

# METRO & STATE

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Section B

79TH LEGISLATURE

## Enough already, state senators say about landfill case

Environmental agency  
is chided over lack of  
resolution in 7-year-old  
lead waste dispute

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AMERICAN-STATESMAN STAFF

State senators expressed dismay Tuesday that Texas environmental commissioners haven't been able to secure the proper disposal of 1,600 tons of lead-tainted garbage sitting at a Creedmoor municipal landfill for more than seven years.

At a hearing, members of the Senate Natural Resources Committee implored the three

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commissioners of the Texas Commission on Environmental Quality to find a way to resolve the impasse, suggesting it was their last chance before lawmakers consider stronger steps. Several senators cited concerns that the case could set a precedent or encourage hazardous waste producers to defy the state and laws that protect the public.

"To me, this agency has given up," said Sen. Mike Jackson, R-La Porte. "It's disturbing to me

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## LANDFILL: Both sides say they'll meet with senator

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we're in this situation."

Committee Chairman Ken Armbrister, D-Victoria, said he intends to try to negotiate a resolution between the landfill operator and the trucking company deemed responsible for the lead waste.

"I'm happy to sit down with both parties. I will insist on it," Armbrister said.

The commission ruled in September that the mixture of garbage and lead — from TV tubes broken in a 1997 truck wreck and sent to the landfill — was hazardous waste. In response, Glenn Shankle, executive director of the commission, ordered the trucking company,

Penske Truck Leasing Inc., via letter to remove and dispose of the material under hazardous waste laws.

The landfill operator, Texas Disposal Systems Inc., has refused to release the waste, now sitting in 99 metal containers, because the federal hazardous waste shipping manifest that Penske proposed using states that Penske does not admit the waste is hazardous or that it was responsible for generating it.

The landfill company argues that the disclaimer means Penske could subsequently declare the waste nonhazardous and send it to another nonhazardous dump, creating millions of dollars in cleanup liability if it contaminates the environment.

Penske officials say they will follow the law.

Commissioner Larry Soward testified that he thinks the companies could have resolved their differences months ago but instead engaged in "legal posturing" to protect their arguments in a Texas Disposal lawsuit.

"I believe the only solution to this will be through the courts," Soward said.

Commission Chairwoman Kathleen Hartnett White told the senators that she thinks the commission should have been more specific in its directions to Shankle about the disposal requirements, and that Texas Disposal is justified in its concerns about how Shankle's letter could be interpreted. She said

her effort in December to clarify the language failed when her motion didn't get a second.

"The commission has different opinions on how to handle the matter," she said. "I don't think we just have two parties that won't cooperate."

Representatives of Texas Disposal and Penske said after the hearing that they welcomed Armbrister's offer to mediate and are willing to meet as soon as possible.

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