

## Foot-dragging at environmental commission

**BYLINE:** AMERICAN-STATESMAN STAFF

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The Texas Commission on Environmental Quality is seldom regarded as a ball of fire, and that's just the way many in industry and some state officials, including the governor, appear to want it. But its foot-dragging over a particular waste problem at Texas Disposal Systems' landfill at Creedmoor is pathetic. The landfill, operated by Bob Gregory, is so well run that it has won praise from many quarters, including the Governor's Texas Environmental Excellence Award in 2002. Just the kind of outfit one might think a state agency would back up when it has a problem -- but not necessarily so, as American-Statesman reporter Kevin Carmody detailed in Saturday's editions.

In 1997, a truck crash on Interstate 35 smashed about 1,200 Zenith television tubes into 41,000 pounds of junk. The sets were swept up and ordered to be sent to Texas Disposal Systems' landfill. Seven dump-truck loads of junked televisions had been dumped at the landfill when the shipper, Penske Truck Leasing Co., notified Gregory's brother that, because of the lead in the television tubes, the loads were legally considered hazardous. All further dumping of the television tubes at the landfill was halted.

Still, those seven truckloads already dumped had been mixed with other household trash. Texas Disposal Systems then had to isolate all that trash, about 1,600 tons, for disposal elsewhere. Because it is hazardous -- the lead might leach into groundwater, poisoning it -- the waste has had to be especially protected, and proper disposal could cost \$400,000.

From the start, the environmental commission said Penske was responsible. But it never made the trucking company, or Zenith, do anything about it. Gregory finally went to court, and the case is being heard in Hays County, though a mistrial was declared Monday.

The environmental commission said last week that it will test the waste to determine whether it leaches enough lead to be hazardous. If not, no special disposal would be needed. Yet as recently as Jan. 15, the commission told Gregory that federal rules bar diluting hazardous waste with other materials -- such as household trash -- to avoid hazardous waste requirements.

Such inconsistency in the commission's enforcement actions has been noted before. In December, the state auditor's office issued a report sharply criticizing the commission on several grounds, including this one: "The lack of timely enforcement orders and settlement of enforcement cases could allow violations to continue and slows penalty collections."

That lack of enforcement consistency gives an economic advantage to those who stall or cheat, penalizing those who work hard to obey the law.

Gov. Rick Perry was alarmed by that December report -- and blasted the state auditor's office for "trying to make statements on public policy." His message was clear: Leave that guard dog muzzled.

It's just absurd that this issue is still around seven years after the truck crash. The environmental commission should have acted swiftly and decisively to resolve the dispute rather than force a company that has run an environmentally clean operation to go to court.