting the renewal review, the department will use the new U.S. EPA Subtitle D landfill standards which are expected to become final in December. As the timing of the new federal regulations will not allow the permittee adequate time to prepare a renewal application and the staff to do a review of the materials which are submitted prior to the expiration date, the department will consider a temporary extension of the permit #464 beyond December 30th to allow for a revised submission and staff review.

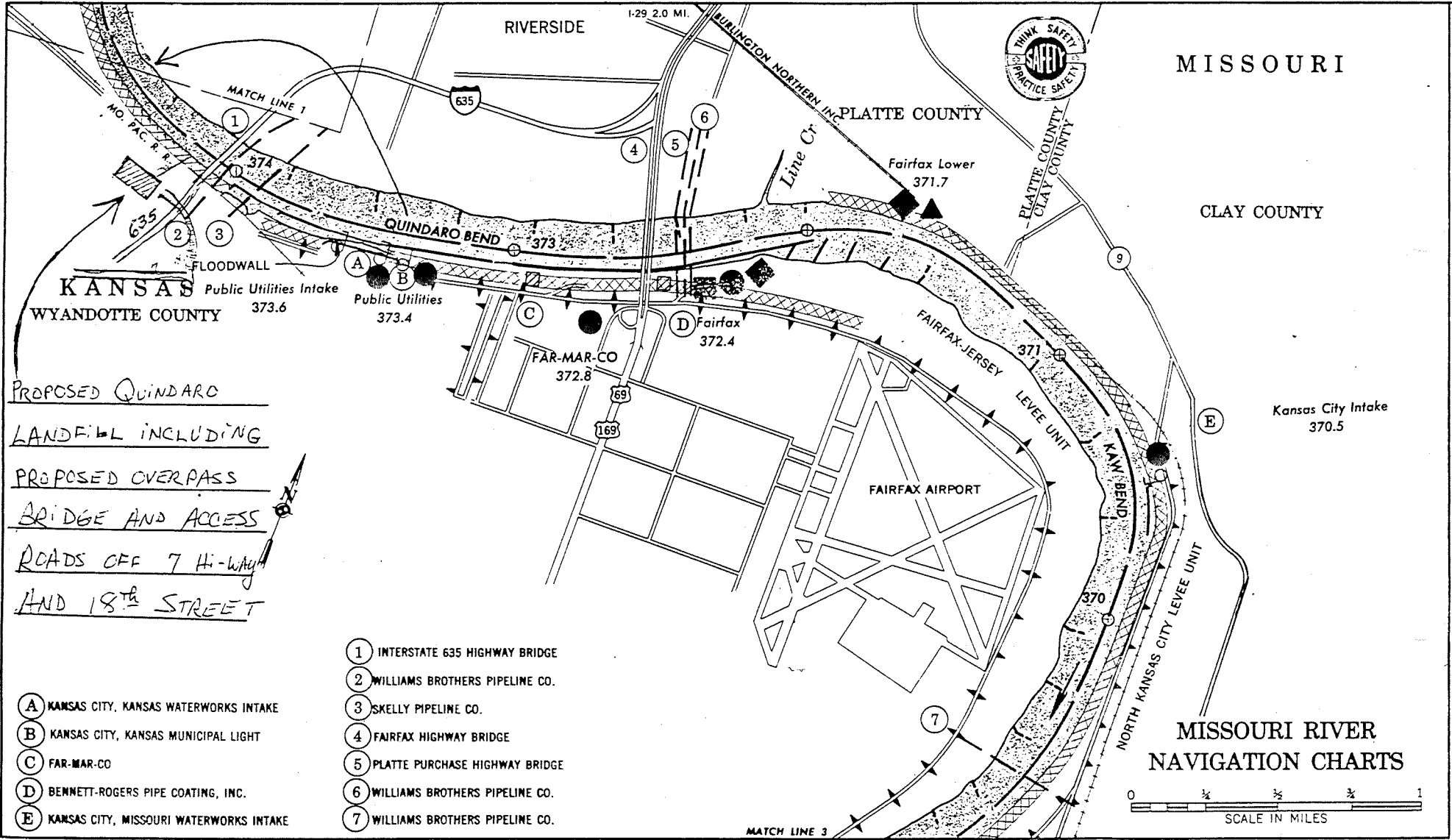
If there are further questions please feel free to call.

Sincerely yours,



Charles H. Linn, P.E., Chief
Solid Waste Section
Bureau of Waste Management

df/wisdom.chl
Attachment



1-32

Gerald B. Lee, M.D.

*13413 East 51st Street
Kansas City, Mo 64133*

Phillip Angell
Browning-Ferris Industries
1150 Connecticut Ave.
Washington, D.C. 20036

Nov. 2, 1989

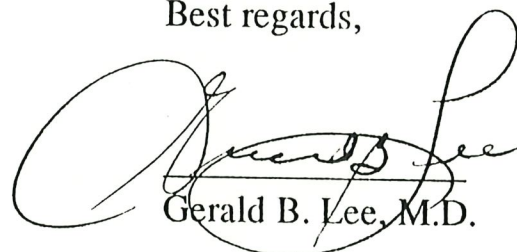
Dear Mr. Angell,

For the past year and one-half I have attempted to understand and to explain to the citizens of Missouri and Kansas why the Quindaro Bend on the Missouri River is a poor site for a landfill. Enclosed for your review are letters which reflect various views and opinions on this matter.

To solve the dilemma that we face regarding Quindaro, I make the following recommendations:

1. Offer to Missouri and Kansas your expertise in handling trash. Offer to Kansas City, Missouri, Kansas City, Kansas and the surrounding communities your expert approach to recycling. Use the same approach you have used in Los Angeles, and large cities on the east coast and you will capture the market for recycling and trash disposal in the metropolitan Kansas City area.
2. Move your landfill proposal to the Lone Star site at Bonner Springs. This move will avoid unnecessary legal battles and establish Browning-Ferris Industries as the true leader in trash disposal in the Midwest and possibly in America.

Best regards,


Gerald B. Lee, M.D.

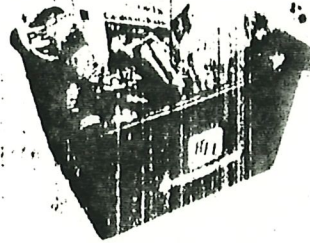
PRESCOTT
FIRST CLASS
U.S. POSTAL
PAID
PERMIT NO. 4006
ST. LOUIS, MO

Waste Systems™
BROWNING-FERRIS INDUSTRIES
1506 Bowling Green Drive
St. Louis, MO 63146

Proud To Keep America Clean.®

RecycleNOW™


Join thousands of area residents who are doing something for their community and the environment by recycling recoverable materials. Recycling saves valuable natural resources and extends the useful life of your area's sanitary landfills.



As a leader in the area of recycling, BFI is pleased to offer you — a valued local customer — an opportunity to participate in recycling conveniently at your curbside. For only \$2 per month, you can invest in our environmental future.

BFI will provide you with a lightweight plastic container for your newspapers, aluminum cans, plastic beverage containers, and clear, brown and green glass bottles and jars. There is no need to sort. It's that simple. Call for details.

St. Louis County Residential Service
(314) 432-3413
Other Missouri & Illinois Residents
1-800-759-3330

Recycled paper 

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Area news

State action to stop Quindaro landfill work

By A. Scharnhorst
staff writer

A moratorium ordered Monday by the Kansas Department of Health and Environment will block construction at the Quindaro landfill site in Kansas City, Kan., after Dec. 31.

The state agency ordered a moratorium on its review and issuance of permits for new and expanding solid waste landfills Monday, saying it needed time to study proposed new federal regulations on landfills.

The new U.S. Environmental Protection Agency regulations, expected to be complete next spring, will impose stricter standards on landfills.

Browning-Ferris Industries Inc. now has a state permit to

develop and operate a landfill on the Quindaro site. But that permit expires Dec. 31 and must be renewed.

With the moratorium in effect, no additional work will be permitted at the site for about six months, unless a temporary testing permit is issued, said state environmental agency spokesman Greg Crawford.

Browning-Ferris crews began work at the site Dec. 1.

"If a permanent permit is to be issued (to Browning-Ferris), it won't be acted upon until after the moratorium," Crawford said.

A temporary permit could be issued, he said, to allow Browning-Ferris to test its proposed clay liner system.

If Browning-Ferris' landfill specifications meet or exceed the

proposed EPA guidelines, a permanent permit could be issued after the moratorium expires, he said.

John Bukaty Sr., a lawyer for Browning-Ferris, said today the company believes the Quindaro landfill, as designed, will meet all terms of the new EPA regulations and was designed with the new rules in mind.

He said the company has not yet been informed of the state moratorium and could not comment further.

A draft of the new EPA regulations was previously made available to the public, Crawford said.

He also said the department was not aware of any currently operating Kansas landfills that will have their operations interrupted by the moratorium.

In a written statement, Stanley Grant, secretary of the department of health and environment, said, "Since the department has several pending permit applications on file, it would be in the best interest of the public and Kansas landfill owners and operators to review the impact of the new EPA regulations before acting on the permit applications."

Grant has instructed the department's Division of Environment to evaluate the proposed EPA regulations to determine their impact on Kansas landfills and to suggest alternatives relating to cost efficiency and environmental effectiveness, Crawford said.

A Move on Quindaro

The Kansas City, Kan., City Council has decided to oppose a landfill at the site of the Old Quindaro ruins. Good.

The biggest threat posed by the landfill is pollution of drinking water for hundreds of thousands of Kansas City area residents. The site also was a station on the Underground Railroad, which consisted of financial assistance and transportation provided by Northern abolitionists to slaves fleeing bondage in the Civil War era. It's an essential part of regional history.

The council last week told the city attorney to pursue a lawsuit and see whether the city landfill permit issued to Browning-Ferris Industries can be withdrawn. The city is worried that the company might sue if the landfill cannot proceed. But it's also possible that pollution could occur and future lawsuits could dwarf any present settlement made with BFI, if it comes to that.

Landfill proponents note that a consultant, hired by the city, said the dump could be

safely operated. Yet KCK officials criticized their consultant's work for not being comprehensive. And another consultant, for the city of Kansas City, concluded the landfill could harm the drinking water from the Missouri River.

Officials at the Kansas Department of Health and Environment have said the landfill has met all the technical requirements set forth by state and federal laws. But that's not good enough. These days much more is required of landfill operators. Enough dumps have been mismanaged around the country that warning flags should be raised in cities that want to open new ones.

In the case of Kansas City, Kan., the most responsible approach is to go back and make sure the Quindaro dump passes all the tests. One crucial step is to see whether the city permit issued to Browning-Ferris is still valid. If it's not, work on the dump should be halted.

Kansas City Kansan

★ The Daily Newspaper for Wyandotte County

KCK council now opposes landfill

By JOHN CARRAS
Kansan Staff Writer

The Kansas City, Kan., City Council Thursday night decided it is now opposed to construction of the Browning-Ferris Industries (BFI) sanitary landfill on the site of the former town of Quindaro in northeast KCK.

In a 5 to 2 vote the council approved a resolution ordering the city administrator "to take all lawful steps to oppose construction and operation of a landfill by BFI in the Quindaro area."

Voting in favor of the resolution were Mayor Joe Steineger, Councilwoman Carol Marinovich and Councilmen Bill Young, Richard Ruiz and Chester Owens Jr., in whose council district the landfill site is situated. Opposing the resolution were Councilmen Frank Corbett and Ron Mears.

Passage of the resolution opposing the landfill is a big victory for environmentalists who had lobbied against the project for years. The opponents claim that the 120-acre landfill site within one mile of the Missouri River is an undesirable and environmentally dangerous place for such a project. They say that toxic contaminants would inevitably leak from the landfill into groundwater that pours into the river. The leakage could poison drinking water and river wildlife, the environmentalists say. The Board of Public Utilities and the K.C., Mo., city council oppose the landfill for the same reasons.

However, Kansas state health and environment officials have said the landfill project could be operated safely. Also, a geological consultant hired by the city a few months ago to review the landfill design said the landfill could be operated safely.

The former city commission issued a land use permit for the landfill in January 1983. BFI started preliminary work at the

landfill site the past week. BFI has spent from \$2 million to \$3 million on landfill planning and preparation. The company has started testing on a clay liner that is to be used at the landfill to protect the environment. After the council decision BFI attorneys were asked what the company would do now.

"We will have consult with our client to decide what to do," said attorney John Peterson. Asked if he was surprised at the council action, Peterson said, "This thing has been up and down over the years. It has been a hotly contested issue and we knew that the council was going to make a decision one way or the other."

Asked if BFI might sue the city for damages, Peterson declined to speculate. City Attorney Hal Walker said he told the council that a suit by BFI against the city was probable if the city tried to stop the landfill project after BFI's heavy investment.

The council resolution states that building a landfill within one mile of the Missouri River could have harmful effects on drinking water and the environment and would destroy significant archaeological remains of the 19th century frontier town of Quindaro. The resolution also cites substantial public opposition to the landfill.

The resolution states that KCK opposes any renewal of a landfill design permit issued to BFI by the Kansas Department of Health and Environment five years ago. That five-year permit expires Dec. 31 and BFI is asking that it be renewed. Peterson said BFI is confident the state will renew the permit. City officials will ask the state not to renew that permit. If the state does not renew the permit then the landfill project is apparently dead, city officials said.

The resolution asks that the county government and BPU join the city in opposing renewal
(See OPPOSES, page 2)

★ Opposes

(Continued from page 1)

of the state permit. The resolution orders the city administrator to hire a consultant to prepare an amendment to the city's waste management ordinances to provide design and site criteria for landfills to protect the environment.

The resolution orders the city attorney to file a court action for a declaratory judgment to decide several legal issues, including: whether BFI can construct and operate a landfill on city property for which a special use permit has not been granted; whether BFI's lease to use city property for the landfill is null and void for failure to comply with certain laws on exchange and sale of property; whether the city's original five-year land use permit granted by the former city commission has expired; whether under the city ordinances the city permit has been automatically terminated in that inadequate progress toward initiating the use was not made within two years subsequent to the granting of the permit.

The resolution says, "the city wants to preserve the old Quindaro ruins and orders BFI to prepare an explanation on how the ruins are to be preserved and fenced if the landfill is ever built. Such explanation shall be given to the council in written form within the next 30 days. Failure to comply with that order shall be grounds for revocation of the permit."

The resolution ends by saying, "This council specifically recognizes that BFI may have legal and constitutional rights or property interests which are entitled to protection under the law. The intention of this council is that BFI be given all due process rights and that no property interests be taken without due process of law."

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GERALD B. LEE, M.D.
3005 STRONG AVENUE
P.O. BOX 6037
KANSAS CITY, KS 66106
—
913-831-1111

March 30, 1988

Governor Mike Hayden
State Capital
Topeka, Kansas 66612-1590

Dear Governor Hayden:

Thank you for replying to my letter regarding a landfill at Quindaro. There continues to be sharp differences of opinion regarding the safety of this project. As a physician, I would like to point out problems that will occur to future generations as a direct consequence of placing a landfill alongside our Missouri River.

My first concern is direct flooding of the landfill and the lagoon. Using the Missouri River Profile provided by the US Army Corps of Engineers, Kansas City, Missouri, November 1977, the 500 year flood will rise to 767.1 feet mean sea level (MSL) or five feet ABOVE the bottom of the lagoon and ABOVE the landfill. At the time of that flood, the flow will be enormous - 460,000 cubic feet/sec which will probably demolish the sides of the lagoon and rip out the drainage pipe that drains toxics from the landfill into the lagoon. That flood will probably flush water back into the bottom of the landfill but as the flood recedes, there will be direct flow from the bottom of the landfill back into the Missouri River. The 50 year and 100 year flood levels will not be as high and the volume of flow will not be as great but those floods will come dangerously close to, or cover the lagoon and landfill.

My second concern is pollution of our key water resource by adjacent ground water contamination. Browning-Ferris Industries plans to use the state of the art Geonet liner system; however, all the experts agree that this technique will retard leakage but sooner or later all landfills leak regardless of the technology used. The reason why these liners eventually leak is that household and small business items such as solvents, paints, cleaners, disinfectants and auto products cause damage to the liners. This has been verified by Ervin Sims, Jr., Manager of Water Operations, Board of Public Utilities, Kansas City, Kansas. Therefore, Mr. Sims and the Board of Public Utilities oppose Quindaro.

A third concern I have is plans for another solid waste landfill 1.2 miles west of Quindaro also in the flood plain of the Missouri River. Exact elevations of this landfill are not known but plans by Deffenbaugh Disposal Service are proceeding.

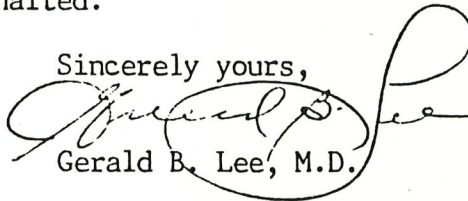
A fourth concern I have is the additive or cumulative effect of pollutants upstream from Kansas City. As the Missouri River begins in Montana and meanders through the Dakotas and various other states, it picks up tributaries and pollutants which eventually arrive in Kansas City and other municipalities on the river. The higher the concentrations of these toxics downstream, the greater carcinogenic effect on the human body using that water - and a greater likelihood of mutation of genes of the unborn fetus. It appears to me that we should not compound the problem by adding two more landfills along side of the Missouri River.

Congress directed each state to be responsible for its solid waste twelve years ago. You are the only individual who can stop this project.

Last month the Conservation Federation of Missouri issued a resolution opposing the Quindaro landfill. Currently, the Executive Committee of the Missouri State Medical Association is considering a similar resolution.

I am firmly convinced that through your strong leadership and examination of the facts, Quindaro will be halted.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Gerald B. Lee". The signature is written in dark ink and is positioned above the typed name.

Gerald B. Lee, M.D.

GBL/erd

1-39
3/20/90

JAN MEYERS
3D DISTRICT, KANSAS
FOREIGN AFFAIRS COMMITTEE
SUBCOMMITTEES:
MIDDLE AND THE MIDDLE EAST
AND INTERNATIONAL ORGANIZATIONS
SMALL BUSINESS COMMITTEE
SUBCOMMITTEES:
SBA, AND THE GENERAL ECONOMY
REGULATION AND BUSINESS OPPORTUNITIES
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE
315 CANNON HOUSE OFFICE BUILDING
(202) 225-2888
DISTRICT OFFICE
204 FEDERAL BUILL
KANSAS CITY KS 66101
(813) 821-0832

April 27, 1989

The Honorable Bill Wisdom
Kansas House of Representatives
Statehouse
Topeka, Kansas 66612

Dear Bill:

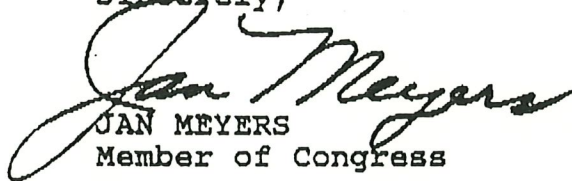
It is my understanding that you are working to gain passage of House Bill 2363 during this final session of the 1989 Kansas Legislature. I wish you every success.

Your bill would respond to the proposal to build a landfill at the Quindaro site in Kansas City, Kansas, only 400 feet from the Missouri River, by banning construction of new landfills within one mile of a navigable stream or a public water supply intake.

During the past year or so, there has been much public concern raised about the potential danger to the water supply of the Kansas City area which would be posed by the Quindaro landfill.

Your legislation is in the public interest, and as one who resides in the Kansas City area, I hope that House Bill 2363 becomes law.

Sincerely,


JAN MEYERS
Member of Congress

1-40
3/20/90

SHERMAN J. JONES
REPRESENTATIVE, 35TH DISTRICT
3736 WEAVER DRIVE
KANSAS CITY, KANSAS 66104
(913) 342-5728



TOPEKA

HOUSE OF
REPRESENTATIVES

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MEMBER: EDUCATION
ELECTIONS
FEDERAL AND STATE AFFAIRS
CHILDREN AND YOUTH
ADVISORY COMMITTEE
NATIONAL BLACK CAUCUS OF
STATE LEGISLATORS

TESTIMONY OF REP. SHERMAN JONES
SENATE ENERGY AND NATURAL RESOURCES
TUESDAY, MARCH 20, 1990

MR CHAIRMAN AND MEMBERS OF THE COMMITTEE

I thank you for this opportunity to speak as a proponent of this legislation. Because the proposed legislation, HB 2363, came about as the result of a proposed landfill in Kansas City, Kansas, and the impact would have on the surrounding communities both Kansas and Missouri. I will limit my remarks to my district, the 35th legislative district, comprised of about 3 square miles of heavily populated middle income and poor people, and the environmental impact that such a landfill will have on the 35th district.

I realize there is great fear of contamination of river water that provides drinking water for those communities concerned, my fear goes beyond that. I live in a subdivision called Brentwood, situated some 1/4 mile from the site. There are numerous churches, schools, small markets, parks and playgrounds, and homes where people live, worship, educate their children, and enjoy their neighborhood like people all over this nation. The impact that such a monster would cause would be devastating to such a community. The loss of value to

attachment II
E+NR
3/20/90

real property, the stench that would affect the air, the sight of garbage and trash and large trash trucks from the front porch of many homes within 1/4 mile of the place.

It is obvious to me that this landfill, although I'm sure the owners will provide every precaution to make it safe, will provide this quiet neighborhood with rats, stray dogs, lice, cockroaches, and other vermin that feed on such places. This type of pollution is as much concern to me as the pollution of the river water.

I would hope, Mr. Chairman, that the committee sees fit to pass HB 2363 out favorably. This would ensure many communities throughout Kansas that such a problem would not happen again.

Thank you again, Mr. Chairman. I'll stand for questions, if any.



UNIVERSITY OF MISSOURI-KANSAS CITY

Board Preparation Pro is

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5100 Rockhill Road
Kansas City, MO 64110-2499
Telephone: (816) 276-1196

March 19, 1990

Senator Ross ^{Doyn} Doyn
Chairman, Kansas Senate Committee on
Energy and Natural Resources
Tokepa, Kansas

^{Tokepa}
Dear Senator ^{Doyn} Doyn and Members of the Committee:

Thank you for allowing me to express my concern for the welfare of our future children and families. As a physician and a concerned citizen, I believe that an inappropriate site for a landfill will someday be catastrophic to our environment and health.

I have a degree in toxicology and work very closely with Dr. Gerald B. Lee in the Lee Family Practice and teach at the University of Missouri Kansas City. As a result of our combined backgrounds and interests we are taking the proposed landfill site very serious. We are in favor of House Bill 2363 which will be discussed on Tuesday, March 20, 1990.

In Dr Lee's letter of September 7, 1989 to Mr. Salley and Mr. McQueen, he summarized the past history of the controversy surrounding the Quindaro Landfill and listed point by point the harmful effects to the human body that would result by such an inappropriate location for a landfill.

Again thank you for your time and effort in this matter I truly believe that with my input, Dr. Lee's input and your help we can conquer this problem and come up with a alternate solution.

Very truly yours,

Sabato Sisillo, M.D.

E+NR
3/20/1990
Attachment III

Testimony on Behalf of the
QUINDARO RUINS/UNDERGROUND RAILROAD
EXERCISE '90

regarding

HB 2363 - Prohibiting Waste Disposal facilities
within one mile of navigable streams and Water Intake
Treatment Plants, Stations and/or Pipelines,

before the
Kansas Senate Energy and Natural
Resources Committee

submitted by
Marvin S. Robinson
Independent Volunteer Researcher
QUINDARO RUINS/UNDERGROUND RAILROAD
20 March 90

ENR
3/20/90
A IV

Sometimes, one does not know where to start, or what to say first - so Good Morning honorable members of the Kansas Senate Energy and Natural Resources Committee, I am Marvin S. Robinson, a Honorably Discharged Veteran of the U.S. Navy with six years of training and experience in Naval Operations Intelligence as an Operations Specialist. During my active duty contract I was assigned to the USS Point Defiance-LSD-31, which has since been decommissioned. I served in the Navy from 23 FEBRUARY 78 to 23 FEBRUARY 84, on a three year active duty - three year active reserve contract.

When I was on board the USS Point Defiance LSD-31 I was assigned duties of "Classified Documents Custodian" in which I was the librarian and message decoder, routing staff member who had the responsibility of maintaining national security information, directives and orders. Today I serve as, an Independent Volunteer Researcher in a project entitled "Quindaro Ruins/Underground Railroad Exercise '90", which includes preservation efforts to save a major: Underground Railroad; Kansas Territorial Townsite; Pompeii of Kansas; Ancient Pre-Historic Indian Civilization; from becoming a toxic hazardous nuclear waste dump a block from the Missouri River.

4-2
3/20

***The following outlays of overwhelming evidence of basic reasons why HB 2363 must not only be voted for out of the Energy and Natural Resources Committee, and rushed before the Kansas Senate body is to pre-empt a veto. Should HB 2363 be VETOED, as some Independent Volunteer Researchers expect to occur, I ask now - in advance, for members of the E.N.R. Committee to stand tall and be courageous enough to OVERRIDE the projected veto, from Governor Hayden.

I will not have the chance to come back and rebuttal the Browning-Ferris, Industries, Inc.'s elaborate "state-of-the-caviat-art" technological languages. So, I appeal to you as members of the Energy and Natural Resources Committee to not only vigorously endorse HB 2363 and use every measure within your capabilities to be prepared and ready to Override a VETO, that would risk water futures.

Because, the E.N.R.'s Committee is so compressed for time, it is not possible to walk you through the paperwork trail of deficient scientific engineering expert co-operatives from Browning Ferris Industries, Kansas Department of Health and Enviromment, and other environmental governing entities/agencies.

4-23
3/20

Foremost, Governor Michael Hayden, Kansas Department of Health and Environment-Secretary- Dr. Stanly Grant, K.D.H.E.'s Under Secretary and General Counsel Attorney-David Traster, Environmental Special Affairs Liason-Dr. Gary Hulett, have never even seen the archeological site where B.F.I. proposes to construct a 206 acre toxic hazardous nuclear waste dump, one BLOCK from the Missouri River on top of a Underground Railroad free port of entry. Dr. Grant, Attorney and Assistant Mr. Traster and Dr. Hulett believe it is not necessary to physically inspect and tour the said location, because they have familiarized themselves with the engineering reports, studies and outlay plans. And, as for the Governor, he's just not had time to tour the Pompeii of Kansas. How tragically, pathetic!

4-24
3/20

EXHIBIT INDEX

Exhibit 1 A -

Disinformation from Dr. Grant 07 August 89.

B.F.I.'s 5-Year state issued Permit No. 464 expired 31 Dec. 89
No public hearing occurred, as required and promised.

Exhibit 2 A -

A. W. Doepke, Jr.'s involvement

Signature on the original Quindaro-B.F.I. Proposed Dump,
Communication dated 20 December 82.

Exhibit 3 A -

Former Doepke Dump, 1963-1971

I-435 & Kansas River, ref. K.C. Star, Saturday, March 17, 1990,
page C-1.

Exhibit 4 A -

Woodward-Clyde Consultants - 13 August 84

Field Investigation and Design Report, Appendix G - 5.4
Packaging; 5.5 Shipping; and 6.4 B.F.I. Waste Code,
(Livingston, LA).

Exhibit 5 A -

C.C.H.W. Action Bulletin - May 1988.

B.F.I.'s 2 Billion Dollar violations in Livingston, LA.

Exhibit 6 A -

B.F.I.'s 24 Separate U.S.- E.P.A. Superfund Sites

Decoded to mean Super Fund Clean-Up Sites around the country
that B.F.I. has not cleaned up already.

Woodward-Clyde Consultants Appendix G 6.4 states that B.F.I.
will use Waste Code Identification System like that in the now
Super Fund Site of Livingston, LA test laboratory.

4-#5
3/20

Exhibit 7 A -

Environmental Assessment for Project 635-105K-3041-01

Racially & demographically insensitive.

Exhibit 8 A -

C.C.H.W. Action Bulletin - February 1990

Birth Defects Among Turtles & Other Reptiles in South East
Kansas - Pesticide Run Off.

Exhibit 9 A -

Video tape

T.V. news coverage re: Quindaro water, history & future.

Exhibit 10 A -

B.F.I. Corporate Profile

ref. C.C.H.W., Arlington, Virginia

Exhibit 1 B -

Government Internal Communications regarding same.

Exhibit 2 B -

Print media

Local, state & national articles about Quindaro and
environment

Exhibit 3 B -

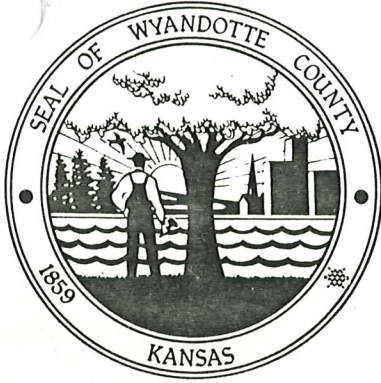
Chuck Linn's poor judgement

ref. K.C. Star/Times, Oct. 1980: "Not The Scape-Goat"

Exhibit 4 B -

Quindaro Natural Resources Work Book

4-16
3/20



OFFICE OF
BOARD OF COUNTY COMMISSIONERS

WYANDOTTE COUNTY COURT HOUSE

KANSAS CITY, KANSAS 66101

PHONE (913) 573-2827

FAX (913) 321-0237

 32

JOE DICK
COMMISSIONER 1ST DISTRICT
VERDIS J. ROBINSON
COMMISSIONER 2ND DISTRICT
KAY NIES
COMMISSIONER 3RD DISTRICT

TESTIMONY
OF THE
WYANDOTTE COUNTY COMMISSIONERS
BEFORE THE

KANSAS SENATE ENERGY 2ND NATURAL
RESOURCES COMMITTEE

PRESENTED BY

VERDIS J. ROBINSON, COMMISSIONER
2ND DISTRICT, WYANDOTTE COUNTY, KANSAS

TUESDAY MARCH 20, 1990

3/20/90
EJR
attachment V

Good morning and greetings to members of the Senate Energy and Natural Resources from the Board of Wyandotte County Commissioners. I am Verdis J. Robinson, Commissioner of the 2nd District. I am here to present the Wyandotte County Commissioners Resolution 2743, which was voted on February 6, 1990. I am here this morning to urge your unified and collective total support on and for HB 2363.

In order to conserve time please allow me to leave with members of the Energy and Natural Resources Committee copies of the Wyandotte Commissioners Resolution.

Additionally, the U.S. Congresswoman Jan Meyers, from the 3rd Congressional District-which includes Wyandotte County, has co-sponsored two bills pending before the United States Congress-the American Heritage Trust Fund and the Underground Railroad Historic National Trails, which would assist the Quindaro Ruins, historic preservation financing and cultural restoration. Communication to members of the Kansas Congressional

3/20.
5-2

Delegation would further protect genuine Kansas Natural Resources.

In closing, I would urge each of you to vote "YES" on HB 2363 and service the water futures with more stability going into the 21st century with a sound HB 2363. Thank you very much for your every consideration and urgencies extended to make HB 2363 a reality.

5-3
3/20

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WYANDOTTE COUNTY KANSAS EXPRESSING SUPPORT FOR THE CITY OF KANSAS CITY, KANSAS CITY COUNCIL'S OPPOSITION TO THE PROPOSED BROWNING FERRIS INDUSTRIES QUINDARO LANDFILL SITE.

No. 2743

WHEREAS; the Sanitary Landfill Permit (the "Permit") issued by the Kansas Department of Health and Environment to Browning Ferris Industries has expired; and

WHEREAS; said Permit is subject to renewal after a public hearing thereon; and

WHEREAS; since the first issuance of said Permit, additional facts have been developed which affect the County at large and its residents therein; and

WHEREAS; such facts disclose that should the landfill not be operated in a correct and lawful manner, the water supply for the residents of Wyandotte County, and indeed the Kansas City metropolitan area, could be adversely affected; and

WHEREAS; irreparable harm could result to the County's water supply from negligent operations of said landfill for which money damages could not compensate; and

WHEREAS; maintenance and guarantee of a pollution free water supply for the residents of Wyandotte County is a basic governmental purpose which should not be subject to future risk; and

WHEREAS; subsequent to the first issuance of said Permit, important archaeological remains and historical findings have been developed at the proposed landfill site; and

WHEREAS; the City of Kansas City, Kansas, by its Resolution No. 37056 dated December 7, 1989, and its Board of Public Utilities have stated their opposition to renewal of said Permit; and

WHEREAS; the City Council of Kansas City, Missouri has expressed its concern regarding possible adverse affects from location of said landfill by Resolution No. 62789 dated July 21, 1988 and Resolution No. 64993 dated December 14, 1989

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WYANDOTTE COUNTY, KANSAS, that:

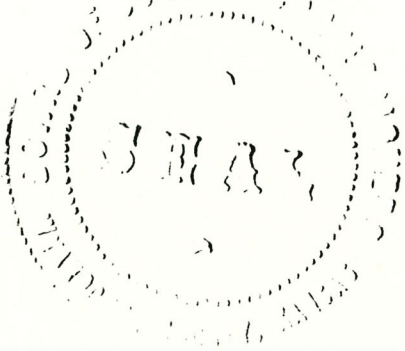
1. This Commission registers its support for the City of Kansas City, Kansas in its opposition to renewal of the Sanitary Landfill Permit to Browning Ferris Industries.

Attachment D is hereby made and constitutes a part of the official minutes of the Board of County Commissioners of Wyandotte County, Kansas, this 6th day of FEBRUARY, 1990.

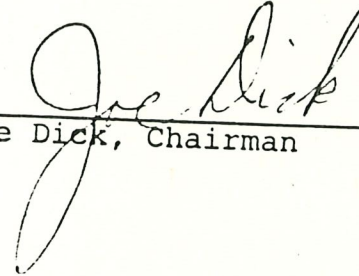
5-4
3/20

2. This Resolution be transmitted forthwith to Dr. Stanley C. Grant, Secretary of the Kansas Department of Health and Environment.

ADOPTED this 6th day of FEBRUARY, 1990.




BOARD OF COUNTY COMMISSIONERS OF
WYANDOTTE COUNTY, KANSAS



Joe Dick, Chairman

(SEAL)

ATTEST:



Lawrence E. Verbon
County Clerk

5-5
3/20

Kansas Natural Resource Council

Testimony before the Senate Committee on Energy and Natural Resources
HB 2362: solid waste facility siting

Charlene A. Stinard, Program Director

March 20, 1990

My name is Charlene Stinard, and I represent the Kansas Natural Resource Council, whose 800 members advocate sustainable natural resource policies for the state of Kansas.

HB 2363 deals with siting of solid waste disposal facilities. Siting poses two kinds of problems for policymakers. First, groundwater contamination from landfill leachate and surface water contamination from run-off create serious environmental and health threats. Second, the NIMBY syndrome ("Not in My Back Yard") solidifies public opposition to accepting those environmental risks.

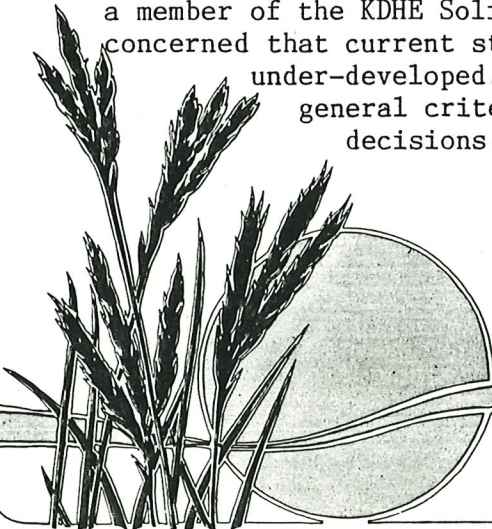
In assessing how serious the environmental threats, consider that in 1986, 21% of the National Priorities List sites slated for cleanup under the federal Superfund were landfills.*

Federal performance standards under Subtitle D of the Resource Conservation and Recovery Act (RCRA) establish minimum technical requirements for environmentally sound municipal solid waste disposal facilities. New EPA regulations are expected later this year, but currently few landfills meet minimum design features to prevent contamination of groundwater and surface water.

PERCENTAGE OF US LANDFILLS USING DESIGN FEATURES*

Liners	15%
Leachate Collection/Removal Systems	5%
Run-on/Run-off Controls	46%
Waste Restrictions	40%
Groundwater Monitoring	25%
Surface Water Monitoring	12%

The enforcement of federal performance standards is left to the states. As a member of the KDHE Solid Waste Management Advisory Task Force, I am concerned that current state standards for siting solid waste landfills are under-developed. The agency's review process is guided only by general criteria, which allow broad discretion in siting decisions.



Attachment VI
ENR
3/20/90

Current law does not protect municipal landfills from the dumping of small quantities of hazardous wastes generated in households, on farms, and by businesses. Current practices allow disposal of huge quantities of liquid wastes in municipal landfills. (The Brooks landfill in Wichita has only recently been ordered to refuse the 3 million gallons of liquid wastes which were annually dumped there.) The combination of these factors poses a serious threat to our water resources.

The protection of our drinking water supplies is the most critical environmental issue facing Kansans in the 1990's. HB 2363 attempts to fill a void in existing law -- to prevent the siting of solid waste disposal facilities which could contaminate public drinking water supplies.

We support the original intent of this bill to protect Kansas public drinking water supplies from the contamination threats associated with solid waste management. Given past performance, we cannot count on landfill management or the rules and regulations governing their activities to protect our water supplies.

It seems only reasonable that the siting of solid waste disposal facilities near critical water supplies ought to be prohibited. We urge your support of HB 2363.

* "Solid Waste Management," by James E. McCarthy and Renee Pannebaker. Environmental and Natural Resources Policy Division, Congressional Research Service, The Library of Congress. March 1988.

1989 - Our 20th Anniversary Year
COALITION FOR THE ENVIRONMENT

6267 Delmar Blvd., St. Louis, MO 63130
4000 Baltimore, #200, Kansas City, MO 64111

3/20/90

TESTIMONY TO THE ENERGY AND NATURAL RESOURCES COMMITTEE CONCERNING
HB 2363 by Don Reck of the Coalition For the Environment.

Members of the Committee: thank you for this opportunity to express the concerns of the Coalition For the Environment in relation to the siting of solid waste landfills. The Coalition is a not-for-profit citizen environmental organization representing approximately 26,000 residents of Missouri and 8,000 members in eastern Kansas. A major focus of the Coalition for the past several years has been solid waste management and the need to look at alternative methods of dealing with our garbage. The hierarchy of alternatives accepted by the Coalition and the vast majority of the environmental community places waste minimization, recycling and composting at the top of the list with landfills far down on the list.

The citizens of the U.S. are the most wasteful people on the planet. We are a throw away society and we must all work to change this attitude. Next, the items we purchase should be made out of recycled material or, at the least, made of material that can be easily recycled. Another 20% of our waste stream is made of materials that can be composted and turned back into the earth. But, after these steps have been taken to the maximum extent feasible, we will still need landfills. According to the EPA, all landfills leak, so it is extremely important to site them in an environmentally responsible way. A good example of irresponsible siting is the proposed landfill at Quindaro Bend in Kansas City, KS, which is 400' from the Missouri River. One mile downstream from this site is the intake for Kansas City, KS and it is four miles to KCMO's intake. Those two intakes represent the water supply for over 1 million people. On August 30, 1988 the EPA stated in the Federal Register (p. 33345) that all landfills leak-regardless of the technology. Hazardous material from our households go into these landfills as well as hazardous waste from small generators. Industries that produce

(attachment VIII)

St. Louis: (314) 727-0600 Kansas City: (816) 931-0040

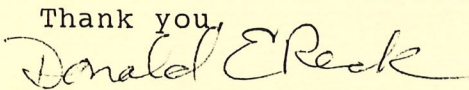
ENR (OVER)

3/20/90

less than 50 lbs. of hazardous waste in a ³⁰90 period are not regulated by the EPA or KDHE in disposing of that material. Of course, the cheapest disposal method for them is to throw it in the landfill. Given that all landfills leak, this hazardous waste will eventually leach out of the Quindaro landfill and into the Missouri River and contaminate Kansas City, KS and Kansas City, MO's drinking water. It is possible that this contamination will not affect those of us in this room, but it most certainly will have a disastrous effect on our children and grandchildren. Is this another negative element of the legacy we will leave future generations to deal with?

The Coalition for the Environment urges this Committee to support HB 2363 as a step toward stopping environmentally irresponsible solid waste facilities and protecting the environment for our children's sake. You should not only support this bill but push for measures that promote waste minimization, recycling, composting and the collection of household hazardous waste.

Thank you,



Donald E. Reck

Program Director

Coalition for the Environment

TESTIMONY IN SUPPORT OF HOUSE BILL 2363

March 20, 1990

My name is Ervin Sims, Jr. I am Manager of Operations for the Board of Public Utilities in Kansas City, Kansas. As Manager, I am responsible for all water treatment and processing, transmission and distribution. The mission of the Board of Public Utilities' Water Operations Division is to have available upon demand to all of its customers, good quality water and to provide that water in the most efficient manner possible. Potable water from the Board of Public Utilities is provided to the entire area of Kansas City, Kansas and portions of adjoining Wyandotte County and Johnson County. Providing good quality water upon demand is accomplished through interrelated functioning of Water Processing and Water Distribution.

I am here to day as a representative of the Board of Public Utilities to provide testimony in support of House Bill 2363. It is our understanding that House Bill 2363 would prohibit the siting of any landfill facility, or area, within one mile of a navigable stream or within one mile of an intake for any public water supply systems. We further understand that previously issued permits for any landfill facility, or area, which is not yet operational and is located within one mile of a navigable stream or within one mile of an intake point for any public water supply system, is declared void. The effect of this Bill supports the Board of Public Utilities position in opposition to the Quindaro Landfill since 1983. On February 2, 1983, the Board of Public Utilities unanimously approved Resolution 4825 (Attached) in opposition to the Browning Ferris Landfill located at approximately 27th and Sewell.

attachment VIII
3/20/90
ENR

The Board of Public Utilities' concern is for the location of the landfill and not with the methodology of the City's proposed handling of solid waste. Federal drinking water standards are experiencing greater and greater regulations each year. There is an obvious federal sensitivity to the quality and safety of drinking water as has been expressed by the increased regulatory activity of the Environmental Protection Agency.

This landfill, which is just upstream of the intake facility of the public water supply for the City of Kansas City, Kansas, potentially provides a future threat to the quality of water supply for Kansas City, Kansas. No matter how well constructed the landfill may be using state of the art design criteria, no one can guarantee that hazardous leachate will not precipitate and potentially contaminate the ground water beneath this landfill. The ground water beneath this landfill flows into the alluvium of the Missouri River and ultimately into the Missouri River.

The Board of Public Utilities' concern for the quality of water supply to the citizens of Kansas City, Kansas drives our support for this House Bill 2363, which would potentially stop the proposed Browning Ferris Landfill.

Possibly history itself will speak to the authors of this bill and all who support it as having made a wise decision in preserving the quality of water supply fo Kansas City, Kansas from the potential threat of landfill contamination, which could occur due to this close proximity of this landfill to the Missouri River.

I urge your consideration and support of this bill and thank you for the opportunity to provide testimony in its behalf.

A 8-2
3/20/90

RESOLUTION NO. 4825

WHEREAS, the Board of Public Utilities, an administrative agency of the City of Kansas City, Kansas, operates a municipal water production and distribution system which is owned by the City of Kansas City, Kansas, but managed, operated, maintained and controlled by the Board pursuant to the provision of Charter Ordinance No. 88 of the City of Kansas City, Kansas, and K.S.A. 1981 Supp. 13-1220 et seq.; and

WHEREAS, the governing body of the City of Kansas City, Kansas, has approved the Special Use Permit to Browning Ferris Industries of Kansas City, Kansas, Inc. for a landfill site near 27th and Sewell; and

WHEREAS, the BPU stands in opposition to this landfill site, which is less than one mile upstream of the BPU water intake facility on the Missouri River, and which poses a potential danger to the water supply of the citizens of Kansas City, Kansas; and,

WHEREAS, the BPU has requested that an alternate site for this landfill, away from the BPU intake facilities, would be more suitable and acceptable.

THEREFORE, BE IT RESOLVED THAT:

1. The BPU continues to request that an alternate site for the landfill, away from the BPU intake facilities, be decided upon.
2. The BPU recognizes, however, that the City Governing Body can exercise its sovereign will in matters of rezoning and permitting.

8-3
3/20

3. The BPU, in the public interest, requests that the City guarantee to the citizens of Kansas City, Kansas, that no toxic material will ever be placed in this landfill site, nor will it ever contaminate the underlying ground water, nor will it ever contaminate the Missouri River, nor will it ever contaminate the water supply of the Board of Public Utilities.

4. The BPU, in the public interest, requests that all necessary monitoring and inspection procedures be in place throughout the life of the landfill and remain in place as long as any possible threat of contamination of any type from the landfill is remotely conceivable.

5. The BPU, in the public interest, requests that a performance bond be required of Browning Ferris Industries of Kansas City, Kansas, Inc., the operator of this landfill, which specifically addresses contamination of ground or surface water, and the cost for clean-up of all contaminated facilities including but not limited to the BPU processing plant, pumping system, transmission and distribution lines and customer service lines.

BE IT RESOLVED this 2nd day of February, 1983.

Signed by:

Chas J. Ott
President

Anthony M. Milecic, Jr.
Member

Harold D. Foster
Vice President

Karl R. Johnson
Member

Ann Rizzo
Secretary

Clarence R. DeLoe
Member

8-4
3-20

DEC 7 1980

A Letter to the Newspaper Editors and Managers of Radio and Television Stations in the Kansas City vicinity.

I agree with Mr. Leathers of the Squire about his recent radio comments that the representatives of the people are not giving the people what they want, I must, however, include the media - TV, Radio, & Newspapers as non-community entities. Just one example: I refer to the BFI landfill proposal at the edge of the Missouri River in Wyandotte County, that will effect every resident of North East Kansas, Kansas City, Kansas and KCMO. Compare the number of newscasts or articles that involve the everyday dangers that the people of North East Kansas and North West Missouri suffer, i.e., murders, rapes, robberies, thefts, etc., lets say 10% of all news is of a danger-related nature.

Let me bring to the attention of your listening-viewing audience, or readership, that the human body is composed of 66% water, that by drinking water alone, an individual can go without food many times longer than with a lower consumption of this magic fluid, the earth is 66% covered by water, and that the most favorable humidity conditions for humans is between 50% - 70%. When something so vital in the livelihood of your life, your children, grandchildren, and even your mom & dad as their water supply is in even a potential danger, the medias choose to cover this very serious problem in a mild manner, lacking the tenacious research only a true journalist will sacrifice of his/her time to provide adequate reportage. I do not mean to diminish the other 90% of the items covered by the medias, it is tragic that something that involves over 60% of our immeditate lifestyles, neither man nor beast are exempt, receives such petty and poor reportage.

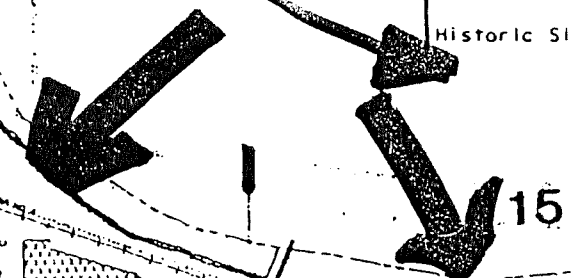
Cocaine abuse, a self-chosen affliction, cannot hold a candle to the catastrophic dangers that will come from even the slightest misuse by contamination of our water supply.

Once the pollutants are discovered, 28.8 years or 100 years from now, at the water treatment plant, it will be too late to correct the dangerous conditions, for those who think Kansas City is dying on the vine - wait 28.8 years!

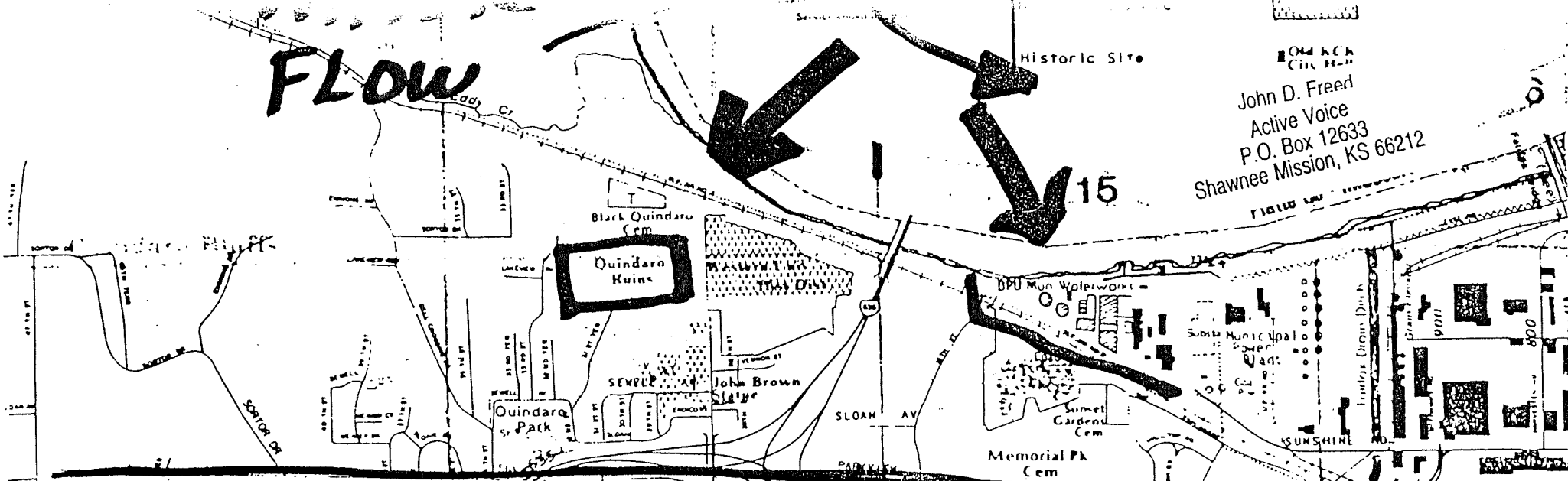
attachment IX
E+UR
3/20/90

John D. Freed
3010 E. 42nd St. #4
Kansas City, KS 66103

FLOW



Historic Site
John D. Freed
Active Voice
P.O. Box 12633
Shawnee Mission, KS 66212



To quote from Historic Spots or Milestones in The Progress of Wyandotte County, 1935, p. 194 -

re: the landfill site on historic old Quindaro

"The foundations of some of the business buildings can still be traced, but no marker has been raised to mark the site of what in its short career was the best advertised and the most important town in the Territory of Kansas."

Respectfully, I am

John D. Freed
Publisher of
'86 FLOOD,
VERNON COUNTY FLOOD BOOK,
and historic photographer of Kansas

Active Voice
P.O. Box 12633
Shawnee Mission, KS 66212

66103



66-6

DEC 7 1989

A Letter to the Newspaper Editor and Managers
Radio and Television Stations in the Kansas City
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3/20

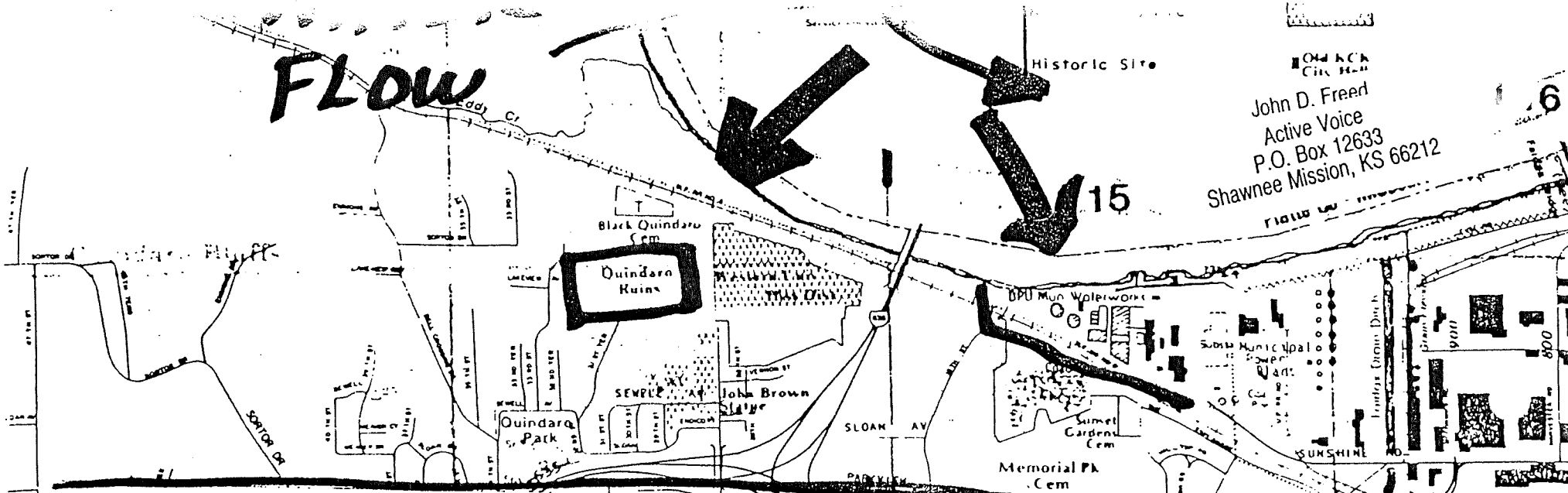
John D. Freed
3010 E-42nd St. #4
Kansas City, KS 66103

FLOW

Historic Site

John D. Freed
Active Voice
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Shawnee Mission, KS 66212

15



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P.O. Box 12633
Shawnee Mission, KS 66212

66103



(FROM BFI Report)

Resource 44

Resource number 44 consists of a small scatter of prehistoric lithic (stone) artifacts exposed on the surface of a pipeline rights-of-way on the eastern periphery of the BFI project area. These artifacts were not age-diagnostic, and are insufficient in number to make inferences on site function or type. The origins of these materials is uncertain, but their discovery on a pipeline rights-of-way suggests first that they may be deeply buried deposits and second that the deposits from which they originated may be substantially destroyed.

In that the observed prehistoric artifacts were located within a pipeline corridor, and in that this pipeline corridor will be excluded from BFI's proposed landfill development, we recommend that no additional research be conducted at this location.

Resource 45

Resource number 45 is a number that has been assigned to the location of the former Kansas Avenue of old Quindaro. Kansas Avenue was the primary business address of Quindaro, and ran along the line between Sections 29 and 30. Besides the alignment of buildings on the east and west sides of this north by south street, no evidence for its existence was observed during our survey.

Kansas Avenue ran from the Missouri River south through the Missouri River breaks. The upper portions of this street were situated on a steep slope, where a deep ravine now runs. It is probable that this ravine developed from erosion which started along the abandoned alignment of Kansas Avenue.

over

Active Voice
P.O. Box 12633
Shawnee Mission, KS 66212

9-35
3/20

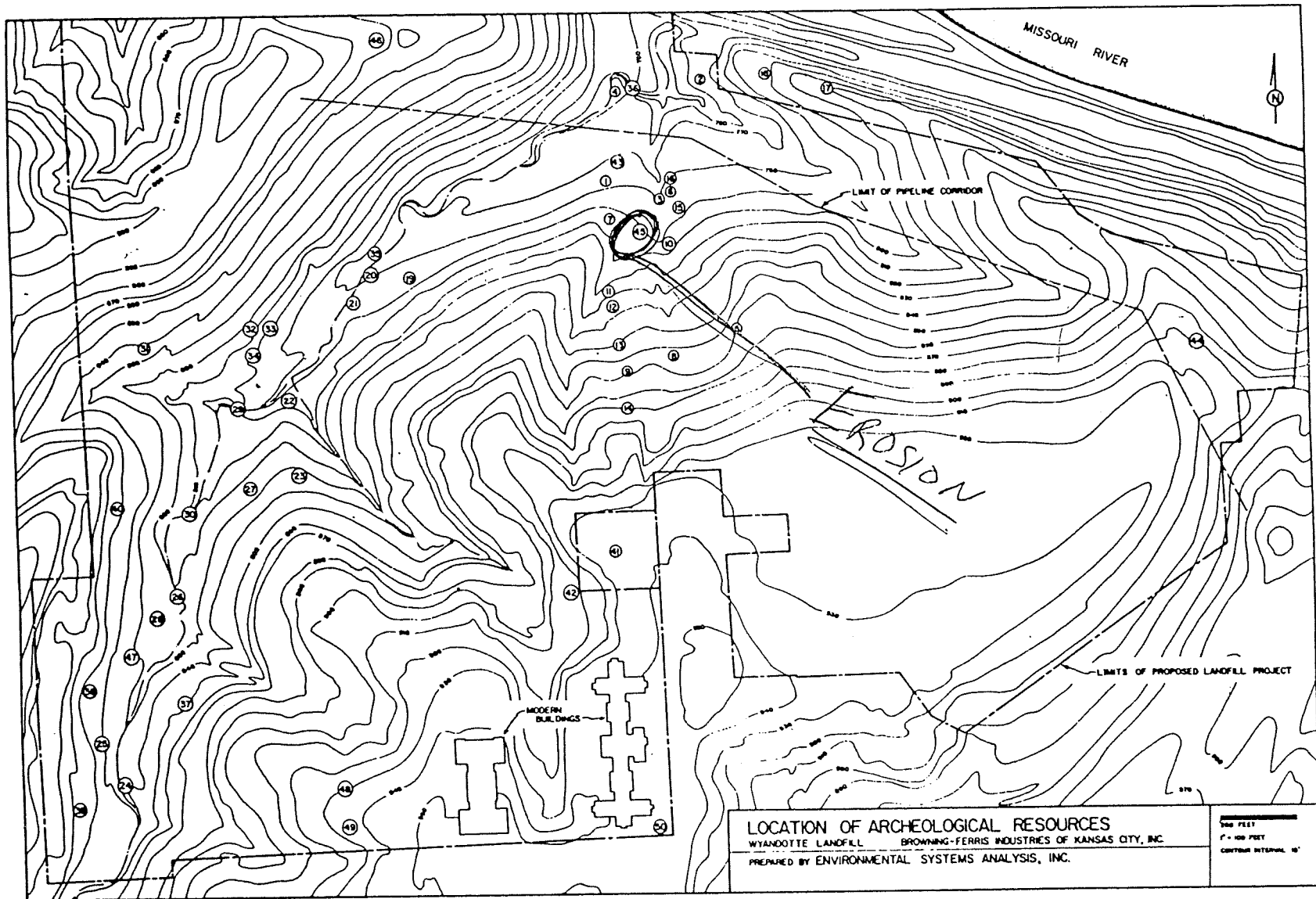


Figure 9. Location of archeological resources.

Active Voice
 P.O. Box 12633
 Shawnee Mission, KS 66212

9-6

AS MANKIND MULTIPLIES
SO DOES THE TRASH!

WOW

LANDFILL CONTENTS - E.P.A. 3/19/90

$\frac{1}{5}$ OF LANDFILL IS
 $\frac{1}{5}$ COMPOSTABLE WASTE

10-12% - RECYCLABLE BY RESIDENTS
UP TO 40% " " INDUSTRY

PACKAGING - CONTAINERS & WRAPPERS

$\frac{1}{3}$ BY WEIGHT
 $\frac{1}{2}$ BY VOLUME

OVER 10% IS FOOD WASTE

Active Voice
P.O. Box 12633
Shawnee Mission, KS 66212

MAN
BEGAN

10,000 to
100,000 YRS. Ago

2
Billion
People

4
Billion
People

1930

1960

9-8

5
Billion
People

1990
? Billion
People

The
FUTURE...

I. WILL THE WATER SUPPLY
BE GONE?

A. BY POLLUTION...

B. USED UP
I.E. IRRIGATION OF FARMS
TO FEED THE MASSES

II. KCMO HAD

3 LANDFILLS CLOSE
LAST YEAR

FORCING HAULERS TO USE
OTHER AREA LANDFILLS
INCLUDING CROSSING
STATE LINES TO KANSAS
- EPA, 3/19/90

III. KCK CITY ATTY - HAL WALKER

"MOST OF THE TRASH (THAT
WOULD GO INTO THE QUINDARO LANDFILL)
WOULD COME FROM KCMO."
NO CONTROL OVER WHAT GOES INTO
A DUMPSTER!

IV. KCK CITY COUNCILMAN - CHESTER OWEN

"I'VE ALWAYS SAID PUTTING A
LANDFILL ABOVE THE WATER
SUPPLY IS INSANITY."

V. K.D.H.E. - WHEN QUINDARO LEAKS
IT WILL HAVE TO BE MOVED

VI. E.P.A. - ALL LANDFILLS

LEAK! 9-# →
3/20

1972

March 20, 1990

TO- The SENATE & NATURAL RESOURCES COMMITTEE

Subject- HOUSE BILL 2363

To-
SENATORS ROSS DOYEN
and COMMITTEE MEMBERS

I wish to thank you in advance for the very unique opportunity and pleasure to present view points regarding the all important HOUSE BILL 2363.

I was born within onehalf block of the Business Center of Kansas City, Kansas, May 1902. My home after marriage is 2805 Sewell Avenue. This property has been declared one of the Historical Points in Wyandotte County.. In the early days, Out Houses were part of all homes. My Grandfather and my Father were in the vault & cespool Cleaning Business. The waste was emptied into the Missouri River or the Kaw (Kansas) River. The dumping spots were at the foot of Minnesota Ave, or from a bridge over the Kaw. Operations were in daylight but this was a bore, so night operations were ordered and in Public Health interest the practice was eliminated completely.

Of course, that was way back, and our growing population is aware thru science and profession that the very essence of life is hinged on WATER, and all WATER must come from Nature, the rivers and creeks, above and below the surface. Surely everyone knows the amount of pollution in our water will effect our life today and all forms of life to follow. This makes it so very demanding that we act with great haste to prevent continuation of Mal Practice or contamination in any field relating to our WATER. We must drink water to live and plants must consume to survive.

I am aware as I address this topic for your positive consideration, there are possible arguments, discussions and theories that look good in different directions, but, they make little or no sense when weighted against all Life, Health, happiness.

It would be a pleasure should you desire to go into History, Science or the evidences of which we are a part. I await.

It is my responsibility, your obligation and the duty of every Kansan, to Push, to Shove, to Drive and leave no stone unturned to insure immediate confirmation of HOUSE BILL 2363

There is no doubt that "Your Name" will go down as a part of History in America as a result of your sincere work to hit as best we know how - Health and Happiness and good plant life for generations to follow, House Bill 2363 brought it all about.

Sincerely,

Ernst Gayden

attachment X
ENR
3/20

Kansas Wildlife Federation, Inc.

200 S.W. 30th, Suite 101 • P.O. Box 5715 • Topeka, KS 66605

TESTIMONY HB 2363

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
PRESENTED BY Jerry R. Hazlett, Executive Manager
March 20, 1990

The Kansas Wildlife Federation is a not-for-profit natural resource conservation and education organization. Our 8000 volunteer members join with the 10,000 Kansas members of our affiliate organization, The National Wildlife Federation to support the sound use, management and enjoyment of our vital air, water, soil and wildlife resources.

The Kansas Wildlife Federation thanks you for this opportunity to testify in support of HB 2363. Our support of this legislation is based on two facts:

Fact 1 - Most landfills receive many potentially harmful wastes such as paint, pesticides, cleaning compounds, medical and industrial. Many of these wastes and/or their break-down chemicals potentially and/or actually dangerous to all life - plant, animal and human. These breakdown chemicals run a whole dangerous chemical spectrum from arsenic to vinyl chlorides.

Fact 2 - All landfills leak regardless of the state of landfill technology. The Environmental Protection Agency said in the August, 1988, Federal Register, "All landfills and leachate collection systems eventually fail."

Sooner or later, these dangerous leachates contaminate surrounding ground and/or surface waters.

Because of the real dangers posed to the environment and the citizens of Kansas and Missouri, the Kansas Wildlife Federation and the National Wildlife Federation oppose the Quindaro Bend Landfill Site and urge that a more environmentally safe alternative be pursued.

In addition, both organizations urge that a national policy be adopted that prohibits the siting of solid and hazardous waste landfills within flood plains or hydrologically vulnerable areas.

KWF, NWF Resolutions attached.

Attachment XI
ENR
3/20

NATIONAL WILDLIFE FEDERATION

Resolution No. 5
1989

ALTERNATIVE TO PROPOSED LANDFILL AT QUINDARO BEND ON
MISSOURI RIVER

WHEREAS, the Missouri River has historically been regarded as one of the most significant natural resources in these United States; and

WHEREAS, Browning-Ferris Industries Inc., has applied for permits to place a sanitary landfill at the Old Quindaro Townsite in Kansas City, Kansas; and

WHEREAS, this landfill would be only 200 to 400 feet from the major drinking water resource of the State of Missouri - The Missouri River; and

WHEREAS, the landfill location is 16 blocks upstream of the Kansas City, Kansas drinking water in-take and 2.1 miles above the water in-take for Kansas City, Missouri; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has said in the Federal Register (August 1988) that "All landfills and leachate collection systems eventually fail"; and

WHEREAS, if the landfill were allowed, hazardous cancer-causing chemicals would leak into the surrounding land and water or would be carried in run-off to the river even though the company plans to use "state-of-the-art technology"; and

WHEREAS, if the landfill as planned was allowed, an undetermined amount of persistent hazardous chemicals would contaminate the Missouri River and accumulate in its sediments and biota; and

WHEREAS, extraordinary engineering safety features should be applied to landfills, including at a minimum features such as multiple liners, specific leachate collection and treatment systems, specific leak detection systems, and input restrictions; and

WHEREAS, Kansas and Missouri health and environment officials have said "if the landfill leaks and contaminates the Missouri River, the consequences would be serious"; and

Resolution No. 5
Page 2

WHEREAS, alternative sites exist that are more acceptable and not within the floodplain of any river or stream; and

WHEREAS, the placement of a landfill so close to the Missouri River simply does not make good sense; and

WHEREAS, this problem has broader implications for siting of similar landfills in floodplains;

NOW, THEREFORE, BE IT RESOLVED that the National Wildlife Federation in annual meeting assembled March 16-19, 1989, in Arlington, Virginia hereby opposes the placement of a landfill at the proposed Quindaro Bend site on the Missouri River; and

BE IT FURTHER RESOLVED that we hereby recommend that Congress and EPA adopt a national policy that prohibits wherever possible the siting of solid and hazardous waste landfills within floodplains or hydrogeologically vulnerable areas; and

BE IT FURTHER RESOLVED that we hereby recommend that all solid and hazardous waste landfills incorporate additional engineering safety features beyond those required by the U.S. Environmental Protection Agency, including at a minimum multiple liners, specific leachate collection and treatment systems, specific leak detection systems and input restrictions.

08/6
6-11

KANSAS WILDLIFE FEDERATION

Resolution 1988-18

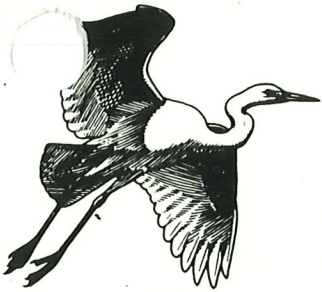
QUINDARO BEND LANDFILL

WHEREAS, the Kansas Wildlife Federation gives a high priority to the attainment of the clean water goals; and

WHEREAS, the Missouri River is one of our greatest natural resources and is expected to supply potable water for most of the citizens of Eastern Kansas; and for 80% of Missouri's citizens by the turn of the century;

NOW, THEREFORE, BE IT RESOLVED that the KWF, Inc., in annual meeting on October 30, 1988, in Lawrence, Kansas opposes a landfill on the Quindaro Bend of the Missouri River because of the potential for further contamination of this major water resource through ground and possible surface water contamination and urges the Kansas Department of Health and Environment, the Kansas Department of Wildlife and Parks, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency to seek an environmentally safe alternative.

11
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3/20



Kansas Audubon Council

HB 2363

March 20, 1989

Senate Energy and Natural Resources Committee

I am Joyce Wolf and I represent the 5000 Kansas members of the National Audubon Society who support the wise use and protection of our natural resources.

The primary effect of HB 2363 will make the requirements for siting a landfill in Kansas more stringent; the Kansas Audubon Council supports that intent. We do not believe, however, that the criteria in the bill fully address the problem of potential contamination of surface and ground waters by landfill leachates. For example, the criteria that this bill adds would not have prevented the Riley County contamination situation because a navigable stream (as defined in Kansas) is not involved there.

For that reason we would prefer that additional precautions be required in the siting of new landfills, including but not limited to:

- 1) a geohydrologic study which would include:
 - a) determination of the subsurface geology of the surrounding area at a proposed landfill site
 - b) determination of the depth to, direction, and speed of movement of the groundwater in the area of the proposed site
- 2) as new landfills are opened, require implementation of periodic collection of small quantities of hazardous wastes
- 3) include protection of groundwater wells for public water supplies in the language that refers to distance from point of intake to the proposed landfill site.

We believe that these should be the minimum requirements added to those already enumerated in the bill. At the current rate of operations, nearly 75% of our present landfills will be filled during the next 20 years. As new facilities come on line, caution must be exercised to assure that risks to public drinking water supplies are eliminated. We believe that HB 2363, along with our suggestions, will help ensure that the new facilities would be less likely to leach toxic materials into the environment and endanger public drinking water supplies.

We appreciate your consideration of our comments, and urge your favorable vote on HB 2363.

attachment XII
ENR
3/20

TESTIMONY OF DENNIS M. SHOCKLEY REPRESENTING
THE CITY OF KANSAS CITY, KANSAS BEFORE THE KANSAS SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
MARCH 20, 1990

Mr. Chairman, Members of the Committee,
Distinguished Guests:

The City of Kansas City, Kansas, is present here today to offer its endorsement of House Bill No. 2363 as proposed by Representative Wisdom. Wyandotte County and particularly the City of Kansas City, Kansas, are strategically located at the confluence of the Missouri and Kansas rivers. Much of the City is bordered by both of these vital waterways from which a substantial portion, if not all, residents of the greater Kansas City Metropolitan area draw their life sustaining water. As proposed, this legislation clearly recognizes the present and future danger posed to this vital natural resource by locating a landfill in close proximity to navigable streams, rivers and waterways.

This House Bill should serve as a model for similar legislation that should be considered by this Committee applicable throughout the state because the issues presently facing Kansas City, Kansas, are not limited simply to that

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locality. The proper management, control and disposal of solid waste will be an issue that will confront municipalities throughout this country for many years in the future. Almost every journal or magazine presenting issues affecting state, city and county government can be found to describe the problems being encountered throughout this nation with solid waste disposal. Methods thought to be safe years ago are now under close scrutiny at all levels of government. Technology and engineering designed to limit these risks, while academically correct in theory at the time, have been subject to the same frailties that all dimensions of human experience encounter - human error. The unlawful surreptitious placement of hazardous waste, toxic pollutants and other dangerous materials in landfills and disposal sites designed for other purposes has on more than one occasion resulted in environmental disaster. In protecting one of the most precious commodities of human existence -- water -- no measures are too severe or unreasonable. Representative Wisdom's proposal represents a constructive attempt to limit the danger to the water system of not only Kansas City, Kansas, but to the metropolitan Kansas City area which should be strongly recommended by this Committee to serve not only for the benefit of our

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citizens today but for the future of Kansans tomorrow.

As you know, there presently exists a pending case and controversy in the Wyandotte County District Court involving a landfill developer and the City. While the legal and factual issues of the case are varied and complex, the City Council has determined that our sum total of knowledge about landfills has undergone dramatic, profound changes since 1983 when the former City Commission authorized the placement of this landfill in question adjacent to the Missouri River and approximately one half mile up stream from the water intake of the Board of Public Utilities and approximately one mile from the water intake for Kansas City, Missouri. Although the City Commission acted in good faith on studies which identified the location as one of several potential sites suitable for a landfill, no amount of engineering safeguards or geological appropriateness can remove the risk peculiar to this site. While one might contend that no landfill can be constructed with all risks removed, certainly the locating of the landfill next to a major water supply system is not the same as the landfill located in a remote area removed from such added danger. The City of Kansas City, Kansas, has commissioned several studies of this site that note the

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soundness of the engineering safeguards incorporated into the proposed landfill in controversy. However, each of these studies notes with a varying degree of concern the placement adjacent to the Missouri River. For your further information, I am supplying you with a letter from a nationally recognized engineering environmental assessment concern, VERSAR, Inc., that clearly states that under no conditions should this site have been initially deemed appropriate due to the proximity of the site to a major drinking water source. While conceding that engineering safeguards have been incorporated, this report goes on to identify a major catastrophe or disaster would not have the same impact were the landfill not located at its present site. The present position of the City Council does represent a departure from the position taken previously. The heightened public awareness of the dangers inherent in solid waste disposal, the lengthy, documented record of environmental contamination from landfills experienced by other municipalities, the Federal government's new authority exercised through the Environmental Protection Agency and the threat of sustaining substantial financial obligations for clean up should environmental contamination occur, coupled with a basic awareness that placing a landfill next

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to your major water source is never a good decision no matter how sound your engineering safeguards may be, have all combined to bring about the City's present position. If one never learns from the experience of others and continues to make the same mistakes, then indeed history will repeat itself. In this case, repeating decisions that have lead to environmental contamination in countless other occasions throughout this country would indeed be unacceptable.

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Mr. Joseph E. Steineger, Mayor
Office of the Mayor
Municipal Office Building
City of Kansas City
701 N. 7th Street
Kansas City, Kansas 66101

Subject: Findings of Preliminary Review of the Proposed BFI Landfill,
Kansas City, Kansas

Dear Mr. Steineger:

Versar was contracted on December 29, 1989, to perform a preliminary review and evaluation of the subject proposed landfill. In performing this activity, we reviewed reports of preliminary site investigations, design plans, and correspondence provided by Kansas City (see Attachment A), and toured the site and met with representatives of BFI's contractor and the City's Legal Department on January 11, 1990. This letter report discusses our preliminary findings regarding the potential risks associated with site location, and the adequacy of the design plans and operational plans with respect to the level of protection they afford to surface and ground water during the projected life of the proposed landfill, and offers recommendations. This letter report is the deliverable for this contract.

Risks Due to Proposed Landfill Location

The landfill is proposed to be located adjacent to the Missouri River, which is the sole water supply to the cities of Kansas City, Kansas, and Kansas City, Missouri. Surface runoff and ground water from this location has the potential to discharge into the Missouri River despite engineering (incorporated into the design plans) to prevent such discharge. By the location alone, this landfill poses some potential risk of contamination to the river from surface runoff and from ground-water leaching. Quantification of the potential risk is beyond the scope of this project. Nevertheless, some potential risk exists and, although that potential risk can be minimized by careful engineering design, it cannot be eliminated.

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Mr. Joseph E. Steineger

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In view of the fact that two major cities rely upon the river for their water supply, and there appear to be few if any alternative water supplies available, in our opinion, the proposed location is poor. Moreover, Black and Veatch (1983) noted that areas along the Missouri River were likely to be unsuitable due to potential flooding and ground-water problems, but also noted many more suitable locations within convenient access of the city (see Page IV-5). We would add to Black and Veatch's cautionary notes regarding the location of this site, the potential for contamination of the Missouri River by runoff or leachate from any landfill located adjacent to the river.

Adequacy of Landfill Design

In order to prevent runoff or leachate from the proposed landfill from entering the Missouri River, those systems which have been incorporated into the landfill design by BFI must function throughout the active life of the landfill and beyond. Each of these systems is discussed briefly below.

- The detention pond to be located downslope of the landfill

The detention pond should capture runoff from the watershed encompassing the landfill, including both active portions (those receiving daily cover) and those sections which have received intermediate cover.

The detention pond is adequate to contain runoff from 20 acres resulting from a 25-year storm. However, the total landfill area including the portions which have received intermediate cover only, is 40 acres. Therefore, the detention pond as currently designed would be expected to overflow during a 25-year storm allowing runoff, which has not been detained long enough to allow suspended material to settle or to allow testing as intended, to enter the river. During such storms, runoff to the river would not be controlled under the current design.

- The leachate collection system

This system should capture leachate that may develop by precipitation percolating through the landfill and maintain operational integrity well beyond the expected active life of the landfill.

The leachate collection system appears to be exceptionally well designed and should be adequate to control the minimal leachates expected to develop in the landfill. However, the plans appear to be deficient in terms of monitoring to detect system failure and corrective actions to be taken in case of system failure. In addition, the potential for slope failure or slumping and the resulting damage to the leachate collection system has not been thoroughly evaluated.

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Failure of the leachate collection system, including the clay liner, is unlikely, but the possibility needs to be addressed by specific actions to detect failure and to effect repairs to the system. Failure could occur by several causes including:

1. Deterioration of the clay liner by incompatible wastes

The potential for incompatible wastes being received is discussed in more detail later in this letter. Some wastes, particularly acids and some solvents, can deteriorate clay liners allowing leachate to pass through the liner. The potential for this to occur, and a plan for detecting if it has occurred and repairing the damage, has not been discussed in the planning documents.

2. Damage arising from slope failure

Slumping of the landfill could rupture the clay liner and break the leachate collection system. Although the chance for such failure to occur is probably small because the cell design minimizes the amount of water (or degree of saturation) in the landfill materials, the planning documents do not evaluate the potential quantitatively.

- The underdrain system

This system should relieve hydraulic pressures from water-bearing strata beneath the landfill materials and prevent ground water from entering the landfill materials. As with the leachate collection system, the underdrain system should maintain operational integrity well beyond the expected active life of the landfill.

The underdrain systems also appears to be well designed and should be adequate to prevent ground water from infiltrating landfill materials. The system is critical to proper operation of the clay liner and leachate collection system; however, no plan for detecting and correcting failure of the underdrain system was found within the documents reviewed.

Operational Plans

Other issues which bear upon the ability of the landfill as currently designed to provide an appropriate measure of protection against contamination of the Missouri River, are the feasibility of preventing hazardous wastes from being accepted for disposal, and the capability of any ground-water monitoring program to detect a release of contaminants from the landfill.

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Mr. Joseph E. Steineger

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Household wastes commonly contain hazardous materials in small quantities ranging from home cleaning products and pesticides to organic solvents in paints. Disposal of these materials currently cannot be prevented.

A measure of protection against disposal of hazardous wastes by industries is afforded by federal regulations, in particular RCRA which regulates treatment, storage, and disposal facilities, and state regulations regarding the disposal of hazardous wastes. However, under Kansas state law, a small-quantity generator can dispose of up to 25 kilograms (55 pounds) of hazardous waste in a domestic (Subtitle D) landfill. Under Missouri state law, disposal of 100 kilograms (221 pounds) of hazardous waste is permitted. Due to proximity of the proposed landfill to the State of Missouri, and the level of industrial activity in the region, and lacking regulations forbidding disposal by small-quantity generators, it is highly likely that substantial amounts of hazardous waste will be accepted by the landfill over its projected lifetime. Hazardous waste in the landfill adds a measure of risk of contamination entering the Missouri River beyond that posed by a landfill accepting only domestic household wastes. As noted above, some hazardous materials are capable of damaging the clay liner and organic solvents, and if they reach the leachate collection system, are capable of corroding the PVC pipe, leading possibly to collapse and failure of the system.

The final test of the performance of a landfill is the ground-water monitoring system which is intended to detect a release of contaminants from the landfill. The major question asked of any ground-water monitoring system is whether the wells have been placed accurately, both areally and with depth, to detect a release. In Versar's experience, it is difficult to locate monitoring wells accurately except in aquifers which consist of homogeneous materials which provide easily predictable flow pathways. At the proposed landfill location, water-bearing zones are in fractured rock which provide highly unpredictable flow pathways. Therefore, it is unlikely that monitoring wells can be placed in locations which will detect a release with certainty should a release occur. The effectiveness of any ground-water monitoring program, based upon monitoring wells, at this location will be suspect due to the unpredictability of flow pathways in fractured rock. Thus a contaminant release could occur and not be detected by the ground-water monitoring network.

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Mr. Joseph E. Steineger

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Conclusions and Recommendations

The design of the proposed BFI landfill appears (upon preliminary review) to meet or exceed current design criteria for a domestic (Subtitle D) landfill and provides measures to protect ground and surface water from contamination beyond those normally found in domestic landfills. In our opinion, however, even these exceptional design features do not guarantee absolutely that no release will occur. At most other locations, a release from a domestic landfill would likely pose no immediate threat to human health and the environment, and could be dealt with in a reasonable time frame. However, the proximity of the proposed landfill to the Missouri River, which is the sole water supply to two major cities, poses unusual potential problems. Should a release occur, the water supply and the consumers would be threatened immediately and no alternative water supply would be available. Although the chances of a release are small and the chances of the release posing a significant added health risk are also small, a finite chance of both occurring exists and cannot be engineered into non-existence.

In view of the potential impact of a release, Versar recommends that the landfill not be constructed at this location.

Versar is pleased to have assisted the City of Kansas City, Kansas, in this review and preliminary evaluation. If you have any questions, please call me at (703) 642-6744.

Sincerely,



Wesley L. Bradford, Ph.D.
Project Manager

WLB/wy
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Attachments

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ATTACHMENT A

Documents Reviewed

Black and Veatch, Architects and Engineers, 1983, Solid Waste Management Study for Kansas-City, Kansas.

Anon., Response to Planning Department Letter to John Bukaty dated January 13, 1983, re: Special Permit Request No. SP-1982-82, undated

Woodward-Clyde Consultants, Letter to Browning-Ferris Industries Attn: Hugh Dillingham, re: Siting Study of Potential Locations for Solid Waste Sanitary Landfill, Wyandotte County, Kansas; February 8, 1990

Woodward-Clyde Consultants, BFI Proposed Quindaro Landfill Leachate Management, Monitoring and Assessment, June 20, 1983 (outline only)

Woodward-Clyde Consultants, Floodplain Borrow Area Study; August 13, 1984

Schlup, Becher, and Brennan, P.A., Eujear and Architects, Letter to Gilbert A. Printar, Director of Planning, City of Kansas City, Kansas. re: Browning-Ferris of Kansas City Landfill; April 8, 1987

Department of Economic Development and Planning, City of Kansas City, Kansas; Letter to Leonard Graham, P.E., Schlup, Becker and Brennan; April 27, 1987

Schlup, Becker and Brennan, P.A., Letter to Steve Speise, Zoning Administrator, City of Kansas City, Kansas, re: Browning-Ferris of Kansas City Landfill; May 7, 1987

Water Pollution Control Department, City of Kansas City, Kansas; Letter to Gil Printar; re: BFI Landfill Plans; May 11, 1987

Department of Health and the Environment, State of Kansas; Letter to Leonard Graham, P.E., Schlup, Becker and Brennan, re: Development of Final Construction Plans, the WYCO Landfill in Kansas City, Kansas; May 11, 1987

Browning-Ferris Industries; Outline, Quindaro Solid Waste Landfill Site, Quality Control/Quality Assurance Plan; April 7, 1988

Department of Health and Environment, State of Kansas; Letter to the Honorable Mayor and City Council, City of Kansas City, Kansas; May 31, 1988

ATTACHMENT A

Documents Reviewed
(Continued)

- Department of Health and Environment, State of Kansas; Letter to Kathy Berger; October 17, 1988
- Water Pollution Control Department, City of Kansas City, Missouri; Letter to Dennis R. Murphy, Bureau of Waste Management, State of Kansas; Undated (Received December 27, 1988)
- Groundwater Management, Inc., 1988, Review of Proposed Quindaro Landfill; Prepared for the City of Kansas City, Missouri; October 11, 1988
- Department of Health and Environment, State of Kansas; Letter to Robert L. Brown, P.E., Assistant Director, Water Pollution Control Department, City of Kansas City, Missouri; January 19, 1989
- Legal Department, City of Kansas City, Kansas; Letter to Don McQueen, Shannon and Wilson, Inc., re: Information from Woodward Clyde, July 20, 1989
- Woodward-Clyde Consultants, Letter to John L. Peterson, Esq., Williamson and Cubbison, re: Reference Material, BFI/Wyandotte Landfill, Kansas City, Kansas; August 25, 1989
- Shannon and Wilson, Inc., 1989, Proposed Landfill Permit Application Evaluation, Quindaro Landfill, Kansas City, Kansas, Prepared for the City of Kansas City, Kansas; September 28, 1989
- Woodward-Clyde Consultants, 1982, Phase II - Geologic Geotechnical and Hydrogeologic Investigation, Quindaro Solid Waste Disposal Site, Kansas City, Kansas; October 25, 1982
- Schlup, Becker and Brennan, P.A., 1982, Preliminary Study for Solid Waste Disposal Site, Kansas City, Kansas; December 1982
- Browning-Ferris Industries of Kansas City; Undated (1984) Application for Wyandotte Landfill
- Department of Health and Environment, State of Kansas; Permit for Operating a Processing Facility or a Solid Waste Disposal Area, Issued to Browning-Ferris Industries of Kansas City, Kansas; December 19, 1984



SIERRA CLUB

Kansas Chapter

Testimony on HB 2363 to Senate Energy and Natural Resources Committee

My name is Scott Andrews and I represent the 2500 members of the Kansas Chapter of the Sierra Club. I would like to voice the Club's support of the basic thrust of HB 2363, protection of surface water and public water supplies from possible contamination by landfills. As you have heard today from other conferees such landfills are far from perfect in preventing the leaching of contaminants to surface and ground water. Prohibiting new landfills within a mile of navigable rivers or public water supply intakes is a logical precaution which should be taken to reduce the dangers of contamination. The Sierra Club, therefore, urges your favorable consideration of HB 2363.

We are, however, disappointed with the amendment that seeks to limit coverage of the bill to landfills in Kansas City. While this would bring a halt to a currently threatening project, it would do nothing to deter similar projects in other locations. We urge the committee to amend HB 2363 to apply more widely than to just Kansas City by striking this site-specific clause.

*Attachment XIV
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Statement

Presented to Kansas Senate Committee
Concerning Minimum Siting Distances of
Landfill/Solid Waste Dumps from Streams

Presented

by

Duane B. Kelly

Representing

The Conservation Federation of Missouri

and

The National Wildlife Federation

20 March, 1990

*Attachment XV
E+NR
3/20/90*

I am Duane Kelly from Kansas City, Missouri. I am in my thirtieth year of teaching, my twenty-eighth in the Kansas City Public Schools. My active role in conservation goes back over 25 years.

Under consideration here is the minimum distance a solid waste dump will be allowed to be established from a stream. This sounds fairly simple and straight forward and it is. Those who would wish to see this bill defeated would attempt to cloud the issue by trying to focus on something other than the simplicity of the question.

The question is one of water quality and safety for human consumption and recreation as well as maintaining the natural qualities of the stream required by wildlife and the stream corridor community.

Attempts to focus on something else to justify a solid waste dump closer to a stream will probably focus on dollar profit.

Aldo Leopold in Sand County Almanac spoke of land health and the A-B Cleavage, in which some folks see the natural world as a means to the end of making money, while others see the natural world as the arena where all life lives and homo sapiens is only one of a bewildering variety of species.

There is no such thing as waste. Waste is a human concept. In the natural world everything recycles, and the world is a naturally clean place. If there were waste in the natural world, after three, four billion years of life on the planet, we would be buried in it, but the natural world is a clean place.

When the European culture arrived in the new world less than 500 years ago, the land was called virgin even though it had been lived in at least 10,000 years, maybe 20,000. Our culture has been here less than 500 years but virgin is not a common description of the land today. And who would want to bet on the shape the land will be in 9,500 years from now, or beyond that?

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Hugh Kaufman, in testimony before the Kansas City, Kansas, City Council, said, in reference to a proposed solid waste dump on the Missouri River flood plain in that city, that Browning-Ferris stands to gross billions, will insure for only a few hundred thousands, their "track record in doing voluntary remedial action isn't as good as some of the major generators such as DuPont, Dow, 3-M, I.B.M. etc., but they're in different businesses. Browning-Ferris and Waste Management and the other people in the business basically are in the business of transferring liabilities to the taxpayers of the localities where they have permanent facilities. . . . They do not manufacture a product sold in the open market and so their revenue and livelihood basically is dependent on them siting more and more facilities."

People, under our form of government, are counting on your wisdom to protect their future safety. Profit can't balance the certain environmental damage to ground and surface water. In addition to being unsightly and smelling bad, it really is simple. Profit for a few versus benefits for many. Keep solid waste dumps as far away from streams as possible.

Senator Ross Doyen, Chairman
Senate Energy and Natural Resources Committee
Room 423 South
State House Capitol, Topeka, Kansas

Sen Doyen
422-8

Regarding House Bill 2363:

My name is Betty Roberts, (Mrs. Robert Lee Roberts), 535 Westvale Road, Kansas City, Kansas 66102. I am a member of the Quindaro Preservation Society and my husband was Postmaster of our city before his death at the Post Office on November 29, 1973, 16 years ago. He was stabbed in the back by a deranged ex-employee. The Postal Station which he was planning to replace the 18th and Quindaro station with, was later named after him and the Postmaster General was there to dedicate it.

As you can see, Quindaro figures prominently in my life since it is water from the Quindaro plant on the Missouri River which will be contaminated by the proposed landfill.

It's impossible to ignore the threats to the environment on this the 20th anniversary of Earth Week. The President of the United States, George Bush, wants to be known as the Environmental President which would be quite a change from the previous eight years. The TV and news media are featuring stories of oil spills, pollution and recycling efforts. The news media in Kansas City, Pittsburg, Topeka, Wichita, Lawrence and Manhattan are ones which I'm most familiar with at this end of the state. Public TV and radio have been most helpful in keeping the public informed.

I brought a few examples: The National Wildlife Federation Magazine Special, Feb.-Mar. issue on the environment. The cover has a man's face, obviously sad and crying, (tears dripping off his nose and cheeks), breaking through the Earth's crust with the words "What on Earth are we doing?".

1. Inside it quotes EPA that more than 1 ton of toxic waste is produced each year for every man, woman and child in the country and 135 billion pounds are discharged into the nation's waterways.
2. Researchers have found that some segments of the population, notably the young and the elderly, are especially susceptible to pollutants. I qualify for the far end of the scale and my grandchildren are at the opposite end.

Our TV guide in the Kansas City Star for last week has a green on blue Earth talking into a microphone and labeled "Tuning in to the Environment" with

Attachment XVI
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two pages of programs, there is also a half page in the Star paid for by Kansas City Power and Light on area activities for Earth Week '90, the first ones listed in Kansas City, Kansas. I'll pass these around but I need to get the magazine back as I borrowed it from my Lupus doctor's office.

1. 1990 is the 20th Anniversary of the first Earth Day celebration which was in 1970. Dennis Hays was 25 years old when he dropped out of Harvard Law School to help coordinate what he calls "the largest organized demonstration in human history"--Earth Day 1970. As a 45 year old California lawyer he has returned to preside over events of Earth Day 1990. He found, of course, that everything, from the language of dissent, to the science of pollution has changed utterly in 20 years. Celebrated next month on April 22, Earth Day 1990 will not be a "happening" involving "teach ins" by "eco-freaks". It will not be resented by right wingers because it falls on Lenin's birthday nor resented by the left for distracting people from issues such as war and poverty. Yet because everything is different doesn't mean anything has changed. When Hayes contemplated the intervening years and all the changes that have occurred he came to a startling conclusion: "What keeps going through my head is how much alike they are today and in 1970."

Differences are that in 1970 a week after Earth Day President Nixon extended the Vietnam War into Cambodia and a week after that four students demonstrating at Kent State University were killed by the National Guard troops.

Still it was clear that something important happened on April 22. It may have lacked the ferocity of the anti-war movement but it demonstrated far greater breadth and depth of popular support. Despite the turnout in Washington it had involved an estimated 20 million Americans.

2. Then as now it's mostly a grass roots effort. In 1970, Girl Scouts scooped out garbage from the Potomac River. Students in Florida convicted an elderly automobile of poisoning the air, sentencing it to death by sledgehammer. In Kentucky a solemn funeral was held for a casket filled with garbage. Water pollution was bad. After years of being used for city sewers, town dumps and farm cesspools, many of the nations streams and rivers had become noxious sumps of toxins. Lake Erie was nearly devoid of life and in 1969 a river in Ohio actually caught fire. Nervous beverage bottlers took out ads condemning litter but continued their fierce opposition to legislation requiring that beverage

containers be returnable.

Now Boy Scouts will clean up trash and debris at the entrance road down to the Ruins of Old Quindaro, which contains stone foundations of 63 buildings such as a newspaper office, hotel and the first Kansas Governors house. This was Governor Robinson's house when he was the Territorial Governor and fighting Quantril Raiders and border ruffians for Kansas to come in as a free state. Which it of course did after the Civil War. The statue of John Brown stands at the entrance to Old Quindaro bought by the penny contributions of black people and inscribed, "From a grateful people". It was moved there from Freedmans's University after it and Douglas Hospital were torn down in the name of "progress". You no doubt are familiar with John Stuart Curry's mural tribute to John Brown here in the Capitol, also from the grateful people of Kansas.

3. Currently, 1990 is the year in which the environment is the focus of attention. President Bush is speaking out for it. The media is giving it special coverage, as well as State and City governments. It is as always a political issue. Oil spills affecting the oceans, rivers and fish we eat, landfills overflowing and polluting rivers, companies polluting the air we breathe, the water we drink and food we eat are all front page news. But the Federal government agencies who were originally established to protect the public have fallen down on their jobs or have been watered down to become ineffective. Our President wants to represent big business and be an environmental president at the same time, which is difficult at best, especially in a year with budget deficits, huge military commitments to Europe and now South American countries.

In 1989-90 after the Exxon oil spill Exxon did nothing and the Government was slow to act. They are starting again to work on it but the great damage has already been done. This despite government and company assurances that it couldn't happen and if it did, measures to contain or clean it up were in place.

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I'm all for recycling and I do my own but Kansas City, Kansas hasn't gotten into it. Guess we're waiting to see if Kansas City, Mo. and Johnson County can get everybody to do it. Even the Post Office is getting into it with old movie stars. The new stamp due out is honoring two movies, Gone With the Wind and The Wizard of Oz, set in Kansas. Thus our reputation for tornados. Even the Kansas National Guard has an arm patch with a sunflower on a tornado.i

My purpose in being here is to encourage you to protect the health of the people of Kansas whether they get toxins from contaminated wells, aquifers or rivers by supporting House Bill number 2363.

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**Testimony of
Hugh Kaufman
to
Kansas City, KS,
City Council**

Regarding
the proposed
Quindaro Landfill
Project

May 18, 1989

Prepared for the Kansas Senate Committee
on Energy and Natural Resources
for Consideration of H.B. 2363

*Attachment XVII
E+NR
3/20/90*

Hugh Kaufman appeared stating, "Before I start, gentlemen, I'd like to thank you very much for allowing me to speak on behalf of members of the environmental groups who are concerned about this issue including the National Wildlife Federation members. Mayor Steineger asked, rather than interrupt you when we get started, would the Council like to waive the five minute time limit?" Councilman Mears said, I'll make the motion. Councilman Corbett seconded the motion. Mayor Steineger asked all in favor to signify by saying "Aye." Motion carried unanimously.

"Mayor Steineger said, I understand you're from out of town. Is that correct? Mr. Kaufman said, yes, I'm from Washington, D.C., and I'm here to help you." Mayor Steineger said, "we don't always get help from Washington, D.C. I'll have to point that out." Mr. Kaufman said, "that's funny, I don't think we always get help from Kansas City, Kansas." Seriously, I'm an engineer and I'd like to tell you a little bit about my background and how I got into this and let you know right off the bat, I am not speaking officially for the U.S. Environmental Protection Agency. My comments are based on my expertise in the field of solid and hazardous waste management. The agency has very limited authority in the field of solid waste in terms of preventing catastrophes. We have tremendous authority in trying to clean them up after they've been created and, in fact, 30% of the sites on our superfund clean-up list are solid waste landfills, like the one that's being proposed here. But, we have very limited authority to prevent those kinds of catastrophes.

In the 1960's, I was a Captain in the United States Air Force. I joined the Environmental Protection Agency at its inception in 1971. I've worked there ever since. In the mid-1970's, I was the Chief Investigator on solid and hazardous waste cases. I helped draft all legislation that the federal government goes by in the field of solid and hazardous waste. The Resource Conservation Recovery Act and the Superfund Act. I also make time available, my own time personal leave or leave without pay - to help communities around the country, providing technical expertise in fighting their battles.

This particular case is a case that frankly I first heard about with regards to the historic preservation issue. I believe I read about it in the New York Times first. I was asked to come here tonight to provide information to you and also to work with some of the concerned citizens prior to coming here and giving them the benefit of some of my expertise. I've been in this field for quite a number of years. I don't claim to know all but certainly I've had some experience. Let me tell you that at first blush, the issues of solid and hazardous waste management look really simple. To the common person, lets find a dump and we've got to find a place to take it. In reality, once you get into the issue, it gets

quite complex and so I think it's very easy for local elected officials who have to deal with so many divergent issues - fireworks, dogs barking, all the way to balancing a budget - that you all can't be experts in the field that is, at times, very complex and I think it was very prudent on your part and I commend you as a person, in the technical field, for taking the step to put this project on hold for at least 120 days and try to get some more answers on issues that you recognize are important.

So, the first thing I would like to do is make some recommendations to you based on my expertise with regards to this 120 day study. I think that related to environmental protection problems and the liabilities inherent in them and believe me, liabilities is the name of the game here, the liability issue of water contamination, the Missouri River and the water supply is probably one of the biggest environmental issues you're going to have to grapple with. It's not just a matter of whether the site will leak or not, everybody agrees that the site will start to leak. The question is when it will leak and how much it will leak once it starts leaking. In reviewing your contract that was signed between Browning-Ferris of Kansas City, which apparently is a different business entity than Browning-Ferris Industries of Delaware, one thing struck me very interesting. Browning-Ferris is only required to have \$100,000 worth of property damage insurance. Now let me tell you, in our superfund remedial action program, when you're dealing with a large landfill such as being proposed in a location like that, the bill for correcting property damage whether it's water, drinking water or whatever, they start at 30 million dollars and go up. I have a modest house in Washington, D.C. I live there with my wife and my daughter. We don't party. It's a quiet neighborhood. My house has more than \$100,000 worth of insurance for any damage that might occur. So, I would recommend as part of your 120 day study, when you develop your scope of work, that you have an unbiased insurance assessor or an attorney familiar with the field review the issues related to insurance and liability with regards to this landfill because ultimately, after reading the contract and knowing the realities of this issue, the taxpayers of Kansas City, Kansas, are going to be four square liable for problems that occur, whether it's 10, 20, 30 or 40 years down the line. I'm not sure that the taxpayers of Kansas City, Kansas, want to be dealing with an issue where the price tag starts at 30 million dollars and goes up. I would strongly recommend that as part of the scope of work, you do look at the liability ramifications and the insurance ramifications and the fine print of any insurance to assure that the taxpayers of Kansas City, Kansas, who will own the facility or the majority part of the facility, their self-interest is protected.

The second issue that I recommend you look at in the scope of work is where the waste that will be going to this facility, will be coming from. Basically because the facility will be operated as a commercial facility, notwithstanding the fact that the property or the majority

of the property is owned by this city, that means that solid waste will come from at least all over the United States. Now, solid waste, garbage - just household garbage - travels in international commerce. Solid waste from the East coast, for example, right now, today, is being trucked and deposited in Fargo, North Dakota. Solid waste moves across the Canadian and American border, the Mexican and American border and there's a proposal to ship New York and New Jersey waste to New England. Solid waste also has been disposed of in Africa so you must understand that because other parts of the country have recognized the problems with present practices in solid waste management, finding a home for solid waste generated in America is a very, very difficult thing to do and that's why a solid waste permit like this is quite a valuable thing. My calculation, conservative as it is and based on my experience, I believe Browning-Ferris Industries, if they operate this landfill for 30 years stands to gross over three billion dollars by operating this landfill based on the present cost for waste management and the escalating costs that will be occurring over the next 30 years. That's a tremendous amount of money that a landfill like this can generate for them. When you look at this, you see that the revenues that you will be getting for giving Browning-Ferris the privilege of putting the taxpayers on the hook for all this liability is really quite little. So, as part of the study, I recommend you have an expert in business contracts look at the terms of the contract between the city and Browning-Ferris and make sure that an unbiased third party reviews, with this new knowledge, whether in fact, it's a good deal or not. Based on my assessment and - granted I didn't go into it in detail that would be required in a study that I'm proposing - it looks to me like you've agreed to sell Browning-Ferris a Rolls Royce for \$10.00. I strongly recommend that you have someone look at that issue if for no other reason, for the protection of the taxpayers. I think that one of the major problems that can occur when you let a contract for an unbiased view is that you might end up with a contractor who might not be honest or unbiased. So, I recommend to you that in selecting a contractor to do the study, that one of the requirements be that that contractor has never and is not doing any business with Browning-Ferris Industries or any of its subsidiaries or any of the principles that would be involved in this project. I think that will assure a more unbiased review of the issues that you want looked at. I would be happy if you are interested to help the citizens in providing you a technical review and my comments about the scope of work that you will be preparing for the contractor. Granted, it's free services and you get what you pay for but at least if you're interested and I'm sure there are other people who are interested in the project, I'm sure that they would also be interested in giving you their comments before you let a contract on the scope of work. Now, I think you're on the right track and I strongly - I can't urge you strongly enough to keep on that track. You're now recognizing that you need more information and I think if you go about it correctly, you will get that

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information and you will come to the right conclusions, not based on whose got a friend here or a motion but based on rationality and I think that's good.

In reading some of the documents that were used to support making a decision to get into the landfill business in this way, one claim continued to be made and that claim which was one of the basis' for the decision was that locating this landfill will stop illegal disposal of waste. That is an absolute false statement. If someone is willing to illegally dispose of waste, they're not going to be willing to pay a little bit of money to take it to this landfill. If they won't take it to another one, why would they take it to this one? There is no basis for the conclusion that the existence of this landfill will in any way have anything to do with stopping illegal disposal.

Moreover, in reading the permit issued by the state of Kansas, the permit allows the landfill to dispose of hazardous material. Browning-Ferris, in the permit issued, can dispose of hazardous material. They cannot dispose combustibles but they can dispose hazardous material.

Earlier you had a witness testify to the fact that federal taxpayer money and not Browning-Ferris money would be used to build this overpass for the financial benefit of Browning-Ferris in putting this deal together. The attorney for Browning-Ferris denied that vehemently and then a witness came up and said, yes, that's correct. There is taxpayer money in this and the basis was a document prepared by the National Historic Trust, I believe, that laid out who would be reviewing the project and where the money would come from. Because there's so much money involved in a project like this and certainly Browning-Ferris of Kansas City and Browning-Ferris Industries as I said earlier stands to make a lot of money on the deal, you might have conflicting information. Based on my experience when I was Chief Investigator, how I deal with those situations is put the parties under oath. I think it would be very important in a situation like this and you may want to revisit this issue tonight, is to put both people under oath, both the attorney who denied that there was any federal money and the gentleman who has the documentation to show that there is. I think that may help you get a more clear view of situations related to this landfill.

Finally, I'd like to show you this - if you can see it, this little map - that just shows the area. Basically, here's the landfill area right here. There's the Missouri River flowing this way. About a mile down the river is the drinking water intake for Kansas City, Kansas. The water's flowing this way and you can see some turbulence now affecting the water up this way. Right about here is the drinking water intake for Kansas City, Missouri. you can get a clear view of this aerial photo where leakage from the landfill, hazardous material,

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will be flowing and that, ladies and gentlemen, is a very expensive issue to deal with down the line. Now, Browning-Ferris Industries like Waste Management, Inc., the big boys in the business - that's what we call them - set up subsidiaries to run these operations and then the subsidiaries evaporate once they've completed their efforts. With \$100,000 of property damage insurance requirement, let me tell you that the taxpayers of Kansas City, Kansas, are not protected and my conclusion is based on just economics, this is a very bad business deal and I think you should have a third party take a look at it from that aspect. Thank you very much and I'd like to answer your questions if you have any and thank you for giving me the extra time.

Councilman Owens asked, Mr. Kaufman, "have you had any experience with a landfill that's in this close proximity to a river before?" Mr. Kaufman said, the S Area Landfill in Niagara Falls was a similar type of situation. I would say it took that landfill maybe about 20 years before it adversely affected the drinking water supply of Niagara County, similar situation, the flow was going in that direction. In the recent years, as practices have changed in the industry as a result of all these catastrophes around the country. I am not aware of a proposal in geologic area like this for a landfill of this type in the United States but I certainly am not aware of all proposals in the United States. I'm not aware of anything new being proposed like this except here in the Kansas City, Kansas, area. Councilman Owens asked, "I would like to ask the City Attorney, I've read - I guess I missed the amount of insurance - is that correct, \$100,000.00 I thought it was in the millions." Mr. Kaufman said, "\$100,000 property damage, yes, sir, let me get the contract and I'll show it to you. It's on Page 8." Councilman Owens said, "I'll get a copy of it, that's okay. I'll take your word for it. I thought the limit was much higher than that. In addition to that, Mr. Kaufman, "I think the property damage, the exposure would probably - potentially if we had some problems from a bodily injury standpoint, would probably be as hazardous or more hazardous than just a property damage. So, in addition to the property damage exposure something would happen, the bodily injury." Mr. Kaufman said, yes, "you have \$500,000 in bodily injury. I believe I have more than that if someone gets injured in my house. Councilman Owens said, "I agree. Councilman Owens said, "we'll certainly look at that. Mr. Walker asked," Mr. Kaufman, you are aware that the tort liability cap in Kansas for municipal government is \$500,000 per occurrence? I can't speak to the author of that agreement. I would hazard to say that they probably drafted that provision at that time based on the assumption that that cap would apply. It has been upheld by our Supreme Court. Additional insurance raises the cap so I'm assuming that's why they did it at that time." Mr. Kaufman asked, "for bodily injury, there's a tort liability cap? Is that what you're saying?" Mr. Walker said, "yes." Mr. Kaufman said, "but there may or may not be and I don't claim to be an expert in that field, I do know a little bit more about property

damage and environmental damage which would come under environmental damage. For example, lets say this site gets built, lets say ultimately 30 years down the line - it's just like the S Area dump in Niagara County. Lets say EPA continues to operate the superfund and as each year goes by, we get more aggressive and we continue to. That would mean that in todays dollars, 40 or 50 million dollars would have to be used to try and remediate that problem. The PRP in this case, the potential responsible party, the main one would be the Kansas City, Kansas taxpayers and so you would be potentially liable under superfund for up to three times the cost of that remediation which again, in today's dollars, would put your liabilities at 120 million dollars as a ballpark figure. I think notwithstanding your tort liability cap, the superfund law and the remediation laws, in terms of property damage environmentally, would not come under that cap." Councilman Owens said, "also, I would like to add to that, with the cap on the tort liability on bodily injury, the Supreme Court may have upheld this but there's always the possibility and I think in insurance circles that somewhere along the line, that cap can be removed. If I not mistaken, I think in some areas it has been removed. We could very well be the first city that that happens to especially if someone could go in court and prove that being located this close to proximity that we did not use good judgement.

Let me ask another question. I guess in the southern part of Missouri, there's a fault near New Madrid, depending on how you pronounce it. The worse earthquake that's ever been in this country was in there. So, a lot of people think the California but we have an exposure here. About four years ago, they ran a special on TV here in Kansas City as to what would happen if that fault did erupt. There's some problems with it down there now, geologists have stated this. I don't know if you have any opinion on this but what would happen if what happened approximately 150 years ago I think when that happened, do you think that it would affect the river? If they've already stated that if it happened in New Madrid, that the buildings in this area would suffer severe damage, large buildings, in your opinion, would this affect the water? Mr. Kaufman said, "certainly, anything in that close proximity would have an affect on the water and the stability of land and anything that's in and on the land but not being a professional geologist, I would not want to get into giving an experts opinion on that particular issue by my common sense would lead me to the same conclusion that your common sense led you to which is an earthquake in this close proximity in, this part of the country, would, in fact, have an affect on the water and things in the land and on the land especially this close to the water." Councilman Owens said, "okay. Mr. Kaufman said, I think - and I'm only giving conjecture - I'm going to pretend that I am a potential developer, XYZ Industries and I have a contract as beneficial to me as the contract Browning-Ferris has with you. I would not willingly walk away from that contract and try and locate a site somewhere else because the chances of me getting such a

good contract again are pretty slim. I think as time goes on more and more of the public and more and more elected officials are aware of these issues and so I think that there would be a benefit to me to try and do everything I could to keep that contract in force, from a business point of view. I think if you got some of the engineers of Browning-Ferris or engineers who do work for them aside and you could strip away the party line, I think they would tell you that this location is not a good location for a landfill of this type. Of course, you're not going to get that. I don't know substantively of any engineer who would be willing, knowing what we know today, to put a landfill like this in that particular location.

If you, as a Council, are really concerned about the issues of solid waste management, if you're really concerned about cutting the cost of solid waste management to your taxpayers and not filling up landfills and that thread is throughout all the documents that you are concerned. The fastest and cheapest way for your taxpayers to deal with that issue is for you to pass mandatory deposit legislation on bottles and cans, like they've done in Iowa and in Oregon. You will cut your solid waste stream by over 20% by doing that. If you also subsidize separate collection of commercial and household paper, newspaper, computer paper, etc. and subsidize the recycling of it, doing that with returnable bottle legislation will cut in half the solid waste that's generated in Kansas City, Kansas, for land disposal. If you look at the economics of those two things, you will see that your taxpayers will save money on the deal as opposed to going ahead with the contract like this to create another landfill to the benefit of New Jersey and New York - and I've got nothing against New Jersey or New York but you're going to get a lot of waste from there. I don't think you're doing your taxpayers any service and their costs and liabilities would go up so, if you're really interested in dealing with solid waste management, I would recommend that you pass returnable bottle legislation and that you subsidize separate collection of commercial and household paper and subsidize recycling of that paper." Councilman Owens said, "Mr. Kaufman, I think you made the statement that if the worst happened that the taxpayers in the city of Kansas City, Kansas, would ultimately be responsible...Mr. Kaufman said, that's correct." Councilman Owens said, "but in your experience and saying this may be for the benefit of Presiding Elder Branch, part of the land that the landfill is on is owned by the A.M.E. Church so, in fact, if something happened, that they would certainly be a party in the litigation and they would also suffer, would have to share their costs. So, this is something you should be aware of also." Mr. Kaufman said, "except a church can file for Chapter 11 and I don't think the city of Kansas City, Kansas, will have as much flexibility in filing Chapter 11 as a church." Councilman Owens said, "so it goes back to Bishop Anderson to file for Chapter 11. Maybe we should the proceeding now, Elder. Someone in the audience asked, what about incineration?" Mr. Kaufman asked,

“would anyone on the Council like to ask me about incineration?” Mayor Steineger said, “we are looking at some other proposals at this time.”

Councilman Ruiz said, “Mr. Kaufman, I would like to thank you personally for coming to Kansas City, Kansas, visiting with us.” Mr. Kaufman said, “thank you for having me, sir.” Councilman Ruiz said, “you mentioned that at the present time clean-up efforts that E.P.A.’s involved with that 30% relate to solid waste sites.” Mr. Kaufman said, “that’s correct, yes, sir.” Councilman Ruiz asked, “could you share with the Council, is B.F.I. involved in any of that?” Mr. Kaufman said, “yes, sir, Browning-Ferris Industries and/or subsidiaries of that company are potential responsible parties in a number of superfund sites.” Councilman Ruiz asked, “to follow up that question, are they doing what they’re suppose to be doing in this clean-up? What is their track record and based on that track record, what can we expect here in K.C., KS., if in 10 years or 20 years, we had to clean-up?” Mr. Kaufman said, “well frankly, Browning-Ferris’ track record in doing voluntary remedial action isn’t as good as some of the major generators such as DuPont, Dow, 3-M, I.B.M. etc., but they’re in different businesses. Browning-Ferris and Waste Management and the other people in the business basically are in the business of transferring liabilities to the taxpayers of the localities where they have permanent facilities. That’s my observation of the issue. They do not manufacture a product sold in the open market and so, their revenues and livelihood basically is dependent on them citing more and more facilities. So, they have a different corporate philosophy than a Monsanto or 3-M and that - this is my observation-carries through in terms of doing voluntary remedial work in the superfund program.”

Councilman Ruiz said, “one other question relates to your comment in regards the figure of three billion dollars that perhaps could be made in the lifetime of this landfill.” Mr. Kaufman said, “that’s my calculation of gross. Councilman Ruiz asked, did you take into consideration the fact that citizens of Kansas City, Kansas, at any time, could dump free at that landfill? Mr. Kaufman said, well, the citizens can’t really dump free. I read that in there. Dumping free means that if You take your own household garbage to the landfill that, as the agreement presently is struck, they will allow you to take your one household bag of household garbage and have it dumped in the landfill. That doesn’t mean garbage collection, at least not the words on the contract. That doesn’t mean garbage collected by a hauler from the citizens of Kansas City, Kansas, will be dumped free.” Councilman Ruiz asked, “yes, but if I want to take my trash to the landfill instead of taking it down the end of the street and dumping it, I can take it to the landfill and dump it at no cost, correct?” Mr. Kaufman said, “that’s correct but that’s not where their revenues will be coming. The major revenues....Councilman Ruiz asked, but you took that into consideration? Mr.

Kaufman said, yes. Councilman Ruiz asked, "and your feeling is that B.F.I. can make as much as three billion? Mr. Kaufman said, three billion dollars. Councilman Ruiz asked, could we swear you in too?" Mr. Kaufman said "sure." Councilman Ruiz said, "not now, I'm just asking the question. It may come to that and, sir, you bring up a very good point. I don't want to seem as if though I'm rude or anything else like that. So often we have had some very serious hearings and I've mentioned on few occasions that we should swear in the witnesses that come forth, especially the expert witnesses that come forth and testify before this Council before we make a decision. If it comes to the point that we have another hearing to revoke this permit, I would strongly suggest that we swear in those that come to testify before the City Council.

Councilman Mears asked, "Mr. Kaufman, I appreciate your coming to Kansas City, too. This has been very, very informative and I learned a lot." Mr. Kaufman said, "thank you, sir." Councilman Mears said, "I have one question. In regards to what you are here for, I've heard a lot about the bad financial deals - are you saying about 50% is the landfill itself problem and the other 50% of the whole situation, is a bad financial situation? This is the way I was personally reading you and I just wanted you to clarify that. Mr. Kaufman said, "I raised two issues that I felt were not being adequately addressed. There are a number of other issues that I think are equally important, not the least of which is the historical significance of that particular site. If a person who lives in Washington, D.C., and has never been to Kansas City, Kansas, before in his life knows about the historical significance of that area, one would assume a reasonable man would feel that there is historical significance of that area. That's an important issue. Whether that's more important than the bad business deal, different people bring different views to different things. For those members of the community who are minority and whose forefathers escaped from slavery and they've come on their own two feet and become part of the community, there is probably more of an emotional tie to the historical significance than someone like myself whose grandparents came here voluntarily, not enslaved 80 years ago. That's not to say that I don't respect, I do respect their emotions and I certainly feel some emotions, too, as an American, as all Americans do. So, they might put a little bit more weight on that issue than I do. I tend to be very conservative economically. When I was an investigator, the rule I always followed was follow the money and look at the business deals and I would usually get to figuring out what's going on. That's basically the view that I take when I review cases and issues and so the financial ramification of the issue are important to me. To someone who's a Ph.D. geologist and is a board member of the Sierra Club, I think they would perhaps give less weight to the financial ramifications than they would to some of the environmental. I just can't speak to that question any farther." Councilman Mears said, "I really appreciate your comments."

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Councilman Owens said, "Mr. Kaufman, you heard the testimony of Rep. Wisdom regarding the State Board of Environment and Health. In your experience in going around the country, is this the same thing that you find in most states? Is it that they have people that don't make a thorough analysis? Is it a matter that they don't take as much interest and more or less maybe sign off and leave it up to the localities because if something goes wrong, they're going to be out of it? Do you have any experience in this area?" Councilman Owens said, "I would say a significant number of states in the United States are experiencing similar problems as was identified for Kansas in terms of enforcement and the reason is because the hazardous waste and solid waste programs were delegated to states before the federal government and the states could get up on their feet and really get some experience working with the program. A policy decision was made based on political philosophy in 1981 as opposed to rational government management to delegate as fast as possible everything to the states and, of course, the states were ill equipped to deal with such delegation of that kind of authority overnight and so they passed the buck down. So, I think if you did an audit which has been done on most states of the union, you would find that a significant percentage of them have similar problems to Kansas. I think based on my experience in government both in the military and in the civilian end is that a bad decision was made in 1981 and the decision was not based on good government. It was a political decision, small people, political, to just delegate all these programs. I think from a management point of view, it has created this kind of situation and everything in that audit report is - based on my experience - is true about the state of Kansas' program." Councilman Owens said, in dealing with E.P.A., it's my understanding from talking to people at E.P.A. that in a situation like this, they do not usually act unless and until something happens. I guess our past experience over the years with pesticides and all other types of things we shot in the air, do you think there's anything in the future where E.P.A. will get involved before something like this happens, it's like closing the barn door after the horses got out. Mr. Kaufman said, I think it depends on who's the President of the United States. Those issues are determined in the Oval Office. They have been for quite awhile notwithstanding the fact that E.P.A. has an administrator, when you come to these key pressure point issues, those decisions are made by the President. I have firsthand knowledge and secondhand knowledge that, in many cases, certain Presidents who shall remain nameless have made decisions to protect the financial interest of major campaign contributors. I've testified to this before Congress and in fact involving that issue and that testimony, one of our assistant administrators went to the slammer for six months but the reality is that when you have critical mass of the body politic that wants E.P.A. to function like the United States Air Force or the way some of the other civilian agencies especially law enforcement agencies function, then we will. I think we're just coming up to that

critical mass right now.” Mayor Steineger said, “alright, Mr. Kaufman, thank you very much for coming and sharing your opinions and expertise with our Council. Before you go back to Washington though I want you to know that no one at this head table had anything to do with any of the decisions that were made back in '83 or whenever that was and that we take very seriously our charge to do the very best that we know how and I think that we have shown that first by going to our state legislature and to the federal government requesting that they preserve the historical significance. They dealt with that question and chose to leave it in a senate committee. Now, we are faced with that decision along with the decision of the water. We’re trying to address that decision. I think our commitment is very sincere and we intend to do what is best for the city of Kansas City, Kansas.” Mr. Kaufman said, thank you, sir. There’s no question in my mind just coming in that you have sincerely taken the first good steps to get the bull by the horns and, again, let me reiterate writing a good scope of work that looks at some of these other issues that do relate to the water and remedial action and the liability and selecting a nonconflicted contractor I think will help you get in the direction that you want to go. Thank you very much for your time and I’d like to thank the citizens for inviting me also. I would like to at least make one statement that basically democracy is the worst form of government except for all the others. Churchill was right then and it’s still true today.

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Underground Rail-
road Historical
Trail N. East

Wyandotte Cy.

B.S.A. Scout Camp

Dedication

4/26/90 11:00 am

27th Sewell KOK.

3/20
Attachment
FIVE
XIX

We're FULL of All The LANDFILL BULL!



16 Blocks to KS Pollution
2.1 Miles to MO Pollution
St. Louis just downstream

WOW

Can B.F.I. Be Trusted?

It is time to question B.F.I.'s *mathematic abilities*

When they say they want a 12'x12' test area and take NEARLY AN ACRE of land to fence off 144 square feet...

It is time to question B.F.I.'s *integrity*

When it takes William Ahearn, Vermont's Chief of Solid Waste Technical Assistance, TWO YEARS & FOUR MONTHS to receive a formal notice that B.F.I. used the

WRONG LINER

in constructing a landfill in Rockingham, Vermont in 1985. B.F.I. told them the proper liner was installed, Mr. Ahearn proved them otherwise...

It is time to question B.F.I.'s *ability to keep their promises*

When B.F.I. wants to WAIT A WEEK for incinerated ash to 'set up' before covering it with 6" of dirt as is required DAILY, as was also evidenced at the Rockingham, VT. landfill ...

The A.M.E. Church has a lot to answer for -

*Lots of CASH in TRASH!
\$92,500 To A.M.E. from B.F.I.

*Silence is GOLDEN, TODAY;
but Judgement Day is COMING!

*Leasing out Land that was given for EDUCATIONAL purposes not a garbage site - children get too much garbage in their minds now.

It is time to question B.F.I.'s *management*

When the Quindaro Project Director, Chris Basgall, especially brought here from B.F.I.'s Commerce City, Colo. office, was asked Jan 5, 1990 what the membrane liner at the KCKS Test Site was made of, he responded, "I don't know"...

It is time to question what B.F.I. is telling us

When B.F.I. lies to a foreign country in selling them incinerated ash and calling it building brick material - and is NOW a federally convicted pollution corruption felon for this...

What can YOU do to help insure the integrity of the water supply in our community and along the shores of the Missouri River?

Write to the City Council of Kansas City, Kansas as they own the B.F.I. landfill by 70% (the City Council could see the future better and opposed it 100%). Also, send us a copy of your letter so we may continue to compile information to protest this stupid idea; when putting garbage, car batteries, old paint, and all the other things that somehow 'slip' into a dumpster that no one sorts out and these items have the potential to leak into our drinking water.

Write to:

City of Kansas City, KS.
Off. of the City Admin.
Administrator
David T. Isabell
Executive Chamber
Kansas City, KS. 66101

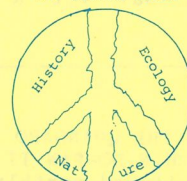
Please send us a copy of your letter:

Active Voice
P.O. Box 12633
Shawnee Mission, KS. 66212

IT PAYS TO TAKE ACTION

In Coxsackie, N.Y., B.F.I. announced it has dropped plans to build a giant landfill on 1,000 acre site because of archeological artifacts on the site.

Our Broken World



Let's PEACE It Together

Based on HISTORY - the Quindaro Ruins are worth saving.

Based on ECOLOGY - our water resources are worth saving.

Based on NATURE - our undisturbed hillsides are worth saving.

Water OUT... Water IN

I'll Drink To That

The combined waters of 5 Quindaro springs enter the Missouri River, upstream from the KCKS/MO drinking water intake plants

A.M.E. Church -

Owens a Majority of "Landfill" Site With Whom & Where Do You Stand?

Will the A.M.E. Church stand up against the Goliath of B.F.I., and follow the example of Shadrach, Meshach, and Abednego in the fiery furnace:

"If it be so, OUR GOD, whom we serve, IS ABLE to deliver us from the burning fiery furnace, AND HE WILL deliver us out of thine hand, O King.

"BUT IF NOT, be it known unto thee, O King, that WE WILL NOT SERVE thy gods, NOR WORSHIP the golden image which thou hast set up."

Or will they respond like Pontius Pilate:

"When Pilate saw that he could prevail nothing, but that rather a tumult was made, he took water, and washed his hands before the multitude, saying, I am innocent of the blood of this righteous person. See ye to it."

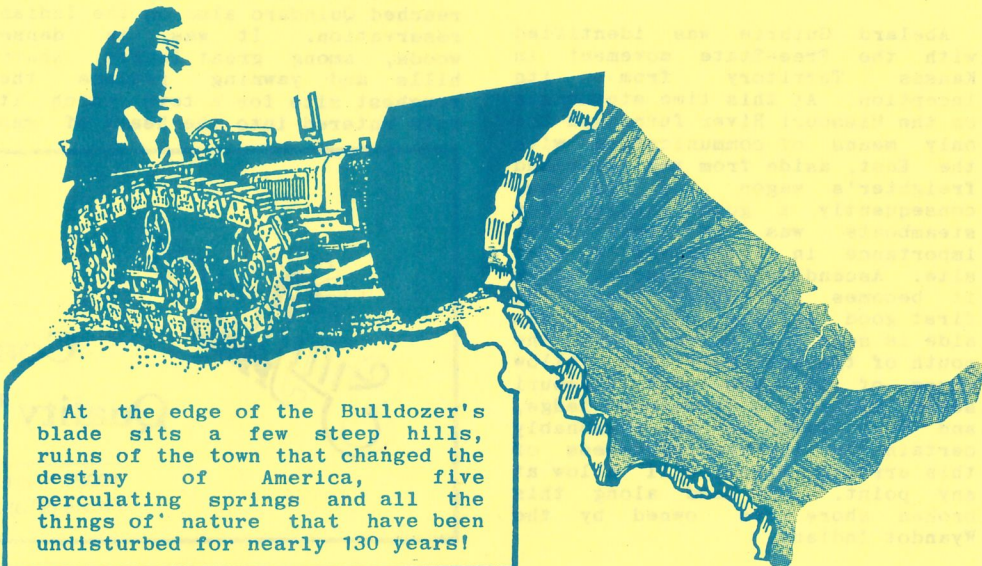
If the B.F.I. dump goes in on the Quindaro Ruins site, the A.M.E. Church will have to wash more than just the disciples' feet!

Write to

A.M.E. Bishop
5th District
Vinton Anderson
4140 Lindell
St. Louis, MO. 63108

Or Call the Bishop
(314) 534-4274

and ask him to STOP B.F.I.



At the edge of the Bulldozer's blade sits a few steep hills, ruins of the town that changed the destiny of America, five percolating springs and all the things of nature that have been undisturbed for nearly 130 years!



Creatures of Light
tour 60th Anniversary of the Plaza Lights
Kansas City, MO.

An Analogy

"To-day I got a Wyandot newspaper in which I find all my land advertised for sale to satisfy claims against the Quindaro Company. Of this debt I never received one cent and am now entirely ruined by the villainy of Charles Robinson who has grown rich by plundering me. I have found the laws unequal to a remedy; he has had them so made as to suit himself and thus with his own perjuries and those of his confederates I am entirely powerless and utterly ruined without the hope of legal assistance."

Entry in journal of Abelard Guthrie, July 1, 1862.

Pause for a moment, insert your name in place of Mr. Guthrie's "I"; and in place of the Charles Robinson references, insert B.F.I.

Sobering, isn't it? The fate of Quindaro is in your hands!

From the original Chindowan

Whilst, then, we do not feel that it is any person's imperative duty to subscribe for the *Chindowan*, we intend to earnestly endeavor to make it a paper of such merit that all in our vicinity, and very many persons in other parts of the Territory and in the States, will feel it to be to their advantage to subscribe for it, and interest themselves in its behalf, that it may have a liberal support. If, however, any persons may feel that it is their duty aside from other considerations, to aid our enterprise, to such as to all other patrons, we tender our thanks in advance.

The name Chin-Do-Wan means "LEADER" and on May 13, 1857 it became the first newspaper published in Quindaro.

Chin-Do-Wan II will strive to be a leader in the ongoing battle to remove B.F.I.'s foot from the door of an ecologically unsafe landfill site. We will blend the wonderful flavor of writings from "Yester-Year" with challenges of today - both words of encouragement and articles that get a hold on your heart.

THE QUINDARO
CHIN-DO-WAN II
is published monthly by
Active Voice
P.O. Box 12633
Shawnee Mission, KS. 66212
and compiled by
The Friends of Quindaro & Ecology
Photographs by
John D. Freed
Printed by
SUNFLOWER PRESS
10021 W. 75th St.
Overland Park, KS.

Low Level Radioactive Waste In Landfills?

Low level radioactive waste may soon be joining old tires, banana peels and other garbage in your local landfill. Radioactive liquids may be flowing through the sewers of your community and into our rivers and streams. All this and more, will happen next year if the Nuclear Regulatory Commission, the Environmental Protection Agency and the nuclear industry have their way. They plan to deregulate some low level nuclear waste by declaring it Below Regulatory Concern (BRC). If the new plan goes through 30% of nuclear power plant "low level" radioactive waste could be dumped in ordinary landfills. Radioactive waste could be incinerated, releasing radiation into the air. Radioactive materials, declared BRC, could be recycled into consumer products without the knowledge or consent of workers or the public.

The NRC has created an arbitrary range of radiation exposure below which there would be no regulation, although many experts believe that there is no safe level of

radiation exposure and that every exposure increases the risk of cancer, birth defects, and other health problems.

There is still time to stop the BRC policy. Write your congressional representatives. Local and state governments can also pass laws against BRC radioactive waste. Some already have. For more information contact:
Nuclear Information & Resource Service,
1424 16th ST. NW, Suite 601, Washington,
D.C. 20036, (202) 328-0002.

Prescott Peace Network
PO Box 1463
Prescott, Arizona 86302

We Too Can WIN!

The Conley sisters, who were born in Quindaro, stood against the U.S. Congress, AND WON! as reported in the K.C. Journal, Feb. 4, 1913:

"The act passed by congress in 1907 undid the restriction in the treaty and provided for the removal of the bodies buried there to the Wyandotte cemetery at Quindaro, Kas. The surviving Wyandots, led by the Conley sisters, MADE SUCH AN OUTCRY and DETERMINED FIGHT against the proposed desecration that the sale provided for NEVER was MADE.

Congress today REVERSED ITSELF on the matter and the Indians, led by the three women, WON."

Who Dumped On Whom?

Perhaps the recent omission of a story about the commencement of B.F.I. with their landfill testing, etc, in the K.C. Star/Times, Dec. 4, front page was without political merit, but we don't think so, because of an editorial in their Dec. 18, issue, page A8 regarding a dump in the Bannister Mall area.

It seemed strange at first why the Star/Times would print the Quindaro story in their CITY EDITION that reaches Country Club Plaza area and southward, (for those effected by the proposed landfill at Bannister Mall); but it was replaced with a story of drug related murder tolls in KCK, (for those DIRECTLY effected by the landfill on Quindaro).

Seems like 'garbage' to us.

Outrageous Mis-Haps



Citizens Clearing House For Hazardous Wastes, Inc.

* Pooled rainwater on a 1/2 covered hazardous waste burial pit was discharged DIRECTLY into a tributary of the communities drinking water supply. B.F.I. was indicted on 96 counts involving violations at this site: Williamsburg, Ohio, June, 1985.

NOTE: It could be Kansas City, KS or MO, as FIVE Natural Springs join into a single stream just upstream from the KCKS/MO water supply intakes. These springs come bubbling up from the proposed dump site in the Quindaro ruins. THINK before you DRINK!

* Other infractions brought citations against the company at the Niagra Falls plant, including everything from a 1978 fine of \$5,500 for "failure to record high leachate levels", to a February 1983 charge of "withholding monitoring documents." Also, in November of the same year, NYSDEC ordered the evacuation of one landfill cell because of a torn liner and the closure of another because of overfilling. In 1984, B.F.I. was warned to cover PCB materials that could become airborne and leave the site.

Limited space does not permit a more complete list, however, there will be more, tragically more, to come in next month's issue.

From The Annals of 'Yester-Year'

Quindaro

- The Town That Changed America's Destiny

During the troublous times in Kansas Territory immediately succeeding the passage of the Kansas-Nebraska bill there was no point within her borders where Free-State people from the East could land unmolested to enter the conflict for liberty and freedom then raging there. The Missouri River towns of the territory were little more than camps for border ruffians, and it was often necessary for settlers from the northern States to enter Kansas by the way of Iowa and Nebraska. The necessity for a Missouri River town where the Free-State sentiment prevailed was recognized, and the building of such a town urged by Free-State men and Free-State interests.

Abelard Guthrie was identified with the Free-State movement in Kansas Territory from its inception. At this time steamboats on the Missouri River furnished the only means of communication with the East, aside from the overland freighter's wagon and ox-team, consequently a good landing for steamboats was of the first importance in selecting a town site. Ascending the Missouri river it becomes the State line, the first good landing on the Kansas side is some six miles above the mouth of the Kaw. Here the yellow waves of the mud-laden Missouri surge against a limestone ledge, and deep water is as reasonably certain as the capriciousness of this erratic river will allow at any point. The land along this broken shore was owned by the Wyandot Indians.

The Free-State city was named Quindaro, in honor of Mrs. Guthrie. January 1st, 1857, ground was broken for the first building. In February the Quindaro House, four stories, 60x80 feet was opened, being the first hotel in the county and the second largest one in the Territory.

General merchants, hardware dealers, druggists, carpenters, masons, lawyers, doctors, real estate men and land agents all came to Quindaro. Roads were opened up and on March 30, 1857, a contract was let for a free ferry across the Kansas river to gather the trade from the southwest.

Three miles above Wyandotte, I reached Quindaro also on the Indian reservation. It was in dense woods, among great ledges, sharp hills and yawning ravines the roughest site for a town which it hath entered into the heart of man

to conceive. But here was absolutely certain to spring up the St. Louis of the Missouri river." A city was rapidly built. Stone and brick blocks rose along the broken bluffs and serpentine gullies and ravines.

After two years of unparalleled prosperity the town began to decline. Honest management would have made Quindaro a thriving village, but not having that, it fell almost as rapidly as it rose. The business blocks were deserted and became the habitations of bats and owls.

- taken from Gov. Walkers Journals & Historical Spots in Wyandotte County, by Harrington.

More coming next month on the history of the best advertised and most important town in the Territory of Kansas.

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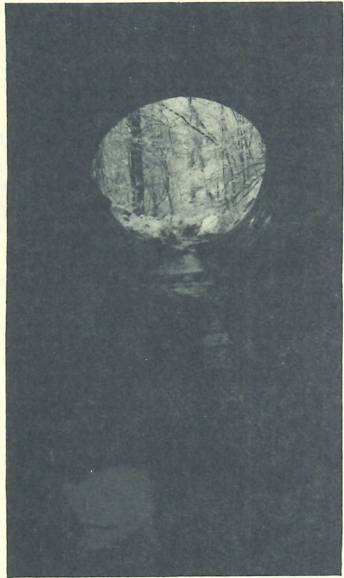
19-3

19-4



Another Church Dams History with "Progress"

National Historic Landmark In Eminent Danger



Looking through the "Key-Hole" of the Dam Door of what the state of Kansas termed an "illegal obstruction" that has been having a "determined effect on the historic, cultural or architectural character of the real property designated as an historic landmark"-Kansas Historic Preservation Act, SEC. 27-116,117.

Whitefeather Spring is the centerpiece from which the Shawnee Prophet's Grave and The Prophet's Town can be traced.

Located on the private property of Jack Beemont, 3818 Ruby, Argentine Area of Kansas City, Kansas, and is in danger from the past because the Emerson Park CHRISTIAN Church illegally and improperly installed a drainage tube to connect a secondary parking lot - this has caused a build up of the ground level, and in the words of the church people, the tube "...is on our property, and we are NOT going to cooperate".

The National Historic Landmark is also in present danger because the city of KCK would rather spend a lot of money installing a new system instead of fixing the old one properly. The end result of the city's plan would ultimately cause a rise in the flow level of the adjoining stream and place the visible outlet of the spring UNDERWATER.

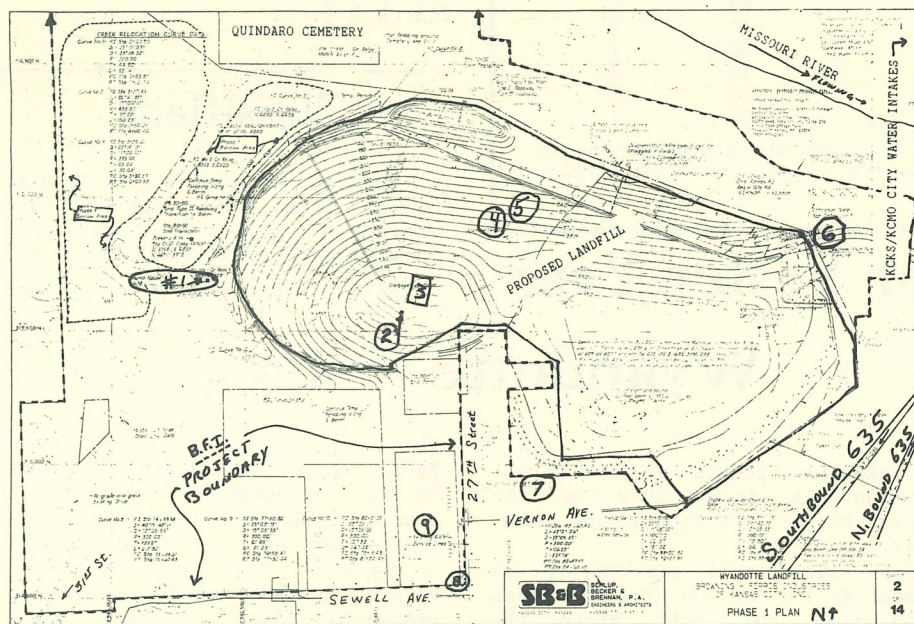
Mismanagement of the land by upstream folks has been and is causing tragic erosion on Beemont's property as well as illegal dumping of trash in the stream.

Who's Dumping On Whom?

The Kansas City Planning Department told Mr. Jack Beemont, put this National Historic Landmark "in our hands and the city will keep it maintained." --Excuse me, see Cemetery story on other side!!!

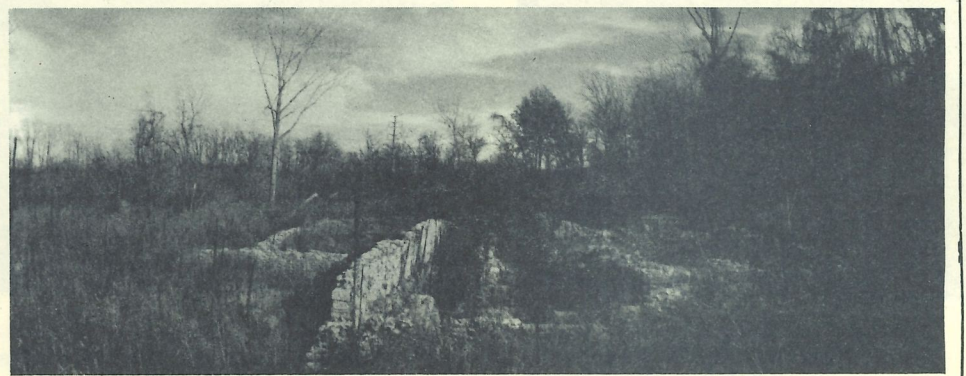
history; Ferdie Hughes & Orrin Murray who provided a compliment of living-history accounts of their personal experiences and those of their families. Thanks to Dr. Fred Whitehead, co-founder of the Quindaro Town Preservation Society, Linda Wolford, librarian, and Margaret Clark for making such a memorable evening a reality.

Proposed Landfill



- 1 - FIRST Water Works Plant in Kansas
- 2 - Source spring for 1st Water Works Pump House.
- 3 - B.F.I. Test Area - surrounded on 3 sides by fresh water from very active, nearby springs!
- 4 - Chin-Do-Wan's Foundation - 1st Newspaper in Quindaro.
- 5 - "Just a pile of rocks" - see photo above!
- 6 - Prehistoric artifacts to be covered up by B.F.I.'s Office & Access Road!
- 7 - Oldest house in Wyandotte County, that is still OWNER OCCUPIED!
- 8 - John Brown Statue - 1st in the World.
- 9 - Bryant Butler Kitchen.

Wyandotte County Gets Double - Dump . . . Triple Dump



Any person with an active brain can look at the photo above and know that

history, immense & deep lays atop the foundations of such a majestic spot.

1.) When a newcomer to Kansas City asked, "What is Quindaro?", Charlie Vaughn, Executive Director of the Wyandotte County Museum responded:

"It's just a pile of rocks."

2.) When asked to vote against a landfill, KCK city councilman Frank Corbett, most recent past president of Wyandotte County Historical Society voted:

YES - Dump
NO - History/Ecology

Both Corbett and Vaughn are WHITE men that are not poverty stricken. The Chin-Do-Wan II, staffed 50% by whites senses HEAVY RACIAL prejudices on the strange commitment these two men have against certain areas of Wyandotte County's history.

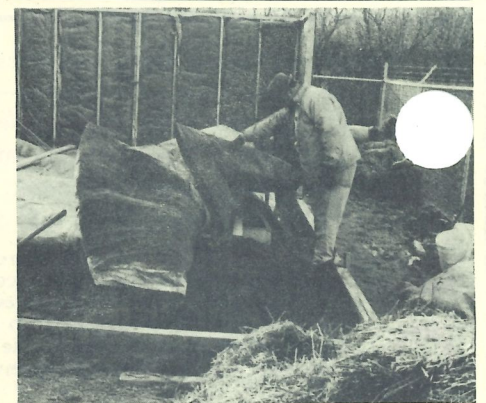
3.) "Historic" Councilman Corbett who believes Wyandotte County should TRASH our HISTORY, was recently appointed Director of Wyandotte County's Clean Air.

I am buying BOTTLED WATER now, Mr. Corbett, how long before I will need to buy BOTTLED AIR?

FLASH! - STOP THE PRESSES!!!

From the Kansas State Department: The Dupont Plant, 900 S. 68th St. in Kansas City, Kansas admitted to releasing 157,000 pounds of FREON into the atmosphere in 1988. No record yet for 1989.

Half a mile up the valley a great were discovered, and the waters of the were conveyed from a reservoir the city through tiles, following the channel of the stream which flowed from the spring, discharging into wells and reservoirs along the way, especially at the hotel, thus providing the first waterworks in Kansas. - Phifer



The "12 ft. x 12 ft. Test Area"

The water pool is visible when the protective pads were lifted, Jan 5, 1990, by contractor Dick Andersen.

ONLY The CHIN-DO-WAN II Can Give You The INSIDE STORY

B.F.I.'s Quindaro Project Manager, Chris Basgall, from Colorado, said "the water will pass through the 3 feet of compacted clay to the membrane liner at the bottom. The infiltrometer will measure this for us."

As for what this membrane liner is, he responded, "I don't know." The staff of the Chin-Do-Wan II know what B.F.I. is proposing because, in the same set of maps that the one on the left came from, on Drawing 9, August 1984, we find:

60 mil. HDPE Geomembrane. (That's what they are proposing for the Quindaro site, but will they be using the 40 mil stuff like they did in Vermont in 1985? -B.F.I. said they used the 60 mil there, but they LIED to the state department!)

Now we understand WHY the project director didn't know about the liner, it could be . . . ANYTHING!

"Yes, B.F.I.'s test at the Quindaro site could be done in your garage . . ." - Gov. Hayden's staff, K.D.H.E. - 1/25/90. It does NOT NEED to be done on the historic ruin the most important town in history of "the territory of Kansas!"

Quindaro Day

Feb. 22, 1990

Kansas City, Kansas Library

The stars in the February 22 Friends of the Library program: "Escape to Freedom, The Quindaro Story.", were Dr. Richard Sheridan, history professor, University of Kansas, who provided a lot of valuable facts about early Kansas black

Earth Week Proclaimed



KCMO Mayor Berkley joined 14 other public officials on the River Queen recently to proclaim April 20-29, as Earth Week Kansas City, a local celebration of the National Earth Week Events - an opportunity to experience our environment. To get you and your organization involved, call (913) 299-4491 or 333-5663.

Radioactive Drinking Water?

Nav, not in Kansas City.

It could happen -

If the Nuclear Regulatory Comm. & E.P.A.'s new plan goes through, 30% of nuclear power plant "low level" radioactive waste could be dumped in ordinary landfills; and

If the "ordinary landfill" is put in at Quindaro; and WHEN it LEAKS . . . like we said:

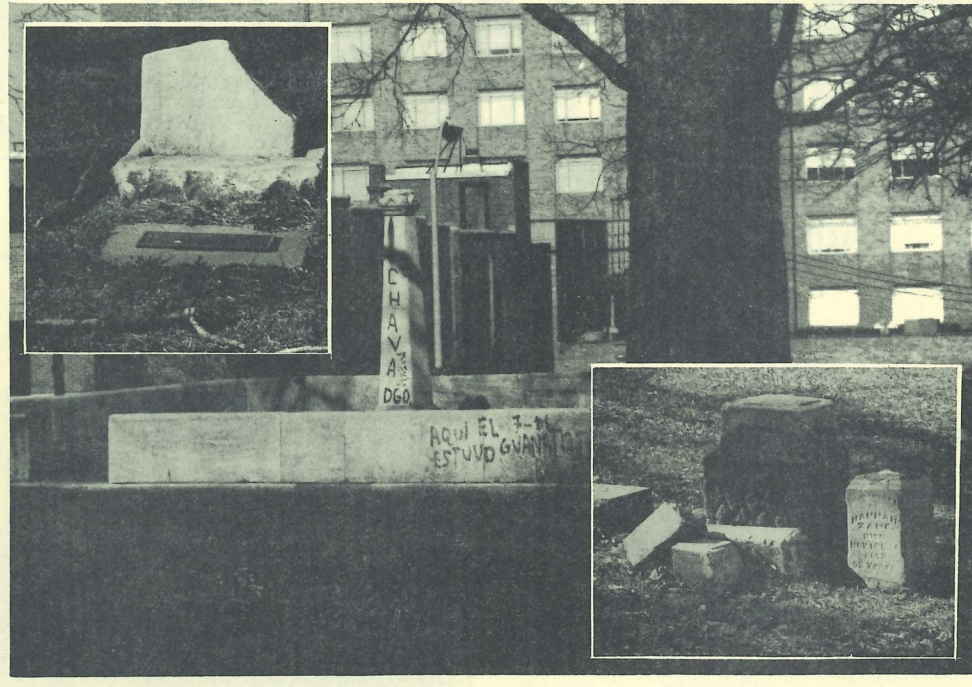
- Radioactive Drinking Water -

Boone's Son The First White Settler In Kansas!



Mr. & Mrs. Daniel Morgan Boone
(Monument inside tire).
R.I.P.
Rest In Pieces of Trash!
Kansas City, Missouri

W.P.A. Reports: Cemetery Sadness



Huron Cemetery: **Saved at GUNPOINT/disappearing by BUDGET.**
Unmaintained by Kansas City, Kansas - "We have NO MONEY...", said a council member, January, 1990. **However,** there is an agreement between KCK & the Federal Government that clearly states that KCK is responsible for proper care of this National Historic cemetery which is constantly vandalized, both by the breaking & stealing of the headstones as well as GRAFFITI galore.

The sad shape of cemeteries that the City of Kansas City has obligated itself to maintain, and has not, has been a very real & heavy burden on the heart of Susan Kollman Mufich, a 5th generation historian whose special area is the National Historic Landmark of the Wyandot's Huron Cemetery, located to the west of KCK's public library on Minnesota.

Stemming from her concern, the **Wyandot Preservation Association** is being formed and the rich history that has been left uncovered & neglected can now be preserved along with the more well known historic sites in town.

Pictured here, are just a few of the KCK neglected cemeteries that have tremendous historic value, but **the story doesn't stop here!**

i.e. There is an agreement between the Federal Government & Kansas City, KS. to maintain the Huron Cemetery - we encourage you to walk up there and see for yourself what needs to be done. When Mrs. Mufich asked a KC council member about the Huron Cemetery's need for protection from vandals and falling trees & branches, she was told "We don't have any money for that".

NOTE: Yet the city wants to take over yet another National Historic Landmark and care for and maintain the Whitefeather Spring. **If KCK cannot keep up their agreement with the Feds, why should they be trusted to keep their word when it comes to a private citizen like Jack Beemont (See Church Dams History, on the front side).**

No wonder these, and many other residents are extremely upset, they have lived here all their life and have witnessed Battle-Promise; Battle-Compromise; Battle-Promise; etc., and still the fight goes on.

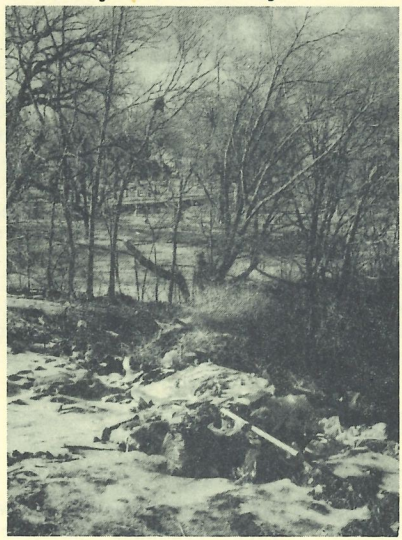
It took Mrs. Mufich **THREE YEARS,** just to get the city to trim the trees in the Huron Cemetery.

Wake up, KCK, your people are VERY CONCERNED!!!

Learn more about the WPA, write:
Wyandot Preservation Association
% The Chin-Do-Wan II
P.O. Box 12633
Shawnee Mission, KS. 66212



Old Quindaro Cemetery
R.I.P. OFF - Civil War Headstones Stolen
Others Broken & Destroyed.



The **1st Provincial Governor of Kansas** is buried on the other side of this fence. Proper care of our past seems to be the lowest priority of KCK!

-Taken from Kansas Negro Regiments in the Civil War, Dr. Dudley Cornish

GO GLORY
See

Although these **Kansas Negro soldiers** did finally receive their pay, they **did not get the same pay** as that drawn by their white comrades in arms; far from it. An editorial appearing in the Chicago Tribune in May, 1864, tells the story:

READ AND BLUSH.—The colored volunteer is as good a soldier as any, with as lofty motives for serving his country. He is oftener oppressed with duties than lightened by them—he faces greater dangers than does the white—and yet, as a prisoner of war, gets no protection from his uniform, his flag, or the Union which these represent. He deserves equal pay with the best, and has been promised it. What he receives is this:

	White	Colored
Sergeant Major	\$21	\$7
Quartermaster Sergeant	21	7
First Sergeant	20	7
Sergeant	17	7
Hospital Steward	30	7
Corporal	13	7
Private	13	7
Chaplain	100	7

The white soldier is permitted to purchase his clothing himself, but from the ten dollars of the colored, three are reserved for this purpose. The white chaplain has besides a perquisite of eighteen dollars.

From the Annals of Yester-Year The Historical Background of Wyandotte County

by Wm. E. Connelley
Pres. Ks. State Historic Society

(Read in the Court House before the Wyandotte County Historical Society Thurs. Eve., Nov. 7, 1929)

Some years ago I delivered an address before this Society in which I called attention to the wonderful history of this county. I said at that time that **Wyandotte County, considered from a national standpoint, was the most important county historically in the state.**

I repeat that assertion at this time. And for this reason. In 1892 the Wyandot Nation . . . demanded that their reservation be made a part of a state. They began a movement for the accomplishment of that object. They elected Abelard Guthrie, who was an adopted member of their tribe, to Congress October 12, 1852.

They moved for the organization of the Nebraska Territory, which was to include all of what is now Kansas and

Nebraska and a portion of what is now Colorado. In doing this he ran counter to the interests of the slave power. . .

From that little meeting of the Wyandot Nation in the council-house standing on the hill above the Missouri River flowed

- *the Repeal of the Missouri Compromise,
- *the establishment of the Republican Party, and
- *the precipitation of the Civil War.

This is the merest outline of the history of this **County of Wyandotte.** In area it is the smallest in the State. **In historical importance it is the greatest in the State---one of the greatest in America.**

All the glorious history of Territorial Kansas flowed from what was done here. This is the fountain-head from which the current of Kansas history runs. And more than that.

We Can't Raise The Dead To Help Preserve Their Resting Places
... But We Can Raise Hell With The City To Do Their Job

Environmental Hearing Set

Tuesday, March 20, 1990, 8:00 am, Room 423-South State Capitol, Topeka, KS The Senate Energy and Natural Resources Committee will conduct a **hearing** on house bill **HB-2363** authored by K.C.'s State Rep. **Bill Wisdom**, which calls for prohibiting dumps **within one mile** of navigable streams as well as upstream from water supplies. **To testify** on this **environmental issue**, contact Senator Ross Doyen, Chairman of the Energy and Natural Resources (913) 296-7358, additional details in The Call Paper, page 15, March 8 Issue.

Classifieds

For more details on the Test Area and the liner, send a S.A.S.E. to the Chin-Do-Wan II, P.O. Box 12633, Shawnee Mission, KS. 66212.

Whitefeather Spring
National Historic Site
SCUBA GEAR RENTAL SERVICE
% U.R. All Wet
Dumb Idea Ave.
City Hall, KCK

The name **Chin-Do-Wan** means **"LEADER"** and on May 13, 1857 it became the first newspaper published in Quindaro.

THE QUINDARO CHIN-DO-WAN II is published monthly by Active Voice, P.O. Box 12633, Shawnee Mission, KS. 66212, and is compiled by The Friends of Quindaro & Ecology. Photographs by John D. Freed, Printed by Sunflower Press using recycled and donated paper.

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State of Kansas

Mike Hayden, Governor

Department of Health and Environment Division of Environment

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

(913) 296-1535
FAX (913) 296-6247

Testimony Presented to Senate Energy and Natural Resources Committee

Kansas Department of Health and Environment

House Bill No. 2363

Background

Under Kansas law, the primary responsibility for solid waste management resides at the county level. The counties are responsible for preparation and implementation of solid waste management plans with assistance from the Department of Health and Environment (KDHE). It is the duty of the county to assure the citizens in their jurisdiction have access to the necessary solid waste treatment and disposal capacity. The law did make provision for cities to exempt themselves from the county plans and develop independent solid waste plans. Kansas City opted to pursue a solid waste plan independent of Wyandotte County and to assume the responsibility for the issuance of land use permits for waste disposal facilities within its jurisdiction. KDHE avoids intrusion into the local land use decision-making process. KDHE provides input to local units of government as they screen and select prospective sites for solid waste facilities, but the ultimate decision on the local land use permit is left to the local government.

In December 1984 the Department of Health and Environment issued a solid waste disposal area permit to Browning Ferris Industries (BFI) to construct a sanitary landfill located near the Missouri River and upstream from the Kansas City, Kansas, water intake. Prior to the department's issuance of the permit, BFI received a special land use permit from the city of Kansas City, Kansas, for the facility in January 1983. The department spent nearly two years reviewing the proposal and receiving comments from the public prior to issuing the permit.

Despite an approved design which incorporates stringent criteria to prevent groundwater or surface water contamination, the opponents of the Quindaro landfill project have concerns regarding its proximity to the Missouri River and the water intake for the Kansas City Board of Public Utilities. Construction on the facility has not begun, even though the permit has been in force for five years. On December 7, 1989, the City Commissioners

Attachment XX
ENR 3/20/90

Charles Konigsberg, Jr., M.D., M.P.H.,
Director of Health
(913) 296-1343

James Power, P.E.,
Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.,
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.,
Director of the Kansas Health
and Environmental Laboratory
(913) 296-1619

approved a resolution directing its staff to file for a declaratory judgment on a number of issues dealing with the original actions of the Commission, when it issued the special use permit in 1983.

The Committee should be aware that the department makes a thorough review of all landfill permit applications and the sites where a landfill is proposed to be built. The protection of the public health and environment are uppermost in our minds during these reviews. No site is completely free of risk to the environment. Surface water, groundwater, recreational facilities, and private lands can be impacted by mismanagement of any waste disposal site. The department makes every effort to insure that the design of landfills takes into account the risks presented by siting a landfill in a particular location. The design of the Quindaro landfill takes into account its proximity to the Missouri River and to the drinking water intake for Kansas City, Kansas.

Provisions of HB 2363

The bill would preclude the department from issuing any new permits, other than renewals of existing permits for facilities already in operation, to solid waste processing or disposal facilities located within one mile of a "navigable stream" or "intake point for any public water supply system" in Kansas City, Kansas. This proviso of limiting the area to Kansas City was added by the House acting as a Committee of the Whole. It would also void any permit issued to such facilities if they were not yet in operation on the effective date of the act.

The terms "navigable stream" and "intake point for any public water supply system" are not defined in the bill. If "navigable stream" is used as elsewhere in state statutes, it is our understanding it would apply only to the Missouri River and Kansas River in the Kansas City area. If it is used in the context of the federal term "navigable waters," as in the original bill, it would apply to virtually every stream and tributary in the State of Kansas. The impacts of the bill would be a significant reduction in the prospective locations for solid waste facilities. This would likely work a considerable hardship on local units of government who already face substantial challenges in meeting the federal criteria for municipal solid waste landfills to be promulgated in a few months. Also the potential impacts of the bill are very dependent upon the definition of "intake point." If it applies only to surface water intakes for public water supplies, it will have considerably less impact than if it also applies to public water supply wells.

Potential Impacts

KDHE would be extremely concerned about this bill without the limitation of Kansas City, Kansas (on Page 3 in Lines 15, 23, and 27 and 28). Major sites which would be affected by such an expansion restriction are: the Brooks Landfill, Wichita; the N.R. Hamm Landfill, Douglas/Jefferson Counties; Johnson County Landfill (Deffenbaugh Disposal), Johnson County. These three sites accept

20-2
3/20/90

two-thirds of all the solid waste disposed in sanitary landfills in Kansas. The bill would affect the siting of solid waste transfer stations, recycling facilities, construction and demolition landfills, and incinerators.

Recommendations

In order to accurately ascertain the impacts of House Bill 2363, it is critical to have the terms "navigable stream" and "intake point for any public water supply system" precisely defined. After the words "navigable stream" on Page 3 in Lines 19, 25, and 32, we suggest adding the words "used for interstate commerce." We suggest inserting the word "surface" in the phrase "public water supply system" after the word "public" on Page 3 in Lines 20, 26, and 33. We do not understand the intent of the bill to create a prohibition on solid waste transfer stations, recycling facilities, or construction and demolition landfills. We suggest deleting the words "solid waste processing facility" on Page 3 in Lines 14, 15; 22, 23; 29 and 30.

We believe House Bill 2363 would impose constraints upon the siting of many types of solid waste facilities that pose very little risk of environmental harm to streams or surface water intakes and which represent much less risk than other activities which are currently sited within the same areas. However, if the legislature wishes to impose the criteria of House Bill 2363 into the siting of solid waste management facilities, we will work with local units of government to identify locations within the constraints of this bill which will allow them to develop the necessary treatment and disposal capacity for effective solid waste management in Kansas City, Kansas.

Testimony presented by: James A. Power, Jr., Director
Division of Environment
March 20, 1990

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