

From clevescene.com

Originally published by *Cleveland Scene* Apr 25, 2002

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Either the feds are too inept, or they just don't want to know what roils beneath Uniontown.

By Martin Kuz

Charles Kittinger stares out from his Mercury Sable at the industrial landfill he once owned. A chain-link fence seals off what used to be the main entrance. Brown grass covers the earth like a bad toupee. But he sees none of that. He's looking into the past, to the day in 1969 or '70 when the giant eggs arrived.

Made of stainless steel, the eggs measured six feet wide by eight feet long and weighed eight to nine tons, Kittinger recalls. The day before, he had received a call from a man asking him to prepare a resting place for them. Kittinger told workers to dig a 25-foot-deep ravine near one corner of the 30-acre dump. The eggs were rolled off the back of trucks, then covered with tons of dirt and fly ash.

Kittinger remembers two cars following the trucks into the landfill. One of the drivers explained that the eggs belonged to the Army and held live plutonium cores. The man also gave strict orders: "Don't cut into 'em, don't remove 'em, and don't tell anybody about 'em."

So for three decades, Kittinger bit his tongue -- until last year, when he saw a TV report that radiation might be leaking from the dump. By then, he had come to believe the eggs were nuclear bombs; he dialed up federal officials to alert them. They were not happy to hear from him.

A federal judge ordered the U.S. Environmental Protection Agency and the Department of Justice to launch an inquiry. The covert, eight-month probe shot down Kittinger's claims that the eggs existed -- and stopped just short of labeling him a nutcase. That no actual digging occurred mattered little to the agencies or U.S. District Judge John Manos, who agreed that Kittinger's memories were "caused" by news reports.

Warned by officials to not set foot near the dump, the 74-year-old Kittinger stays in his car as he talks, chuckling at the irony. After 30 years, he found the nerve to step forward. But rather than embrace him for having a conscience, the EPA stiff-armed him as a conspiracy loon.

"I'm not as full of it as the government says I am," he says, his smile framed by white wisps of beard and mustache. "I figured if I told [officials] about the eggs, they'd get 'em out of there. All they did was discredit me, make me look like an idiot."

He has plenty of company. Since declaring the landfill a Superfund site in 1984, the EPA has worked harder to dig into critics than the soil. Indeed, despite spending \$20 million on its "cleanup," the agency has removed exactly none of the dump's 1 million gallons of toxic waste.

Located in Uniontown, 10 miles south of Akron, the landfill represents what may be the nation's clumsiest Superfund cleanup. Its history teems with bureaucratic bungling, flawed testing, and charges of collusion between the EPA and the site's chief polluters. The story offers all the elements of a grand environmental farce -- it's Superfund as bad sitcom.

"I've seen the EPA at a number of sites, and this is not one of their shining examples," says Dr.

Henry Cole, head of an environmental consulting firm in Maryland. "It's been a mess."

The dump operated from 1966 to 1980, turning into an industrial wasteland thanks primarily to B.F. Goodrich, Bridgestone/Firestone, Goodyear, and GenCorp. Four years after its closing, the EPA put it on the Superfund list in response to reports of methane leaks. The site ranked among the nation's worst toxic dumps at the time.

The agency has never sought to pinpoint what roils beneath the surface. Its sole concern is that toxin levels remain below federal limits. On that count, officials insist the landfill poses no risks to the 20,000 people who live within three miles of it.

Yet the obvious paradox -- *We don't know what's there, but we know it can't hurt you* -- makes scientists who've scrutinized the findings wonder if there's a methane leak at EPA offices.

Says Dr. Edwin Clark, head of Clean Sites Inc., a Washington, D.C. nonprofit that acts as a consultant on Superfund projects: "The mistakes have been absolutely unbelievable."

Says New York physicist Marvin Resnikoff, a national expert on radiological testing: "It doesn't seem like [officials] want to get to the bottom of what's down there."

Says Dr. Mark Baskaran, a geology professor at Wayne State University in Detroit: "The EPA has made itself a laughingstock in Uniontown."

Even a preliminary review in 2000 by National EPA Ombudsman Robert Martin recommended that the site merited further analysis, owing to a series of EPA pratfalls.

The criticism springs from the agency's Keystone Kops approach to groundwater and soil testing. For years, the EPA's regional office in Chicago, which oversees the site, shunned residents' pleas for radiation analysis. Officials finally relented in 1990 -- only to later throw out the results, claiming the lab handling the samples botched the job.

The next year, a second round of tests showed high levels of radiation in at least two residential wells. Again, the results were tossed, after officials blamed another lab for faulty analysis -- despite the Ohio EPA's discovery of high radiation levels in its own testing.

The blundering caught the attention of then-EPA chief William Reilly, who recruited Clean Sites Inc. to investigate. The group urged the agency to obtain subpoenas to ferret out the truth. Observing decades of bureaucratic tradition, the EPA did nothing.

Subsequent testing showed lower radiation levels, and in 1994 officials called for an end to radiological analysis. But questions over the previous "invalid" results persisted, so in 1998 the agency ordered more testing -- and displayed more ineptitude, hiring the same lab that supposedly blew the first tests in 1990.

Soon after the fiasco faded, the FBI raided an EPA lab in 2000 on suspicion that it manipulated testing results to the government's benefit. The Chicago facility had conducted testing on the Uniontown dump, among other cleanups; an egg-faced EPA discarded all results handled by the lab.

Since then, the agency has supervised additional tests and deemed the site safe. Last fall, officials quietly announced that no further radiation analysis was needed.

Given the comedy of errors, watchdog groups are unamused by the agency's refusal to allow independent testing. Greg Coleridge is co-director of the Northeast Ohio American Friends Service Committee, an Akron nonprofit that began hounding the agency in the mid-'90s. A few years ago, he and a fellow activist asked the EPA if they could collect water samples. When they turned up at the dump, an official shooed them away, saying the work was too dangerous.

"Mind you, this site is supposed to be safe to live next to, but they're saying it's too lethal to walk on and get samples," Coleridge says.

Cole ran headlong into the same institutional wall during his time as a technical consultant to a citizens' group. The EPA's earliest soil analysis indicated high toxin levels near the middle of the dump, he says. But in later testing, the agency avoided returning to the so-called "hot spots." Instead, like a child nibbling at the crusts of a sandwich, it tested along the landfill's edges, where less waste -- read: fewer toxins -- lurked. Cole asked the agency to collect interior soil samples. He may as well have been speaking in tongues.

"They totally refused," he says. "They even went so far as to deny there was evidence of higher contamination -- which flatly contradicted their own data."

Similar requests made by Resnikoff, also serving in an advisory role to residents, vanished into the EPA abyss. "Just because you don't want to measure something doesn't mean it's not there. It seemed that some federal agency . . . had put plutonium-containing material in there, and [the EPA] didn't want to find out about it."

There's no debate that toxic chemicals dumped by the four rubber companies and hundreds of other parties percolate within the landfill. But officials deny that the military ever stored waste there, noting that the landfill lacked a permit for radioactive materials.

The denials clash with the memories of residents who reported seeing trucks bearing radioactive symbols rumble into the dump from 1969 to '70. Crueler anecdotal evidence emerges in the form of illnesses in the area. A state health study in the late '80s concluded that Uniontown's cancer rates were no higher than average. But a residents' survey revealed that at least 120 families living within two miles of the site suffered cancer, miscarriages, or birth defects.

Last year, Norma Boldt lost her husband to pancreatic cancer, and her two grown daughters, who no longer live in Uniontown, developed benign tumors. Boldt, who still lives in the family home less than a mile from the landfill, has no doubts about the root of the diseases: "Whatever's in the ground over there."

The speculation about military dumping flared three years ago, after Coleridge obtained federal documents that detailed who hauled waste into the site. Among the materials he received were two dozen receipts for deliveries made by the Army and National Guard in 1969-'70. The slips provide few specifics of what was buried. Even so, he says, their existence suggests the EPA has been no more candid about the dump's history than about its water tests.

"Can we really trust these folks on anything they say or propose to do?" asks Coleridge, whose group sued the EPA, Army, and the Department of Energy in January to cough up other dump-related documents. "We're still waiting to catch them telling the truth."

Kittinger sold his stake in the landfill in 1971. He concedes that waiting 30 years to speak up provides kindling for skeptics who want to torch his egg story. But if news reports jarred his memory, mortality nudged him to act. The crow's feet that bracket his pale blue eyes crinkle upward as he grins. "I figured I'd better say something about 'em before I wasn't around to say anything."

The federal probe of Kittinger's claims included a geophysical survey of the dump. The analysis revealed three oblong shapes that were dismissed as "anomalies" -- junked cars, perhaps, or heavy machinery. Despite describing the investigation as "exhaustive," officials decided against exhuming the objects -- too risky, they said. The rationale satisfied Judge Manos, who, after unsealing the feds' 126-page report, ruled Kittinger's tale "not credible." He added that "no further investigation . . . [is] warranted."

Amen, says William Muno, the EPA's regional Superfund director. "We've pursued every possible avenue of investigation and inquiry that we can with regard to these allegations . . . We've been responsive to citizen concerns."

Muno likes to point out that the Uniontown landfill has undergone more radiological testing than any Superfund site in the country. The EPA asserts that radiation at the dump now hovers at "naturally occurring" levels. The only lingering problem is one of perception, he says. Kittinger's allegations, along with the testing lab snafus, spawned "a whole series of radiological conspiracy theories. It became almost an urban legend."

Agency officials blame routine missteps, not a government cover-up, for the rumors. Ross del Rosario, project manager on the cleanup, says the early test samples showing high radiation levels were nullified because of lapses in sampling protocol. He notes that strict testing rules make such mistakes "a common thing" at every Superfund site. While it's an admission that would seem to inspire more questions than confidence, he sounds puzzled that residents still distrust the agency.

"There's really no reason for these issues to continue to be discussed."

Del Rosario explains away the Ohio EPA tests that also detected radiation by saying the federal agency "had access to better labs back then." These purportedly better labs detected radiation in later tests, but at levels "barely" above what's found in nature. The results were enough to convince the EPA it didn't need to pursue further testing of previously identified hot spots.

Meanwhile, officials dispute the charge that the agency thwarted independent analysis. Del Rosario says the EPA invited citizen groups to conduct their own radiation tests -- as long as they submitted samples to one of several pre-approved labs.

It would seem the very definition of Hobson's choice: Either use a lab endorsed by an agency that muffed earlier tests or accept the EPA's results and shut up. Not surprisingly, activists chose neither. Yet del Rosario believes the EPA's eight rounds of radiation tests should be enough to quiet even the harshest cynic. "So much data has been generated on this site, there's really no reason to doubt the EPA's results."

From Muno's vantage point in Chicago, the EPA has done right by Uniontown. The agency demolished three buildings on-site and removed eight storage tanks. A dozen homes bordering the dump were razed and the families relocated. Other residents living near the site who used private wells were switched to the city's water system. Testing for arsenic, benzene, and other chemicals in the groundwater will continue for decades.

Tired of revisiting past screw-ups, officials now tout plans of converting the landfill into a nature preserve or soccer fields. The agency has scrapped previous cleanup plans to install a water treatment system and place a plastic cap over the landfill. Now, smitten with a nature-heal-thyself solution, officials favor a \$7 million proposal to plant wildflowers and poplar seedlings to sponge up waste over the next several decades. If that comes to pass, the cleanup would end without the removal of a single barrel of toxic sludge -- something Muno regards as "just not a feasible alternative with landfills. You're always taking [the waste] to someone else's backyard."

Yet foes of the new plan portray it as lose-lose: Residents receive less protection, and the polluters paying for the cleanup get off lighter.

Says Chris Borello, head of Concerned Citizens of Lake Township: "It's like [the EPA is] saying, 'Since we haven't done anything else, let's hurry up and plant seedlings so we can get out of here.'"

With her prodigious memory and point-blank candor, Borello is the Erin Brockovich of Uniontown, a tireless -- some say tiresome -- critic of the EPA since the cleanup began in 1984. Both her allies and adversaries agree that, more than anyone else, she's refused to let the EPA sweep aside the landfill.

"Without her, all of this would have been buried a long time ago," says Judy Brightwell, a fellow member of the citizens' group. Proof of Borello's status as EPA Enemy No. 1 arrived earlier in April: The feds hit her with two subpoenas to provide any documents she's collected on disposal of radioactive waste at the dump. "Isn't it supposed to be the other way around?" she says, managing a laugh.

Borello and fellow activists have long alleged collusion between the EPA and the rubber companies. Others who have studied the landfill shy away from similar accusations. Tom Grumbly, formerly of Clean Sites Inc., says he unearthed no evidence of backroom deals while investigating the water-testing gaffes. What he did notice was an absence of sunshine on the process, with residents often left out of discussions between agency and company reps.

Likewise, Cole says, "The EPA was far more willing to listen to [polluters'] concerns than the community's."

The claim brings a sigh of disbelief from Paul Wolford, spokesman for the four rubber companies. He argues that the EPA has "gone overboard" in reacting to residents' demands for site testing. Pointing out that the corporations already have chipped in between \$15 million and \$25 million for the cleanup, he blasts activists for attacking companies that helped make America great.

"They're going all balls-to-the-wall to see how far they can push it," he says. "Are we now apologizing for the Industrial Age that built this country, or what?"

Some in Uniontown share Wolford's no-big-deal attitude. A 500-home subdivision is shooting up about a mile from the dump. A sod farm cultivates hundreds of acres just beyond its eastern border. Residents who live within a stone's throw of the landfill wax rhapsodic about abundant wildlife -- none of which glows.

As Sue Ruley, a Lake Township Board trustee and onetime critic of the EPA's cleanup, puts it,

"The whole community's sick of all the complaining." Patrick Lundy, whose home stands next to the landfill, seconds the sentiment. "You get tired of hearing about it. It's time to move on."

That might already have happened if Kittinger had kept his mouth shut. He admits the thought crossed his mind. As former operators of the dump, he and his wife, who served as his accountant, may have to contribute into the seven figures for cleanup costs. Before he went public with his egg story, he says, the rubber companies offered to pick up the couple's tab. His rejecting them may stand as the strongest counterpoint to those who doubt his memory.

"I could have been out of this by now," he says. "But it wouldn't have been the right thing."

The feds' report on the egg probe attempted to punch holes in Kittinger's account. If the eggs contained plutonium, they would have been hot to the touch; he told officials they were cold. The type of plutonium that he says the eggs contained is not used in nuclear bombs. And, according to officials, the only military agency to deliver waste to the dump was the Ohio Army National Guard, which lacked access to nuclear weapons materials.

But where the EPA sees an old man's fish tale, Borello sees a smear campaign. To her, the agency's refusal to turn over so much as a spade of dirt in looking for the eggs represents the best evidence of Kittinger's honesty. "Why would he come forward and go through all of this? Charlie's the one who decided to tell us what he saw. We're still waiting for the EPA."

That wait may never end.

The Superfund was created in 1980 on the principle that "the polluter pays" -- companies that created toxic messes would be forced to cover cleanup costs. A special corporate tax levied on the chemical and oil industries kept the program flush.

But the Republican-controlled Congress has failed to reauthorize the tax since 1995. As a result, the fund has deflated from its high of \$3.6 billion in 1996 to an estimated \$28 million next year. In February, President Bush proposed resuscitating the fund by shifting the financial burden from polluters to taxpayers over the next two years. By 2004, the entire \$1.3 billion program would be funded through general tax reserves.

Critics regard the plan as a mirage, the beginning of Superfund's end. Without companies paying in, the program would have to compete with more popular budget items like education and military spending. Considering the GOP's love of all things deregulated, it's easy to imagine the Superfund losing out to more corporate-friendly programs. In time, that would allow industry and the EPA to slink away from toxic dumps where next to nothing has been done.

"The idea is to cripple it," says Cincinnati lawyer David Altman, a national expert on the Superfund.

In truth, the Superfund already has pulled up lame in Uniontown and elsewhere. Of the 1,551 sites on the fund's national priority list, fewer than 260 have been cleaned up, according to the EPA. Another 550 have been mostly cleaned up.

The program has struggled at sites where polluters resist cooperating. Estimates vary, but legal costs have eaten roughly half of the \$30 billion spent on the Superfund since 1980. In Uniontown, the four rubber companies remain in negotiations with the agency over the final cleanup bill. The corporations, citing the hundreds of other companies that dumped waste in the landfill, have

fought to make smaller polluters pay up. Their defiance, more so than the efforts of activists, has slowed the cleanup.

"The name of the game in the industrial community is, limit how much you have to spend on the cleanup," Altman says. "They'll spend money in court because it's cheaper than paying for the cleanup."

There's also speculation that the rubber companies have exploited the stories of military dumping in Uniontown to leverage a cheaper cleanup from the EPA. While dubious that the agency is covering for the Army, Wolford doesn't hesitate to point out the Superfund's biggest wart. "There's no burden of proof on the government. It's not held responsible by anyone."

Despite the 18 years of sluggish progress, litigation, and bad press, the EPA's Muno insists he's satisfied with the cleanup. "Even though I'm frustrated in the delays getting to the remedies . . . the [polluters] will be held fully accountable."

Accountability remains in the eye of the beholder, of course. But those who have seen the agency buffeted both by polluters and residents predict EPA officials will pop open champagne the day they can withdraw from Stark County. "Ten years ago, they were weary of Uniontown," Grumbly says. "They're totally weary of it now."

Cole is more blunt: "They would love to see that site close and get the hell out of Dodge."