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St. Louis County Council May Set National Trend in Blocking Dioxin Incineration

At 3:00 pm on February 2, 1995, the St. Louis County Council is expected to tighten a bill which restricts dioxin emissions from the planned Times Beach incinerator. If the bill passes, it will effectively block the incinerator and outweigh effects of the Consent Decree and Public Hearing recently held by the Missouri Department of Natural Resources (DNR). The bill will be an historic landmark and signal a national trend for local governments' halting incinerators which the US Environmental Protection Agency (EPA) attempts to force upon them.

New Bedford, Massachusetts was the first city to use local ordinances to block a Superfund incinerator. In 1994, the New Bedford City Council passed several laws interfering with the construction of a Superfund incinerator. After threatening to fine the City of New Bedford, the EPA backed down and agreed to explore non-burn technologies.

The anticipated bill by the St. Louis County Council will be the first time a local government says that a Superfund incinerator will not be allowed to operate if the EPA is unable to follow its own regulations. The Times Beach incinerator must receive an air quality permit from St. Louis County in order to operate. If the incinerator fails to meet the dioxin destruction rate set by the County Council, it will not receive the permit.

For years, the EPA and DNR have promised that an incinerator at Times Beach would destroy all but one in a million molecules of dioxin (99.9999% destruction, the "six 9's" rule). During recent years, it has become clear that no incinerator has ever met six 9's destruction on dioxin itself in the concentrations in which it exists in Times Beach soil. It is the inability of the EPA to meet its own safety regulations which may prevent permitting of the Times Beach incinerator.

The Federal Government is currently promising to put more decision-making power in the hands of local officials. The threat in late January by Syntex Agribusiness (the company responsible for the incinerator) to sue St. Louis County if it passes legislation is ominous. Such a suit would imply that local governments do not have the right to pass legislation protecting the health of their citizens.

The Consent Decree (between Syntex, EPA and DNR) which stipulated the incinerator has been changed several times since it was reached in 1990. Legal battles between corporations wanting to profit from the incinerator and St. Louis County can be avoided if the Consent Decree is modified another time to explore non-burn clean-up technologies.

Missouri Governor Mel Carnahan can help St. Louis County avoid a legal battle by having the DNR modify the Consent Decree so that incineration is not part of the clean-up. The Gateway Green Alliance urges Governor Carnahan to instruct the DNR to make modifications in the Consent Decree which will be consistent with expressed views of St. Louis County citizens and government.

There will be a **Press Conference** to discuss the national significance of actions taken by the St. Louis County Council when it concludes its meeting at 4 pm, Thursday, February 2, St. Louis County Government Building, 41 South Central (2nd floor), Clayton. The press conference will feature Richard Condit (Co-Director, Greenlaw, Inc.), who is one of the lead attorneys in the court case concerning the Superfund dioxin incinerator in Jacksonville, Arkansas.