

Rachel's Environment & Health News

#48 - Waste Haulers Discover A Place To Build Dumps And Incinerators Where Regulations Are Often Ignored

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The nation's waste hauling firms--BFI, Waste Management, Inc., and others--have discovered many new places to dump: America's 300 Indian reservations. Conditions there are perfect: the Indians are almost universally poor; unemployment is 50% or more; the federal government does not have jurisdiction; state governments do not have jurisdiction; and the local people often lack access to scientific and technical advice. Under these conditions, promises and a little cash can go a long way.

"Non-Indian entities are using cash and poverty politics on the reservations to make us once again a dumping grounds," says Suzan Harjo of the National Congress of American Indians in Washington, DC.

Six months ago Waste Management, Inc., approached the Gila River Indian Community in Arizona, hoping to establish a 640-acre landfill on the Indians' 372,000-acre reservation. They flew tribal officials to Chicago to visit their Oak Brook home office where chemists in white coats give the impression that Waste Management is something besides a garbage company. Waste Management promised the Indians annual revenues of \$10 million--a staggering sum of money for an impoverished desert people.

The tribe ultimately turned down the offer. "I would say that probably was the most difficult decision that this council had when they looked at the proposition," says William T. Talbow, director of the Community's physical resources department. Mr. Talbow says his people are now considering proposals to build a large waste incinerator to generate power.

Rita Lavelle, the former U.S. Environmental Protection Agency (EPA) official who served a prison term for lying to Congress in connection with the Stringfellow Acid Pits near Riverside, California, is now peddling her services as an independent waste consultant to Indians and others. She recently told the Los Angeles Times (September 26, pg. 1) that she has been asked by more than 20 Indian tribes in recent months to help them evaluate waste processing proposals. She said she had recommended against almost all of them because the proposals involved "bad technologies."

Even some people in the waste hauling business are speaking out, cautioning the Indians to be careful. John Schofield, senior vice president of International Technologies (IT) Corp., a major waste processing company, says, "Indian tribes need to be cautioned against individuals looking for that fast buck. Quite frankly, there have been a lot of people in this business who have not acted honorably. There are good guys, but there are an awful lot of bad guys around."

BFI (Browning-Ferris Industries) of Houston, Texas, has wooed the Cherokees in North Carolina (unsuccessfully) and more recently the Fort Mohave tribe on a reservation that straddles parts of California, Nevada and Arizona.

"They flew some of us [to Texas] out on a private jet, took us to their private country club... put us up in the best hotels," says Nora Garcia, tribal chairwoman. "We were told it would provide a lot of jobs and good revenues for the tribe.

"Then they showed us what we'd be involved in. It was devastating to stand on the edge of huge holes in the ground five football fields wide with... chemicals and oils." The Fort Mojave community ultimately turned down BFI's offer.

In 1979 the Bureau of Indian Affairs, the U.S. agency with trust responsibility for Indian nations, built a municipal solid waste landfill in Parker, Arizona, on sovereign land owned by the Colorado River Indian tribes. In 1984 a southern California waste hauler persuaded the tribe to accept wastes that would have been considered "hazardous" under California law. The waste is shredded

automobiles, which are loaded with lead, zinc, cadmium, copper and polychlorinated biphenyls (PCBs). The Parker landfill

charges \$75 for dumping a 20-ton load. The same load dumped at a hazardous waste landfill in California would cost \$1600 or more. The tribe makes \$127,000 annually from the operation and the hauler is happy: "There's no red tape there," says Roger Bejarano. "It's so much easier to start an operation on these lands," he says.

The federal Indian Health Service was supposed to inspect the Parker landfill at least once a year to make sure it wasn't becoming a hazard to the Indians. But they haven't done it. "We haven't been, I guess, as diligent in meeting that responsibility as perhaps we should have been," says Dean Jackson of the Indian Health Service. Still, he says, the Health Service's role is strictly advisory. "We have no badge. We have no regulatory authority."

Dick Agajanian, owner of the salvage firm that hauls waste across the Mohave desert from California to Parker, says his customers have difficulty refusing the offers he makes them: cut-rate dumping, no red tape, and everything legal. His list of customers is growing. He recently added to his list the California Department of Transportation, the U.S. Forest Service, and the U.S. Federal Reserve Bank. "It is the difference between spending \$100,000 a year and \$500,000 a year on disposal," says Douglas Shaw, vice-president and general counsel for the Federal Reserve in San Francisco.

The LOS ANGELES TIMES says there's a "new land rush" on with waste haulers proposing dumps, incinerators and waste processing facilities on Indian lands. Though their lands are held in trust for them by the U.S. government, Indians negotiate directly with waste haulers and are free to cut their own deals.

"The Indian is more trusting than the non-Indian," says Conner Byestewa, Jr., environmental protection officer for the Colorado River Indian tribes. "We just have to hope that our negotiations and business deals are good ones." He adds, "You never have real security."

Two months after the Parker landfill began accepting industrial waste from California, a fire broke out in the auto shredder waste, sending a thick plume of black smoke over the town that residents said smelled like burning plastic. An EPA report said, "If the waste contained PCB, then dioxins would be left as residue [from the fire]."

Tribal attorney Pam Williams says, "If mistakes are made, if advantages are taken of the tribes, it's not for our lack of commitment." But, she adds, "I agree the tribe has to be vigilant and probably has to be paranoid."

--Peter Montague

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