

REAL PEOPLE—REAL STORIES

Seeking Environmental Justice

Afton, NC (Warren County)

OVERVIEW

Polychlorinated biphenyl (PCB), a dangerous chemical, was illegally dumped along North Carolina highways in 1978. When the dumping came to light, state officials selected the mostly Black community of Afton, Warren County, for a landfill to store the contaminated soil. This site did not meet EPA guidelines for hazardous waste landfills. Residents fought the landfill's construction through legal action and protests. More than twenty years later, community members held the State to its promise to decontaminate the site. The situation in Warren County sparked a national landmark study of hazardous waste landfill siting in poor communities of color and is recognized as the birthplace of the environmental justice movement.

THE COMMUNITY

State officials selected Warren County as the site for PCB-contaminated soil in June 1979. Sixty percent of Warren County's population of about 16,000 was Black in 1980, versus 22% in North Carolina overall. Warren County was also one of the poorest counties in the state, ranking 97 out of 100 for income.

THE HAZARD

PCB is a chemical used in coolants and lubricants for transformers. Studies completed in 1975 showed elevated stomach and liver cancer rates resulting from PCB exposure. The Toxic Substance Control Act of 1976 banned the manufacture of PCB in the U.S. The 1976 Resource Conservation and Recovery Act guides the disposal of existing PCB, which can be very costly. In 1976, a trucking company hired by Ward Transformer Company sprayed 31,000 gallons of PCB-contaminated oil

"If you're not responsible to Mother Earth, most likely you're not going to be responsible to the children of Mother Earth. . . . The impact that [the environmental justice] movement has had on our nation, at many levels, not only in terms of racism but in terms of humanizing the environmental struggle, is significant."

– Community Member

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THE HAZARD (continued)

along about 240 miles of North Carolina roads. The illegal dumping was discovered in 1978, but the contaminated soil remained along roadsides until September 1982. The population living near the contaminated soil reported an increase in miscarriages and birth defects. Forty-thousand cubic yards of PCB- contaminated soil were taken to a 142-acre landfill near Afton in Warren County in 1982.

LANDFILL LOCATION



In 1979, the state proposed four options approved by the Environmental Protection Agency (EPA) to dispose of the contaminated soil. These options were: centralized in-state burial of the waste, in-state burial within each county, transporting the soil to another state for disposal, and transporting the soil to incinerators. Because of cost, the state decided to bury the waste in-state. All but two of 90 potential landfill sites were disqualified from consideration based on failure to meet EPA requirements for the

landfill. The remaining locations were Warren County land and a sanitary landfill in Chatham County. Chatham County residents opposed the PCB landfill, so the county withdrew its offer to allow PCB burial there.

At a public meeting in 1979, the state asked the EPA for waivers of three regulations at the Warren County site: elimination of the requirement for 50 feet between the landfill and groundwater, elimination of an artificial liner, and elimination of underliner leachate collection. At another meeting, an EPA advisor told the public that nothing would leak from the landfill, so distance to groundwater did not matter. However, Warren County residents hired their own soil expert who reported that the soil could not be compressed to create a protective layer and had a high chemical exchange capacity, so groundwater would be contaminated. Still, the EPA granted the waivers for the location later in 1979.

LEGAL RESPONSE

When the EPA approved the landfill permit application, Warren County filed a federal lawsuit to prevent the purchase of the land and construction of the landfill. The courts temporarily prevented construction, but allowed the state to purchase the land. In 1981, the courts ruled against the county and said that the design for the site was safe and the process for site selection was sound.

“It was a true testament of how the state and community came together. And it wasn’t an easy task. It was a lot of man-hours . . . that will never probably be accurately recorded. People . . . came and really pushed the state to live up to their word. Because if it wasn’t for that, [there] would still be PCBs in the landfill today. But because of people dedicated to the cause, it was done. And that was true perseverance.”

– Community Member

LEGAL RESPONSE (continued)

In 1982, the local chapter of the National Association for the Advancement of Colored People (NAACP) filed suit in district court, saying the site was not safe because the Warren County land failed to meet several EPA regulations and other sites were likely more suitable for the landfill. The NAACP suit alleged that Afton's poor, rural, and mostly Black residency was a driving force in the state's siting decision. The lawsuit was denied a month later because previous cases did not cite race as a factor. However, a 1983 report from the General Accounting Office showed that race and low income appeared to be associated with hazardous waste siting.

COMMUNITY RESPONSE

In 1979, residents formed Warren County Citizens Concerned About PCBs to fight the siting and construction of the landfill. Residents held rallies and protests of the landfill. The first truckload of soil that arrived at the landfill in September 1982 was met by 400 to 500 protesters. State highways patrol arrested 55 people on the first day, but the protests continued for the next six weeks while the soil arrived. During this time 523 arrests were made, including juveniles, senior citizens, and U.S. Congressman Walter Fauntroy.

A week after the last truckloads of contaminated soil arrived at the landfill, Governor James Hunt promised to detoxify the landfill when the technology became available. The landfill was capped in late November 1982. Three months later, gas from decomposing vegetation in the landfill caused bubbles in the liner and gurgling sounds. The liner was vented, and the state proposed a drainage system to remove the water.

"I walked to the landfill . . . with my mom. And when havoc started, we got separated. And I was just screaming, 'Don't bring the trucks in. I don't want to die from cancer.' And they picked me up, and they picked my mom up, and at that point in time I was still screaming. And I was the only child actually on the adult paddy wagon to go to jail that day."

- Community Member



Protesters lie on the road to block dump trucks from delivering PCB-contaminated soil in 1982.

Used with permission from photographer Jenny Labalme.

DISCOVERIES AND PROGRESS

By 1993, there were about 13 feet of water trapped in the landfill. The Department of Environment, Health, and Natural Resources proposed a \$200,000 project to install a new water pump to relieve water pressure on the landfill liner. In 1994, the state Division of Solid Waste Management tested the landfill for the first time since its construction and found trace amounts of dioxins in monitoring wells uphill and downhill from the landfill. Warren County residents demanded a full cleanup of the site. In 1997, an independent advisor to the Joint Warren County/State PCB Working Group

said there was evidence that the landfill was leaking and contaminating air and soil. Despite the evidence of dangerous chemicals in the community, the EPA and the state maintained that the site was safe.

In response to demands from Warren

County residents, Governor Hunt included \$15 million in the state

budget in 1998 to clean up the Warren County landfill. PCB removal began in 2002, and at the end of 2003, the PCB landfill closed after \$18 million in cleanup efforts. The soil from the site was decontaminated to 10 times cleaner than federal standards.



Warren County PCB Landfill detoxification.
Source: Warren Family Institute, Inc.
Photographer: Bill Gallagher

“Now that the PCB dump is cleaned up, that was one site looked at to revitalize and use And I saw the potential of that. We could turn around something that’s negative and make it a positive and show others that just by working together and having a vision and being consistent and sacrificing, we can move mountains.”

- Community Member

This is part of a series of stories about how communities in North Carolina have faced environmental health concerns. Sources include articles from *The News & Observer* (Raleigh, NC) and interviews with community members. A longer version with references is available on our website. Published September 3, 2006.



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