



TCE Organizes the Public Voice on Waste Issues in Texas

TCE has been a driving force behind the movement in Texas to strengthen and enforce the state's waste management laws. These laws are generally weak and often not enforced by the state environmental agency, the Texas Commission on Environmental Quality (TCEQ). Private property owners and residents near these dumps, often lack the resources and expertise to protect their rights from powerful waste management companies that break the law. Over the past year TCE has created awareness about these issues and mobilized thousands of concerned citizens across Texas to protect their rights.

TCE organizing strategies have had a huge impact in protecting citizens' rights. In March 2003, TCE and its members curtailed the weakening of Site Operating Plan rules for landfills by generating thousands of letters to the TCEQ Commissioners and legislators. Thirteen legislators, both Democrats and Republicans, then sent letters opposing the weakening of these rules to TCEQ Chairman Kathleen Hartnett White. She stated, "This is the largest number of letters I've ever received on an issue...and it included bipartisan opposition by state legislators."

TCE convinced the state to hold seven public meetings in May and June of 2004, concerning the TCEQ's broader rewriting of landfill rules. TCE then organized and generated greater public attendance at these meetings. TCE's lobbying efforts then succeeded in convincing the TCEQ to take action by quickly filling public vacancies on the committee that will be overseeing the rewriting of these rules for waste facilities.

TCE Helps Develop a Statewide Network

TCE became aware of the need for sharing resources and developing a unified voice after seeing Texas communities

near landfills deal with the same problems and difficulties statewide. The new Texas Trash Waste web site, www.texasrtrashwatch.org creates a statewide network to help groups share information.

A Vision of Better Waste Policies

In just one generation, the waste management system has changed from a depression-era, save every scrap mentality, to a convenience-based disposable one, where, on average, every Texan produces more than 7 pounds of garbage each day. Since TCE's start in 1991, TCE has worked to shift the burden of waste issues and problems off of communities, taxpayers, and the environment. TCE has pushed for programs that reduce waste such as curbside recycling and for programs like the Computer TakeBack Campaign and recycling of electronics that require manufactures to reduce toxins in the waste stream. This process will push manufactures to design products for recycling.

Instead of looking at the waste stream as just waste, communities across the U.S. and abroad now see waste as an economic resource to be

recovered by developed resource recovery parks that sort through and reuse discarded items. These resource recovery parks create more jobs in the local economy than landfill operations and reduce the amount of raw materials used for products. Because of TCE's hard work and organized citizen pressure, Dell, HP, and other companies are looking at obsolete computers as a resource to be recovered and are seizing this as a competitive edge. With the help of citizens, staff, and our members, TCE will continue work for waste policies in Texas that are economically viable and sustainable for future generations.



TCE Organizes Landfill Neighbors across Texas

- **IESI/Weatherford Landfill:** TCE generated more than 4000 letters, organized a local neighbor group opposing IESI's illegal expansion, and drew attention to these problems through stories reported in the local newspaper, The Weatherford Democrat.
- **Travis County/ 290 Landfills:** TCE helped defeat a Travis County Commissioners Court plan to sign an unfavorable Memoranda of Agreement with Travis County Waste Management and BFI, which would have bound the commissioners to support future expansions at these troubled landfills. TCE helped local groups such as the Northeast Action Group in a fight to have strict land use evaluation of proposed waste facilities by the regional planning agency, Capitol Area Council of Governments.
- **City of Austin/IESI Travis County:** TCE raised serious questions and produced a video about the advisability of negotiations between the City of Austin and IESI concerning the IESI take over of the City of Austin Landfill operations. The Austin City Council voted for the formation of a citizens task force to develop a comprehensive solid waste plan. The City also voted to negotiate an escape clause into the proposed contract in the event the Task Force recommends closure of the old City landfill. IESI runs a neighboring landfill, the Travis County Landfill (which is not owned by the County). IESI has not been running that landfill in accordance with its permit, for instance, repeatedly failing to cover the waste with dirt at least on a weekly basis.
- **Williamson County/Waste Management Landfill Expansion:** TCE generated hundreds of letters to TCEQ persuading local leaders to hold a public hearing and helped turnout concerned citizens at the hearing on the landfill expansion plans. The newly organized local opposition to the proposal sparked the formation of Mount Hutto Aware Citizens (www.huttoonline.com/landfill).
- **Ruffino Hills, Houston:** TCE assisted residents organizing opposition to the use of a decades-old permit for a trash transfer station (www.cartts.com).



Letter from the Executive Director

Starting in January 1997, an average of 20 to 30 Penske trucks carried Zenith Cathode Ray Tubes (CRTs) from Chicago through Texas every day for assembly into TV sets at factories in Mexico¹. In October of 1997, a Penske truck was involved in a crash on Interstate Highway 35 just south of Austin damaging roughly 1200 CRTs.

Television and computer monitors have three to eight pounds of lead embedded in their screens that is safe when in use, but not when they're broken or discarded. Lead is a dangerous toxin and regarded as a hazardous waste. The State of Texas only considers electronic waste hazardous waste if it is in large quantities, that is, 220 lbs or more per month. The State has yet to ban household or small business electronic waste from landfills or incinerators, as a number of other states have done.

The seven loads of hazardous electronic waste from the Penske truck crash was initially sent to the nearby Texas Disposal Systems (TDS) landfill, Southeast of Austin, because the driver of the Penske truck was not aware that his cargo was considered hazardous if broken. TDS and municipal landfills are only allowed to take household garbage, but not hazardous waste.

The owners of the TDS landfill, Jim and Bob Gregory, found out later that day that the truckloads of hazardous waste had been put into their landfill. They ordered an immediate halt to any more dumping of hazardous materials.

Seven years later, this same hazardous electronic waste is still at the TDS landfill. Unfortunately, the Gregory brothers had to file a lawsuit to force Penske and Zenith to collect and properly dispose their hazardous electronic waste.

Larry Soward, the newest of three state environmental agency Commissioners, was grilled about the case during his confirmation hearing by the Texas Senate Nominations Committee. Soward voiced strong criticism of the agency: "It's unexplainable, inexcusable and unacceptable that a situation would go that period of time with that amount of unresponsiveness and indecisiveness...It could have been, I believe, very readily, very reasonably and very effectively dealt with many years ago."

Even after Mr. Soward made these remarks, the Commission Executive Director, Glenn Shankle, reclassified the waste as "Special Waste" and allowed it to be moved to another municipal landfill. In September 2004, the three environmental Commissioners ruled that their staff's decision to allow Penske and Zenith to take the waste to another municipal solid waste landfill was wrong. Unfortunately, the legal wrangling continues and TCE has joined in legal efforts to force the state to follow the law. In the meantime, the waste has been removed from the landfill but sits in containers at the Texas Disposal Systems landfill.

It is a shame that our environmental laws are still being ignored by some businesses and the Texas Environmental Agency. The State must promptly and fully enforce existing environmental laws to stop the avalanche of hazardous electronic waste from heading to our landfills. The state legislature needs to pass legislation immediately to ban all hazardous electronic waste from landfills and incinerators. Furthermore, Texas should prohibit its electronic waste from being shipped to dirty recycling operations in developing countries.

Otherwise, we are saddling our children and grandchildren with another generation of toxic waste dumps threatening our land and water.

You can help us stop this from happening! TCE is working with you to fight electronic waste pollution, to police problem waste management facilities, and to uphold environmental laws every day. Your financial support to TCE, the letters and phone calls you place to community decision makers, as well as your vigilance on environmental issues are helping to make a stronger unified effort in helping to keep Texas clean! We can't do it without you!

Robin Schneider

¹ Newspapers articles on this case are posted on the website of Texas Disposal Systems at www.texasdisposal.com/latest_news.htm. Legal briefs are available as well.

Fast Facts on Trash

There is no crisis in landfill capacity. With existing active trash facilities, the State of Texas has enough capacity for 29 more years at present disposal rates.

www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/187_03.pdf



Landfill companies cut corners and penalties are usually so minimal that "it pays to pollute." When landfill companies cut costs too much, it undercuts recycling efforts.



Many are located in flood plains and near drinking water supplies.



The Federal Environmental Protection Agency or EPA has admitted that the current liners for landfills are inadequate and that all landfills leak.



Texas has only required plastic liners in landfills since 1993.



Over the last 10 years, the state environmental agency (Texas Commission on Environmental Quality or TCEQ) has allowed the size and height of landfills to increase dramatically. The TCEQ has allowed these mountains of trash to expand over older, unlined parts of dumps and these super-sized dumps frequently develop severe odor and erosion problems and can bring down property values.



The TCEQ has allowed industry to shape landfill laws in Texas and to bend the rules. TCEQ has been highly criticized by the State Auditor and groups around the state for TCEQ's lack of enforcement on environmental laws.

Computer TakeBack Campaign Making Great Strides

What a difference a few years of effective campaigning can make. Texas Campaign for the Environment (TCE) joined the national Computer TakeBack Campaign (CTBC) in the Spring of 2002 with the goal of protecting the public health and the environment from the toxins in electronic waste. The solution was to have electronics producers take back their obsolete products for responsible recycling and safe disposal, as they were already required to do in European countries (and now in Japan, Taiwan and South Korea).

After generating more than 10,000 letters to company founder and President Michael Dell, organizing efforts at two Dell annual shareholder meetings and assembling together religious leaders, students, and community groups to pressure Dell, TCE's work is paying off. Dell has recognized that computer take back is good for the environment and good for business. Dell and HP took a dramatic step in supporting a "Statement of Principles on Producer Responsibility for Electronic Waste" prepared by CTBC.

In February 2004, Dell Inc. went on record in support of state legislation in Minnesota that would require producers to take primary responsibility for the recycling and disposal of their obsolete products. On April 9, 2004 in an Open Letter to college students posted on the Dell website, Michael Dell wrote:

"We would all prefer that any cost to the consumer [of recycling and disposing of computers] go away- and we are determined to get there."

On Earth Day in April 2004, Maine became the first state in the nation to pass a law requiring producers of all computer monitors and television sets to take back obsolete television and computer monitors, including flat panel displays. The Bangor Maine *Daily News* editorializing in favor of the legislation made this observation:

"[A] far-reaching benefit is that it makes manufacturers give more consideration to the chemicals and materials they use in making computer and TV monitors. If the makers of these electronics must handle their disposal they will become more aware of what they are putting in their products."

In May 2004, Texas Campaign for the Environment helped CTBC release the annual computer report card. The annual report card surveys and ranks computer companies based on their environmental performances. Dell received the 'Most Improved Performance' award by CTBC. HP, the highest scoring company, was lauded with the 'Going the Extra Mile Award' for their active support of state legislative efforts in Maine and Minnesota.

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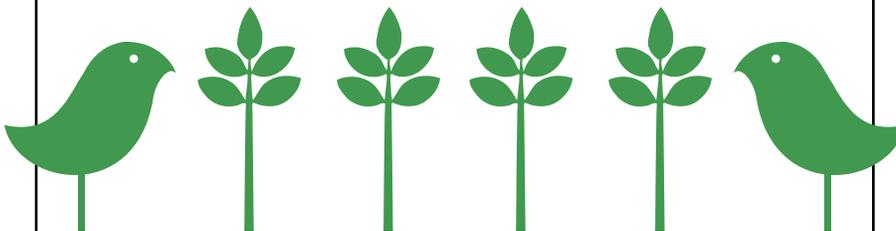
JOIN THE E LIST OR UPDATE YOUR PROFILE!

Stay involved! Texas Campaign for the Environment has a new and improved email list!
Go to: www.texasenvironment.org/elist

Give us the basics, or better yet, some additional information on your interests.
You choose.

Sign up, or update your profile, and you can help us be better advocates for
public health and the environment.

Thank you for making a difference!



TCE Re-Opens Full-time Campaign Office in D/FW Metroplex

TCE's new Dallas/Ft. Worth Campaign office is now open in Arlington, located in the heart of the "Metroplex!" We opened a few days ahead of schedule in March 2004, realizing a long-time dream of TCE to be doing full-time field organizing in the Metroplex again.

TCE initially started operations in the Dallas/ Ft. Worth area in 1991, working on campaigns to start curbside recycling, improve household hazardous waste programs and address landfill issues. Among other successes, TCE helped stop another landfill from developing on the drinking water source for the City of Arlington.

TCE closed the DFW offices in 1994, but now TCE has returned in full force! We are back to pounding the pavement every day in the Metroplex, raising awareness about landfill laws and recruiting new members in North Texas, and as always, generating those powerful letters from the community that have been the key to our successes.

The new TCE staff arrived to organize the opening of the DFW Campaign office, a dark empty space populated with a few lonely chairs and file cabinets, a place with lots of potential. With plenty of patience, hard work, and support from so many people, members included, TCE has turned on more than just the lights here. The office now has a growing campaign staff buzzing with excitement.

"Where have you guys been?" was one response from a past member that remembered us from 10 years ago. "Wow, this is great. I never knew an organization like this even existed!" has been another common response from neighbors around the area.

Meanwhile, the Central Texas office is having a record year – recruiting more members and generating those letters and phone calls to keep making progress on the critical issues we tackle.

None of this could be done without the support of the community and members like you. A special thanks goes out to all of our members and supporters across Texas who do their part to make TCE flourish.

You're Invited to TCE's Annual Meeting

When: Sun., January 30, 2005 @ 2pm

Where: Exotic Game Ranch & Pavilion
at Texas Disposal Systems in
Creedmoor

What: We will review TCE's progress
and hear about plans for 2005.
We'll get a bus tour of the
working ranch with more than
30 exotic animal species.

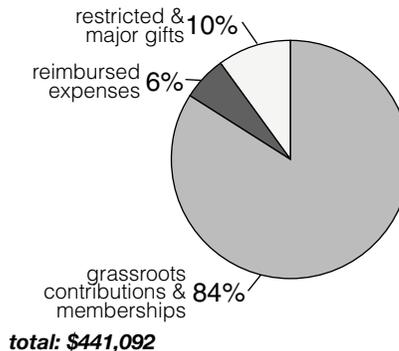


Please join us for some good cheer & good eats.

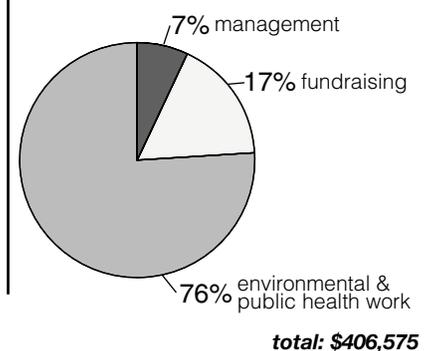
RSVP Austin TCE office at 512.326.5655

Texas Campaign for the Environment continued to stretch its dollars and concentrate on our mission of protecting the public health and the environment of Texas. Here's an overview of where our funds came from and what they were spent on.

Where TCE's contributions come from*



Where your contributions go*



*based on IRS form 990 FOR 2003

TEXAS CAMPAIGN
for the ENVIRONMENT



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In July 2004, both HP and Dell announced limited duration free computer recycling initiatives. HP's program collected more than 5000 tons of electronics at Office Depot locations across the country. Dell offered free recycling to consumers that purchased certain new Dell computers.

In October 2004, Dell and Goodwill announced a project that promises to be a model for the nation. Dell is paying for a major advertising effort and other costs to encourage Central Texans to recycle their computers and peripherals through Goodwill. Austin residents can pay Goodwill \$10 to pick up their computers and all Central Texans can drop off machines at any Goodwill facility. What Goodwill can't refurbish and resell a responsible recycler will handle. Assuming this pilot program in Central Texas works, Dell plans to extend the program to the 75% of Americans that have Goodwill Industries in their area.

Recognizing the strides made since TCE began organizing on this issue, The Austin Chronicle awarded TCE and Dell a "Best of Austin" Award for the best new partnership.

TCE's attention now turns to the Texas Legislature and their regular session from January to the end of May. Electronic waste will be on the agenda. We have taken positive steps to minimize the environmental problems caused by electronics manufacturing and hazardous waste disposal, but we have a lot of work left to do. A key ingredient for success will be pressure from Texans like you on their state legislators. Please sign up or update your profile on our email action list so you'll be in the loop. Go to www.texasenvironment.org/elist

Contributors to TCE's 2004 Annual Report include: Eleanor Whitmore, Michelle Taphorn, Robin Schneider and Nakisha Nathan. A special thanks to Marty Ochs for his editorial assistance and to Komal Patel and Brian Gibb for their help with the layout and graphics.