

Texas senator wants some answers on lead-tainted waste

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It has been seven years since a truck accident on Interstate 35 sent tons of hazardous waste to an Austin dump. The truck, owned by Penske Truck Leasing, was carrying television tubes that contained lead and are considered hazardous.

Everyone agrees the waste should have been disposed of properly. But seven years, steep legal fees and a lot of head scratching later, the lead-tainted garbage hasn't been moved from Bob Gregory's Texas Disposal Systems landfill in Southeast Travis County.

In November, Glenn Shankle, executive director of the Texas Commission on Environmental Quality, announced that Penske and the landfill operator couldn't reach agreement on removing the waste. As a result, nothing moved, save for the northern migration of numbers on the time sheets of the lawyers involved. Moreover, the agency is treating Gregory like a bad guy for insisting that disposal be done by the book.

When the Legislature last met, Sen. Ken Armbrister, D-Victoria, and chairman of the Natural Resources Committee, made it clear that he wanted the agency to quit dragging its feet and require the waste to be disposed of properly.

That, of course, hasn't happened, and now the senator wants to know why. So should we all. Armbrister said he wants a briefing by agency officials and has scheduled time on Jan. 24 for the explanation. If not satisfied with the explanation, Armbrister said he is prepared to take legislative action.

The holdup is paperwork that could let Penske off a very expensive hook, if Gregory agrees. Gregory won't agree to release the waste if the manifest continues to read: "Penske does not admit, for purposes of any litigation or regulatory proceeding, that the material is a hazardous waste or that it generated the material described in this manifest."

Well, if Penske didn't generate the material, who did? Gregory is justified in thinking he might end up holding that bag. Moreover, if Gregory were to agree, he says Penske could take the 99 large waste-filled containers out of the landfill, declare the contents to be nonhazardous and send them to a municipal waste landfill.

Penske tried to do just that with Shankle's blessing, before the state's environmental commissioners overturned that decision by a 2-to-1 vote in September 2004. In November, Shankle declared Gregory was the holdup, and now it remains for Armbrister — should he be reassigned as chairman of the Natural Resources Committee, as well he should — to sort out this mess.

Garbage isn't the sexiest topic in the world, but considering that all the computers we're using on a daily basis will end up trash some day, this fight over when lead tubes are hazardous waste and when they're not becomes extremely important.

We hope that Armbrister can elicit a cogent explanation out of the parties and that this matter is finally resolved.