

Approved 4-9-91  
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at  
Chairperson

8:07 ~~a.m.~~<sup>xx</sup>p.m. on April 3, 1991 in room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present:

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

Conferees appearing before the committee:

Representative Bill Wisdom  
Dr. John Neuberger, Department of Preventive Medicine, KU Medical School  
Dr. Fred Whitehead, Kansas City, Kansas  
Troy Gordon, Kansas Chapter Sierra Club  
Jerry Hazlett, Kansas Wildlife Federation, Inc.  
Ervin Sims, Jr., Board of Public Utilities  
Marvin Robinson, Quindaro Town Preservaion Society  
NedRa Bonds, Kansas City, Kansas  
John Freed, Shawn Mission, Kansas  
Doug Bach, City of Kansas City, Kansas

The Chairman opened the hearing on HB 2097 - concerning solid waste; relating to location of certain processing facilities and disposal areas.

Representative Wisdom as a sponsor of the bill spoke in support of it and suggest the Committee needed to look at New Section 3 and 4. He responded to questions.

Dr. John Neuberger stated the bill represents a significant step forward in protecting Kansas navigable streams and public water supplies from pollutants stemming from accidental or unforeseen surface or ground-water runoff from solid waste disposal areas (Attachment 1).

Dr. Fred Whitehead read Dr. Gerald Lee's prepared statement which expressed concern regarding the placement of a landfill alongside of a major river, as the potential exists to pollute the drinking water supply for the area (Attachment 2).

Troy Gordon said there is no guarantee that landfills will not leak and it could contaminate the nearby river and the public water supply resulting in health risks to the public (Attachment 3).

Jerry Hazlett urged passage of the bill to protect the water supply for the citizens of Kansas and Missouri (Attachment 4).

Ervin Sim, Jr. supported restricting landfills near navigable streams and water supply intakes (Attachment 5).

Marvin Robinson urged passage of HB 2097 to protect the integrity of the drinking water supply and to protect the Quindaro Archeological site (Attachment 6).

NedRa Bonds supported the passage of the bill to protect the pre-civil war town and the underground railroad historical site. Included with her statement is information regarding protection of the drinking water from lead and other contaminants (Attachment 7).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

room 423-S, Statehouse, at 8:07 a.m./~~p.m.~~ on April 3, 1991

John Freed distributed a packet of information stressing how unsuitable the Quindaro Location is for a landfill, because of its location close to the river and the significance of the historical site (Attachment 8).

Doug Bach opposed New Section 3. They supported the bill as originally introduced, but they can not support it in its present form (Attachment 9).

Ron Hammerschmidt, Kansas Department of Health and Environment was scheduled as an opponent of the bill. The committee time expired before he was able to testify. His testimony is attached. See (Attachment 10).

The meeting adjourned at 9:05 a.m. The next meeting will be at 8:00 a.m., April 4, 1991.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date April 3, 1991

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Nedra Bonds

Quindaro Town ~~Pres.~~  
Preservation Society  
QUINDARO  
CHIN-DO-WAN II

JOHN D. FREED

Hazel Taylor  
Neslie Atkins  
Ferdie Hughes

Quindaro Town  
Preservation Society  
Quindaro T.P.S.  
Quindaro Preservation Society  
Quindaro Town Preservation Society  
Quindaro Town Preserv. Soc.

Fred Whitehead, Ph.D.  
Betty Roberts (Mrs Robert)

Stephen A. Hurst

Kansas Letter Office

Whitney Damon

Pete McGill & Associates

John J. Burkhardt Sr.

BFI

John A. Peterson

BFI

John C. Peterson

BFI

Ervin Sims Jr

K.C.K. Board of Public Utilities  
Kansas Corp. Comm.

Bill Bryson

City of KCK

Doug Bach

Topic/Intern. for Sen. Lee

Quinta White

Sierra Club

Scott Andrews

Kansas Chapter of the Sierra Club

Troy Gordon

Dept. Preventive Med., KUMC

John Neuberger

Quindaro Ruins/Underground Railroad Exercise '91

Marvin S. Robinson

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date 4.3.91

PLEASE PRINT GUEST LIST

<u>NAME</u>		<u>REPRESENTING</u>
Dalrymple Smith Jara	Topeka	Kansas water office
Clark Duffy	"	"
Shawn McGrath	"	Ks. Natural Resource Council
Jim Ludwig	"	KPL GAS SERVICE
Jerry Hazlett	"	Ks Wildlife Federation
Ron Hammerschmidt	Topeka	KDHE
David R. Pope	"	DWR, CSBA

Testimony Before Senate 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

April 3, 1991

*E&NR*  
*4/3/91*  
*Attachment 1*  
*1 of 2*

These comments are intended to support House Bill No. 2097 (as amended) 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 disposal areas. Contamination of our waterways and drinking water supplies from chemical, biological or other agents contained in landfills and other solid waste disposal areas 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.

*E & NR*  
*4/3/91*  
*attachment 1*  
*242*

TESTIMONY ON HOUSE BILL 2097

To: Chairman & Members of the Energy  
and Natural Resources Committee  
Kansas Senate  
State Capitol  
Topeka, Kansas

From: Gerald B. Lee, M.D.  
3005 Strong Avenue  
Kansas City, Kansas 66106

Date: April 3, 1991

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 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 alongside 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.

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 and chronically.

*EBUR*  
*4/3/91*  
*Attachment - 2*  
*142*

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.
10. Organo-phosphates cause acute and chronic neurological changes.

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

*ENR*  
*4/3/91*  
*attachment 2*  
*242*





# SIERRA CLUB

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Kansas Chapter

Troy Gordon  
1901 N 86th  
Kansas City, KS 66112

## **Testimony to the Senate Energy and 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 Environmental Protection Agency 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 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 be landfills. We ask that these landfills be made as safe as is possible. To help accomplish this, we urge the members of this committee to support passage of H.B. 2097 for better and environmentally safer siting of landfills in Kansas.

*E&NR  
4-3-91  
attachment 3*

# 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

April 3, 1991

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

HB 2097: RESTRICTION OF SOLID WASTE FACILITIES NEAR STREAMS OR WATER  
INTAKES

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  
4-3-91  
attachment 4

143

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

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.

FN  
4-3-91  
Attachment  
4

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.

TESTIMONY IN SUPPORT OF HOUSE BILL 2097

April 3, 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 in favor of 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 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 mile of an intake point for any public water supply system, are declared void. The Board of Public Utilities supports guidelines restricting the locations of landfills near navigable streams and water supply intakes.

On February 2, 1983, the Board of Public Utilities

Ervin R  
4-3-91  
attachment 5  
#4

unanimously approved Resolution 4825 in opposition to the Browning-Ferris Landfill located at approximately 27th and Sewell. The text of that Resolution reads:

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

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

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

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

THEREFORE, BE IT RESOLVED THAT:

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

E & N R  
4/31/91  
attachment 5  
244

permitting.

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

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

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

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

Signed by:

Charles J. Otten, President

Harold D. Foster, Vice-President

Ana Riojas, Secretary

Anthony J. Mikesic, Jr., Member

Paul R. Gibson, Member

Clarence R. DeGraeve, Member"

*E+NR*  
*attachment 5*  
*4-3-91*

*304*

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 support of this House Bill, No. 2907.

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4-3-91  
attachment 5*

*484*



TESTIMONY OF  
MARVIN S. ROBINSON

of the

QUINDARO RUINS/UNDERGROUND RAILROAD EXERCISE '91 BEFORE THE  
KANSAS SENATE ENERGY AND NATURAL RESOURCES COMMITTEE.

Statehouse Capitol  
Topeka, Kansas

April 3, 1991 - 8:00 a.m.

*ENR  
4-3-91  
attachment 6  
1 of 6*

<sup>Morning</sup>  
Good ~~afternoon~~ to the Honorable members of the <sup>Senate</sup> ~~House of Representatives~~  
Energy and Natural Resources Committee and to your Chairman Mr. <sup>Ross</sup> ~~Ken~~  
<sup>Doyen</sup> ~~Grotwiel~~. 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's 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". *Johnson County Water Dist. #2*  
The following points about Quindaro's Future are recommendations Mr. Hug  
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  
a judicial administrative review with federal court order employment  
protection. *Rita Lovell & Ann Burford, I believe.*

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?

*E&NR  
4-3-91  
attachment 6  
246*

- 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.

*ENR  
4-3-91  
attachment to*

*3#6*

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 <sup>Congresswoman</sup> Jan Meyers, the entire <sup>Congress</sup> 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 ).

*SUBSIDIZING Recycling w/incentives*

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).

*our work w/*

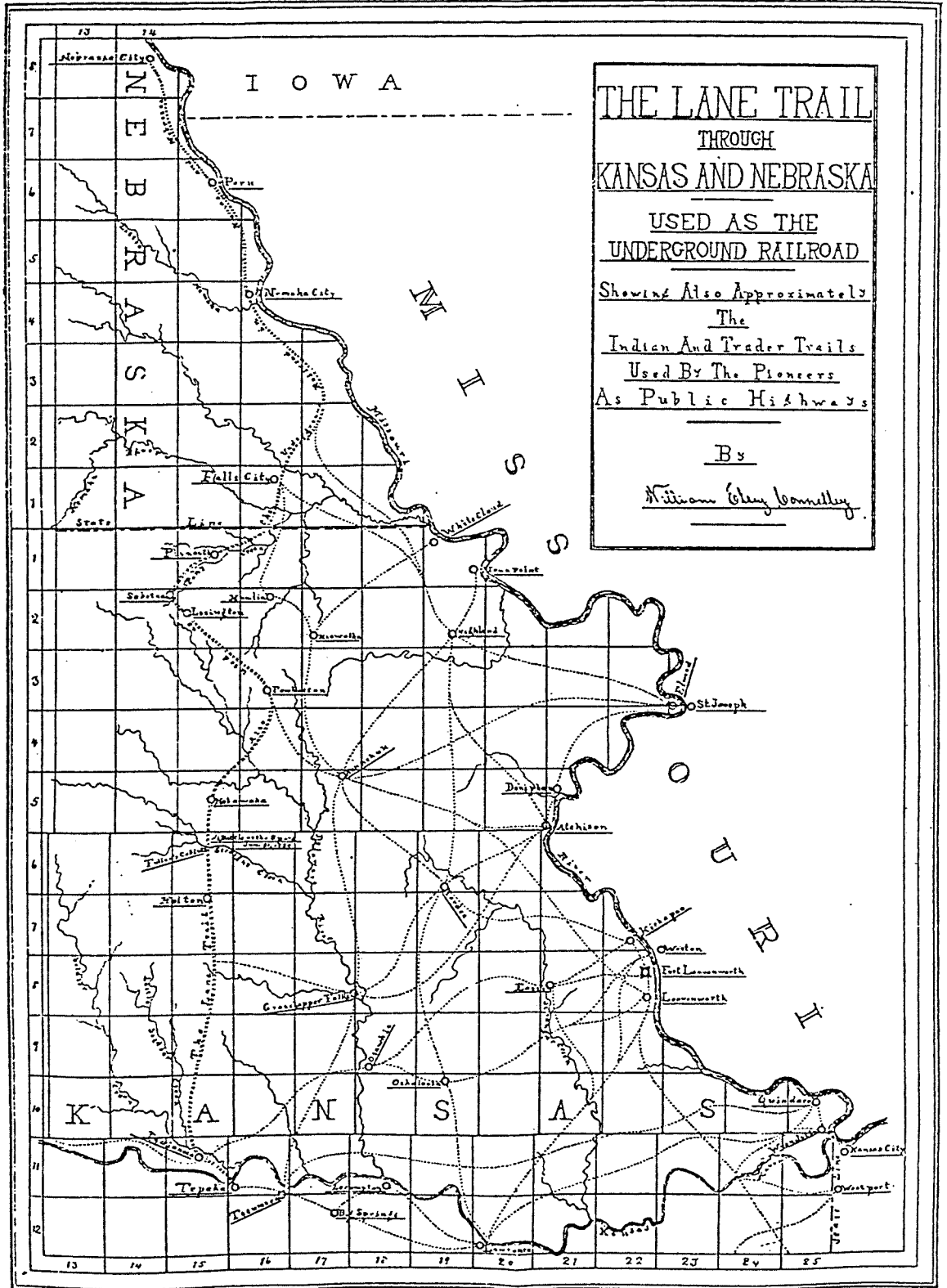
*Blue Baby Syndrome*

*Plus Lansing's Prison*

*E&NR  
4-3-91  
attachment 6*

*486*

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



E & NR  
 4-3-91  
 attachment 6  
 546

# Wyandotte County

KANSAS CITY, KAN. • PIPER

THIS WEEK

BONNER SPRINGS • EDWARDSVILLE

## Quindaro landfill dispute captures Finney's attention

**Governor expresses concern about possible water problems or the loss of an historical site.**

By REGINA AKERS  
Staff Writer

Kansas City, Kan., residents hoping to save the historic ruins of Quindaro from a landfill may have gained an ally in their nearly decade-long fight.

Gov. Joan Finney recently sent one of her top administrators and state historical staff members to meet with the Quindaro Town Preservation Society and tour the area believed to have been used by fleeing slaves seeking to enter the free territory of Kansas through the Underground Railroad.

"At this point the governor's asking that a look be taken to

determine whether we're faced with future water degradation questions or loss of significant historic artifacts in Kansas," said Martha Walker, Finney's press secretary.

"The governor's interest simply is not to lose something if there are artifacts or remains that are a significant part of Kansas history. She wants a comfort level that we're not going to lose something that should be preserved."

Browning-Ferris Industries Inc. has sought since 1983 to build a 120-acre landfill atop the ruins. The landfill would be located near 27th Street and Sewell Avenue and fewer than 600 feet from the

Missouri River.

Kansas City, Kan., officials last year sued the company, contending in part that the landfill could threaten the drinking water supply for residents throughout the metropolitan area.

Browning-Ferris has filed a \$52 million countersuit and the issue now is pending in court.

Casey Boudreau, a city attorney handling the case, said no trial date has been set.

Finney could not be reached for comment, but Walker said the governor also is concerned about a landfill's potential contamination of the water supply.

Finney had been contacted by local residents interested in saving the site and has asked her staff to

See GOVERNOR'S, pg. 4

## Governor's staffers study Quindaro issue

Continued from pg. 1

investigate, Walker said.

"It's really too early to have an idea as to how she wants to react to this," Walker said. "But she has been made aware of the issues and it's something she felt she needs to take a look at. It's too early to speculate on what actions the state could take."

Art Griggs, the state's acting secretary of administration, toured the Quindaro site on Feb. 15 with several other state officials. They met with preservationists, archeologists and city officials.

After the visit, Griggs said it was too early to speculate on any actions the governor might take.

"Governors have power to make recommendations for legislation and funding," Griggs said. "Right now, we're just interested in gaining additional background about the site's history and options for its future preservation."

Ruth Hendon, a Quindaro Town Preservation Society member, asked Griggs in a meeting Feb. 15 after the tour whether the state could acquire the property to save it. Griggs said that under current Kansas law, the state historical society could acquire

the land if it were listed on the National Register of Historic Places. The site is listed only on the city's historic register.

Griggs also noted that funds to buy the site could be a problem.

Finney, however, apparently likes the idea of the site becoming state-owned property. Her interest dates back to her term as state treasurer.

In a 1989 letter to local preservation society member Marvin Robinson, of Kansas City, Kan., Finney wrote while still treasurer: "I am hopeful that the Legislature and governor will see fit to approve the purchase of this site so it can be preserved as an historic location."

The Quindaro site now is owned jointly by the city and the Fifth District of the African Methodist Episcopal Church.

Folklore of the black community embraces the site as a stop on the Underground Railroad. The claim has been disputed by some historians.

The National Park Service, however, intends to include the site in a two-year study that would determine its authenticity. If confirmed, the Quindaro site could be linked in a national historic trail of Underground Railroad stops.

E&NR  
4-3-91  
attachment 6  
6 of 6

NedRa Bonds  
2243 Garfield  
Kansas City, Ks. 66104

April 3, 1991

Senate Committee Hearing : HB2097

It seems that I come to Topeka every year to ask the "wise" not to allow a "foolish" thing to happen.

It"s like this:

You have some rich lawyers who received a contract from a hand full of racists, on their way out of office. The contract (for a landfill) satisfied the state office of KDHE and allowed the "DUMP" to be sited in the Black neighborhood, upstream from from the water intakes of both Kansas City, Ks and Kansas City, Mo. (Greedy preachers bought in the deal because the church owns most of the property which sits on top of a pre-civil war town where slaves escaped across the Missouri River into Kansas.)

This whole situation is like a "B grade" movie in black and white scratchy film with subtitles.

I'm tired of it. Most of you are tired of it and the church and the trash company should be forced to fight out the money.

We have enough problems, don't we!

Mrs. Finney has her pen ready to end the problem.

Please, just pass HB 2097 so I can complain about the lack of money for ART.

*NedRa*

*E+NR  
4-3-91*

*attachment 7  
143*

# Public Notice: Lead in Drinking Water

## THIS NOTICE IS FOR THE INFORMATION OF THE WATER CUSTOMERS OF:

Water District #1 of Johnson County, KS 722-1800  
Board of Public Utilities - Kansas City, KS 573-9190  
Leavenworth Water Department, Leavenworth, KS -  
(913) 682-1513  
Rural Water District #3 - Jo. Co., KS 782-8030  
Rural Water District #5 - Jo. Co., KS 782-1122  
Village of Lake Winnebago 537-6778  
City of Weatherby Lake 741-5545  
Clay County District #4 - 781-5793

City of Gladstone 454-2770  
City of Lake Waukomis 741-2079  
City of Liberty 781-7100  
City of North Kansas City 274-6022  
City of Platte City 431-2222  
City of Pleasant Hill 987-3153

Cass County Water District #2 - MO 331-7108  
Cass County Water District #3 - MO 331-1071  
Cass County Water District #6 - MO 331-2455  
Cass County Water District #8 - MO 331-4908  
Consolidated District #1 of Platte County 891-3457  
Jackson County Water District #12 - 537-6856  
Jackson County Water District #13 - 229-1666  
Missouri Cities Water Company (314) 922-9163  
Platte County Public Water Supply District #6 -  
741-7790

Kansas City, Missouri Water Department and its suburban customers served through the following Water Departments:  
Kansas City Missouri Water Department - 454-7600

Rural Water District #2 - Jo. Co., KS 681-2417  
Jackson County Public Water District #1 -  
Grandview - 761-5421  
Clay County District #2 - 781-1454  
Raymore 331-0488  
Kansas Water Company - Johnson County, KS 362-5926

Lathrop 528-4251  
Lee's Summit 251-2402  
Clay County District #6 - 781-0513  
Westport Annex Water Co. - Jo. Co., KS 722-6021  
Blue Springs 228-0146

Birmingham 453-4289  
Northmoor 741-6071  
Feretview 464-5010  
Belton 331-4331 or 331-3500

Information contained in this notice concerning lead is being published nationwide under the direction of the United States Environmental Protection Agency. The lead content of drinking water as delivered by the water suppliers (i.e. water leaving the Treatment Plant) listed above is less than 0.010 parts per million (ppm). The above listed suppliers provide the following information from the U.S. Environmental Protection Agency:

"The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that lead is a health concern at certain levels of exposure. There is currently a standard of 0.050 parts per million (ppm). Based on new health information, EPA is likely to lower this standard significantly.

Part of the purpose of this notice is to inform you of the potential adverse health effects of lead. This is being done even though your water may not be in violation of the current standard.

EPA and others are concerned about lead in drinking water. Too much lead in the human body can cause serious damage to the brain, kidneys, nervous system, and red blood cells. The greatest risk, even with short-term exposure, is to young children and pregnant women.

Lead levels in your drinking water are likely to be highest:

- o If your home or water system has lead pipes, or
- o If your home has copper pipes with lead solder, and
- o If the home is less than five years old, or
- o If you have soft or acidic water, or
- o If water sits in the pipes for several hours."

Lead pipes can be identified by their dark gray color and the ability to scratch the surface easily with a nail or other steel object. Copper pipes are joined together by lead solder, which appears to be silver to gray in color.

FOR FURTHER DETAILS, CONTACT YOUR WATER SUPPLIERS AS SHOWN ABOVE.

The EPA also has prepared a booklet on this lead issue and has a toll-free hotline (1-800-426-4791) dedicated to this issue. The content of this notice meets federal and state requirements for public notice on lead.

Because of the treatment given the water delivered by the above water suppliers, there is little likelihood that any metals, including lead, are dissolved in the water as it flows from the treatment plants through the water mains, service lines and household plumbing. The above water suppliers have performed monitoring within homes in their service areas and monitoring programs are being initiated. All sampling to date has indicated that typical households with normal water use had lead levels that did not exceed the standard.

In areas of the nation where high lead levels have been found to occur, the possibility of exposure to higher lead levels can be minimized. One way is to "flush" each cold-water faucet in a home when water stands for more than a few hours. Flushing a cold-water faucet means allowing the water to run until it gets as cold as it will get before each use. Normally this may take two or three minutes. Toilet and shower use or doing laundry also will move the cold water through the plumbing system, and this will reduce the amount of time needed to flush the cold water faucets.

Another way is one of avoidance: Do not cook with or consume water from the hot-water faucet. Hot water picks up lead more quickly than cold water. Especially avoid using hot tap water for making baby formula. If hot water is needed for cooking or oral consumption, draw water from the cold water tap and heat it on the stove or in the microwave. Use of some home water conditioning or softening devices may increase the potential for corroding the plumbing and picking up metals such as lead.

If plumbing repairs or other plumbing work is done, make certain that only lead-free solder and other lead-free materials are used, as now is required by federal law.

It is important to remember that the quality of water supplied by the water suppliers listed above is superior to that required by federal and state standards, including the standard for lead.

Should you have any questions about lead or if you wish information on how to determine the lead level of the water in your household, contact your water supplier.

*E+NR*  
*4-3-91*  
*attachment 7*  
*243*



# main virtually the same

## Releases: A two-year look

represent  
chemicals  
members and totals  
Federal officials  
1989 totals to be

1989
3,109,600
200
0
755,400
454,500
4,319,700
2,689,600
29,700
52,800
7,900
468,200
3,248,200
88,900
0
0
0
35,600
124,500
5,888,100
29,900
52,800
763,300
958,700
7,692,900

(Jay and Cass counties)

### KANSAS

#### JOHNSON

	1988	1989
AIR:	658,200	864,400
WATER:	4,600	3,100
LAND:	66,000	16,700
SEWER:	4,500	17,000
OFF-SITE:	10,500	633,800
TOTAL:	743,900	1,535,100

#### WYANDOTTE

AIR:	3,334,800	2,889,300
WATER:	500	7,300
LAND:	500	3,000
SEWER:	2,405,800	2,478,100
OFF-SITE:	491,700	316,500
TOTAL:	6,233,400	5,694,300

#### LEAVENWORTH

AIR:	402,300	274,000
WATER:	0	0
LAND:	0	0
SEWER:	300	800
OFF-SITE:	80,400	16,700
TOTAL:	482,900	291,500

#### KANSAS METRO AREA

AIR:	4,395,300	4,027,600
WATER:	5,200	10,500
LAND:	66,500	19,700
SEWER:	2,410,600	2,495,900
OFF-SITE:	582,600	967,100
TOTAL:	7,460,200	7,520,800

#### Totals for Kansas City area:

AIR:	10,106,900	9,915,700
WATER:	17,200	40,400
LAND:	102,000	72,500
SEWER:	2,512,000	3,259,200
OFF-SITE:	2,986,900	1,925,800
TOTAL:	15,725,000	15,213,800

## How to learn more about pollution

If you want to exercise your right to know about chemicals in your area, the government and a local library can help.

The Environmental Protection Agency recently published a 400-page book on the 1988 data. It is available at the U.S. Government Bookstore in Bannister Mall for \$21.

The Kansas City, Kan., Public Library offers a unique service in the Kansas City area. The library will give up to one hour of free computer search time on a national data base containing information on the toxic releases. The staff can conduct searches for the public.

"You have the right to know. It's our job to provide it," the library said in a news release.

A National Wildlife Federation report this year titled "Phantom Reductions" outlined how a reported cut in emissions in 1988 didn't represent less pollution.

Instead, the group pointed out, the EPA removed some chemicals from the list covered by the law. EPA also let some manufacturers change their classification to avoid reporting and permitted companies not to report chemicals sent to cement kilns or boilers for fuel. And the EPA allowed firms to change the way they estimated emissions.

Kansas City area examples, too, show that "reductions" and "increases" are not always real.

For example, the old Cook Paint & Varnish Co. plant in North Kansas City, now operated by Cook Composites and Polymers, reported 1989 air emissions at 161,100 pounds, a 229 percent jump over 1988's 48,960 pounds.

But operations at the plant

emissions to 950,000 pounds last year from nearly 1.3 million pounds in 1988.

"We're working to get down as much as we can and as quickly as we can," said spokesman Fran Anderson, in part by using soap and water to wash circuit boards

als

of concern from the toxic release data:

E+NR  
4-3-91  
attachment 7  
343

The Star

# Table of Contents

4-3-91

Quindaro, Kansas City, Mo. Residential Map  
Issue # 1, Quindaro Chin-DO-Wan II

Exposes only a few of B.F.I.'s "Bad Points"

Issue # 2, Quindaro Chin-DO-Wan II

Shows that KCK does not care  
about preserving History

Kansas City ~~Star~~ Cartoon

Summary of the Versar Inc Report

Versar Inc. Report

The most DAMNING info in Folder

Woodward-Clyde - Site Study of

Potential locations

The Record Cartoon

Issue # 3 Quindaro Chin-DO-Wan II

Love Canal Story parallels Quindaro Saga

Quindaro, Kansas - Historic Significant Brochure

An Existing B.F.I. Dump

area residents forced them to clean it up

Kansas City Star Ziggy Cartoon

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Note: I will obtain Credentials re: Versar, Inc.

for you as soon as possible

E+NR  
4-3-91

attachment 8

JAF

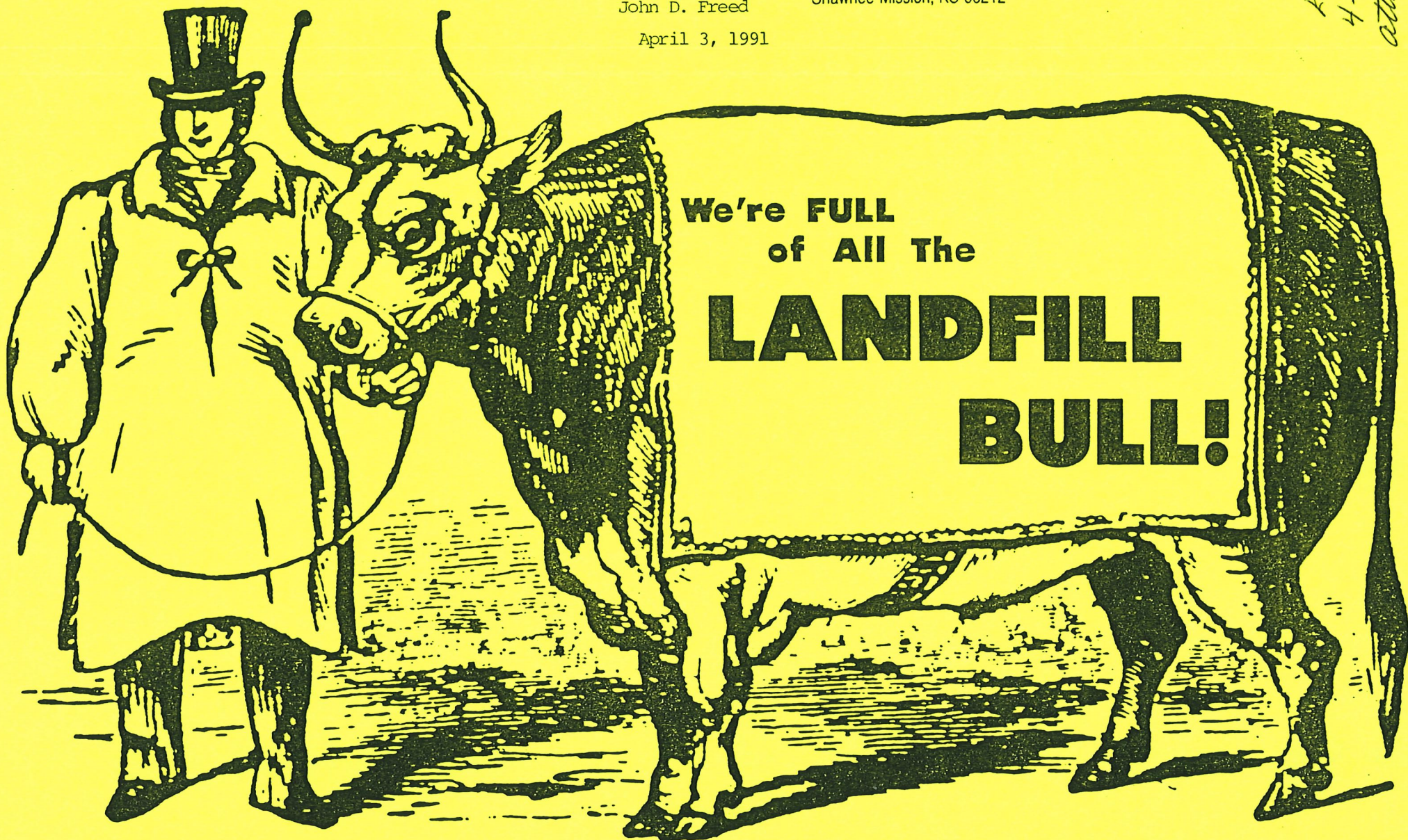
Submitted By:

John D. Freed

April 3, 1991

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

*FAUR  
4-3-91  
Attachment 8  
2423*





March 16, 1990

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

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

Dear Mr. Steineger:

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

#### Risks Due to Proposed Landfill Location

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

E+NR  
attachment 8  
4-3-91  
3#28

①

Mr. Joseph E. Steineger

- 2 -

March 16, 1990

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

Adequacy of Landfill Design

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

- The detention pond to be located downslope of the landfill

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

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

- The leachate collection system

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

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

I dare you to try to find them  
NO ONE SEEMS TO KNOW!

NOTE: SEE  
WOODWARD-CLYDE  
Feb. 8, 1983  
ON PASTEL GREEN PAPER

Wow

E+NR  
attachment 8  
4-3-91  
4/28

2

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

1. Deterioration of the clay liner by incompatible wastes

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

2. Damage arising from slope failure

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

• The underdrain system

This system should relieve hydraulic pressures from water-bearing strata beneath the landfill materials and prevent ground water from entering the landfill materials. As with the leachate collection system, the underdrain system should maintain operational integrity well beyond the expected active life of the landfill. *Handwritten notes on right margin: "The underdrain system..."*

The underdrain systems also appears to be well designed and should be adequate to prevent ground water from infiltrating landfill materials. The system is critical to proper operation of the clay liner and leachate collection system; however, no plan for detecting and correcting failure of the underdrain system was found within the documents reviewed. *Handwritten mark on right margin: "1"*

Operational Plans

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

*E+NR  
attachment 8  
4-3-91  
5428  
3*

Mr. Joseph E. Steineger

- 4 -

March 16, 1990

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E+NR  
attachment 8  
4-3-91  
6#23 (4)

NOTE: They Never Did ~~get~~

**Versar** INC.

Mr. Joseph E. Steineger

- 5 -

March 16, 1990

Conclusions and Recommendations

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

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

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

Sincerely,

*Wesley L. Bradford*  
Wesley L. Bradford, Ph.D.  
Project Manager

WLB/wy  
1449k-9

Attachments

E+NR  
attachment 8  
4-3-91  
7423

5

NO I will let you, the Council  
Make the decision, ASAP

(leak)

\*



# QUINDARO-KCK RESIDENTIAL MAP

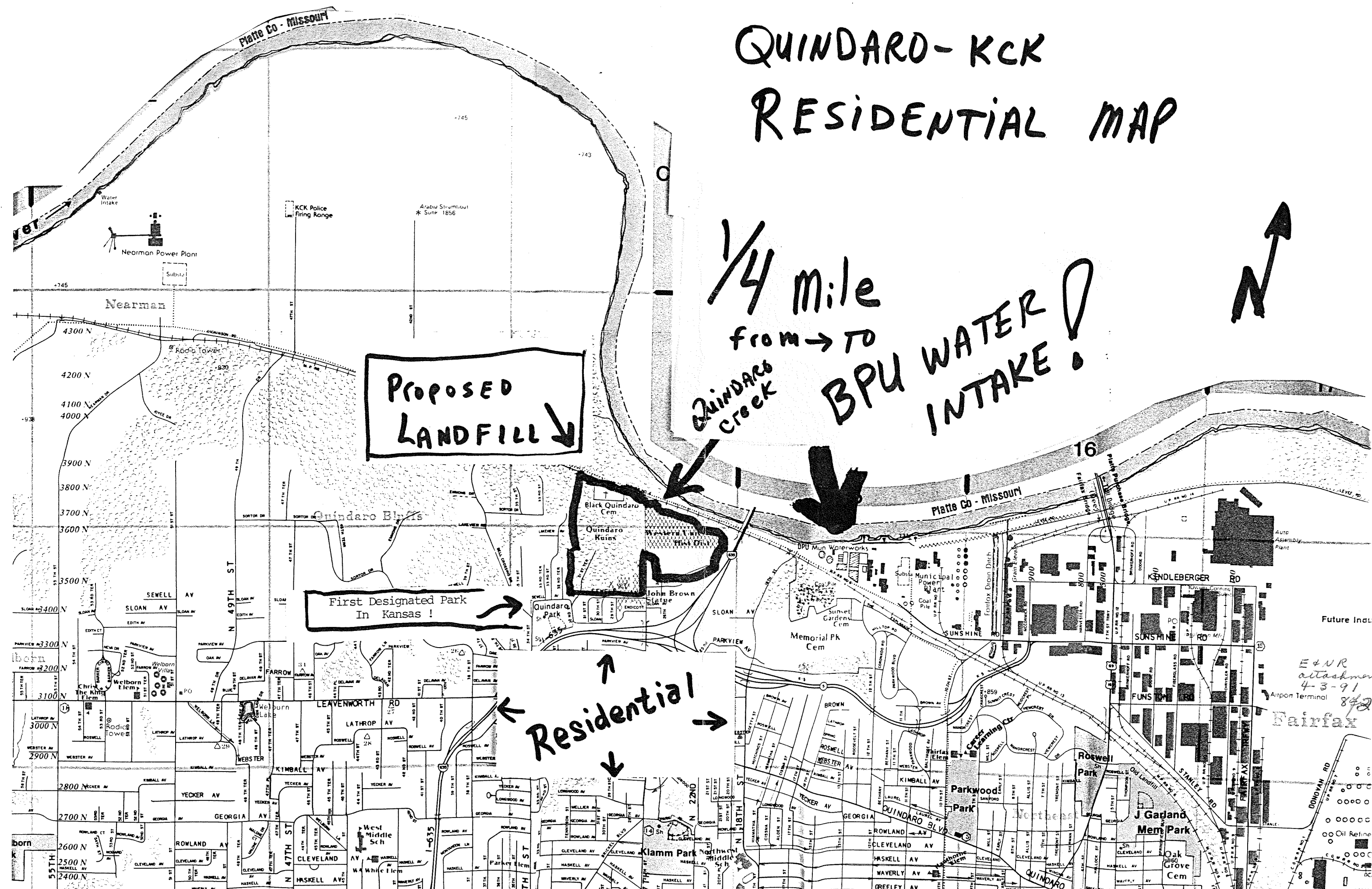


1/4 mile  
from → to  
Quindaro Creek  
BPU WATER INTAKE!

PROPOSED  
LANDFILL

First Designated Park  
In Kansas!

Residential



E4NR  
attachment 8  
4-3-91  
8423  
Fairfax

# We're FULL of All The LANDFILL BULL!



**Water OUT... Water IN**  
*I'll Drink To That*

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

## A.M.E. Church - Owns a Majority of "Landfill" Site With Whom & Where Do You Stand?

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

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

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

Or will they respond like Pontius Pilate:

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

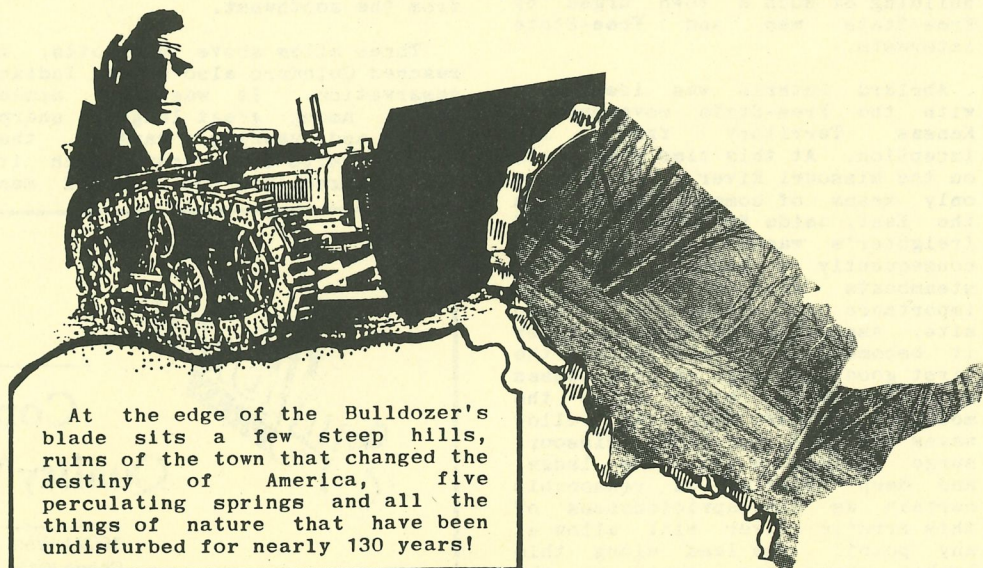
If the B.F.I. dump goes in on the Quindaro Ruins site, the A.M.E. Church will have to wash more than just the disciples' feet!

Write to

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

Or Call the Bishop  
(314) 534-4274

and ask him to STOP B.F.I.



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

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

**WOW**

## Can B.F.I. Be Trusted?

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

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

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

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

WRONG LINER

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

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

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

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

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

\*Silence is GOLDen, TODAY; but Judgement Day is COMING!

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

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

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

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

When B.F.I. lies to another country in selling them incinerated ash and calling it building material - and is NOW a federal convicted pollution corrupt felon for this...

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

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

Write to:

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

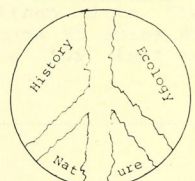
Please send us a copy of your letter:

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

## IT PAYS TO TAKE ACTION

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

Our Broken World



Let's PEACE It Together

Based on HISTORY - the Quindaro Ruins are worth saving.

Based on ECOLOGY - our water resources are worth saving.

Based on NATURE - our undisturbed hills are worth saving.

8-27-90  
4-3-91

Elect \* Environmental Concerns  
\* Social Justice  
\* History

# JOHN FREED

## Mayor Kansas City, Kansas

**X** VOTE - Tuesday, Feb. 26, 1991, The Primary Of Your Life!

"I am highly opposed to the blatant disregard for the rights of KCK's citizens I have witnessed and experienced here.

*The people must come back to power.*

"When I see at the city council meetings that large numbers of people oppose something, then the council votes *against the wishes of the people* in the interest of big business, then it is time to begin the *replacement of personnel* on the council." - John Freed

Paid for by Friends of John Freed for KCK Mayor  
Karen Calvert, Treasurer  
Printed/copied on 100% Recycled Paper

**763-0626**

## An Analogy

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

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

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

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

### From the original Chindowan

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

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

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

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

## Outrageous Mis-Haps

### Citizens Clearing House For Hazardous Wastes, Inc.

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

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

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

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

## Low Level Radioactive Waste In Landfills?

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

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

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

There is still time to stop the BRC policy. Write your congressional representatives. Local and state governments can also pass laws against BRC radioactive waste. Some already have. For more information contact:

Nuclear Information & Resource Service, 1424 16th ST. NW, Suite 601, Washington, D.C. 20036, (202) 328-0002.

Prescott Peace Network  
PO Box 1463  
Prescott, Arizona 86302

## We Too Can WIN!

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

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

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

## Who Dumped On Whom?

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

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

Seems like 'garbage' to us.

## From The Annals of 'Yester-Year'

### Quindaro

- The Town That Changed America's Destiny

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

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

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

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

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

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

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

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

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

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Another Church Dams History with "Progress"

National Historic Landmark In Eminent Danger



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

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

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

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

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

Who's Dumping On Whom?

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

Wyandotte County Gets Double - Dump . . . Triple Dump



Any person with an active brain can look at the photo above and know that history, immense & deep lays atop the foundations of such a majestic spot.

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

"It's just a pile of rocks."

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

YES - Dump  
NO - History/Ecology

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

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

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

FLASH! - STOP THE PRESSES!!!

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

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

Quindaro Day

Feb. 22, 1990

Kansas City, Kansas Library

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

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

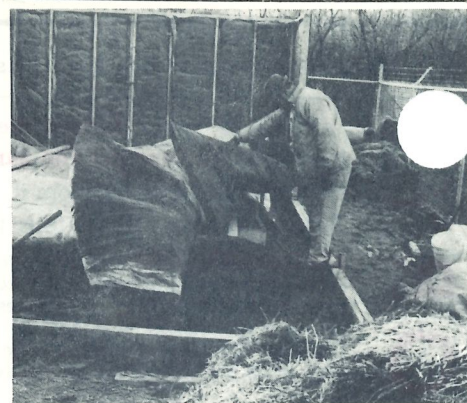
Who Is B.F.I.? What Is B.F.I.?

Browning-Ferris Industries they are the

#2 trash company in the world  
#1 trash company in lawsuits!

Thanks to Citizens Clearing House for Hazardous Wastes, Inc. for the INFO.

A Challenge - If B.F.I. can show us ONE of their landfills that is in normal operation and does NOT LEAK, we'll photograph it!



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

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

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

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

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

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

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

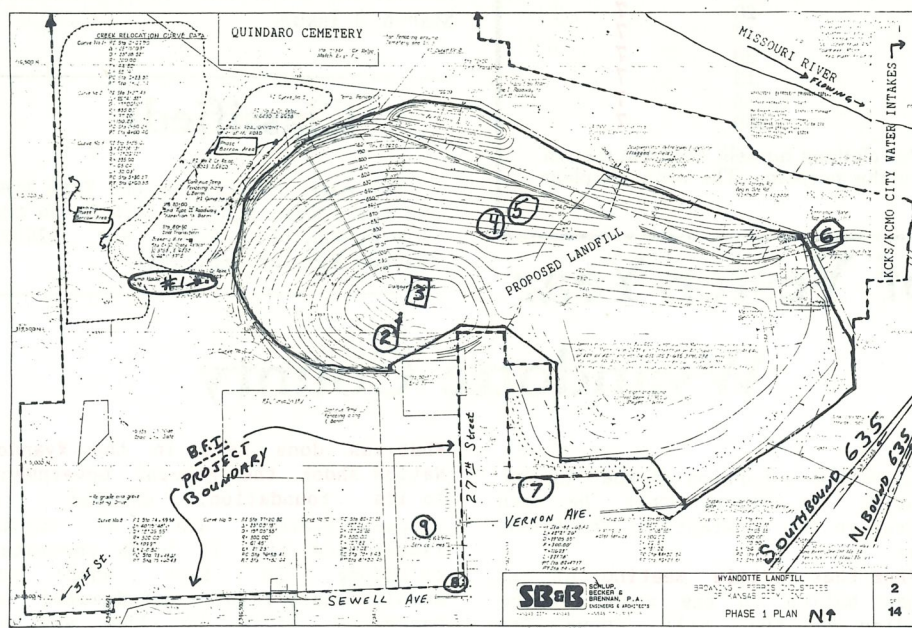
"Yes, B.F.I.'s test at the Quindaro site could be done in your garage . . ." - Gov. Hayden's staff, K.D.H.E. - 1/25/90. It does NOT NEED to be done on the historic ruins the most important town in history of "the territory of Kansas"!

Earth Week Proclaimed



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

Proposed Landfill



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

Radioactive Drinking Water?

Nav, not in Kansas City.

It could happen -

If the Nuclear Regulatory Comm. & E.P.A.'s new plan goes through, 30% of nuclear power plant "low level" radioactive waste could be dumped in ordinary landfills; and the "ordinary landfill" is put Quindaro; and if it LEAKS . . . like we said:

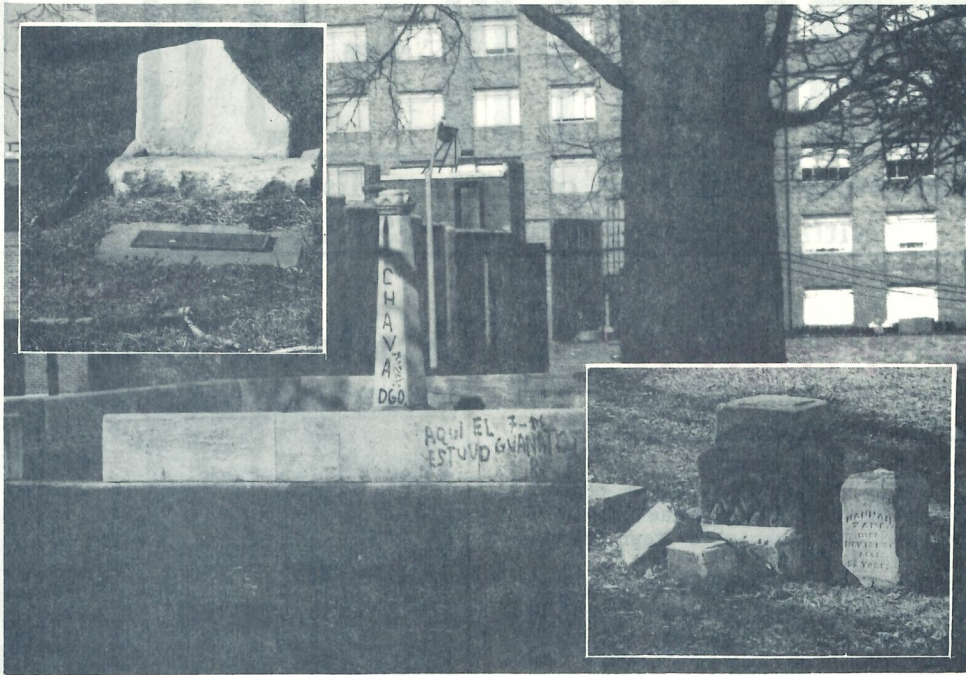
- Radioactive Drinking Water -

**Dan'l Boone's Son**  
**the First White Settler**  
**In Kansas!**



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

**W.P.A. Reports: Cemetery Sadness**



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

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

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

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

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

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

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

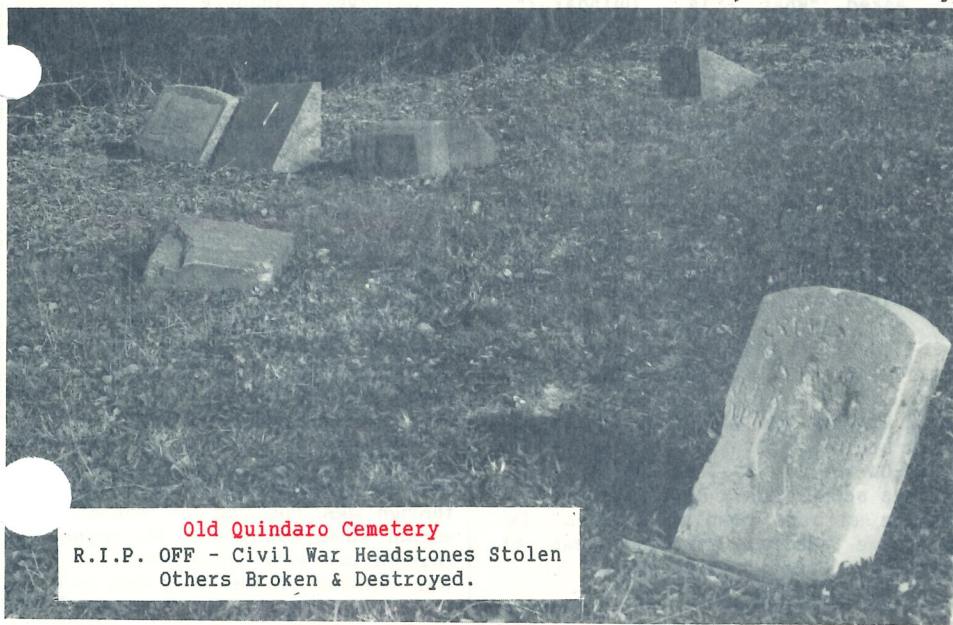
It took Mrs. Mufich **THREE YEARS**, just to get the city to trim the trees in the Huron Cemetery.

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

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



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



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

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

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

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

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

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

**From the Annals of Yester-Year**

**The Historical Background of**

**Wyandotte County**

by Wm. E. Connelley

Pres. Ks. State Historic Society

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

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

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

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

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

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

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

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

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

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

**Environmental Hearing Set**

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

**Classifieds**

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

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

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

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

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12/23



"AND THEY'RE JUST ABOUT ABSOLUTELY, POSITIVELY, DANG-NEAR, THE GOOD LORD WILLING, ALMOST CERTAINLY PRETTY SURE IT WON'T LEAK!"

E4DR  
attachment 8  
4-3-91  
13623

# We're FULL of the Landfill BULL.



If The Dump Goes In!!!

You Would Be

## The Loser!

Highlights Of The 5-Page Special (Not Released To The Public Yet)

Report To KCK Council - March 16, 1990 - Recommends

**Landfill NOT Be Constructed At This (QUINDARO) Location!**

Versar Inc., 6850 Versar Center, Box 1549, Springfield, Virginia 22151

- \* "Surface runoff and ground water from this location has the potential to discharge into the Missouri River despite engineering (incorporated into the design plans) to prevent such discharge."
- \* "Moreover, Black and Veach (1983) noted that areas along the Missouri River were likely to be unsuitable due to potential flooding and ground-water problems, but also noted many more suitable locations within convenient access of the city (see Page IV-5)."
- \* "... the plans appear to be deficient in terms of monitoring to detect system failure and corrective actions to be taken in case of system failure."
- \* "...the detention pond as currently designed would be expected to overflow during a 25-year storm ... During such storms, runoff to the river would not be controlled under the current design."
- \* "In addition, the potential for slope failure or slumping and the resulting damage to the leachate collection system has not been thoroughly evaluated."
- \* "Failure could occur by several causes including: 1.) Deterioration of the clay liner by incompatible wastes; 2.) Damage arising from slope failure"
- \* "...no plan for detecting and correcting failure of the underdrain system was found within the documents reviewed."
- \* "...some hazardous materials are capable of damaging the clay liner and organic solvents, and if they reach the leachate collection system, are capable of corroding the PVC pipe, leading possibly to collapse and failure of the system."

VOTE - VOTE - VOTE - VOTE - VOTE - VOTE - VOTE

JOHN FREED, MAYOR

Feb. 26, 1991

To get involved  
in the campaign, CALL 763-0626

Send a S.A.S.E. to The Quindaro Chin-Do-Wan II  
P.O. Box 12633 - Shawnee Mission, KS 66212  
for a FREE copy of the-Versar, Inc. Report.

\* "The effectiveness of any ground-water monitoring program, based upon monitoring wells, at this location will be suspect due to the unpredictability of flow pathways in fractured rock. Thus a contaminant release could occur and not be detected by the ground-water monitoring network."

\* "In view of the potential impact of a release (LEAK!),

Versar recommends that the landfill not be constructed at this location."



Paid for by John Freed for Mayor  
Karen Calvert, Treasurer  
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HP 423

5055 Antioch Road  
Overland Park, Kansas 66203  
913-432-4242

# Woodward-Clyde Consultants

*BFI's Soil Geological Consultant  
It on the way camp w/ OWR  
no cost for BFI's component interest*

February 8, 1983  
12C105-2

Browning-Ferris Industries  
P. O. Box 18905  
Memphis, Tennessee 38118

Attention: Mr. Hugh Dillingham

SITING STUDY OF POTENTIAL LOCATIONS  
FOR SOLID WASTE SANITARY LANDFILL  
WYANDOTTE COUNTY, KANSAS

*SEE  
Pages  
2, 3 & 5!*

Gentlemen:

A siting study was conducted within Wyandotte County, Kansas by Woodward-Clyde Consultants at the request of Browning-Ferris Industries. The purpose of the study was to identify and evaluate potential locations to site a solid waste sanitary landfill. The study was undertaken January 24, 1983 under the supervision of Dr. John Lathrop with participation by WCC Overland Park staff and support by Schlup, Becker & Brennan of Kansas City, Kansas. Our findings were presented to BFI on January 26, 1983 with a supporting set of overlays illustrating the site selection process.

Woodward-Clyde Consultants has developed a three-step approach for site evaluation as follows:

1. Narrow the suitable areas for a site by systematically excluding areas on the basis of geology, hydrogeology, floodplains, population density and assessed property value. (See Table 1 for exclusion criteria.)
2. In the areas remaining, select available sites of greater than 100 acres that seem the most promising based on broad criteria of geology, topography, population and access.
3. Evaluate the selected sites on the basis of a series of evaluation dimensions including economic, social, environmental and cultural aspects.

The three-step approach allows us to conduct a methodical rational evaluation while concentrating analysis resources on the most promising area and sites.

To illustrate the inappropriate areas on which to site a solid waste landfill, a series of transparent exclusion overlays, placed over a county map, were developed. Each overlay excluded an area with respect to its particular criteria. After all of the overlays were in place, the unexcluded area was examined and reduced to eight potential sites which

Consulting Engineers, Geologists  
and Environmental Scientists

Offices in Other Principal Cities

*E+NR  
attachment 8  
4-3-91  
151*





Page 2  
12C105-2

possessed proper size, topography, geology and geographic location. Topographically a site that did not require extensive stripping or earthwork (i.e., valley) was preferred due to it being less expensive to develop and operate. Geologically a site that avoided unstable geologic locations and avoided unfavorable hydrogeologic conditions (solutionable limestone, sandstone and floodplain) was preferred. Geographically a site which possessed good road access, minimum surrounding development, and avoided environmental and cultural sensitive areas was preferred.

The selection of two sites, chosen from the eight potential sites, for comparison with the proposed Quindaro site was based on the following criteria.

*Sites*

- Site B - A site geographically approximating the Quindaro site with reference to size, location, area, access, environmental and cultural impact.
- Site C - A site away from the majority of the county population and away from the Quindaro site.

Table 2 presents the three evaluated sites as rows and the twelve evaluation dimensions as columns. The two evaluation dimensions on the left in the table represent the values of the company. The rest of the dimensions represent the socio-economic, environmental and cultural concerns of the community and county served by the site. Each entry in the table is the "score" of a particular site on a particular dimension. As can be seen in the table, very often that score is not a number, but simply a verbal description or a ranking. Because this is a relative evaluation, based on a comparison of the three sites, and not an absolute evaluation, the ranking and verbal entries in the table are sufficient.

The evaluation from the corporate perspective, involving the first two dimensions on the left in the table, is straightforward. Since the three alternatives are ranked the same on both dimensions, it is clear that, overall, Site A is preferred to Site B, which in turn is preferred to Site C. The evaluation from the community and county perspective is more involved, since on some dimensions Site A is best, while on others Site A is second best or even third best. In order to perform this evaluation, we had to develop a multi-dimensional evaluation function to take those ten dimensions and combine them, logically and rationally, into a single score representing the overall quality of each site from the community and county perspective; see Table 3.

We used a well developed methodology called decision analysis to build that multi-dimensional evaluation function. We developed a reasonable set of importance weights that represent the relative importance of each of the evaluation dimensions. Using those weights and particular scaling techniques, we reduced the ten measures for each site down to a single score. With the set of importance weights we used, Site A scored the

*E+NR*

*attachment 8*

*4-3-91*

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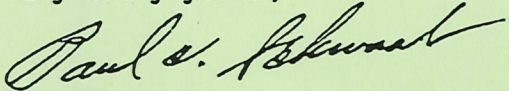
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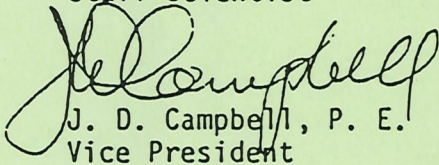
highest, Site C second, and Site B third. However, it should be pointed out that with different sets of importance weights, the relative ranking of the three sites might be different.

Our work product for this site selection task includes a series of exclusion overlays which is retained by WCC at our Overland Park office. If you have any questions or suggestions for refinement to the siting study, please contact us.

Very truly yours,



Paul C. Schwaab,  
Staff Scientist



J. D. Campbell, P. E.  
Vice President

bf

attachments

c.c. Mr. M. Lawlor  
Mr. S. Montee

Woodward & Clyde told me

That the city of Kansas City  
HAS/HAD These Overlays!

(2/5/91

Charles Commack

F+NR  
Attachment 8

4-3-91

17 #23

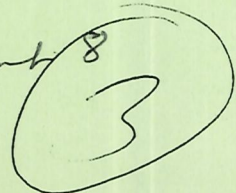


TABLE 1

EXCLUSION CRITERIA

Geology and Hydrogeology: Sandstone formations and solutionable limestone

Floodplains: 500-year flood

Population Density: More than 1500 people per square mile

Assessed Value: \$15 million or more per quarter-section  
(.5 mile by .5 mile)  
(market value, estimated from assessments)

Soils: Less preferred soils are areas of loess or floodplains

SOURCES OF DATA

Geology and Hydrogeology: The geology of Johnson, Miami and Wyandotte  
Counties, Kansas By Norman D. Newell,  
KSG Bulletin 21

Floodplains: Federal Flood Insurance Study for Kansas City, Kansas

Population Density: 1980 U. S. Census

Value: 1980 U. S. Census

Access: Road map

Soils: Soil Survey of Leavenworth and Wyandotte Counties, Kansas  
USDA Soil Conservation Service

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attachment 84  
4-3-91

11/23

~~Wow!!!~~ Wow!!!

TABLE 2 EVALUATION OF ALTERNATIVE SITES

SITE	ECONOMICS		SOCIO - ECONOMICS					ENVIRONMENTAL		CULTURAL		
	COSTS OF SITE (Incremental)	T R I M E L	SITE NUISANCE		ACCESS NUISANCE	ACCESS SAFETY ROADWEAR		VALUE ADDED	VISUAL ALTERATION UPON COMPLETION	LEACHATE EFFECTS	BENEFITS	COSTS
			People Within 1/2 Mi.	People Within Sight	People Within 1/2 Mi. Surface Route	Sur- face Mile	In- ter- state Mile					
A <u>QUINDARO</u>	COVER: BEST PROPERTY: LEASE CHEAPEST	7 Mins	700	200	750, 1 yr 0, 7 yrs	2.5	.6	Best + Inter- change + Road	(Tied) Best	Worse .75 Mi To Intake	Access to Cemetery Clean-up	Disturbance of Established Neighbor- hood
B	COVER: + 1% PROPERTY: + 2%	12 Mins	150	50	2,000 8 yrs	4.2	1.3	Second Uncertain + Road - use	(Tied) Best	(Tied) Better 2 mi. To Intake		
<i>FAIR Attachment 8 4-32-91 19923</i>	COVER: +2% PROPERTY: +8%	19 Mins	150	40	100 8 yrs	2.2	1.4	Worst Use Flexi- bility	Worst	(Tied) Better 1-2 Mi. to Wells		

2/5/91 Charles Cammack

KCK should have that info  
we are just swamped - give me a couple  
FAX# 432-4223

5

TABLE 3  
EVALUATING ALTERNATIVE SITES

Based on a multi-dimensional evaluation function, the alternative sites receive the following scores:

	<u>Economics Evaluation</u>	<u>Socio-economic, Environmental and Cultural Evaluation</u>
Site A (proposed site)	100	75
Site B	64	39
Site C	0	71

Note that the proposed site receives the highest score in both evaluations.

These evaluation functions combine the twelve evaluations for each site in the evaluation table into the two evaluation scores.

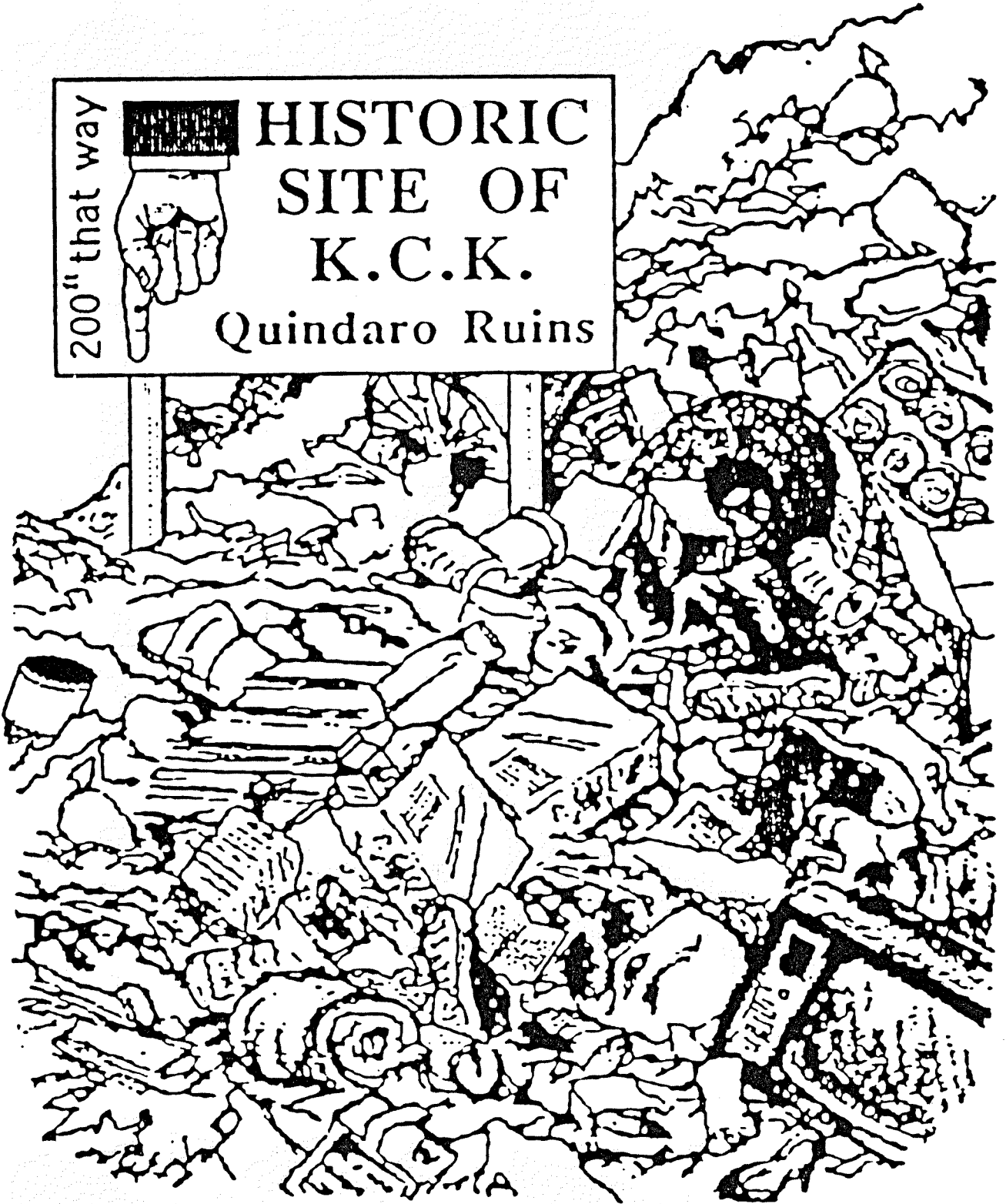
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20#23

6

200" that way



HISTORIC  
SITE OF  
K.C.K.  
Quindaro Ruins



*E+K  
attachment 8  
4-3-91  
2104 23*



EWB  
attachment 8  
4-3-91

## THEY WANT TO PUT A HOTEL WHERE?

### WYANDOTTE COUNTY LAKE THREATENED BY HOTEL SITE

A lot of the KC residents are unaware of the total environmental upset that would be created by siting a hotel on the Wyandotte County Lake.

#### MAP LEGEND

1. Entrance
2. Children & Adults feed geese here.
3. Children's playground
4. Nies\Lipowitz Hotel site
5. The only unfrozen water for geese when lake freezes over.
6. Seven bald and/or gold eagles nest in this area (before the Woodlands came there were 11!)
7. Many (uncounted) eagles soared near this cove by the dam.
8. Davis meeting shelter will have glorious western view of 200+ hotel.



How tragic! It took extreme public outcry of thousands of WyCo residents to force two of the three County Commissioners to start obeying the law!

Elect John  
**FREED**  
Mayor

**NO** "Shady-Lady of the Lake" Deals!  
The Only  
**ENVIRONMENTAL**  
Candidate

Opposed 100%  
to the proposed  
**WY-CO Lake Hotel**



Snow geese join other wild water fowl at the only spot on Wyandotte County Lake that doesn't freeze in the winter.

## SANDSTONE

2 Miles S *Keep Going* WITH **JOE STEINEGER** per Springs, Kansas  
**MAYOR**  
TOGETHER WE CAN

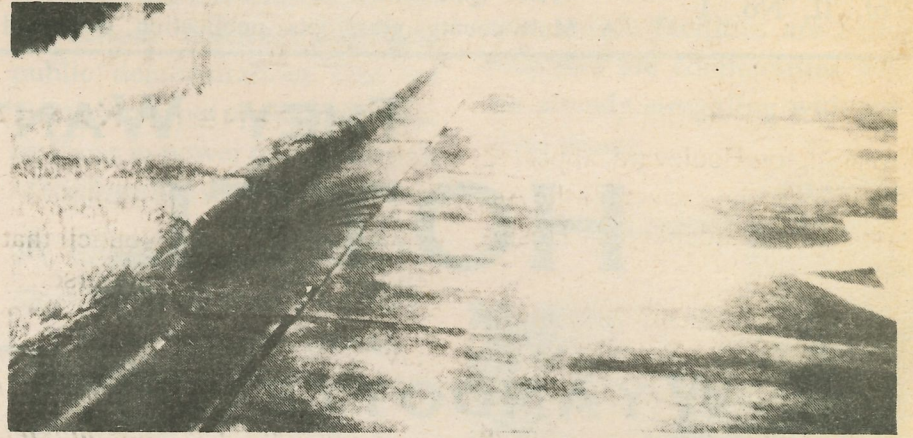
KCK Mayor has no opinion on lakefront hotel, but look at his largest campaign sign in front of Sandstone's, which has its own "PUBLIC PROPERTY" tax problems. Perhaps the day AFTER the primary election, "Keep Going With JOE" can make up his mind. We know where he stands on the Strawberry Hill medical waste incinerator!

# AS THE FUMES GO UP



Fumes and toxics from B.F.I. medical waste incinerator blow directly over the homes of nearby residents; other wind directions lead the toxics to Sunshine Biscuit's bakery, American Beauty Spaghetti plant and Fowler Envelope Co.!

## THE STEAM COMES OUT!



Steam from the medical waste incinerator exists at ground level from the storm sewer intake at Funston and Seventh Street Trafficway as a result of a "special junction box" installed by the city.

## K.C.M.O. DUMP SMOKES OUT RESIDENTS



**"ENOUGH IS ENOUGH!!!"**

ELECT

**JOHN  
FREED**

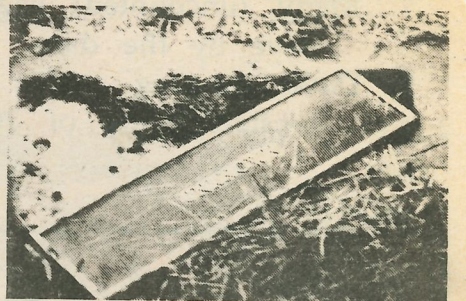
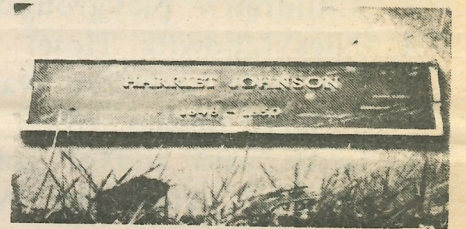
**MAYOR  
KANSAS CITY  
KANSAS**

PRIMARY ELECTION, TUESDAY, FEB. 26, 1991

## CITY PARKS DEPT. DESECRATES NATIVE AMERICAN AND PIONEER GRAVESITES IN THE HURON INDIAN CEMETERY KANSAS CITY, KANSAS.



**SUPER T.V.  
COVERAGE  
FROM  
CHANNELS 5 & 9**



John Freed spoke before KCK City Council on the erosiveness of the soil at the Quindaro ruins, "That is why I'm here. I brought you a picture of the bridge. I went down to Quindaro. This is a photo of the bridge. When I got started on this in November (1989) and had my first tour of Quindaro, this bridge was eroded only about maybe two feet or so. Now it's way over halfway across the bridge." (See photo at right.)

## ACCESS ROAD TO QUINDARO RUINS

From a statement made by John Freed to the KCK City Council, May 3, 1990 regarding the highly erosive soil of the proposed landfill site at Quindaro.

Needless to say - his concerns fell on deaf ears.



# A. I. H. MEDICAL WASTE INCINERATOR PERMITTED FOR STRAWBERRY HILL

Ried Holbrook, 2005 Washington Boulevard, appeared stating, I'm the lawyer for the Association of Independent Hospitals.

There are two new facets to our application. First, we ask to have distributed a little blue booklet that I hope each of you has received that in a nut shell summerizes the points that we wish to make; and those are that this project does have the support of the hospital community.

One of the new facets is, since the 16th of April and today, the city apparently has decided to advertise for and has received bids for a pathological waste incinerator. We are proposing that you can save the price of the cost of that - I'm not sure what that price is.

I understand a bid has been received and for the life of the special use permit, we will burn the pathological waste which I presume is animal carcasses at no cost to the city which, in effect, causes the city to save the cost of the acquisition of the waste incinerator it wants to buy, together with the operational and labor cost and utility cost for the 15 or 20 year life of the special use permit.

## CITIZENS OF KANSAS CITY, TAKE NOTE:

Item 20. "Reid Holbrook spoke in support of the petition and explained to the City Council that a blue booklet had been previously delivered to each councilperson summerizing the points to be made in favor of the petition. (Exhibit "12" - Minutes of City Council Meeting May 31, 1990.) Mr. Holbrook further described a proposed contribution for economic development to be made by the Applicant as set forth in the booklet. The blue booklet, however, was never made public, never submitted to the Planning Staff or the City Clerk."

### THE MYSTERIOUS BLUE BOOKLET NO ONE HAS SEEN IT - NO ONE HAS A COPY

Yet, according to AIH attorney Holbrook, "There are two new facets to our application."

"First we ask to have distributed a little blue booklet."

#### Facet #1

FREE puppy burning

#### Facet #2

A subsidy or contribution for the city

*It is ironic that immediately following the mention of monies to be given away is a paragraph about the concern for safety of the area residents.*

"Secondly, we have proposed a subsidy or a contribution for economic development for the city which is Item No. 7.

Last time there was concern about the safety of the project at least in terms of will this be safe for the people that live near or work near the proposed waste incinerator.

Those kinds of concerns were what's going to be coming out of the stack? What can people contract or acquire viruses? Those kinds of concerns have been addressed by others."

*(Minutes of City Council Meeting May 3, 1990)*

### CITY ATTORNEY HAL WALKER REDEFINES "AS SOON AS POSSIBLE"

**Dr. Fred Whitehead** addressed the KCK City Council, April 19, 1991 regarding the Quindaro ruins. "I'd like to pass around for you some photographs by John Freed who's also next on the agenda which will show for you graphically the unprotected and unstabilized nature of these structures at the Quindaro site."

"The council's resolution talks about the court case but it directs the City Administrator's Office to as soon as possible generate some thinking and some plans for the property aside from the issue in the lawsuit. My experience is that legal proceedings may go on for years and meanwhile the site continues to deteriorate. That's why I'm here simply to point out to the Council that in my view this provision of the resolution has not been carried through."

**Mr. Walker** said, "And I think what I'm saying to you, Doctor, is that I've advised the Administrator that the definition of as soon as possible that we feel is appropriate may not correspond to yours."

**Mr Freed** appeared stating, "I too concur with what Dr. Whitehead said. I would like to add to what he said regarding what is down at Quindaro, and the nature that's there. The time and the tide wait for no man and when a baby is due to be delivered, it's going to come and we can't stop nature. What nature is going to do to that site, gentlemen, cannot wait for 'as soon as possible.' I urge you that something must be done. I urge you to take a different stance. Recouncil yourselves, reconsider what is down there and take a different stance."

*Again, DEAF EARS continued NOT to listen, and important bits of Kansas history are washing into the Missouri River every time it rains.*

## KCK CITY COUNCIL ACCUSED OF ACCEPTING BRIBE!

John Freed, candidate for mayor of Kansas City, Ks. accuses City Council of accepting a bribe from A.I.H. when they approved the special use PERMIT #1990-12 for a medical waste incinerator located at 317 South Third Street in Strawberry Hill.

John Freed appeared stating, I'd like to address the issue at hand. To burn the city's pathological waste free if the AIH Waste Management Incorporated incinerator is installed, it sounds to me like a bribe. If I were to offer you free things for doing things for me, that would be a bribe. I don't read it any other way.

## "NO" MEANS YES!

A quote from the KCK Planning Commission, April 26, 1990, KCK City Council Minutes reads, "Item No. 6 - Special Permit Petition #SP-1990-12 - AIH Waste Management Incinerator, Inc., to request a special permit to construct, equip and operate a medical waste incinerator, located at 317 South 3rd Street. Requested Action: The petitioner seeks approval for a medical waste incinerator. *It is our understanding that the Association of Independent Hospitals is a group of about 30 hospitals in Kansas, Missouri, and Illinois.*

We see only positive impacts on the public health in Kansas City, Kansas, if this petition is denied. *The benefits to the public welfare of denying this petition would be to avoid the stigma of possible accidents at the facility; and to avoid furthering any trend for the city to be a regional location of last resort and thus to help avoid the dedicated ash landfills, new or additions to medical waste incinerators,*

Planning Commission Recommendation: The Planning Commission voted 9 to 3 to recommend approval of #SP-1990-12."

*Oh, I see, it's just politics.*



"27TH STREET BRIDGE" IN OLD QUINDARO RUINS

VOTE - VOTE - VOTE - VOTE - VOTE - VOTE - VOTE

**X JOHN FREED, MAYOR**  
Feb. 26, 1991



Lois Gibbs met with many Quindaro Town Preservation Society activists, May 4, 1990. Mrs Gibbs is Executive Director of the Citizens Clearing House for Hazardous Wastes and was the first activist and leader in closing down a toxic waste dump at Love Canal, Niagra Falls, NY and getting the citizens of that city relocated to a safe place to live. If the Quindaro Landfill goes in, and when the toxics leak out into our drinking water, where will the citizens of the KC metro area move to?

Pictured with Mrs Gibbs are Marvin Robinson, Boy Scout leader William Woods and Nedra Bonds.

Mrs Gibbs gave the Quindaro group a 45 minute interview and encouraged them "to turn the heat up" on this issue. "It is one that you can win," she said.

In a letter to Rev. Vinton Anderson, Bishop of the African Methodist-Episcopal Church, owners of most of the Quindaro site, she wrote, "When I learned I was living next to the notorious toxic waste dump called LOVE CANAL, among the first institutions I turned to for help was my church. I believed then, as I do now, that churches have a social justice ministry and protecting people and the environment is part of the church's responsibility for providing stewardship of God's Earth."

"While it is good to see that you are aware of the pain this matter is causing the people in the Quindaro neighborhood, this issue is a matter for which you hold the key."

I found out that there was 21,000 tons of chemical poisons buried there and that exposure to these chemicals can cause the same diseases as my children were experiencing. I was shocked, frightened and angry. I finally had the answers to my questions and it was not something I was doing wrong but it was the dump that was poisoning my children.

The worst part of the discovery was the realization that all forms of government from the local to the federal level had known for years about Love Canal

and never warned us. No one had ever told us that our families were in danger. They chose to do nothing, to be silent, because of the costs of correcting the situation was too high. Money was more important to the government than the health and welfare of the people who lived in that neighborhood.

Since it was clear that no one was willing to help us we began to organize our own community group to fight for justice. There were 900 families who lived in the neighborhood that were affected by the chemical poisons leaking out of the dump. The chemicals traveled through the air, soil and groundwater into our homes.

We tried to fight scientifically. However, every time we presented hard facts from our volunteer scientist about the dangers, the government would present many other experts, the best that money can buy, who would testify that our scientist were wrong. Or they would justify the problem with some stop gap measure. For example, when they could no longer deny the birth defect rate at Love Canal, they agreed to move pregnant women and children under the age of two, leaving nonpregnant women, older children and men behind to be exposed to these terrible dangers.

**THE LOVE CANAL FIGHT WAS FOUGHT & WON BY WOMEN**

We learned the only way to fight for justice in the United States is politically. By holding our politicians accountable through mass demonstrations, pickets, walks of concerns by our religious leaders and other visible actions. It was through these public demonstrations that we were able to put enough pressure on those in power to evacuate all of the families who wish to leave.

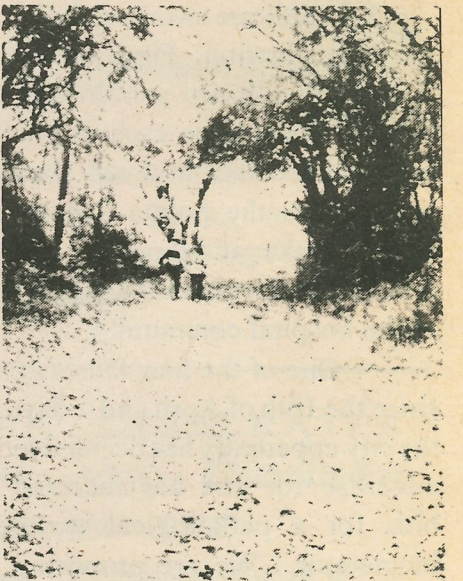
Women are at the forefront of the environmental movement. This is not just an environmental movement that these women are fighting. It is really a social justice movement. The places where new unsafe facilities are being proposed are communities who are already struggling with survival issues.

- Lois Gibbs,  
Kansas City, Missouri  
May 4, 1990

**A GREEN BOUGH**  
OUT OF THE PAST - 1857  
FROM THE ORIGINAL  
QUINDARO CHINDOWAN  
VOL, 7, PAGE 2

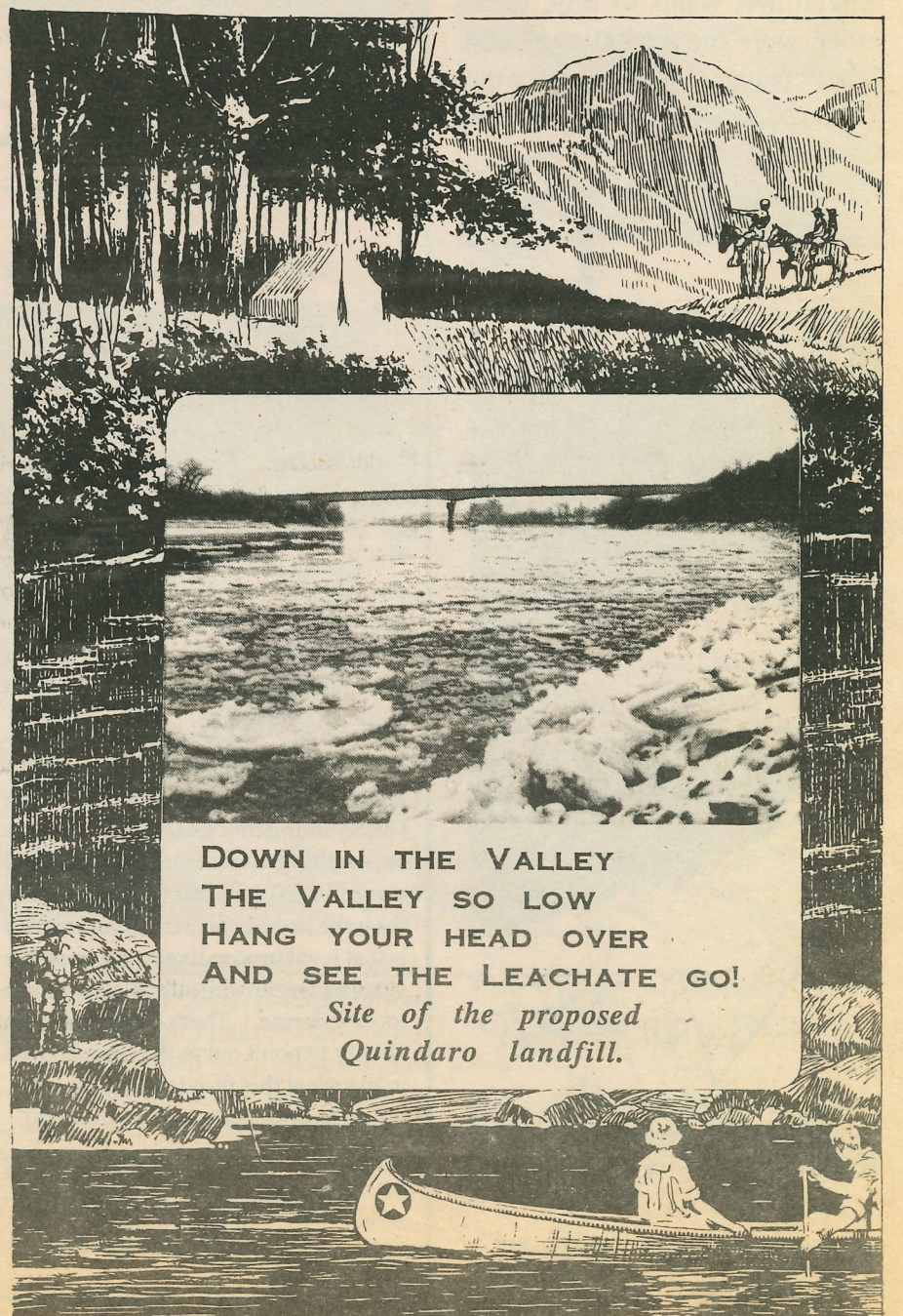
Do our sister citizens know how beautiful are the wood of Quindaro? If they have not penetrated the undisturbed portions of the town plat and its environs, we beg them to do so at once, before the woodman fells the grand old trees and works the ruin of beauty which it has taken ages to perfect.

The contrast between Art and Nature, town and country is never more keenly felt than in passing from the rude conditions and unsightly elements of the new settlement, into the midst of primeval forest and June draped prairies.



"Go to the grand old woods, sisters, go and gather cool shadows, and music of bird and bee, the beauty of climbing vine, and clinging ivy, and forget the weariness of the toil and the disorder of the path of progress."

- Ms. Clara Nichols, Editor  
first newspaper of Quindaro,  
Kansas 1857.



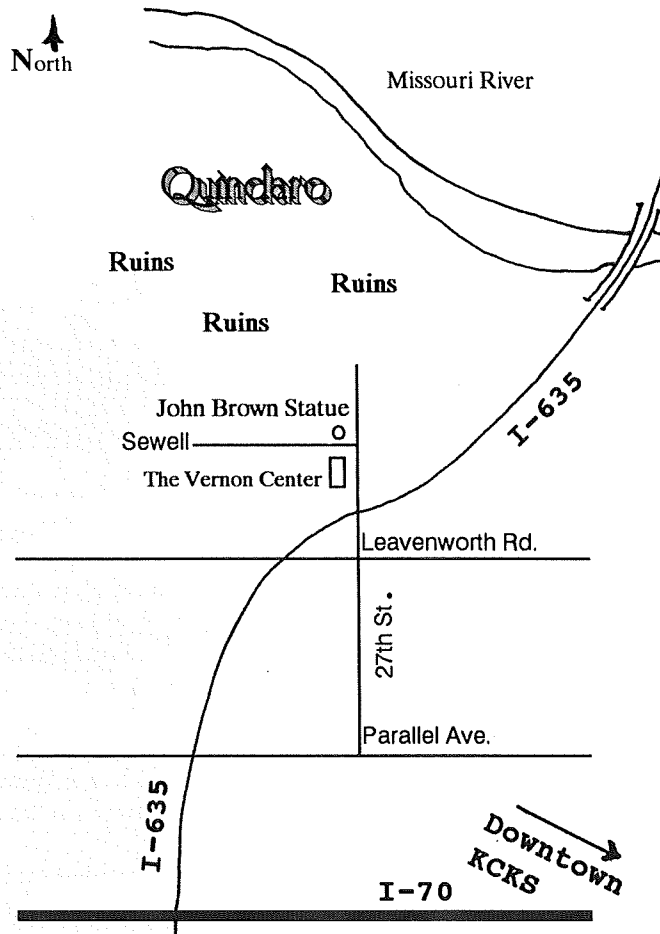
# QUINDARO

## SEE

- The Statue of **John Brown** -  
27th & Sewell & Historic Plaza
- The **Vernon Center** -  
built under the Works Progress Administration, 1930's
- Ruins** -  
the Town's original buildings  
The **first public waterworks**  
in Kansas
- Quindaro Cemetery** -  
overlooking scenic Missouri  
River Valley
- Spring-fed streams & creeks** -  
abundant wildlife : flowers,  
birds & deer
- Slide show** -  
upon request

## SUPPORT

- Preventing Browning Ferris Industries'**  
plan to make Quindaro a  
**Garbage Dump**
- Acquisition** of the Quindaro Site by  
the **National Parks Service** as a  
National Historic Landmark
- Facilities** for use by the  
**Boy Scouts**, recreation and  
camping
- Urban Archaeological Laboratory** for  
Research and Education
- Historic Center** to explain  
Quindaro's past and its  
significance for American History



Help us save this  
**Unique Historic Site!**

Annual Dues only \$15.00 per year

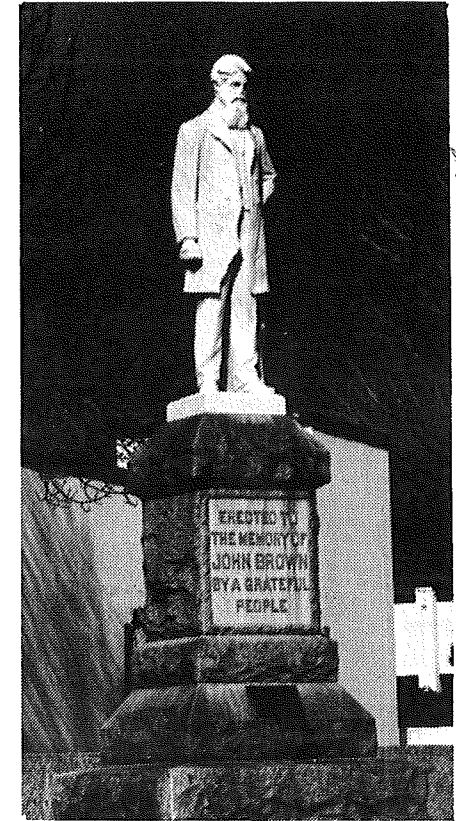
**Quindaro Township Preservation Society**  
Post Office Box # 5224  
Kansas City, KS. 66119

or for information call  
**(913) 321-1220 or 588-1996**  
weekdays



100% RECYCLED paper  
Printed by Sunflower Press (913) 268-9197

# Quindaro Kansas



**John Brown Statue**

First Statue of Abolitionist Hero  
**Captain John Brown**  
Erected in the world . . .

Read the story of the First Pro-Freedom Port on the Missouri River, in the days of "**Bleeding Kansas**" before the Civil War . . .

A historic "station" on the escape route of the famous **Underground Railroad** by which African-American slaves found their liberty at last . . .

*Ex 11/16  
attachment 8  
4-3-91  
2504-23*

In the 1850's Kansas Territory was still the Frontier & a national center of the great struggle to abolish slavery's evils.

But Missouri still had slavery, and tried to extend it into Kansas through fraudulent elections, arson, violence, and murder.

Pro-Freedom forces needed a port on the Missouri River, so the new town of Quindaro was established on January 1, 1857, at a bend of the river in what is now Kansas City, Kansas.

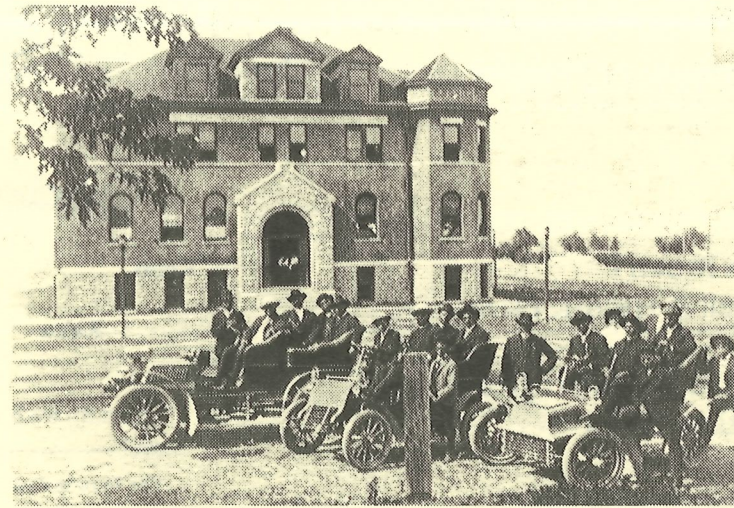
Quindaro was a joint effort of the leaders of the Wyandot Nation, escaping slaves and abolitionists from New England.



### Nancy Quindaro Brown Guthrie

The town took its name from Nancy Quindaro Brown Guthrie. The word Quindaro means "A Bundle of Sticks" in the Wyandot language, which is interpreted "In Unity There is Strength."

The town was soon a major commercial center, a stopping place for steamboats, with more than 1,000 citizens, a newspaper, saw mill, stores, hotels, and professional offices.



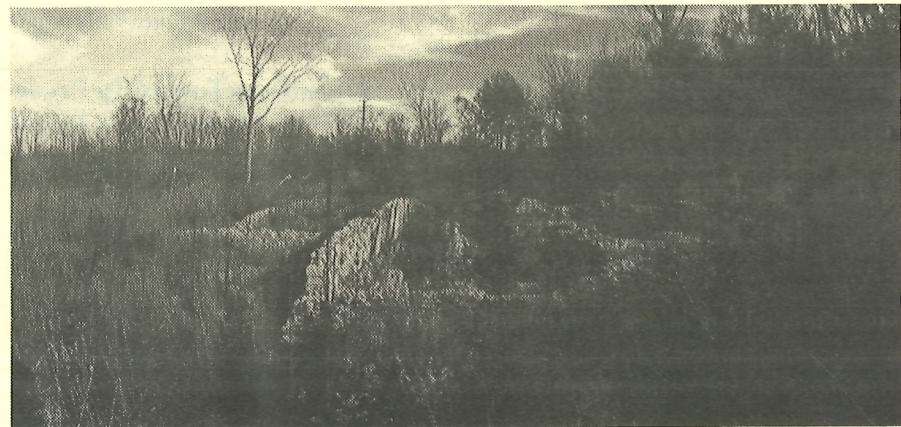
### Western University

Many leaders associated with **Quindaro** helped found the state of Kansas in 1861, such as Dr. Charles Robinson, our **first Governor**, who was town treasurer. The well-known feminist **Clarina Nichols** was editor of the town's newspaper, the **Chindowan ("Leader")**.

After the **Civil War**, the old town site was mostly abandoned, but **Freedmen's School & University** became **Western University**, one of the most important African-American colleges in the Midwest.

In 1987, excavations revealed the **original foundations** of Quindaro's buildings, hailed as "**The Pompeii of Kansas**" - - some 70 structures were brought to light after being buried for more than **100 years**.

We now hope to **preserve Quindaro** as a **National Historic Landmark**.



### Historic Pre-Civil War Ruins

232 of 23

An Existing B.F.I. Dump

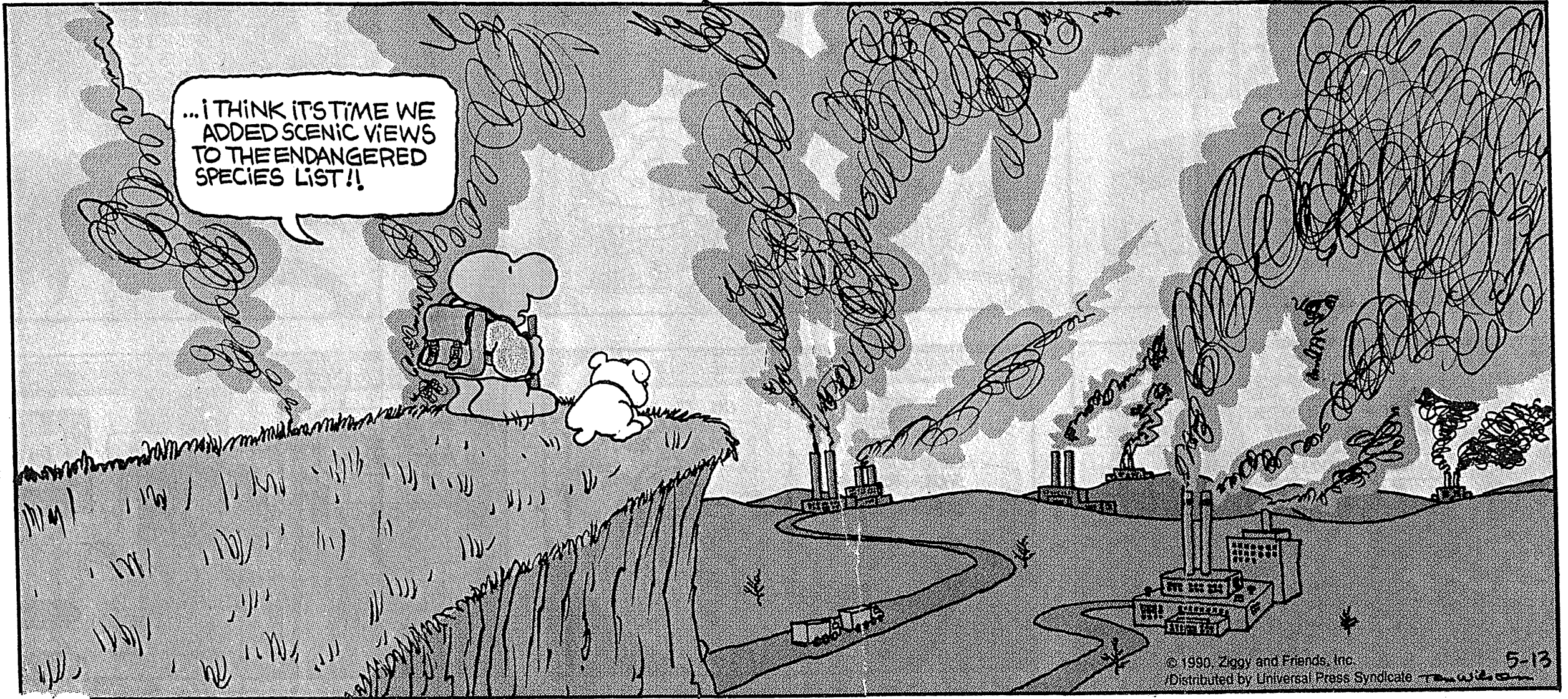
For NR  
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4-3-91  
R. J. L. B.



# ZIGGY

BY TOM WILSON

*E+NR  
attachment 8  
4-3-91  
23/4/93*





# CITY OF KANSAS CITY, KANSAS

DAVID T. ISABELL  
City Administrator



EXECUTIVE CHAMBER  
ONE MCDOWELL PLAZA

KANSAS CITY, KANSAS 66101  
PHONE (913) 573-5030

April 3, 1991

The Honorable Ross Doyen, Chairman  
Members of the Senate Energy and  
Natural Resources Committee  
State Capitol  
Topeka, KS 66612

Re: House Bill No. 2907  
Testimony Submitted by the City of Kansas City, Kansas

Dear Chairman Doyen and Committee Members:

This written testimony is being submitted by the City of Kansas City, Kansas, in opposition to House Bill No. 2907 as it is currently written. The City specifically opposes New Section 3. We supported the bill as originally introduced, but we cannot support it in its present form.

H.B. 2097 would declare void any permit issued by the Secretary of Health and Environment and any special land use permit issued by a city, before the effective date of the bill, to construct or operate a solid waste disposal area, if the area is not yet in operation and if the land is located within one-half mile of a navigable stream used in interstate commerce or within one mile of an intake point for any public water supply system.

New Section 3 states that the provisions cited above will "not apply unless the city or county where the original permitted site was located agrees to reimburse the permittee for all moneys expended to obtain the permits and develop the solid waste disposal area."

Our reading of the bill is that, if the city or county does not agree to reimburse the landfill developer, the permits will remain valid. This reading contemplates an entirely voluntary payment by the local government, which

*E+NR*  
*4/3/91*  
*attachment 9*  
*pg 145*

could of course be done without the enactment of any legislation. We believe the bill should be enacted without New Section 3.

As you may know, there is a proposed landfill site in Kansas City, Kansas, which is located within one-half mile of the Missouri River and within one mile of an intake point for the City's water supply. The developer of the landfill is Browning-Ferris Industries (BFI). A permit for this landfill has been issued by the State Department of Health and Environment, and a special use permit was issued by the City.

If the Legislature now deems it a health hazard to locate a landfill within one-half mile of a navigable river and within one mile of an intake for a public water supply, then it should prohibit such landfills and should void those permits already issued for landfills not already in operation. The protection of the public health and safety should not hinge on whether the landfill developer is paid off. There is no rational basis for distinguishing between those cases where a local government has the money to pay the developer for development costs and those where it does not. If location of a landfill is a hazard to the public health and safety, the permit issued by the State should be declared void, as it is in Section 1(i)(2), and any special use permit should be declared void as well, which is accomplished by New Section 2.

New Section 3 of HB 2097 creates the erroneous impression that a local government (the City of Kansas City, Kansas, in this case) has a legal obligation to pay the developer for its costs in obtaining the permits and developing the area. It is the City's position that it has no legal obligation to reimburse BFI in this case because, under established law, if a land use is declared by a legislative body to be hazardous to the public and therefore is prohibited under the government's police power, the land owner has no claim for damages.

The following brief analysis of the law highlighting a few of the significant cases on the police power has been provided by the City's Legal Department staff. HB 2097 should be enacted without New Section 3. In enacting Section 1(i)(2) and New Section 2, the Legislature is making a legislative finding that the location of a landfill in certain areas is a danger to the public health and safety and is prohibiting landfills in those areas. This

*E + NR*  
*4/3/91*  
*attachment 9*  
*pg 2 of 5*



prohibition is a valid exercise of its police power by the State and can be done without fear of monetary liability to the owners of the land for any economic hardship they might suffer as a result. The United States Supreme Court has reiterated this position many times, including a recent pronouncement on the subject:

"Long ago it was recognized that 'all property in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community,' [citing Mugler v. Kansas] and the [Constitution does not] transform that principle to one that requires compensation whenever the State asserts its power to enforce it."

Keystone Coal Association v. DeBenedictis, 480 U.S. 470, 492, 94 L.Ed.2d 472, 107 S.Ct. 1232 (1987).

The Mugler v. Kansas case involved the enactment of a prohibition statute by the Kansas Legislature in 1887. The U.S. Supreme Court held that even though the statute had the effect of putting the brewery out of business, it was a lawful exercise of the State's police power and did not require compensation for the owner of the brewery. The Court said:

"[The police power of state and local governments] extends to the entire property and business within their local jurisdiction. . . . To regulate and abate nuisances is one of its ordinary functions.' [citation omitted]

\* \* \*

"The power which the States have of prohibiting such use by individuals of their property as will be prejudicial to the health, the morals, or the safety of the public, is not--and. . . cannot be--burdened with the condition that the State must compensate such individual owners for pecuniary losses they may sustain, by reason of their not being permitted. . . to inflict injury upon the community."

Mugler v. Kansas, 123 U.S. 623, 667-69, 31 L.Ed. 205, 8 S.Ct. 273 (1887).

In a case very similar in its facts to our local

E+NR  
4/3/91  
attachment 9  
3 of 5

landfill situation, Goldblatt v. Town of Hempstead, 369 U.S. 590, 8 L.Ed.2d 130, 82 S.Ct. 987 (1962), Goldblatt operated a dredging excavation site with the Town of Hempstead prior to the enactment of an ordinance prohibiting all excavation below the water table and requiring all excavations below the water table be refilled. Goldblatt's quarry was below the water level, and so the ordinance required him to stop operating. The Supreme Court concluded that the town was justified in its use of the police power to enact the ordinance and that it did not owe compensation to Goldblatt.

If the Legislature passes this legislation for the protection of the public welfare, namely, protection of the water supply, and, according to the Supreme Court, the Constitution does not require compensation to be paid to the developer, why should the Legislature put the burden on the shoulders of the taxpayers of Kansas City, Kansas, to pay the developer when current constitutional law does not put the burden there? If the City is forced to pay BFI its costs of development, it will be put in a position of having to raise taxes to make such a payment. The City has never been informed of what BFI's costs might be, but we have heard rumors that a figure of \$3 million has been submitted to the Committee. As you can guess, this figure would have a staggering impact on City finances. We have made estimates that the City's ad valorem property tax collections would have to be increased by approximately ten percent to make such a payment.

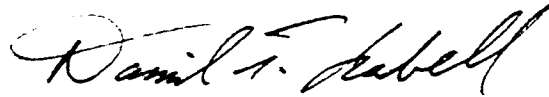
Another point of the City's opposition to New Section 3 of HB 2097 is the effect the provision could have on pending litigation between the City and BFI. The lawsuit filed by the City questions the very validity of the permit. As in any lawsuit, there is always the possibility of settlement of the action for an amount agreed to between the parties. However, if BFI believes it can recover all of its costs under this bill, it will have no incentive to negotiate a settlement with the City.

The City's final contention is that BFI has not been prejudiced by its expenditure of time and money in planning the landfill, because the expenditures would have been necessary whether the permit had been granted or had been denied. Their costs incurred to date have been only preparatory costs--for example, survey, engineering plans, studies, tests. Those are the developmental costs, a business risk, undertaken with the full knowledge that the project may not come to fruition. We do not believe that legislation should

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445

be passed giving the developer a windfall payment for a project which did not work out. We believe BFI should not be compensated at our taxpayers' expense for those costs it would have incurred as an expected cost of doing business regardless of whether the original permit was or was not granted.

Sincerely,



David T. Isabell  
City Administrator

cc: Mayor Joseph E. Steineger  
City Council Members

E+NR  
4/3/91  
attachment 9  
545



# State of Kansas

Joan Finney, Governor

## Department of Health and Environment

Office of the Secretary

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

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TESTIMONY PRESENTED TO  
the Senate Committee on Energy and  
Natural Resources

by

Kansas Department of Health and Environment  
House Bill 2097  
(as amended by House)

### 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.

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 if that site or facility is located within one-half mile of a navigable stream used for interstate commerce or one-half mile of an intake point for a public water supply using surface water. In addition, the bill would void permits issued for facilities which have not been constructed subject to the provisions listed in the bill.

*ENR*  
*4-3-91*  
*Attachment 10*  
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Recommendations

In working House Bill 2097 the House Energy and Natural Resources committee incorporated numerous changes recommended by KDHE. The current bill will require us to consider additional criteria in reviewing future solid waste landfill applications. These criteria may cause additional delays or costs in siting these facilities. The department will work with counties and other local units of HB government to develop the necessary treatment and disposal capacity for effective solid waste management.

Testimony presented by: Ronald Hammerschmidt, Ph.D.  
Acting Director  
Division of Environment  
April 3, 1991

*ENR*  
*4-3-91*  
*attachment 10*  
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