

Approved

Ken Grotewiel
Date 2/19/91

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Representative Ken Grotewiel at
Chairperson

3:30 ~~am~~/p.m. on February 13, 1991 in room 526-S of the Capitol.

All members were present except:
Representative Webb, excused

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Pat Mah, Legislative Research
Lenore Olson, Committee Secretary

Conferees appearing before the committee:

Representative Bill Wisdom
Representative Sherman Jones
Ron Hammerschmidt, Acting Director, Division of Environment, Department
of Health and Environment
Verdis Robinson, Wyandotte County Commissioner
Dr. John Neuberger, Associate Professor, Department of Preventive Medicine,
University of Kansas Medical Center
Dr. Gerald Lee, MD, Kansas City, represented by Fred Whitehead
Jerry Hazlett, Executive Manager, Kansas Wildlife Federation
Troy Gordon, Kansas Chapter of the Sierra Club
Marvin Robinson, Quindaro Ruins/Underground Railroad Exercise '91
Shaun McGrath, Kansas Natural Resource Council
Doug Bach, City Administrator's Office, City of Kansas City, Kansas
NedRa Bonds, Kansas City, Kansas
Jim Ludwig, Kansas Power & Light Gas Service
Ervin Sims, Jr., Manager of Water Operations, Board of Public Utilities,
Kansas City, Kansas, represented by Don Gray
John Bukaty, attorney, Browning-Ferris Industries of Kansas City, Inc.

Chairperson Grotewiel called the meeting to order and announced that there would be introduction of bills requested by the Department of Health and Environment.

Ron Hammerschmidt presented the requests for two bills. The first bill is to require certification of persons providing radon testing and/or mitigation services. The second bill concerns certification of environmental laboratories. (Attachments 1 and 2)

A motion was made by Representative Hendrix, seconded by Representative Rezac, to introduce the two bills requested by the Department of Health and Environment. The motion carried.

Chairperson Grotewiel opened the hearing on HB 2097.

Representative Wisdom testified in support of HB 2097. He stated that the purpose of this bill is to stop a proposed landfill from going in an historic site in Kansas City, Kansas. He also stated that it would be a crime for Kansas to allow a landfill at this historic site.

Representative Jones testified in support of HB 2097. He stated that contamination of the immediate neighborhood and the social pollution that could disrupt normal daily activities could also possibly affect their water supply with hazardous contamination. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,

room 526-S, Statehouse, at 3:30 ~~xxx~~/p.m. on February 13, 1991.

Ron Hammerschmidt, Department of Health and Environment, testified in support of HB 2097. He stated that they have concerns with this bill and have several amendments (shown on his written testimony). He also stated that the protection of the public health and environment are uppermost in their minds during their reviews of all permit applications. (Attachment 4)

Verdis Robinson, Wyandotte County Commissioner, testified in support of HB 2097. He urged the Committee to vote "yes" on this bill which would stabilize the future of water going into the 21st century. (Attachment 5)

Dr. John Neuberger, University of Kansas Medical School, testified in support of HB 2097. He stated that this bill represents a significant step forward towards protecting Kansas' navigable streams and public water supplies from pollutants stemming from solid waste processing and storage facilities. (Attachment 6)

Fred White testified for Dr. Gerald Lee, MD, Kansas City, in support of HB 2097. He stated that it makes no sense to place landfills along side major rivers; there are thousands of chemicals that could cause damage and alter bodily function. (Attachment 7)

Jerry Hazlett, Kansas Wildlife Federation, Inc., testified in support of HB 2097. He stated that because of the real dangers posed to the environment and the citizens of Kansas and Missouri, they oppose the Quindaro Bend Landfill site and urge that a more environmentally safe alternative be pursued. (Attachment 8)

Troy Gordon, Kansas Chapter of the Sierra Club, testified in support of HB 2097. He stated that Quindaro is a particularly bad site for a landfill, not only because of its close proximity to the river and the Kansas City, Missouri and Johnson County public water supply intakes, but also because of the historical significance of the site. (Attachment 9)

Marvin Robinson, Quindaro Ruins/Underground Railroad Exercise '91, testified in support of HB 2097. He stated that the Quindaro area is too priceless and irreplaceable to be transformed into a toxic hazardous waste dump for a greedy cancer profiteering corporation. (Attachment 10)

Shaun McGrath, Kansas Natural Resource Council, testified in support of HB 2097. He stated that various studies have concluded that contamination of the Missouri River would be highly likely as a result of the proposed landfill location. (Attachment 11)

Doug Bach, City of Kansas City, Kansas, testified in support of HB 2097. He stated that the City made the finding that the Quindaro Landfill presented a substantial risk of contamination to the public water supply and that risk could only be removed through the withdrawal of the proposal to construct the landfill at that particular location. (Attachment 12)

Nedra Bonds, Kansas City, testified in support of HB 2097, stating that the people in her neighborhood knew the land and knew how close this landfill would be to the river. (Attachment 13)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~am~~/p.m. on February 13, 1991

Jim Ludwig, Kansas Power and Light Gas Service, testified in opposition to HB 2097. Mr. Ludwig stated their concerns that this bill would prohibit them from locating their new fly ash disposal facility. He stated that their research shows that because fly ash compacts with such high density, it does not leach into ground water. (Attachment 14)

Ervin Sims, Jr., Kansas City, Kansas, Board of Public Utilities, was represented by Don Gray, who testified in support of HB 2097. They believe that the one-half mile restriction would not allow adequate protection should contamination from the landfill occur; and support a restriction of one mile from navigable streams and water supply intakes. (Attachment 15)

John Bukaty, Sr., Browning-Ferris Industries of Kansas City, Inc., testified in opposition to HB 2097. He stated that they see no advantage of the State in essence substituting itself for the City of Kansas City in attempting to thwart this project. (Attachment 16) Mr. Bukaty was requested by Representative Freeman to provide information on what has been spent by his company at the Quindaro site.

Written testimony in support of HB 2097 was submitted by Betty Roberts, Quindaro Town Preservation Society. (Attachment 17)

Vice Chairperson McClure closed the hearing on HB 2097.

The meeting adjourned.

COMMITTEE: E+NR

DATE: 2/13/91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Michelle Lester	Topeka	John Peterson + Associates
Dan Haas	Overland Park	KCPK
John G. Burkhardt	K.C.K.	BFI
John A. Peterson	KCK	BFI
Denny Haylett	Topeka	KWF
John Freed	KCK	CH/N-DO-WAN II
Fred Whitehead	Kansas City, KS	Quindaro Town Preservation Society
Don Schwaice	Topeka	KTOG
Shaun McGrath	KCK Topeka	KWRC
John Neuberger	KC, KS	Kumc, Dept. Prev. Med.
Jim Ludwig	KCK Topeka	KPL
Doug G. Bush	Kansas City, KS	City of KCK
Hugh Taylor	KANSAS CITY, KS	BOARD OF PUBLIC UTILITIES
John C. Peterson	Topeka	BFT
Tom VanDerweert	Dept. MW	"
BRAD Swoot	Topeka	Browning Ferris
Julie Hein	Topeka	Hein + Ebert
Troy Gordon	KCKS	Kansas Chapter / Sierra Club
Scott Andrews	Topeka	Sierra Club
Don Gray	KCKS	BPU
Stephen Hurst	TOPEKA	KWO
Paula M. Moore	Shel Elder	my

January 24, 1991

_____ BILL NO. _____

BY _____

AN ACT requiring certification of persons providing radon testing and/or mitigation services; prescribing authorities and duties for the secretary of health and environment relating thereto. This act shall be known and may be cited as "The Radon Certification Act".

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

- (a) "Secretary" means the secretary of health and environment.
- (b) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency or any state or political subdivision or agency thereof, and a legal successor or representative of the entities listed in this subsection.
- (c) "Radon" means the radioactive noble gas radon-222 and the short-lived radionuclides produced by the decay of radon-222, including polonium-218, lead-214, bismuth-214 and polonium-214.
- (d) "Test" means the act of examining a building, soil or air for the presence of radon, including taking air or soil samples,

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the manufacture, sale and laboratory analysis of radon testing devices, or the act of diagnosing the cause of radon contamination.

(e) "Mitigate" means to repair or alter a building or design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

Sec. 2. (a) The secretary shall establish a certification program for persons performing radon testing and mitigation in the state.

(b) The secretary shall adopt rules and regulations necessary for the administration and implementation of this act.

(c) Within the limitations of appropriation acts, the secretary is authorized to employ appropriate personnel necessary to carry out the provisions of this act or any subsequent rule promulgated by the secretary.

(d) The secretary is authorized to enter into agreements with a public or private agency in carrying out the provisions of this act.

(e) The secretary may deny, suspend or revoke a person's certification for a violation of any provisions of this act or any rule or regulation adopted under the act after notice and hearing in accordance with the provisions of the Kansas administrative procedure act.

Sec. 3. (a) The secretary is authorized to establish a schedule of fees to defray all or part of the costs of the radon certification program.

(b) The secretary shall remit at least monthly any money

collected pursuant to this subsection to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the radon certification fee fund, which fund is hereby established in the state treasury.

(c) On or before the 10th day of the month following the month in which moneys are first credited to the radon certification fee fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the radon certification fee fund, the amount of money certified by the pooled money investment board in accordance with this paragraph. Prior to the 10th day of the month following the month in which moneys are first credited to the radon certification fee fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the radon certification fee fund. Such amount of money shall be determined by the pooled money investment board based on: (A) The average daily balance of moneys in the radon certification fee fund during the preceding month as certified to the board by the director of accounts and reports and (B) the average interest rate on time deposit, open accounts for that period as determined under K.S.A. 75-4212 and amendments thereto. On or before the fifth day

of the month following the month in which moneys are first credited to the radon certification fee fund, and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the radon certification fee fund during the preceding month.

(d) All expenditures from the radon certification fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for the purposes set forth in this subsection.

(e) Expenditures from the radon certification fee fund may be made for the following purposes: (A) For performing any of the duties required by the secretary under this act and (B) for meeting match requirements for any grants received by the secretary.

Sec. 4. (a) Beginning 30 days after the establishment of the certification program for persons performing radon testing and mitigation in the state, no person shall perform radon testing and/or mitigation in this state without first being certified by the secretary for such purpose. This includes persons engaged in the manufacturing, sale and laboratory analysis of radon test devices.

(b) The provisions of this section shall not apply to: (1) a person performing testing on a building which he owns or occupies; or (2) to a person performing testing or mitigation without remuneration; or (3) to persons engaged solely in the retail sale

of radon test devices.

Sec. 5. (a) Any person certified pursuant to section 3, who performs radon testing and/or mitigation in this state shall, within 30 days of the provision of these services, report to the secretary the address or location of the services provided and the type and results of any testing or mitigation performed.

(b) All information obtained pursuant to this section shall be confidential and shall not be subject to the open records act.

(c) The secretary may, in conjunction with other persons, conduct research studies utilizing the data required to be reported in subsection (a) above. No report or publication shall include names or addresses of individuals.

Sec. 6. (a) Any person who willfully violates any provisions of this act or any rules adopted pursuant to this act shall be deemed guilty of a class C misdemeanor.

(b) Any person who violates any provisions of this act or any rule and regulation adopted pursuant thereto, in addition to any other penalty provided by law, may after notice and a hearing in accordance with the Kansas Administrative Procedures Act, incur a civil penalty in an amount not to exceed \$500 for each violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

Sec. 7. The provisions of this act shall expire on October 1, 1993.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

January 28, 1991

_____ BILL NO. _____

BY _____

AN ACT concerning certification of environmental laboratories;
rules and regulations; penalty for violation.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The secretary of health and environment is hereby authorized and empowered to adopt rules and regulations governing: (1) The procedures and qualifications for certification of laboratories performing analyses required pursuant to K.S.A. 65-161 et. seq., 65-171d, 65-3001 et. seq., 65-34,105 et. seq., 65-3401 et. seq., 65-3430 et. seq., 65-3452a et. seq., and any amendments thereto; and (2) a schedule of fees to defray all or part of the costs of administering the environmental laboratory certification program. Such fees shall not be refundable. Failure to pay assessed fees shall be cause for denial of certification.

(b) The secretary of health and environment shall remit all moneys received from the fees established pursuant to this act to the state treasurer at least monthly. Upon receipt of such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

Sec. 2. Any person who violates any provision of the rules and regulations promulgated under the authority of this act shall, after notice and hearing in accordance with the Kansas Administrative Procedures Act, be subject to suspension, denial or revocation of any certification granted hereunder, and a civil penalty not to

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exceed Five Hundred Dollars. Each day a violation continues shall be deemed a separate violation.

Sec. 3. K.S.A. 65-171k is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

STATE OF KANSAS

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



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
ELECTIONS
FEDERAL AND STATE AFFAIRS

TESTIMONY BY REP. SHERMAN JONES BEFORE THE ENERGY AND NATURAL RESOURCES COMMITTEE, HB-2097

Mr. Chairman, members of the Committee, I am Rep. Sherman Jones, 35th District, Kansas City, Kansas. The landfill that my testimony concerns itself with sits in my district; as a matter of fact, it's about a quarter of a mile from my residence.

House Bill-2097, speaks to preventing landfills near waterways, especially those water ways that are the source of our drinking water. I'm sure the conferees today are explaining to you the danger and risks of contamination and pollution that such landfills present when they leak and run off in our water ways.

The proposed landfill at old Quindaro presents another kind of contamination and pollution that I'd like to address and make you aware of.

It is obvious to me that garbage, trash and other waste disposables attract insects, mice, rats and other vermin to feed on waste within the landfill; even packs of dogs will forage in the place. Now just imagine a landfill with hundreds of tons of

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waste being dumped daily and weekly for years within a few hundred yards of homes, playgrounds, schools, churches, apartment buildings, public streets and a super highway that brings people into Kansas daily -all within a few hundred yards of dog packs, rats, mice, insects and other filth that is normally placed in landfills.

Mr. Chairman, my children played on the playground of Quindaro Elementary School, four blocks from the proposed landfill site. They are grown up now, but many families still have children on that playground (just four blocks from the proposed landfill site).

Nearby there is a park, Quindaro Park, with a softball diamond, tennis court, picnic tables and shelters and a walking and bike trail. On pleasant days you will find some of our community folks in the park. Some exercising by walking the trail, like my wife and I, some playing tennis and others just sitting and enjoying the park. This proposed landfill with the rats, cockroaches, dogs and filth begins across the road from the park.

You see Mr. Chairman, and Committee members, I'm referring to the contamination of the immediate neighborhood and the social pollution that could disrupt our normal daily activities, as well as the possible hazardous contamination of our water supply. We just don't deserve this and HB-2097 will prevent it. I trust you'll pass it out favorably.



State of Kansas

Governor Joan Finney
Department of Health and Environment
Division of Environment

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

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

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

TESTIMONY PRESENTED TO
the House Committee on Energy and
Natural Resources

by
Kansas Department of Health and Environment
House Bill 2097

Background

The siting of sanitary landfills is the subject of HB 2097. This bill is similar to HB 2363 which was introduced during the 1990 legislative session. The provisions of HB 2097 may be intended to control the siting of landfills in metropolitan areas of Kansas. However the impact of passage of this bill would be felt across the state.

The department makes a thorough review of all permit applications and the sites where a solid waste facility 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 and operation of facilities and landfills takes into account all of the risks presented by siting facility or landfill in a particular location.

Provisions of HB 2097

HB 2097 would prevent the department from issuing any new solid waste disposal area permits or any permits for solid waste processing facilities other than a renewal of an existing permit for a site or facility already in operation if that site or facility is located within one-half mile of a navigable stream or one-half mile of an intake point for any public water supply.

HB 2097 would also void any solid waste permit issued before the effective date of the act if the facility is not yet in operation and is located within one-half mile or navigable stream or with one-half mile of an intake point for any public water supply system.

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A new section of HB 2097 would also void any special land use permit issued by a city for a solid waste processing or disposal facility if that facility is not yet in operation and has the location constraints listed above.

Potential Impacts

As written HB 2097 has several ambiguities which make it difficult to assess the potential impact of the legislation on solid waste management practices in Kansas.

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," 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 work a considerable hardship on local units of government who already face substantial challenges in providing disposal capacity or facility citing for essential solid waste management services.

In the same vein 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 considerable less impact than if it also applies to public water supply wells.

The department is also concerned about the potential impact of HB 2097 on several existing facilities which have long term horizontal or vertical expansion plans which include contiguous unpermitted areas. These sites (the Brooks landfill, Wichita, the Hamm landfill in Douglas County and Jefferson County, and the Deffenbaugh landfill in Johnson County) currently manage an estimated 1/2 of the disposal of solid wastes in Kansas.

This bill would also prohibit the construction of a landfill at the "Quindaro" site in Kansas City, Kansas. Before passing this bill, the legislature should be aware that a number of suits may be filed related to this site or to have the bill declared unconstitutional as applied. KDHE is not able to predict the outcome of litigation. Be advised that the costs of defense could be substantial and if the state loses there could be substantial liability.

As written the bill would also prohibit the citing of solid waste transfer stations, recycling and composting facilities, demolition landfills, the use of inert solid waste for filling or erosion control, solid waste incinerators and other facilities which require solid waste permits.

Recommendations

We believe that it is critical to have the terms "navigable stream" and "intake point" for a public water supply system precisely defined. After the words "navigable stream" and page 3 in lines 15, 20 and 27 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" in on page 3 in lines 16, 21, and 28.

On page 3 line 13 we suggest inserting the phrase "or lateral expansion onto land contiguous to the permitted disposal area" after the phrase "already in operation."

We do not understand the intent of the bill to create a blanket prohibition of solid waste transfer stations, recycling and composting facilities, demolition landfills, and the use of inert solid waste for rip-rap or bank stabilization. We suggest deleting the words "solid waste processing facility" on page 3 in lines 11 and 12, line 18 and line 25. We believe HB 2097 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 lower risk than other activities which are currently sited within the same areas.

However, if the legislature wishes to impose the criteria of House Bill 2097 into the siting of all 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.

Testimony presented by: Ronald Hammerschmidt, Ph.D.
Acting Director
Division of Environment
February 13, 1991

TESTIMONY
OF THE
WYANDOTTE COUNTY COMMISSIONERS
BEFORE THE

KANSAS HOUSE OF REPRESENTATIVES & NATURAL
RESOURCES COMMITTEE

PRESENTED BY

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

WEDNESDAY, FEBRUARY 13, 1991

*ENR
2/13/91
Attachment 5*

Good ~~morning~~ ^{afternoon} and greetings to members of the House of Representatives 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~~ ^{afternoon} to urge your unified and collective total support on and for House Bill 2097.

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 a bill in the United States Congress, and the Underground Railroad Historic National Trails will assist the Quindaro Ruins, historic preservation financing and cultural restoration. Communication to members of the Kansas Congressional Delegation would further protect genuine Kansas Natural Resources.

In closing, I would urge each of you to vote "YES" on HB 2097 and service the water futures with more stability going into the 21st century with a sound HB 2097. Thank you very much for your every consideration and urgencies extended to make HB 2097 a reality.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF WYANDOTTE COUNTY, KANSAS

RESOLUTION EXPRESSING OPPOSITION TO THE PROPOSED BROWNING FERRIS INDUSTRIES QUINDARO LANDFILL SITE.

TUESDAY, FEBRUARY 12, 1991

NO. 2833

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 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 Sanitary Landfill Permit to Browning Ferris Industries.
2. This Resolution be transmitted forthwith to Dr. Stanley C. Grant, Secretary of the Kansas Department of Health and Environment.

ADOPTED THIS 12th day of FEBRUARY, 1991.

BOARD OF COUNTY COMMISSIONERS
WYANDOTTE COUNTY, KANSAS



CHAIRMAN




MEMBER



MEMBER

ATTEST:



County Clerk

Testimony Before Kansas House Committee
Concerning House Bill No. 2097

John S. Neuberger, Dr.P.H.
Associate Professor
Department of Preventive Medicine
University of Kansas Medical School
39th and Rainbow Blvd.
Kansas City, KS 66103

February 13, 1991

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These comments are intended to support House Bill No. 2097 introduced by Representatives Wisdom, Dillon, Edlund, Johnson, Jones, Love, Ramirez, Reardon, and Watson.

I believe that this bill represents a significant step forward towards protecting Kansas' navigable streams and public water supplies from pollutants stemming from solid waste processing and storage facilities. Contamination of our waterways and drinking water supplies from chemical, biological or other agents contained in landfills, other solid waste disposal areas, and solid waste processing facilities should be prevented. This law should help protect our environment and public health from the consequences of accidental or unforeseen surface or groundwater runoff from these facilities. Given current construction practices, the lifetime probability of a leakage from a landfill approaches 100 percent.

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

by Fred White

February 12, 1991

Chairman & Members of the
Energy and Natural Resources Committee
Energy and Natural Resources Committee
Kansas House of Representatives
State Capitol
Topeka, Kansas 66612-1590

Dear Committee Members:

I support Representative Bill Wisdom's House Bill No. 2097 for the following reasons:

1. We must not place landfills adjacent to our drinking water supply which will jeopardize future generations and pose a health threat to future citizens;

2. It seems clear that the Kansas Department of Health and Environment must have definite guidelines for the future for placement of landfills.

Proposed landfills such as the Quindaro Landfill, could pollute the Missouri River by the following mechanisms:

1. By ground water seepage;
2. By surface flooding;
3. By cumulative effect of river pollutants.

Speaking as a physician, it makes no sense to place landfills along side our major rivers. There are thousands of chemicals that could cause damage and alter bodily function. I will list only those agents which have been proven unequivocally to be harmful to man that are placed daily in our landfills.

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1. Lead
2. Mercury
3. Cadmium
4. Arsenic

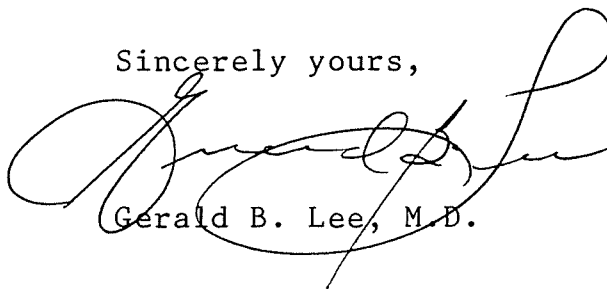
All of these inorganic chemicals may damage the body. Lead causes mental retardation, mercury may also cause central nervous system impairment, cadmium causes liver and kidney damage and arsenic can adversely affect various organs of the body, both acutely as well as chronically.

Continuing with more complicated chemicals:

5. Aromatic amines can cause cancer
6. Vinyl Chloride causes liver cancer (angiosarcoma)
7. Toluene may cause alteration of the genetic expression or structure of the unborn fetus
8. Benzene may cause leukemia and liver damage
9. Chlorinated hydrocarbons such as Lindane may cause central nervous system depression and
10. Organo-phosphates cause acute and chronic neurological changes.

I urge the Energy & Natural Resources Committee to support House Bill No. 2097 to protect the health of our citizens.

Sincerely yours,



Gerald B. Lee, M.D.

GBL/erd

Kansas Wildlife Federation, Inc.

P.O. Box 5715
Topeka, Ks. 66605

Affiliate of National Wildlife Federation
913/266-6185

200 S.W. 30th
Suite 106
Topeka, Ks. 66611

February 13, 1991

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

HB 2097: RESTRICTION OF SOLID WASTE FACILITIES WITHIN 1/2 MILE OF WATER INTAKE

I am Jerry Hazlett, Executive Manager of the Kansas Wildlife Federation. The Federation is a non-profit wildlife and natural resources conservation and education organization. Our volunteer membership joins with the members of our national affiliate, the National Wildlife Federation, to support the wise use and sustained management of our vital air, water, soil, forest and wildlife resources.

The Kansas Wildlife Federation thanks you for this opportunity to testify in support of HB2097. 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 are potentially 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 state and 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.

E + NR
2/13/91
Attachment 8

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.

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.



SIERRA CLUB

Kansas Chapter

Troy Gordon
1901 N 86th St.
Kansas City, KS 66112

Testimony to the House Energy & Natural Resources Committee H.B. 2097 - Landfill Siting

I am Troy Gordon representing the 3300 members of the Kansas Chapter of the Sierra Club. We are in favor of H.B. 2097 and believe it is only common sense to prohibit landfills near the major rivers and public water supply intakes in the State. While new regulations mean modern landfills are designed better than their predecessors, there is no guarantee that they will not leak and contaminate nearby rivers. In fact, the Kansas Department of Health and Environment has stated that eventually most landfills do leak.

With the many pollution problems leaking landfills have created in the past, why risk such leaks into our major rivers and areas that pose such serious health risks? The leachate from landfills is a toxic mixture that usually contains hazardous liquids from household hazardous waste. By siting landfills near rivers and public water supply intakes, we are simply asking for leaks of this leachate that will lead to long term health risks to the public.

I live in Kansas City near the proposed Quindaro landfill site that would be most immediately affected by this legislation. Quindaro is a particularly bad site for such a landfill, not only because of its close proximity to the river and the Kansas City, Missouri and Johnson County public water supply intakes, but also because of the historical significance of the site. In addition, siting a landfill at this location demonstrates the insensitivity of officials who are willing to let the urban poor and minority communities suffer the negative environmental impacts incurred by being the dumping grounds for our cities.

The Kansas Chapter of the Sierra Club recognizes no matter how much we recycle and minimize our trash, there will always need to be landfills. We urge the members of the committee to support passage of H.B. 2097 for better and environmentally safer siting of landfills in Kansas.

E & NR
2/13/91
Attachment 9

TESTIMONY OF
MARVIN S. ROBINSON

of the

QUINDARO RUINS/UNDERGROUND RAILROAD EXERCISE '91
BEFORE THE KANSAS HOUSE OF REPRESENTATIVES ENERGY AND NATURAL
RESOURCES COMMITTEE -

Wednesday, 13FEBRUARY91

Statehouse Capitol

Topeka, Ks

E + NR
2/13/91
Attachment 10

Good afternoon to the Honorable members of the House of Representatives Energy and Natural Resources Committee and to your Chairman Mr. Ken Grotwiell. Greetings from the tenacious down under Q.R./U.R., Pompeii of Kansas.

I am Marvin S. Robinson, and I am here to beg for the forth consecutive year, as an Independent Volunteer Researcher, for the state leadership to stop Browning - Ferris Industries from poisoning the Heartland of America's drinking water.

Your decision to secure HB 2097 is a positive affirmation for Kansas' Water Futures. So I'd like to take this opportunity to beg and plea to each one of you to unify your collective consciousness and vote HB 2097 out of committee immediately/unanimously.

As you'll see in the compilation of review materials I am leaving for you ; a.) K.D.H.E. 's five year issued SPECIAL Use PERMIT No. 464, officially EXPIRED 31 DECEMBER 89. b.) SEVERAL NEWSPAPER Articles. c.) AN invitation to "130 YEARS/130 PIECES".

The following points about Quindaro's Future are recommendations Mr. Hugh Kaufman the Washington, D.C.- E.P.A. official who blew the whistle on former Reagan E.P.A. administrators was terminated, but re-instated by a judicial administrative review with federal court order employment protection.

According to Kaufman:

A.) the question is when the dump leaks, how much will leak, once the leaking begins?

B.) Determine why an unbiased INSURANCE Assessor or an Attorney familiar within this field review the issues related to INSURANCE and LIABILITY?

10-2

C.) EXAMINE THE scope of dumps and their proposed locations, next to rivers, water intake treatment plants, streams and/or creeks. And more IMPORTANTLY determine where will these waste disposal products be coming from? Mr. Kaufman ASKED- so I ask you to these same questions.

D.) An expert in business contracts has never looked at the TERMS of the contract between the City of Kansas City, Kansas and Browning -Ferris Industries, Inc. and the State of Kansas. To make sure that an UNBIASED third party reviews the expired PERMIT, lease agreement, and contract to determine if the in fact the B.F.I. type proposals are in fact good solid business deals for the state of Kansas WATER-Futures or NOT?

E.) The New Madrid Earth quake, fault-line.

F.) No one wants to follow the money and look at this as a business deal, the MONEY TRAIL , where is it?

G.) The Underground Railroad free-port of entry and the pre-historic ancient Indian archeological civilization in the Quindaro area are too, priceless and irreplaceable to be transformed to toxic hazardous waste dump, for a greedy cancer profiteering corporation.

IN CONCLUSION : As we prepare to enter the 21st century, no area of public policy will be more detrimental than environmental sensitivity. The Kansas Legislature should be an ally an advocate for QUINDARO. Since, through the leadership and vision of OUR ^{Congress}woman Jan Meyers, the entire ^{Congress} and President George Bush enacted a federal law to establish a National Underground Railroad Historic Trail in November 90. And you might recall Quindaro is the largest known Underground Railroad archeological site in the entire United States (206 acres).

The Energy and Natural Resources Committee in the House of Representatives is hereby formally begged to pledge support to this vital Resource contained in HB 2097.

The legislature should underscore it's leadership in HUMANITY, by calling for RED ALERT Emergency procedures to protect what's left in the water supplies integrity, so that future Kansans and consumers of Kansas agriculture products will have access to good water resources to compete, prepare and co-exist in the next century. New World order or not. To DO LESS, Mr. Chairman would undermine the future strength, hopes and visions of OUR great state.

THANK YOU. (be sure to smile).

STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT

PERMIT

No. 464

For Operating A Processing Facility Or
A Solid Waste Disposal Area

In accordance with the provisions of Kansas Statutes Annotated 65-3407

PERMISSION IS HEREBY GRANTED

to BROWNING FERRIS INDUSTRIES OF KANSAS CITY, INC.
NAME OF MUNICIPALITY, INSTITUTION, DISTRICT, CORPORATION OR PERSON

to operate a SANITARY LANDFILL
PT SECTIONS 29 & 30, TOWNSHIP 10S, RANGE 25E, WYANDOTTE
location COUNTY, WEST OF I-635 HIGHWAY AT THE MISSOURI RIVER

in conformity with plans and specifications approved by the Department of Health and Environment, and the following-named conditions and requirements to wit:

1. STANDARD CONDITIONS ON THE REVERSE SIDE OF THIS PERMIT.
2. SPECIAL CONDITIONS TO PERMIT NUMBER 464 AS ATTACHED.
3. THIS PERMIT WILL EXPIRE ON DECEMBER 30, 1989. THE
PERMITEE MUST INDICATE ITS INTENTION TO RENEW THIS PERMIT
BY JULY 1, 1989.



Done at Topeka, this 19th day of DECEMBER 1984

Allen S. Abrahamson

DEPARTMENT OF HEALTH AND ENVIRONMENT



**IN CELEBRATION OF 130 YEARS
OF FREE STATEHOOD
IN KANSAS**

**THE WYANDOTTE COUNTY HISTORICAL SOCIETY AND MUSEUM
AND THE
QUINDARO TOWN PRESERVATION SOCIETY**

PRESENTS

**LARRY SCHMITS
PRINCIPAL INVESTIGATOR**

**130 YEARS/130 PIECES:
ARTIFACTS AND RELICS FROM THE QUINDARO, KANSAS
ARCHAEOLOGICAL SITE**

**SUNDAY
FEBRUARY 10, 1991**

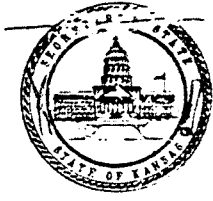
**GEORGE MEYN COMMUNITY CENTER
WYANDOTTE COUNTY PARK, BONNER SPRINGS**

2:30 P.M.

**EXHIBIT LOCATED AT THE
WYANDOTTE COUNTY MUSEUM
ACROSS FROM THE GEORGE MEYN COMMUNITY CENTER
FEBRUARY 10 THROUGH MARCH 17, 1991**

slr → Dennis Murphy

cc: Per



Bill Graves
Secretary of State

2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

August 1, 1988

Mr. Stanley C. Grant, Secretary
Department of Health & Environment
Building 740, Forbes
Topeka, Kansas 66619

Dear Secretary ^{Stan} Grant:

I am taking the liberty of forwarding to you a letter I received from the City of Kansas City, Missouri.

As it appears to be a matter that falls under your agency's jurisdiction, I felt you should be aware of this resolution.

Sincerely,

BILL GRAVES
Secretary of State

BG:md

cc: John Strickler

DIRECTOR OF ENVIRONMENT
AUG 4 1988

RECEIVED
AUG 01 1988
SECRETARY OF DEPT. OF HEALTH & ENVIRONMENT

10-9



City of Kansas City, Missouri
Heart of America

25th Floor, City Hall
Kansas City, Missouri 64106

816 274-2533

July 27, 1988

Mr. Tom Roberts, City Clerk
1 Civic Center
Kansas City, Kansas 66101

Dear Mr. Roberts:

For your information and distribution, I am attaching a copy of Resolution No. 62789, titled "Urging the State of Kansas and the City of Kansas City, Kansas to Delay Further Approval of the Quindaro Area Landfill Until Review of All Studies is Possible." The resolution was adopted by the Kansas City Missouri City Council on July 21, 1988.

Sincerely,

Catherine T. Rocha
City Clerk

CTR/vr
Attachment

cc: Mayor Richard L. Berkley
Rev. Emanuel Cleaver, Mayor Pro-Tem
David Olson, City Manager
Gene Shipman, Asst. City Manager

FILED

JUL 29 1988

AK

TOM G. ROBERTS
CITY CLERK

THIS RESOLUTION
EFFECTIVE IMMEDIATELY

COMMITTEE SUBSTITUTE FOR RESOLUTION 62789

URGING THE STATE OF KANSAS AND THE CITY OF KANSAS CITY, KANSAS TO DELAY FURTHER APPROVAL OF THE QUINDARO AREA LANDFILL UNTIL REVIEW OF ALL STUDIES IS POSSIBLE.

WHEREAS, Browning Ferris Industries has proposed to construct a landfill in the Quindaro area of Kansas City, Kansas; and,

WHEREAS, the proposed landfill site would be not more than a few hundred feet from the Missouri River and approximately 2 miles upstream from the water intake of Kansas City, Missouri; and,

WHEREAS, the Secretary of the Department of Health and Environment of the State of Kansas has stated that in a "worst case scenario" a release from the landfill would definitely effect the water intake for Kansas City, Kansas which is between the Kansas City, Missouri intake and the landfill area; and,

WHEREAS, a proper evaluation of the "worst case scenario" effect on the Kansas City, Missouri water supply has not been fully evaluated; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

1. That the City Council of Kansas City requests the State of Kansas and the City of Kansas City, Kansas to withhold further permits for the proposed Quindaro Landfill until the City of Kansas City, Missouri has had adequate time to review all permits and plans for the proposed landfill and to determine if there will be a possible effect on the Kansas City, Missouri water supply from the proposed landfill.

2. That the City Manager be and hereby is instructed to evaluate and report to the City Council as soon as possible all legal and other rights and remedies available to the City in pursuing and protecting its interests in this matter in order to be in a position to take any appropriate action that may be required in a timely and effective manner.

Authenticated as Passed

Form 551(a) - Law
(01752)

RICHARD W. BERKLEY, Mayor

Catherine J. Rocha

City Clerk

By *Bill S. Tipler*
Deputy City Clerk

JUL 21 1988

JAN MEYERS
3D DISTRICT, KANSAS
FOREIGN AFFAIRS COMMITTEE
SUBCOMMITTEES:
EUROPE AND THE MIDDLE EAST
HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS
SMALL BUSINESS COMMITTEE
SUBCOMMITTEES:
SBA, AND THE GENERAL ECONOMY
EXPORTS, TAX POLICY, AND SPECIAL PROBLEMS
SELECT COMMITTEE ON AGING
VICE CHAIRMAN
ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

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

WASHINGTON OFF.
315 CANNON HOUSE OFFICE BUILDING
(202) 225-2865
DISTRICT OFFICE
204 FEDERAL BUILDING
KANSAS CITY, KS 66101
(913) 621-0000
DISTRICT OFFICE
7133 WEST 26TH STREET
SUITE 217
OVERLAND PARK, KS 66212
(913) 383-2013

December 14, 1990


Dr. Fred Whitehead
P.O. Box 5224
Kansas City, Kansas 66119

Dear Fred:

Pat Rahija told me that you were interested in having a copy of the final provisions of the underground railroad legislation. The underground railroad bill was incorporated into an omnibus wilderness bill, H.R. 2570, the Arizona Desert Wilderness Act of 1990. Although the President has signed H.R. 2570 into law, the public law will not be printed for several more weeks. Thus, I have sent you a copy of the underground railroad provisions from the Congressional Record of October 27, 1990 -- the date the final version of H.R. 2570 passed Congress.

If you have any questions, please feel free to get in touch with me.

Sincerely,


JAN MEYERS
Member of Congress

JM:bg

Enclosure

10-10

ing, and law enforcement and fire preventive assistance.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 505 and 506 of this Act.

TITLE VI—UNDERGROUND RAILROAD STUDY

SECTION 601. PURPOSE.

The purpose of this title is to study the Underground Railroad, its routes and operations in order to preserve and interpret this aspect of American history.

Sec. 602. (a) The Secretary of the Interior, acting through the Director of the National Park Service, shall conduct a study of alternatives for commemorating and interpreting the Underground Railroad, the approximate routes taken by slaves escaping to freedom before the conclusion of the Civil War. The study shall include—

(1) the consideration of the establishment of a new unit of the national park system;

(2) the consideration of the establishment of various appropriate designations for those routes and sites utilized by the Underground Railroad, and alternative means to link those sites, including in Canada and Mexico;

(3) recommendations for cooperative arrangements which State and local governments, local historical organizations, and other entities; and

(4) cost estimates for the alternatives.

(b) The study shall be—

(1) conducted with public involvement and in consultation with the advisory committee established by section 4. State and local officials, scholarly and other interested organizations and individuals,

(2) completed no later than two years after the date on which funds are made available for the study, and

(3) submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

Sec. 603. Within three years after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall prepare and publish an interpretive handbook on the Underground Railroad in the larger context of American antebellum society, including the history of slavery and abolitionism.

Sec. 604. (a) The Secretary, upon funds being made available to carry out this title, shall establish the Underground Railroad Advisory Committee (hereafter in this subsection referred to as the "Advisory Committee"). The Advisory Committee shall be composed of nine members, appointed by the Secretary of the Interior, of whom—

(1) three shall have expertise in African-American history;

(2) two shall have expertise in historic preservation;

(3) one shall have expertise in American history; and

(4) three shall be from the general public. The Advisory Committee shall designate one of its members as Chairperson.

(b) The Secretary, or the Secretary's designee, shall from time to time, but at least on three occasions, meet and consult with the Advisory Committee on matters relating to the study conducted under section 2.

(c) Members of the Advisory Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

Sec. 605. There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE VII—SUDBURY, ASSABET, AND CONCORD RIVERS STUDY

SECTION 701. SHORT TITLE.

This title may be cited as the "Sudbury, Assabet, and Concord Wild and Scenic River Study Act".

SEC. 702. FINDINGS.

The Congress finds that—

(1) The Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts possess resource values of national significance, including outstanding wildlife and ecological values, historic sites, and a cultural past important to America's literary heritage.

(2) Portions of this study segment have been listed on the Nationwide Rivers Inventory by the National Park Service.

(3) There is strong support among State and local officials and area residents and river users for a cooperative wild and scenic study of the area.

(4) In view of the longstanding Federal practice of assisting States and local governments in protecting conserving and enhancing rivers of national significance, the United States has an interest in assisting the Commonwealth of Massachusetts and the appropriate local governments in studying and developing a resource conservation and management plan for the river, consistent with the Wild and Scenic Rivers Act.

703. WILD AND SCENIC RIVER STUDY.

(a) **LISTING FOR STUDY.**—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof:

"() **SUDBURY, ASSABET, AND CONCORD, MASSACHUSETTS.**—The segment of the Sudbury from the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet, the Assabet from 1,000 feet downstream of the Damon Mill Dam in Concord to its confluence with the Sudbury and the Concord from the confluence of the Sudbury and Assabet downstream to the Route 3 Bridge in the town of Billerica. The study of such river segments shall be completed and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph."

SEC. 704. ADVISORY COMMITTEE.

(a) **APPOINTMENT.**—At the earliest practicable date following the enactment of this Act, but not later than forty-five days after enactment, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish the Sudbury, Assabet, and Concord Rivers Study Committee (hereinafter referred to as the "Committee"). The Secretary shall consult with the Committee on a regular basis during the conduct of the study required by section 3 of this Act (hereafter "the study") and the preparation and submission, pursuant to section 4 of the Wild and Scenic Rivers Act, of a report with respect to the river segments covered by the study.

(b) **MEMBERSHIP AND PROCEDURES.**—

(1) Membership on the Committee shall consist of 13 members appointed by the Secretary as follows:

(A) One member shall be appointed by the Secretary from the Fish and Wildlife Service.

(B) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the Commonwealth of Massachusetts.

(C) One member shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Sudbury Valley Trustees.

(D) One member shall be appointed by the Secretary from a list of candidates sup-

plied to the Secretary by the Organization for the Assabet River.

(E) One member each shall be appointed by the Secretary from lists of candidates supplied to the Secretary by the Board of Selectmen or equivalent local governing body of each of the eight towns located within the area covered by the study.

(2) The members of the Committee shall elect a chairman, vice chairman, and recording secretary from the membership at the first official meeting of the Committee. Official minutes shall be kept of each regular and special meeting of the Committee and shall be open for public inspection.

(3) Any vacancy of the Committee shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Vacancies in the membership of the Committee shall not affect its power to function if there remain sufficient members to constitute a quorum under paragraph (4) of this subsection.

(4) A majority of the members of the Committee shall constitute a quorum for all meetings.

(5) The Committee shall advise the Secretary in conducting the study and concerning management alternatives should some or all of the river segments studied be included in the National Wild and Scenic Rivers System.

(6) Members of the Committee shall serve without compensation but may be reimbursed by the Secretary for reasonable and necessary expenses incurred by them in the performance of their duties as members of the Committee.

(7) The Committee may accept and utilize the services of voluntary, uncompensated personnel.

(8) The Committee shall terminate upon the submission to the President, pursuant to section 4 of the Wild and Scenic Rivers Act, of the report with respect to the river segments covered by the study.

SEC. 705. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE VIII—PRIVATE RELIEF PROVISIONS

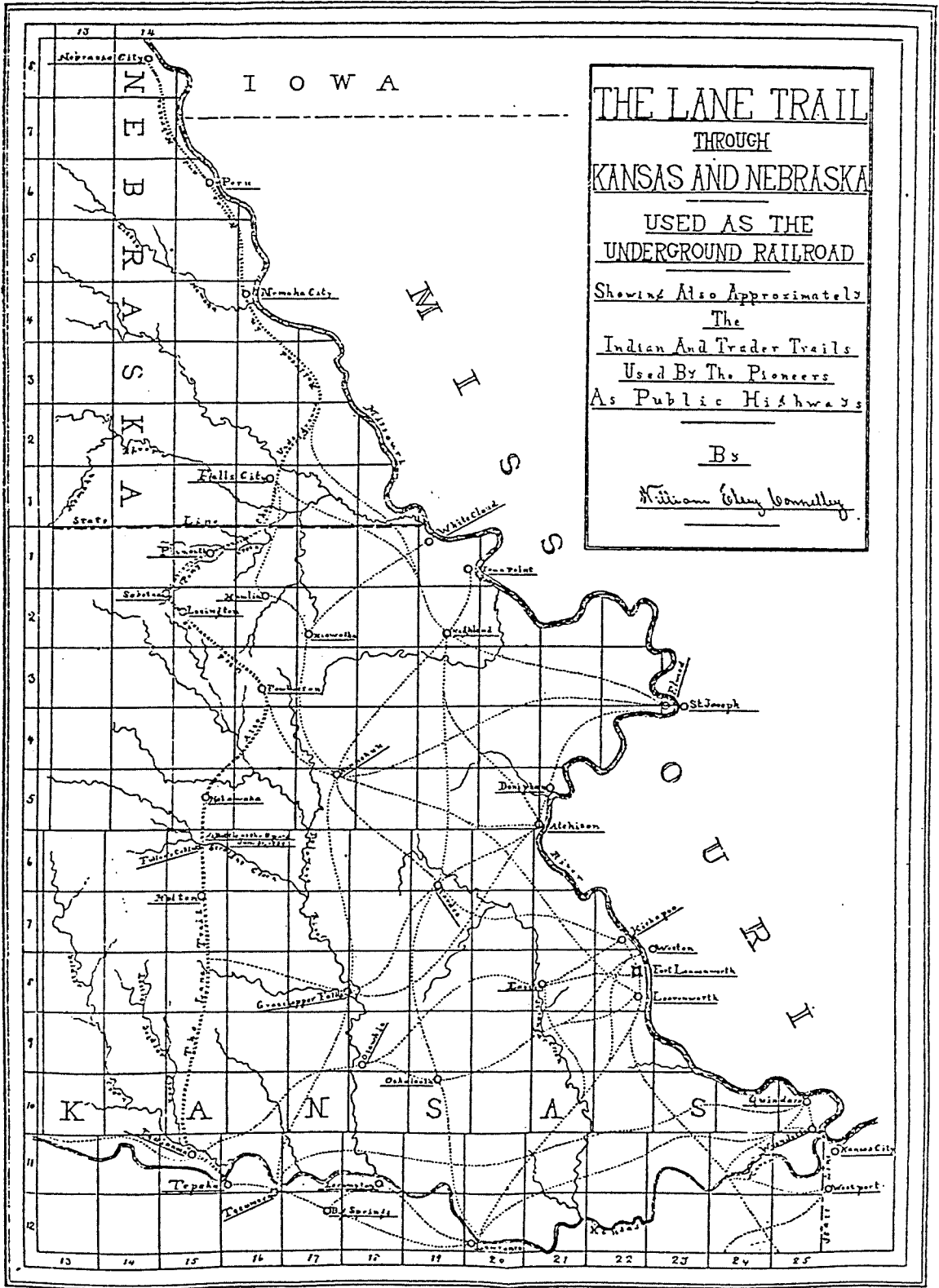
Sec. 801. (a) Notwithstanding any other provision of law, including but not limited to section 8 of the Wild and Scenic Rivers Act (16 U.S.C. 1279) or any provision of the public land laws of the United States, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall survey and convey all right, title, and interest of the United States to the property described in subsection (b) to Leroy W. Shebal in exchange for the sum of \$650 in 1965 dollars adjusted for inflation to 1990 dollars, or \$3,000 dollars, whichever is less, and subject to the following conditions:

(1) any deed of conveyance shall provide that existing improvements on such property shall not be substantially expanded and the use of such property shall be limited to prior or current levels; and

(2) the United States shall reserve a right of first refusal to reacquire such property at fair market value (as set forth in the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1905)) upon a decision by Leroy W. Shebal to convey such property or upon his death: *Provided*, That such right shall be extinguished if not exercised by the Secretary by payment in full within one year from (i) the date on which Leroy W. Shebal

10-11

From KANSAS HISTORICAL COLLECTIONS
 vol 13 (1913-14) - guide by William E. Connellen



Old Quindaro town yields clues to past

Continued from Page A-1

proved by the Kansas State Historical Society.

John Reynolds, assistant state archaeologist with the historical society, toured the area recently and said the findings were much more extensive and significant than most expected.

Situated along what used to be called Kansas Street, the foundations of structures and many artifacts were preserved by tons of mud that slid down the steep bluff. Reynolds called the site "the Pompeii of Kansas," referring to the ruins of the ancient Italian city that were preserved by the eruption of Mount Vesuvius in A.D. 79.

Quindaro bustled with a population of nearly 2,000 but became a near ghost town in the span of five years, between its founding in 1857 and 1862. Other Kansas communities date back to then, but what makes the Quindaro ruins historically significant is that the town died quickly without any new development replacing the old, said Larry Hancks, a historian in the city's planning department.

Schmits, who for 15 years has retrieved artifacts in conjunction with construction projects, said the site is "going to make a real significant contribution about what we know about 19th century life in the Kansas City area."

Councilman Chester C. Owens Jr. toured the area this week and said he was "just overwhelmed" by what he saw. "This is of tremendous importance and value, not only to the community, and in particular the black community, but to the region and nation."

Owens said he would hope representatives from the city, the community, Browning-Ferris Industries and state and federal agencies could discuss how the area could be preserved. Reynolds said ideally the area should be preserved and open to the public, but he added that it is probably too late for that.

He said the state may seek a more complete study of the site and delay opening the landfill, which was approved by the city over bitter opposition by neighbors.

City Administrator David T. Isabell, who toured the site Wednesday, said Browning-Ferris, which has spent tens of thousands of dollars preparing the site, has been cooperative and so far has completed all city requirements. He said he did not anticipate any city action in light of the discoveries.

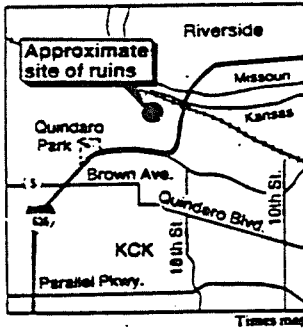
Browning-Ferris officials could not be reached for comment Wednesday.

Schmits said he has found among the ruins kitchen utensils, an iron, bottles, dishes, pottery, tools and other implements. "It's exciting," he said, noting that such artifacts will be donated to museums.

Hancks said the foundations unearthed so far probably supported structures that housed businesses. "Enough records remain to be able to determine who originally owned the buildings and what they were used for, he said.

With the help of the abolitionist New England Emigrant Aid Society, Quindaro boomed as the first non-slave city on the Missouri River.

In 1857 the town served as a major port of entry for freed and



as well as a station on the underground railroad. Owens said that research shows that abolitionist John Brown, whose statue stands near the south end of the old Quindaro town site, helped slaves escape from Missouri by way of secret tunnels and hide-outs in dense hollows.

Hotels, churches, warehouses, general stores and saloons were built. The German partners Steiner and Zehntner built a brewery, the remains of which still stand. A stagecoach line linked the town with Lawrence, and a ferry operated between Quindaro and the slave-market town of Parkville, Mo. It had a weekly newspaper, the *Chindowan* — the Wyandot Indian name for "leader."

A visiting journalist in 1857 was so impressed by the growth he wrote of Quindaro: "Here was absolutely certain to spring up the St. Louis of the Missouri River." Among the dignitaries who visited Quindaro and stayed at the impressive four-story stone hotel there were Abraham Lincoln and writer Harriet Beecher Stowe, according to historical records obtained by Owens.

With the advent of the Civil War, most able-bodied men marched off to fight while women and children returned to the East Coast or fled to safety in nearby Wyandotte City, the forerunner of Kansas City, Kan. By 1862, the town was so empty that the Kansas Legislature repealed the city's charter.

Vegetation and mud began to bury what remained.

Blacks continued to settle near the ghost town. An all-black school, called Freedman's University, was formed in the late 1800s atop the bluff directly south of the old town. Near the turn of the century Freedman's became Western University, which thrived under the sponsorship of the African Methodist Episcopal Church.

The church still owns much of the land where Quindaro once stood, and is leasing it to Browning-Ferris for the landfill. Western University closed during World War II, and today the only remains of the campus, which once had 14 buildings, are stones from a building that sit crumbled on the side of the road.

"It's unfortunate" that the Quindaro site is scheduled to be buried under tons of garbage, Schmits said. But he added, "If it wasn't for the landfill, we wouldn't have known what was there."

Owens, who said that public pressure to preserve the Quindaro site could come from the many Western University alumni and their descendants, added that "something should have been done

'Pompeii of Kansas' yields some secrets But landfill looms at Quindaro site

Interstate 635 to the east in Kansas City, Kan.

One Kansas City, Kan., city councilman who toured the site this week said he would like to see the landfill stopped and the area preserved.

For nearly three years, archaeologist and his firm, Environmental Systems Analysis Inc., have been studying the landfill site for Browning-Ferris Industries of Kansas City Inc.

When the Kansas City, Kan., City Commission in 1983 awarded Browning-Ferris permission to build the landfill, it mandated that an archaeological survey be completed according to standards ap-

See OI.D. A-10, Col. 1

By Marquis Shepherds
Of the Metropolitan Blue

The crumbling remains of the boom-to-bust town of Quindaro in Wyandotte County, now being excavated, are of such historical significance that one archaeologist on Wednesday called the site "the Pompeii of Kansas."

The unexpected findings along what once was the main street of Quindaro, an anti-slavery town that briefly thrived then died, will give historians new insights into 19th century life in the Kansas City area.

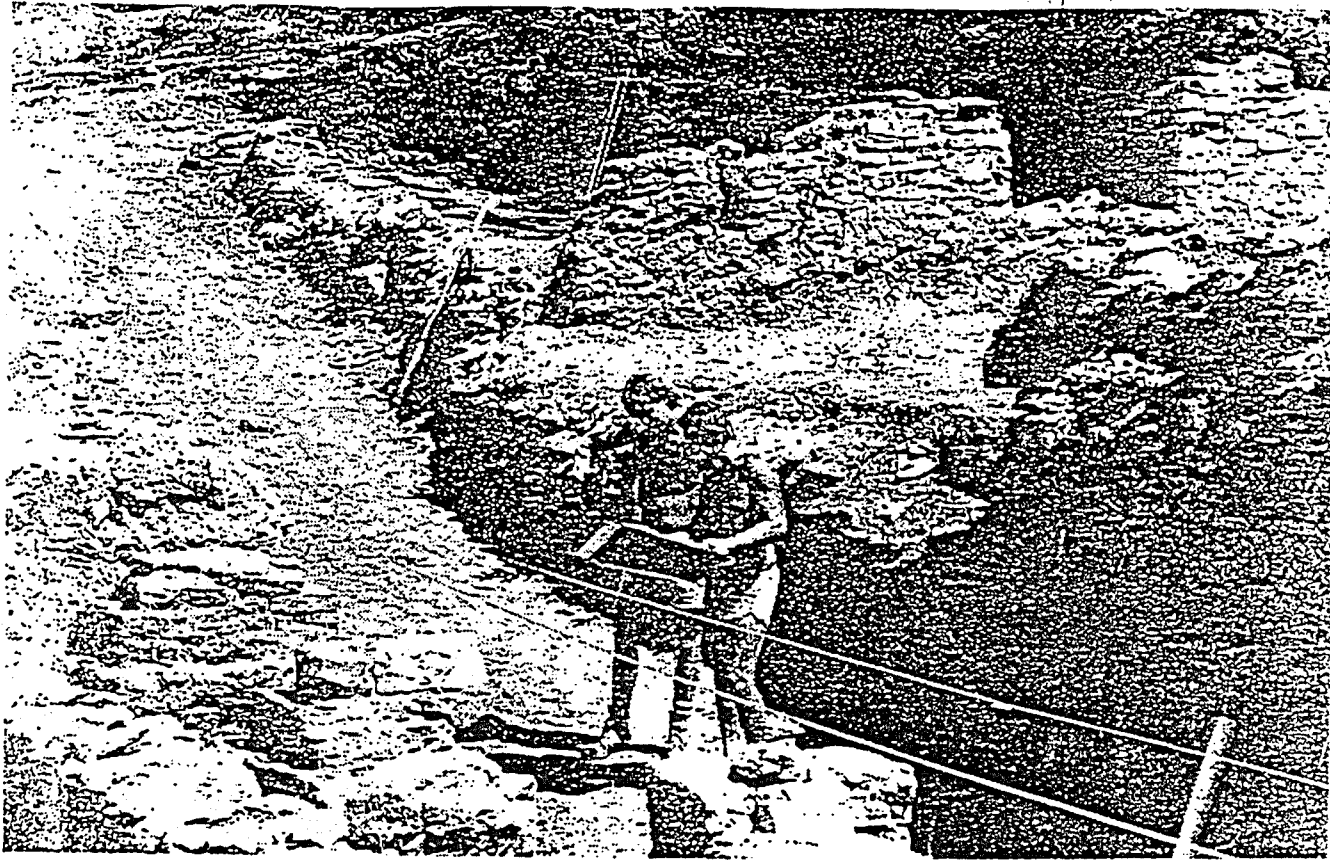
But the discovery could delay development of a sanitary landfill planned for the site, bounded by the Missouri River to the north and



From 1857 to 1862 the town of Quindaro existed in what is now Kansas City, Kan., and current excavations show where buildings were. However, a landfill is scheduled to be built on the site.

10-13

*For Eric
Lynn
for Mary Seid*



The New York Times, David Hunter

John Hedden, left, and Michael Fosha at the excavation site of Quindaro, a town that existed briefly in the mid-1800's near Kansas City.

Abolitionist Port Focus of Dig on the Missouri

By WILLIAM ROBBINS

Special to The New York Times

KANSAS CITY, Kan., Aug. 19 — On an overgrown hillside here, close to the Missouri River, an abolitionist river port named Quindaro enjoyed a brief moment in history.

Born in 1857 in the struggle to keep Kansas free, the town was dying within five years. Now the site is destined to be a landfill, buried under the region's trash and garbage.

But before that happens, archeologists and historians hope to retrieve important evidence about how frontier settlers lived, information that they say reflects an importance out of proportion to the site's age and life span.

An archeological consulting concern, Environmental Systems Analysis Inc., headed by Larry J. Schmits, has been studying the site since 1984. Now an excavation team is doing its painstaking work.

Outlines of Bygone Era Emerge

Emerging are the outlines, in the form of basement walls, of old commercial buildings, including one that apparently housed a store, offices and a meeting hall, and another that housed the town's newspaper. And from the excavation workers are sifting such artifacts as old animal bones, nails, broken glass, pottery, dishes and kitchen utensils.

"There is no question that this is going to make a contribution to what we know about the way people lived here," said Mr. Schmits on a visit the other day to the brush-bordered excavation. Even the bones, he said, will yield clues to the diets of those who lived here.

"It's quite a significant find," said John Reynolds, an archeologist with the Kansas State Historical Society. "The period may seem rela-

Archeologists hope to retrieve data on how frontier settlers lived.

tively recent in other areas, but in Kansas, that was right at the beginning of Euro-American settlement."

Unlike other settlements that have been disturbed by either scientists or developers, the Quindaro site, he said, is "a unique time capsule," adding, "Here you have a fascinating slice of American history."

Free-State Entry Port

The period of Quindaro's founding was one of rivalry between slavery and antislavery forces to determine whether Kansas would enter the Union as a free state, an outcome that would upset the delicate balance between the contenders. Free-state settlers, often harassed in their passage through pro-slavery Missouri, sought a free-state entry port on the Missouri River.

There were other hopes, too, some of them somewhat extravagant. "Here was absolutely certain to spring up the St. Louis of the Missouri River," wrote a visiting journalist at the time.

The town, named for the Wyandotte Indian wife of one of the founders, grew rapidly. Within a year it had 1,000 settlers and at its peak nearly 2,000. It had two hotels, stores, a blacksmith shop, a sawmill and other businesses including a newspaper. It also became the first stop for escaped slaves on an "underground railroad" to the interior.

Unfortunately, though there was a good boat landing, the hillside site, steep and muddy, made it a poor place for a town. Further problems came in 1858 with a recession that gripped much of the frontier.

Decline Into a Ghost Town

About the same time antislavery forces prevailed in the Kansas Legislature, so Quindaro could no longer maintain its role as the territory's free port. Soon, with the outbreak of war in 1861, most of its younger men left to join the Union Army, and their families left as well.

By 1862 Quindaro was a ghost town. A returning visitor wrote that he had found "only one family there — a poor man and a crazy wife had strayed into the hall of the hotel and occupied a bunch of rags." Union troops who occupied the site destroyed buildings there for firewood, and in later years neighboring settlers scavenged there for construction materials.

The discovery of what remains is largely the result of a permit granted by Kansas City, Kan., in 1984 to Browning-Ferris Inc. for use of the site as a landfill. The permit contained a condition requiring that an archeological survey be completed first.

Whatever the finding of that survey, both historians and city leaders say, there is little likelihood that the ruins will be preserved. The costs of stopping the landfill, taking over the property and stabilizing the ruins would be prohibitive, most say.

Although Mr. Reynolds is cautious about taking a position, he appears to regard one choice as the most practical.

"With excavation we can learn as much as we can," he said, "so that at least on paper and in photographs the information can be preserved."

10-14

clip

Assault Weapons

Outrage Is Ammo in the War on Guns

By JOHN HURST, Times Staff Writer

The old green Pontiac swerved into the busy intersection of Crenshaw Boulevard and Slauson Avenue, sideswiped a van and raced south as a black-and-white squad car pursued with its red lights flashing and siren shrieking.

Los Angeles Police Officers Chris Warren and Jim Harris were gaining on the car when its brake lights suddenly came on and a passenger with a military-style assault rifle leaned out a rear window and opened fire.

The officers, armed with handguns, were hopelessly over-matched by the high-powered assault weapon, which can hold 30 to 75 rounds of ammunition and is capable of sending bullets entirely through a car, ripping in one door and out the other.

Earlier Incident Recalled

Warren, who was driving, remembered in a sickening flash that just three months earlier, LAPD Officer Daniel Pratt was killed by an assault rifle in just such a situation.

"The bottom of my stomach dropped out," he recalled afterward.

Warren hit the brakes, and both officers crouched behind the dashboard, shielding themselves with the car's engine as bullets slammed into the front of the vehicle.

When the assailants drove on, the officers again pursued, and at Crenshaw and 63rd Street the Pontiac went out of control and smashed into a motel. As Warren and Harris pulled up, the suspects leaped from the car. One fired a .45-caliber handgun as he ran, and the other, holding the assault rifle at his waist, shot at the officers Rambo-style as he sidestepped in retreat.

"I hit the brakes again, and we swung behind a parked car for cover," Warren said.

One suspect was subsequently arrested, and a loaded 30-round clip for an AK-47 assault rifle was found in the wrecked car. Police found 17 spent 7.62-millimeter cartridges, which are used in the AK-47, scattered on the streets.

3rd in 3 Months

The Dec. 3 incident marked at least the third time in three months that LAPD officers have been fired on with military-style assault weapons.

Pratt was killed by an AR-15 semiautomatic assault weapon Sept. 3 as he pursued a suspect in a drive-by shooting in South-Central Los Angeles, according to police. On Oct. 26, LAPD Motorcycle Officer Wilbur Carter reported that he was shot at by a motorist with an assault weapon during a traffic stop in Westwood Village. The car was subsequently found abandoned with an AK-47 inside.

Such incidents involving police officers in Los Angeles and elsewhere in the state—as well as the far more frequent attacks with assault weapons on private citizens—have caused a growing sense of outrage among law enforcement officials, legislators, local officials and residents of neighborhoods.

Please see GUNS, Page 12

The Chilling Fields



Wintry weather prevailed in California and across much of the Midwest. While a woman was trudging through the snow to work in Redding, Calif., children were



playing at the base of the Picasso sculpture in Chicago. The snowstorms snarled highway traffic and flights at Chicago's O'Hare. (Stories on Page 4 and in Metro, Page 1)

Some European Foods Face 100% U.S. Tariff

Retaliatory Duties Will Be Imposed on Sunday if Common Market Bans Hormone-Treated Beef

By ART PINE, Times Staff Writer

WASHINGTON—The Reagan Administration said Tuesday that, if the Common Market goes ahead with its planned ban on American beef from animals treated with growth-inducing hormones, the United States will impose trade sanctions on a number of European food products.

The retaliatory move, which will take effect on Sunday, was announced by U.S. Trade Representative Clayton K. Yeutter after talks aimed at reaching an accord on the issue hit an impasse. U.S. officials said that they do not expect the Europeans to change their minds between now and next weekend.

\$100 Million in Lost Sales

The sanctions will be in the form of prohibitive 100% tariffs on about \$100-million worth of food imports from Europe—about the same amount that U.S. officials say American meat producers will lose in sales when the European import ban is imposed.

The list of products includes fresh and frozen beef, Danish hams, Italian canned tomatoes, French cheese, processed coffee, low-alcohol beer, fruit juices and potato food. The tariffs, or additional duties, will go into effect at 12:01 a.m. Sunday.

Although the tariffs will apply to only a small proportion of the total \$150-billion-a-year trade between the two partners, the move is expected to exacerbate U.S.-European trade frictions, which already are high because of Europe's refusal to phase out agricultural subsidies.

Please see TRADE, Page 11



United Press International

Under fire—George Bush hunting quail in Texas. An animal protection group criticized him and suggested that he "shoot clay pigeons," not birds. (Story on Page 4)

Anti-African Protest in China Enters 4th Day

By DAVID HOLLEY, Times Staff Writer

BEIJING—A bitter standoff continued Tuesday in Nanjing as anti-African disturbances erupted for the fourth day and about 140 foreign university students, mostly Africans, were held in protective isolation at a suburban guest house.

Nearly 1,000 Chinese students staged another anti-African protest march through the East China city Tuesday while larger crowds simply milled in the streets, according to American students who spoke by telephone with reporters in Beijing.

Many of the demonstrators said they want revenge, said one of the American students, who spoke on condition he not be identified, "and they want people [African students] to be held responsible for what they did."

Rock-Throwing Attacks

The trouble began Saturday evening with a clash between African students and university gatekeepers at Hehai University. It escalated into rock-throwing attacks by Chinese students Saturday and Sunday on dormitories housing Africans. This was followed by street demonstrations by youths incensed by an apparently false rumor that a Chinese man died in the initial clash.

The official New China News Agency said 11 Chinese and two Africans were injured in Saturday's violence. Chinese authorities continued to say Tuesday that no one had died.

Truckloads of police cruised the city Tuesday evening in a show of force aimed at restoring order, American students said. For part of the evening, about 200 police officers stood guard outside the Jinting Hotel, a leading tourist establishment.

Please see CHINA, Page 6

Pan Am Debris Points to Bomb

Lab Tests 'Greatly Strengthen' Theory of Sabotage, Sources Say

By DOUGLAS JEHL and RONALD J. OSTROW, Times Staff Writers

WASHINGTON—Preliminary laboratory analysis of wreckage from Pan Am Flight 103 on Tuesday uncovered evidence suggesting strongly that sabotage caused the plane to crash in Scotland last week, according to U.S. sources close to the investigation.

Tests conducted by forensic experts in England on a suitcase and some of the wreckage from the downed plane have "greatly strengthened" suspicions that the New York-bound Boeing 747 was blown apart in midair by a bomb last Wednesday, the sources said.

Conclusive proof of sabotage has not been found, they cautioned. But they said early indications from a specialized explosives laboratory in England represent a major development in the investigation, providing significant physical evidence supporting initial suspicions of sabotage.

Sabotage Theory Gains

"There is now a definite trend toward accepting a sabotage theory of the incident," said one source, who has remained in close touch with those conducting the investigation. Another U.S. source said he shared that assessment, although he emphasized that the indications from Britain are "preliminary and not conclusive."

The suitcase and pieces of wreckage had been sent Monday to the laboratory at the Royal Armaments Research and Development Establishment in Ft. Halstead, southeast of London, where forensic experts are to search for traces of a bomb. The first day of forensic testing provided strong indications that a "pre-impacted explosion" had occurred aboard the plane, the U.S. sources said late Tuesday.

All of the 259 passengers and crew aboard the plane, many of them Americans, were killed, along with at least 11 residents of the

Southwestern Scottish town of Lockerbie, where much of the plane fell. On Tuesday, the first bodies of Americans killed in the incident were transported out of Scotland on the first leg of their journey home.

The State Department refused to comment on the progress of the British investigation, but a U.S. official, speaking on condition of anonymity, confirmed that the U.S. government has been told that new forensic evidence points toward sabotage.

"But we don't know how firm it is," the official said. "We don't know when the British are going to feel ready to issue a report."

No Sign of Structural Failure

The possibility that massive structural failure caused the crash of the Pan Am jumbo jet has not been ruled out. But British authorities have said that "no evidence of a structural failure has so far been found."

Saying they were reluctant to speak out before British investigators did, the U.S. sources declined to discuss the nature or extent of the evidence pointing to sabotage that was found Tuesday.

They said the identification of the suitcase in question and wreckage suggested that investigators suspect where an explosion might have taken place in the plane. But they made clear that the suitcase was not thought to have contained a bomb.

"Any suitcase used to disguise a bomb could not have survived the explosion," said a non-government expert on terrorism, who asked not to be identified. He said he understood that the suitcase, like the other pieces of wreckage, was being scrutinized because it was believed to show the impact of an explosion.

Please see CRASH, Page 8

Reagan Challenges Soviet Resolve on Afghan Pullout

By JAMES GERSTENZANG, Times Staff Writer

Even as the Soviet Union nears the date for completing its withdrawal of troops from Afghanistan, its escalating bombing raids and introduction of new weapons "call into question the Soviet commitment to a peaceful solution" to the guerrilla war there, President Reagan said Tuesday.

Reagan, in a written statement issued on the ninth anniversary of the Soviet military intervention in the Central Asian nation, took the same hard-line approach that he has in years past, describing the Soviet invasion as "a brutal attempt to prop up an unpopular and authoritarian regime."

"Today, we all know the outcome of this tragic mistake," Reagan said. "Rather than achieving its aim, the Soviet action resulted only in destruction and continued suffering for the Afghan people."

In Washington, the State De-

partment issued a report Tuesday stating that Afghan government troops are demoralized and predicting that the Soviet-supported Afghan government would not be able to survive in Kabul, the Afghan capital, for very long after Moscow pulled out its troops.

In its annual report on the Soviet occupation of Afghanistan, the State Department stated that the

Pictures on Page 2.

military momentum in the war is shifting toward the resistance groups and that this trend "probably is irreversible."

"Most observers believe that [Afghan President] Najibullah's regime will not long survive the Soviet departure. It already has begun to unravel as party deser-

Please see AFGHAN, Page 7

Historic Site or Landfill?

Town's Ruins Hold Lore of Deliverance From Slavery

By ERIC HARRISON, Times Staff Writer

KANSAS CITY, Kan.—When Orrin Murray was a little boy, his father would take him in the buggy down to old Quindaro. It was a ghost town even then, a collection of brick and limestone buildings overgrown with weeds.

Scavengers had carted away much of the town piece by piece and mudslides had buried much of what was left, but Murray's father would point out what landmarks could still be seen.

That building over there, he would say, used to be the old hotel, and these walls over here are all that is left of the brewery.

Then he would tell the story of how young Orrin's grandfather had escaped from slavery in Missouri by putting his family into a stolen skiff and leading it across the

Missouri River to Kansas.

They landed in Quindaro, a tiny boom town that soon would cease to exist but would be unearthed nearly 100 years later, when a state archeologist would call it "the Pompeii of Kansas" because of what it could reveal about the state's early history.

"Six months after they crossed, my father was born, him being the only one of six children who was born free," said Murray, who is 88 and lives a few blocks from the town's ruins. "He would've been a slave if his father hadn't escaped."

Quindaro was a station on the Underground Railroad, the route abolitionists established to help slaves flee the South. For black escapees from the slaveholding

Please see RUINS, Page 10

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WEATHER: Cloudy, with possible daytime rain showers. Civic Center low/high: 41/64. Details: Part II, Page 5.

Director Hal Ashby Dies

Hal Ashby, director of such idiosyncratic films as "Harold and Maude," "Coming Home" and "Being There," is dead. Page 3.

DEA Scandal Widens

Prosecutors are investigating the suspected theft of almost \$100,000 in cash from the Los Angeles office of the DEA. Metro, Page 1.

Whistleblower Lawyer Fined

Herbert Hafif was fined \$5,000 and told to turn over names of Northrop employees who have given him information. Business.

Culturas Conflict Over Medicine

Purported Cure for AIDS Stirs Africa Controversy

By MICHAEL A. HILTZIK, Times Staff Writer

KINSHASA, Zaire—One day about a year ago, Dr. Zirimwabagabo Lurhuma, one of Zaire's most respected immunologists, left his one-story medical institute here, went before the national television network's cameras and announced that he had discovered a cure for AIDS.

African medicine has not been the same since.

What followed has been a year of controversy over whether the vaccine is real or a fraud—or whether Lurhuma is simply guilty of over-stating the efficacy of a genuinely promising treatment. There also have been charges that international researchers have questioned his claims more closely out of prejudice against African science.

Meanwhile, the announcement has stirred a political ferment in parts of Africa. One health minister came close to losing his job for branding the vaccine a hoax. And officials of Zaire's own anti-AIDS program, on whose board Lurhuma sits, have complained that his announcement undermined their own efforts at AIDS education and prevention by encouraging Zairians to believe that the epidemic had been halted.

At the heart of the controversy is a formula that Lurhuma is a partner, a Cairo protologist named Ahmed Shaik, labeled MM-1. That the letters refer to Mobutu Sese Soko and Hosni Mubarak, the presidents of the two researchers' countries, is about all that is known for sure about the formula.

Please see AIDS, Page 9

10-15

Assignment: Kansas City

Garbage dump may bury history —or just a legend

By Michael Tackett
Chicago Tribune

KANSAS CITY, Kan.—To Marvin Robinson, the ruins of the frontier town of Quindaro summon visions of his ancestors escaping from the slave state of Missouri on the Underground Railroad.

Standing inside limestone gaps in the earth that seem to be natural hiding places, or beneath the modern railroad line now there, his imagination allows him almost to hear their voices.

The problem, counters archeologist Larry Schmits, who unearthed the ruins and extensively researched the site within a mile of the Missouri River, is that Robinson's view is legend, not fact.

The only thing approaching credible evidence that Quindaro was a stop on the Underground Railroad, said Schmits, is a newspaper account indicating that two slaves passed through the area.

"It's a legend, pure and simple," he said.

These competing views are now the subtext for a latter-day battle over Quindaro—whether the site should be used for a landfill.

Robinson, a leader in the charge against Browning Ferris Industries' landfill plans, concedes that his concerns about preservation of the site for cultural and historical reasons also are a lever to advance environmental concerns.

So far, Browning Ferris seems to be making the winning case. The company is scheduled to begin constructing the landfill later this year. It paid \$500,000 for Schmits' archeological dig as part of an effort to allay historical concerns.

But Robinson and others have not given up. Two bills that would effectively prevent the landfill are pending in the Kansas legislature. One would bar any new landfill within a mile of a navigable river. The other would have the state purchase the site and preserve it as a historic area.

Quindaro, named for a Wyandot Indian princess, was founded in 1857, grew to 800 people and went bust in five years, like many early frontier settlements. During that time, the Underground Railroad clandestinely conveyed slaves to free states.

Robinson contends that there is sparse record of the activity in Quindaro because the "railroad" was illicit and its operators feared reprisal. His case is harder to make than Schmits' because the history passed down by blacks in that era was largely oral.

To Robinson, however, that makes it no less accurate. At least one man living near the site said his grandfather escaped to freedom at Quindaro.

Schmits' assessment, on the other hand, is based on census and land records, newspaper accounts and other interviews, and his excavation.

"The belief that Quindaro was a station on the Underground Railroad is widely held in the area," says a report by the Kansas State Historical Society. "It is a claim difficult to substantiate in primary sources. . . . None of the major studies of the Underground Railroad identify Quindaro as a station on any particular route."

That issue aside, Schmits professes a fondness for the site, though he questions its importance relative to other frontier town sites and asks whether preserving it would be worth the money in a time of scarce resources for such efforts.

When asked about the potential environmental impact, he said: "I'm an archeologist."

The historical society recorded that the state buy the site for Robinson, but said it didn't want the estimated \$1 million purchase price to come from its budget.

On a recent morning, Robinson and Schmits stood side by side at the Quindaro site and listed their opposing views. On several things, such as locations of the old buildings, they agreed.

Standing just above the foundations of the old hotel and newspaper office, Schmits provided a description of what the town would have looked like in the late 1850s. He pointed to Old Main Street and Kansas Avenue, to 5th Street, the Wyandotte House Hotel, the Jacob Henry Building and the Otis Webb Building.

In all, there are 12 stone building foundations, several cisterns, glass, bottles, metal artifacts and animal bones.

"What we've got here archeologically is very significant," Schmits said. "It tells us a whole lot about early Kansas historical towns that you can't get from the historical literature."

But he believes this site has provided about as much information as it can.

"When we excavate a site like this, we essentially destroy it," he said. "Basically it comes down to [whether] we want to save this site because it's threatened, or do we want to save it because it's worth being saved?"

It would cost millions to stabilize the foundations for historic preservation, Schmits said. Given the cost, he thinks other sites are more worthy of preserving.

Robinson's position is fashioned by the oral history passed down in the neighborhood, now an economically depressed area on the north side of the city. Quindaro's importance was emphasized in summer camps attended by black children, he said, though he never heard about it from his own teachers.

Most of the land is owned by a local church, and its decision to lease the site to Browning Ferris has caused some strife in the neighborhood. Robinson said other residents couldn't care less.

"To some, it's extremely important; to others it's finding a rock or selling a rock," he said. "Some don't want to be reminded of slavery in any way. They don't seem to understand that it's not a plantation but a center for freedom."

10-17

Kansas Natural Resource Council

February 12, 1991

Testimony before the House Energy and Natural Resources Committee

Re: HB 2097 concerning solid waste facility siting

From: Shaun McGrath, Program Director

My name is Shaun McGrath, and I represent the Kansas Natural Resource Council, a private, non-profit, organization which advocates sustainable resource policies for the state. Our membership is over 850 statewide.

HB 2097 would prohibit the siting of a solid waste disposal facility within one-half of a mile from a navigable stream or from a public water supply intake. The intent of the bill is to protect against the contamination of water supplies by landfills located so near to a river.

There is good reason for concern about contamination resulting from landfills. In 1986, 21% of the National Priorities List sites slated for cleanup under the federal Superfund were landfills.

Landfill siting poses two serious environmental problems: 1) groundwater contamination from landfill leachate, and 2) contamination of surface waters from landfill run-off. Although some contamination risk can be minimized by careful engineering design, the risk can not be eliminated.

With regard to the proposed BFI landfill at the Quindaro site, the impetus for this bill, various studies have concluded that contamination of the Missouri River would be highly likely as a result of the proposed landfill location. The 1988 report by Groundwater Management Inc., a division of Layne Geosciences, found that "aerial photographs and published reports indicate that the bedrock strata in the Kansas City area is both faulted and fractured. Favored avenues of groundwater flow in bedrock formations are through fractures, along bedding planes and through solution channels." The report further states, "the ultimate destination for all surface water flow within the proposed landfill site is the Missouri River."


The BFI landfill design for the Quindaro site has been criticized for deficient monitoring, and an inadequate detention pond. Do we want to risk that this landfill will not contaminate the Missouri River - the primary water supply for two major cities and over one million people just down stream?

KNRC urges this committee to again pass out this bill as you did in 1989.

E+NR

2/13/91

Attachment II

 Printed on Recycled Paper

I want to present for the record Resolution No. 37056, adopted by the City Council of Kansas City, Kansas, on December 7, 1989. In that resolution, the City Council made the finding that the Quindaro Landfill in Kansas City, Kansas, presented a substantial risk of contamination to the public water supply and that risk could only be removed through the withdrawal of the proposal to construct the landfill at that particular location. Since the bill under consideration by this committee today will eliminate any risk to the water supply of the City of Kansas City, Kansas, resulting from the Quindaro landfill, the City supports the bill. The City would also in the alternative support a bill that would require the consideration of the impact of the activity on the social or historical environment by the Kansas Department of Health and Environment in the renewal or issuance of any permit.

Respectfully Submitted,

Doug D. Bach

Douglas Bach
City Administrator's Office

*E & NR
2/13/91
Attachment 12*

City of Kansas City, Kansas

OFFICE OF CITY CLERK

(LOCAL REGISTRAR OF VITAL STATISTICS, DIST. 105-A)



TOM G. ROBERTS
City Clerk


Municipal Office Building
One Civic Center Plaza
Kansas City, Kansas 66101
(913) 573-5260

CERTIFICATE

STATE OF KANSAS)
))SS
COUNTY OF WYANDOTTE)

I, Tom G. Roberts, City Clerk of the City of Kansas City, Kansas, do hereby certify that attached Resolution No. 37056 is a true, complete, and correct copy of the resolution as passed by the City Council on the 7th day of December, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 12th day of December, 1989.



Tom G. Roberts, City Clerk
City of Kansas City, Kansas

RESOLUTION NO. 37056

WHEREAS, the Board of City Commissioners on January 26, 1983, approved a special use permit for the operation of a landfill by Browning Ferris Industries, Inc., (BFI) in the Quindaro area of Kansas City, Kansas, adjacent to the Missouri River; and

WHEREAS, the Board of City Commissioners approved a lease to BFI of three tracts of ground adjacent but separate from the special use property for the purposes of providing access to the landfill and for the provision of cover soil; and

WHEREAS, since the date the landfill permit was approved, public opposition has surfaced against the operation of a landfill on the territorial townsite of the City of Quindaro and in proximity to a location that could endanger the water supply of Kansas City, Kansas, as well as that of Kansas City, Missouri; and

WHEREAS, significant archeological remains and artifacts of the Quindaro townsite have been discovered at that location; and

WHEREAS, public concern as to the potential effects of the landfill on the quality of the Missouri River water

have continued to increase since the initial approval of the permit; and

WHEREAS, on July 21, 1988, the City Council of Kansas City, Missouri, adopted Resolution No. 62789 finding that a proper evaluation of the potential adverse effects on the Kansas City, Missouri, water supply had not been made; and

WHEREAS, subsequently the City of Kansas City, Missouri, received a report prepared by Groundwater Management, a division of Layne Geosciences, Inc., on October 11, 1988, which concluded that the proposed landfill poses a threat to the public water supply of approximately one million people that could be eliminated only by the withdrawal of the proposal to build the landfill; and

WHEREAS, the City of Kansas City, Kansas, requested a report to be prepared by Shannon & Wilson, Inc., for a technical evaluation of the proposed Quindaro Landfill; and

WHEREAS, the report submitted on September 28, 1989, concluded that while the proposed landfill could be constructed and operated safely, the report notes that safe operation is dependent upon compliance with operating criteria, adequate ground water monitoring and corrective action and adequate post closure care; and

WHEREAS, BFI agreed in obtaining the special use permit to comply with all future amendments to the City Solid Waste Management Plan and ordinance; and

WHEREAS, the City Council finds that there is a substantial risk for contamination to the public water supply created by the placement and operation of a landfill at that site which risk can only be removed through the withdrawal of the proposal to construct a Landfill at the location.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KANSAS

CITY, KANSAS:

1. The City of Kansas City, Kansas, opposes any renewal of sanitary landfill permit by the State Department of Health and Environment after the expiration of the original five (5) year permit on December 31, 1989, and the Mayor and the City Administrator are directed and authorized to:

- a. Transmit this resolution of opposition to Dr. Stanley C. Grant, Secretary of Kansas Department of Health and Environment; and
- b. Attend the public hearing to be held before the renewal of the permit by the Department of Health and Environment and oppose the renewal;

and

- c. Request the Board of County Commissioners of Wyandotte County that it join the City Council and the Board of Public Utilities in their opposition to the Permit Renewal in order the present a united front of opposition of all local governing bodies before the Department of Health and Environment.

2. The City Council of Kansas City, Kansas, finds that the current Waste Management Plan of the City of Kansas City, Kansas, fails to adequately provide locational factors for the siting of sanitary landfills and fails to sufficiently specify design criteria for the construction of landfills.

3. The City Administrator is instructed and directed to hire a consultant for the preparation of an amendment to the City's Waste Management Plan to provide for proper locational factors for landfill siting and to provide for design criteria to minimize risk from sanitary landfill activities.

4. The Legal Department of the City of Kansas City, Kansas, is instructed and directed to file an action for declaratory judgment to determine, among others, the

following legal issues:

- a. Whether BFI can construct, operate and develop a sanitary landfill on City property for which a special use permit has not been granted;
- b. Whether the lease with the City of Kansas City, Kansas, to BFI on City property for landfill purposes is null and void for failure to comply with the Kansas Statute Annotated 12-1301 which requires notice of any trade, exchange or sale of park property and authorizes referendum upon such conveyance upon the filing of a petition of 10% of the electors;
- c. Whether the lease of City property to BFI is null and void in that the property was acquired for right-of-way purposes under Kansas Statutes Annotated 26-201 and that the use of the property for landfill purposes would result in reversion of title to the underlying fee owners;
- d. Whether the original five (5) year permit granted by the City Commission of the City of Kansas City, Kansas, has expired;
- e. Whether under Section 27-1256 of the Code of

Ordinances the special use permit of BFI has been automatically terminated in that inadequate process toward initiating the use was not made within two years subsequent to the granting of the permit;

- f. Whether Section 27-1255 of the Code of Ordinances the special permit is subject to revocation in that it was initiated within six (6) months of the date of issuance.

5. Under the terms of the special use permit, BFI agreed that all buildings of the remains of significance shall be left undisturbed and protected from the landfill activities by fencing or other necessary means. Under the terms and conditions of the special use permit, any alternative must be approved by this governing body. This governing body finds that it or its predecessors has never approved an alternative to preservation of building remains within the specified use permit area. The City Council instructs, directs, and requests BFI to prepare an explanation on how, in the area covered by the special use permit, the ruins are to be preserved and fenced. Such presentation shall be made to this Council in written form within the next thirty (30) days. Failure to comply with

the conditions of the special use permit requiring preservation of building remains shall be grounds for revocation of the special use permit.

6. The City Administrator be and hereby is instructed to evaluate and report to the City Council as soon as possible the possible uses of the property following the expiration of BFI's five (5) year special use permit in light of the findings of historical significance on the location of the site and its incorporation in an historical district.

7. The hearing of March 1, 1984, on the designation of an historical district for that area covered by the special use permit be reopened and such designation previously made be amended to include the area of the special use permit as described in the original petition for historical district designation.

8. The City Administrator is hereby authorized to take all lawful steps to oppose the construction and operation of a landfill by BFI in the Quindaro area. 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.
ADOPTED BY THE CITY COUNCIL OF THE CITY OF KANSAS CITY,
KANSAS, THIS 7th DAY OF December, 1989.

Tom G. Roberts
City Clerk

Approved as to form:

N. Cason Boudreau
N. Cason Boudreau
Deputy City Attorney

NedRa Bonds
2243 Garfield
Kansas City, Ks.
281-1385

I am NedRa. I grew up in Quindaro. My sister, brother and I were among the first to integrate Quindaro School after Brown vs Topeka. We learned to learn, we learned to play and we learned to FIGHT in Quindaro.

The AME church owned a large part of the land in the neighborhood. There was Vernon School, Douglass Hospital, and on the grounds of what had been Western University, there was a life-size statue of John Brown, erected by a "Greatful people". He had helped to FREE some of our ancestors.

The church built Primrose Villa so that old people could retire and not leave the neighborhood. Bryant, Butler, Kitchen nursing home was built to take care of those who were too old or too sick to take care of themselves.

To the west of the park, was/is Brentwood Hills and Weaver Estate where new houses were built for professional Black people and there families. We lived like it looked on "Leave it to Beaver" and "Father knows Best". All the kids had two parents. Somebody worked in every house and the neighbors looked out for each other.

Then they put in 635 to link Johnson County with the new airport.

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It went right through the middle of the neighborhood and everything went downhill from there.

In 1980, they tore down Douglass Hospital. The explanation had something to do with the MASTER PLAN. People started coming in, in the middle of the night, to dump trash in and around the hole. Neighbors got tired and moved because we couldn't get loans to fix up the old houses. The neighborhood got worse.

The AME church signed a lease with the trash company to put a landfill on top of the buried city. The Bishop said that this would bring in money and jobs. He didn't live there! The people were sick of invisible people messing up our neighborhood with some kind of MASTER PLAN. We already knew about MASTERS and EXPERTS in Topeka and big shot PREACHERS. So the people raised Hell. We filed a law suit but they paid off the lawyers with new jobs on the east coast.

When Stanley Grant, KDHE, said "if the landfill leaked, we would have to find a new source for drinking water"; when the city officials said "KDHE was making them put in a new landfill; and when the Bishop had "no comment" , the people hit the street.

We knew the history. We knew the land and we knew how close
this landfill would be to the river. We, the people since 1983:

- changed the form of our city government
- marched, picketed, and petitioned
- formed coalitions with white environmentalists
- reminded Johnson County water district #1 that they
purchased drinking water from BPU, same as us
- made personal visits to Kansas City, Mo.'s city
council and made them aware of what was coming down
the river
- created media events
- made contact and received support from national
organizations
- stopped going to AME churches
- lobbied State and national elected officials
- testified in dozens of hearings, many of which were
right here in Topeka
- proved our claims to history and and health issues

WITHOUT A BUDGET! WITHOUT A BUDGET! WITHOUT \$\$\$\$\$\$\$\$\$

We've heard about everything from "done deals" to "magic wands"
to "acceptable risk".

WHY IS THE LANDFILL AT QUINDARO STILL AN ISSUE??? WHEN DO WE
GET TO CONCENTRATE ON REBUILDING OUR COMMUNITY??? WHO IS THIS
MASTER, AND WHEN IS HE GOING TO CHANGE HIS PLAN???

We ask you, YOU, all of you to support HB_____.

Wisdom and Love may be here, but JUSTICE is for the people.

The future is now!!! WE SHALL OVERCOME!

**TESTIMONY BEFORE THE
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE**

by Jim Ludwig

KPL GAS SERVICE

February 13, 1991

Mr. Chairman and Members of the Committee:

We appear before you to ask for an amendment to HB 2097. If the proponents and Committee members would accept our amendment, we will be in favor of the bill.

At each of our coal-fired energy centers, KPL manages waste disposal facilities for fly ash. Fly ash is a byproduct of burned coal. Our fly ash disposal facility at Lawrence Energy Center, located near the Kansas River, is nearly full. We have applied for a permit to operate another disposal site within a half mile of the river. All the property we own around Lawrence Energy Center suitable for fly ash disposal is within half a mile of the river. The current facility is closer to the river than the proposed one.

HB 2907, as presently drafted, would prohibit us from locating our new fly ash disposal facility.

Fly ash, because it compacts with very high density, has several environmentally safe uses. Much of the concrete used at Jeffrey Energy Center was composed of about 20 percent fly ash. Fly ash was used in the construction of Heartland Park Raceway and Westridge Mall, both here in Topeka. Fly ash is used extensively in federal highway construction, including federal highways in Kansas. KPL donated fly ash to the state for use on the public walking trails around Cedar Crest. KPL's environmental affairs department is researching other ways to use fly ash, and thereby reduce requirements for disposal capacity, but at this time supply outstrips demand.

The density with which fly ash compacts makes its disposal environmentally safe.

KPL participated with the Electric Power Research Institute (EPRI) to research the leachate of fly ash. Fly ash was used in a road stabilization project in Shawnee County. Ground water monitoring wells were dug along the roadside. Leachate was measured before road work was done in order to establish a baseline. After road work was completed, data gathered since 1986 has indicated the leachate does not affect ground-water quality. Because fly ash compacts with such high density, it does not leach into ground water.

Other research studies have been conducted on fly ash. One project studied its potential as a base in commercial solid waste disposal facilities precisely because compacted fly ash can contain leachate from other disposed solid wastes. We are not aware of any research project that indicates fly ash poses an environmental or health threat in solid waste disposal facilities.

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The proponents of HB 2097 are directing its provisions to a specific area within the city of Kansas City, Kansas. They can attain their purpose, and allow us to dispose of fly ash, by amending Section 1(i)(1) - on line 13 of page 3 - with the words within parentheses:

(i)(1) No permit to construct or operate a solid waste processing facility or solid waste disposal area, other than a renewal of an existing permit for a facility or area already in operation [**or a disposal area for a solid waste byproduct produced on-site**], shall be issued on or after the effective date of this act if such facility or area is located within 1/2 mile of a navigable stream or within 1/2 mile of an intake point for any public water supply system.

We ask the Committee to amend HB 2097. With the amendment, we favor its passage.

1 be revocable or subject to suspension whenever the secretary shall
2 determine that the solid waste processing or disposal facility or area
3 is, or has been constructed or conducted in violation of this act or
4 the rules and regulations or standards adopted pursuant to the act,
5 or is creating a hazard to persons or property in the area or to the
6 environment, or is creating a public nuisance.

7 (h) In case any permit is denied, suspended or revoked the per-
8 son, city, county or other political subdivision or state agency may
9 request a hearing before the secretary in accordance with K.S.A.
10 65-3412 and amendments thereto.

11 (i) (1) *No permit to construct or operate a solid waste processing
12 facility or solid waste disposal area, other than a renewal of an
13 existing permit for a facility or area already in operation, shall be
14 issued on or after the effective date of this act if such facility or
15 area is located within 1/2 mile of a navigable stream or within 1/2
16 mile of an intake point for any public water supply system.*

or a disposal area for a solid
waste byproduct produced on-site

17 (2) *Any permit, issued before the effective date of this act, to
18 construct or operate a solid waste processing facility or solid waste
19 disposal area is hereby declared void if such facility or area is not
20 yet in operation and is located within 1/2 mile of a navigable stream
21 or within 1/2 mile of an intake point for any public water supply
22 system.*

23 New Sec. 2. Any special land use permit, issued by a city before
24 the effective date of this act, to use land for the purpose of operating
25 a solid waste processing facility or solid waste disposal area is hereby
26 declared void if such facility or area is not yet in operation and such
27 land is located within 1/2 mile of a navigable stream or within 1/2
28 mile of an intake point for any public water supply system.

29 Sec. 3. K.S.A. 65-3407 is hereby repealed.

30 Sec. 4. This act shall take effect and be in force from and after
31 its publication in the Kansas register.

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by Do [unclear]?

TESTIMONY IN SUPPORT OF HOUSE BILL 2097

February 13, 1991

My name is Ervin Sims, Jr. I am Manager of Water 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 inter-related functioning of Water Processing and Water Distribution.

I am here today as a representative of the Board of Public Utilities to provide testimony against House Bill 2097. It is our understanding that House Bill 2097 would prohibit the siting of any landfill facility or area within one-half mile of a navigable stream, or within one-half mile of an intake for any public water supply system. We further understand that previously issued permits for any landfill facility or area which is not yet operational and is located within one-half mile of a navigable stream, or within one-half mile of an intake point for any public water supply system, are declared void. While the Board of Public Utilities supports guidelines restricting the locations of landfills near navigable streams and water supply intakes, the one-half mile restriction would not allow adequate

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protection should contamination from the landfill occur. The Board of Public Utilities supported a previous House Bill, No. 2363, which imposed a location restriction of one mile from navigable streams and water supply intakes. The Board of Public Utilities' concern is for the location of landfills, and their proximity to public water supply intakes and navigable streams. No matter how well constructed a landfill may be, using state of the art design criteria, NO ONE can guarantee that hazardous leachate will not contaminate the ground water or surface water.

Water quality is on the forefront of the legislative agenda, as indicated by the Safe Drinking Water Act Revisions (SDWA) of 1986, and all of the resultant Environmental Protection Agency (EPA) regulatory activity. Water customers are becoming acutely sensitive to the importance of good quality drinking water. Our generation cannot afford to further contaminate our water supply.

The Board of Public Utilities' concern for the quality of water supply to the citizens of Kansas City, Kansas drives our opposition to this House Bill, 2097.

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S T A T E M E N T

Submitted By:

John J. Bukaty, Sr.
John L. Peterson
748 Ann Avenue
Kansas City, Kansas 66101
(913) 371-1930

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2/13/91

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S T A T E M E N T

House Bill No. 2097

Members of the Committee:

I am again appearing here on behalf of Browning-Ferris Industries in opposition to proposed House Bill No. 2097. Included in this statement are two previous statements that I have submitted over the last two (2) years concerning this project when other legislation was proposed concerning this endeavor. Again, nothing has changed the substance of my previous comments from the last time that I appeared in front of this Committee. I would respectfully invite you to review the prior two statements for a brief history of this proposed project.

The lawsuit that was referred to in the statement that was presented last year is still pending in the District Court of Wyandotte County, Kansas. While we certainly understand and appreciate state-wide concerns for environmental protection, we view this bill as aimed directly and solely at our project, a project that has been permitted and under progress since 1982. Considerable funds have been expended on this project, totalling well in excess of Three Million Dollars (\$3,000,000).

Since the 1990 legislative session we have successfully constructed a test site at our facility at a significant cost to us, which test site has been approved. This test site was a

microcosm study of, among other things, the permeability of the site and that has been completed. This project has been on-going since 1982 and we have certainly relied upon past studies, past permitting and past approvals.

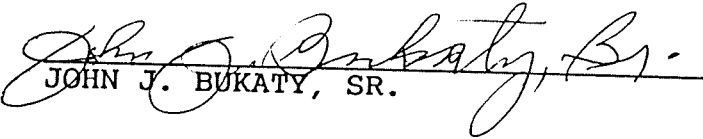
We see no advantage of the State in essence substituting itself for the City of Kansas City in attempting to thwart this project. Our permits are in place and, in our opinion, are a property right. This legislation is confiscatory in nature in that it would take something away that we have in our possession *ex post facto* and declare it null and void. All of the considerable time, research, development and funding that has gone into this project over the last eight (8) years would be rendered useless.

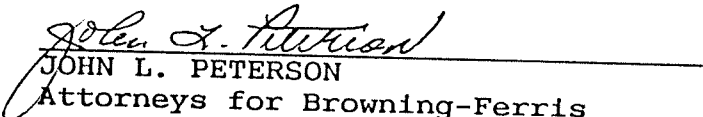
As stated earlier, there has been for nearly thirty (30) years a sanitary solid waste landfill on the very shore of the Kansas River which has posed no threat whatsoever to the environment. It has been exhaustively studied and tested and remains in full operation as of this day. The state of the art construction that we would employ would certainly assure a professionally run landfill employing the latest technology for this much needed though widely disreputed activity.

As a result of the foregoing, we would respectfully request that you oppose the passage of this House Bill No. 2097. We want to thank you for your interest, attention and continued cooperation in our endeavor. If there are any questions or

documentation that you wish to receive, please do not hesitate to contact the undersigned at any time. Again, thank you.

Respectfully submitted,


JOHN J. BUKATY, SR.


JOHN L. PETERSON
Attorneys for Browning-Ferris
Industries of Kansas City, Inc.
748 Ann Avenue
Kansas City, Kansas 66101
(913) 371-1930e

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Last year I appeared here and spoke on behalf of Browning-Ferris Industries against this proposed bill. Nothing has changed the substance of my comments in this intervening year. There have been two dramatic events, however, which point up the uselessness of this legislation.

In June of 1989 the City of Kansas City, Kansas commissioned its own independent study of our plans and specifications. After an extensive search the St. Louis firm of Shannon and Wilson was chosen and hired by the City to conduct this study. Representatives from Shannon and Wilson worked in Kansas City from June through late August and made an exhaustive review of all data concerning this project. Their report was given to the City Council on September 28, 1989. That report supported our plans and specifications and, more importantly, approved the actual physical site.

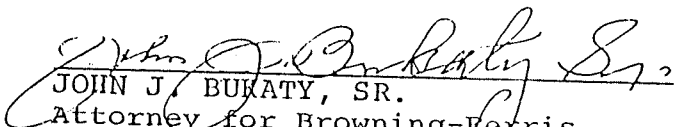
To our surprise and in light of this report, the City of Kansas City, Kansas, voted to file suit against BFI on December 7, 1989. That suit was filed on January 25, 1990. BFI in response has filed a counterclaim against the City of Kansas City, Kansas for damages in excess of Fifteen Million Dollars. We are in the beginning stages of this litigation. If Kansas

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City, Kansas perceives that it has a problem, it seems as though they are attempting to take care of it themselves. Since this bill is aimed directly at our landfill, it would seem redundant to have legislation passed which could only conceivably draw the State in as an additional party.

Lastly, the main reason we believe this bill should not go forward is that the sponsors of this bill are attempting to impose their judgment over the judgment of the professional and technical resources of the Kansas Department of Health and Environment. KDHE has approved this project and we are in possession of its state permit. Thus, we would respectfully request that this bill be defeated.

Respectfully submitted,


JOHN J. BUKATY, SR.
Attorney for Browning-Ferris
Industries of Kansas City, Inc.
748 Ann Avenue
Kansas City, Kansas 66101
(913) 371-1930

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S T A T E M E N T

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HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
HOUSE BILL NO. 2363

Ladies and Gentlemen:

My name is John J. Bukaty, Sr. I am appearing here before your Committee on behalf of Browning-Ferris Industries of Kansas City, Inc., in opposition to the above captioned proposed legislation.

I first want to thank you members of this Committee for the opportunity to present our position. I believe it is in order, in the interest of brevity, to give a little history of our involvement and interest in this legislation.

BFI owns and/or leases solid waste sanitary landfills throughout the United States. In 1982, the City of Kansas City Kansas was mandated by the Kansas Department of Health and Environment that the City arrange for a sanitary solid waste landfill inasmuch as there were no landfills in the Kansas City Kansas area. After an extensive search, a site was selected on property largely owned by the A.M.E. Church located in the northeast portion of Kansas City, Kansas, in what has been described as the Quindaro section. Lease arrangements, after an exhaustive study, were entered into for the use of said property, as well as some adjoining property owned by the City of Kansas City Kansas, for the establishment of a solid sanitary waste facility.

Subsequent thereto, a permit was issued by the City of Kansas City Kansas, to Browning-Ferris Industries of Kansas City, Inc., for a sanitary solid waste landfill. Immediately thereafter, an application was made to the State of Kansas for the necessary permits which permits were issued, and these permits are currently in force and effect. Exhaustive studies were conducted by the engineers and geologists on behalf of Browning-Ferris which were, among other things, affected by a lawsuit against the City of Kansas City Kansas wherein the Court found that the issuance of the permit to Browning-Ferris was valid. That decision was subsequently upheld by the Supreme Court of Kansas.

There have been many objections leveled against this proposed operation before the various departments of the state, county, city and federal bodies, resulting in a situation where operation of the sanitary landfill will commence operation by the first day of June, 1989.

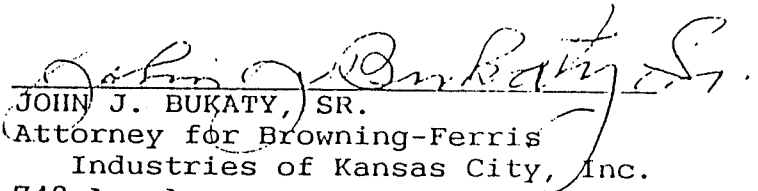
Our engineers and geologists, after exhaustive measures, have assured us and the City of Kansas City Kansas and its citizenry that the operation of a landfill at this site is safe beyond any doubt. It might be well to point out at this juncture that there exists in the State of Kansas several areas where solid waste landfills are in operation close to navigable streams. In fact, in the Kansas City area, particularly in Johnson County, there is a solid waste landfill in operation and

has been in operation for some 30 years, and it is immediately adjoining the Kansas River, separated only by a railroad right-of-way. There has never been any complaint of any possible pollution to the water supply serving, for the most part, a portion of the area of Johnson County, Kansas.

After the issuance of a permit for the operation of the sanitary solid waste landfill by the City of Kansas City Kansas and the permit by the Kansas State Department of Health, an enormous amount of effort and finances have been expended to insure a legal landfill to take care of the needs of the City and its industrial endeavors.

It is for these reasons that we respectfully oppose the passage of the above entitled house bill.

Again, thank you ladies and gentlemen for your interest, attention and continued cooperation in our endeavor.


JOHN J. BUKATY, SR.
Attorney for Browning-Ferris
Industries of Kansas City, Inc.
748 Ann Avenue
Kansas City, Kansas 66101
Telephone (913) 371-1930

ENERGY AND NATURAL RESOURCES COMMITTEE

#HB Bill 2097 Rep. William Wisdom

My name is Betty Roberts, 535 Westvale Road, Kansas City, Kansas 66102. I'm a member of the Quindaro Town Preservation Society. I can't believe anyone would consider putting a landfill so close to the Missouri River, the source of Kansas City, Ks. and Kansas City, Mo.'s drinking water.

I have a personal interest because of my own health problems. I developed Systemic Lupus Erythematosus better known by initials SLE, a chronic, so far, incurable disease which affects any organ of the body, the nerves, blood vessels and joints. I had all the symptoms of rheumatoid arthritis and was treated for that by a specialist for 15 years before 10 years ago ending up in the hospital with pneumonia and a diagnosis of Lupus. After 1 liter of fluid was withdrawn from the lining of my lungs I was left with scar tissue and only 33% lung capacity; medication (Prednisone) has destroyed spinal bone so that I'm 4" shorter and my immune system compromised.

There are many others with poor health who cannot afford the added insult of polluted water to drink. Since all landfills eventually leak this particular one requested by BFI would seriously threaten my health and that of many others in our community. BFI already has an incinerator in Kansas City, Kansas, in our Fairfax District which accepts trash from out of state by the semi-trailer truck loads and is to build another incinerator in our Central Industrial District to accept medical wastes from all over the country. Kansas is becoming the waste trash and medical waste patsy of the U. S. The only ones getting rich from our trash and chemical dumping is the multi-million dollar owners of BFI and Waste Management from whom BFI separated. The Love Canal scandal which woke up the nation to the health risks of polluted water.

I'm tired of Kansas being ridiculed as being 13th worse state out of the 50 in terms of allowing toxic chemicals into the air, waterways and land. (Kansas City, Kansas Feb. 11, 1991)

We're looking to you our legislators on the Energy and Natural Resources Committee to protect us.

Thank you,

Betty J Roberts (Mrs. Robert L Roberts)

Betty Roberts

*E + NR
2/13/91
Attachment 17*