

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF DADE

SPRING TERM A.D. 1983

FINAL REPORT OF THE GRAND JURY

FILED
FEBRUARY 7, 1984

Circuit Judge Presiding

Chief Judge

GERALD T. WETHERINGTON

Officers and Members of the Grand Jury

ALVARO L. MEJER, Foreperson

DAVID BRADSHAW, Vice Foreperson

IVIS FELIPE, Clerk

LORETTA HEFLIN, Assistant Clerk

BLAKE L. LAWRENCE, Treasurer

JOSEPH P. BRADY, Jr.

GARY LLOYD CLARK

EDWARD F. FISHER

GWENDOLYN JOHNSON

HARRIET R. KESSLER

IRVING M. NEWMARK

ANGELA M. RODRIGUEZ

BERNARD M. SACKS

PATRICIA A. SAUNDERS

JOSEPH STARLING

DEBRA L. VILCHES

GERTNA D. WILLIAMS

CAROL ZOHAR

State Attorney

JANET RENO

Chief Assistant State Attorney
for Administration

THOMAS K. PETERSEN

Clerk of the Circuit Court

RICHARD P. BRINKER

Administrative Assistant

MADELINE CAMP

Official Court Reporting

NATIONAL REPORTING SERVICE

Bailiff

SAM KARLIN

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CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
JUAN MARIA De La TORRE, also known as JUANCY	First Degree Murder	True Bill
JAMES WILLIAM JOHNSON	Sexual Battery	True Bill
RANDOLPH BAGGETT	First Degree Murder	True Bill
MICHAEL WARREN HARRELL	First Degree Murder Attempted First Degree Murder	True Bill
EVELYN RIVERA VELAZQUEZ	First Degree Murder Burglary Robbery	True Bill
ROBERT JACKSON	First Degree Murder	True Bill
ADA LOPEZ	First Degree Murder	True Bill
DARRYL ANTHONY THOMPSON	First Degree Murder Burglary Attempted Robbery	True Bill
GILBERTO TOLEDO	Sexual Battery	True Bill
ELAINE ELKINS and JACK THOMAS FINLEY, JR.	First Degree Murder Burglary of a Dwelling (Occupied and with an Assault) Robbery	True Bill
EDUARDO LOPEZ	First Degree Murder Attempted First Degree Murder Burglary of a Dwelling	True Bill
ERNESTO NAVARRO	First Degree Murder	True Bill
HORACE BROWN, also known as HARRY BROWN, also known as "WES", and DENVARD EDWARD HANELINE, also known as "DENNY"	First Degree Murder Attempted Robbery	True Bill
MANUEL ALONSO and MIKE PARRA-DIAZ	First Degree Murder First Degree Murder Robbery	True Bill
BENNIE LOWERY	First Degree Murder	True Bill
INVESTIGATION INTO THE DEATH OF FABIO GUZMAN		No True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
GARY PHILIP POTTER	First Degree Murder	True Bill
CARLOS MONTALVO	First Degree Murder	True Bill
JOSE MARANON RODRIGUEZ	First Degree Murder	True Bill
WALTER HARRIS	First Degree Murder Attempted Armed Robbery	True Bill
JOSE DANILO TRIANA	First Degree Murder	True Bill
ROBERT WILLIAM WELLER and OWEN RICHARD FINE	First Degree Murder First Degree Murder Attempted Murder - First Degree Attempted Murder - First Degree Robbery Trafficking in Cocaine	True Bill
EARL BENJAMIN REED	First Degree Murder	True Bill
DONALD ANTHONY GRAY	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Aggravated Assault	True Bill
JORGE PAUL RHODES also known as JORGE RAMOS	First Degree Murder	True Bill
GENTILHOMME LOUISSAINT, also known as DADDY	Sexual Battery Kidnapping	True Bill
JOSEPH ANDREW SWIECICKI	First Degree Murder	True Bill
TERRY FORD and DEXTER WASHINGTON	First Degree Murder Armed Robbery Armed Burglary Conspiracy to Commit Armed Robbery and/or Armed Burglary Arson	True Bill
JIMMY ROOSEVELT BERRY	First Degree Murder	True Bill
EDWARD ROBERT WASKO	First Degree Murder Burglary while Armed or Assaulting someone therein Attempted Capital Sexual Battery	True Bill
ALFREDA HOWARD	First Degree Murder Attempted First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
SCOTT ALAN SNOOK	First Degree Murder Armed Burglary with an Assault Armed Robbery	True Bill
ADOLPHUS LIVINGSTON SEYMOUR	Sexual Battery Aggravated Child Abuse	True Bill
ELADIO TOMAS ELIZAGARATE	First Degree Murder	True Bill
JOHN DOMINICK LONGO, also known as JOHN PATRICK LONGO, also known as JOHN LONGO, JR.	Tampering with Witness Burglary Grand Theft-Second Degree First Degree Murder	True Bill
CHRISTOPHER E. WEST, also known as "TURTLE"	First Degree Murder Aggravated Assault	True Bill
MELODIS POSTRILLE-YANKIE, also known as "YANKEE"	First Degree Murder	True Bill
A. C. CLARK	Sexual Battery	True Bill
CELEDONIO ROJAS and RAMON BENANCIO GONZALEZ	First Degree Murder	True Bill
CHRISTOPHER BRITO	First Degree Murder	True Bill
RUBEN MENA	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Attempted First Degree Murder	True Bill
BERNARD JAMES	First Degree Murder	True Bill
JAMES MEYERS, SUSAN SMITH and RONALD BENNETT	First Degree Murder Kidnapping	True Bill
EDWARD ROBERT WASKO and JOHN DONALD PIERSON, JR.	First Degree Murder Burglary while Armed or Assaulting someone therein Attempted Capital Sexual Battery	True Bill
MICHAEL ORLANDO CHARLES EVERSON	Sexual Battery Upon a Minor Burglary Kidnapping Grand Theft-Second Degree	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
JORGE L. CEDENO also known as JORGE CEDENDO	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
OMAR DEJESUS GONZALES, OMAR GONZALES and DALIA V. RAMIREZ	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
ROBERTO ESPINOSA	First Degree Murder	True Bill
ANTHONY WASHINGTON	First Degree Murder	True Bill
ORLANDO GONZALEZ and JULIAN ONISIO GONZALEZ	First Degree Murder	True Bill
FELIX ERNESTO HERNANDEZ	First Degree Murder	True Bill
LEROY ENOCH	First Degree Murder Robbery	True Bill
ALICIA CIL	First Degree Arson First Degree Murder First Degree Murder First Degree Murder	True Bill
RUDOLPH THOMAS, JOHNNIE MARSHALL HALL, and DARNELL WILLIAMS	I. First Degree Murder II. Aggravated Battery III. Attempted First Degree Murder IV. Unlawful Possession of a Firearm in the Com- mission of a Felony V. Aggravated Battery VI. Attempted First Degree Murder VII. Unlawful Possession of a Firearm in the Com- mission of a Felony VIII. Accessory After the Fact IX. Accessory After the Fact	True Bill
HARRY T. FORBES, JR.	First Degree Murder	True Bill
EDGAR W. TELLO, SENEA A. PEREZ, and JAVIER VALDERRAMA	I. First Degree Murder II. First Degree Murder III. Robbery IV. Robbery V. Kidnapping VI. Kidnapping VII. Burglary	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
CESAR M. JIMENEZ-ARTILEZ	First Degree Murder Armed Robbery	True Bill
WILLIAM HUBERT MIDAY	First Degree Murder	True Bill
MAURICE FERRE	Election Law Violation	No True Bill
TYRONE JEFFERSON also known as JETHRO and HAROLD JEFFERSON	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense Kidnapping	True Bill
NATHANIAL JONES	First Degree Murder	True Bill
MIGUEL TOLEDO GONZALEZ and MIKE PARRA-DIAZ	Conspiracy to Commit Murder and Robbery First Degree Murder First Degree Murder Robbery	True Bill
JOHN ADDISON WRIGHT	First Degree Murder Attempted First Degree Murder	True Bill
KENNETH WHITE	First Degree Murder First Degree Murder Possession of a Firearm while in the Commission of a Felony	True Bill
JORGE MADRUGA-JIMENEZ and ALEJANDRO TAVEL MARTINEZ	First Degree Murder Armed Robbery	True Bill
CHARLES DELMONICO also known as CHUCKIE WHITE	I. R.I.C.O. II. Grand Theft, Second Degree III. Conspiracy to Commit Extortion IV. Extortion V. Dealing in Stolen Property VI. Solicitation to Commit Kidnapping VII. Solicitation to Commit Kidnapping VIII. Conspiracy to Commit Extortion IX. Extortion X. Grand Theft, First Degree	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
SETH EBER and ROBERT RIZZIERI	Conspiracy to Commit Extortion Extortion	True Bill
SHELDON SPECTOR	I. Grand Theft, Second Degree II. Unlawfully Dispensing Prescription Drugs III. Unlawfully Dispensing Prescription Drugs IV. Unlawfully Dispensing Prescription Drugs V. Unlawfully Dispensing Prescription Drugs	True Bill
RICHARD SAN ROMAN	Conspiracy to Commit Extortion Extortion	True Bill
BURTON WOLCOFF	Criminal Usury	True Bill

ORGANIZED CRIME INVESTIGATION

Last week, the Grand Jury concluded an investigation of organized crime activities in Dade County and, in doing so, returned five criminal Indictments.

During the past six months we have been presented with evidence which indicates that racketeering enterprises are operating in Dade County through persons who maintain close association with members of organized crime syndicates throughout the United States.

We have also become aware of the difficulties encountered by law enforcement agencies in the investigation of organized crime activities, due to the closed and secretive nature of the activities and participants. Police and prosecutors, when conducting such investigations, frequently encounter recalcitrant witnesses and victims of crimes who are fearful of reprisals. As a result, law enforcement agencies are forced to resort to investigative techniques, in conducting such investigations, which are time-consuming and expensive.

We support and commend the continuing efforts of the Metro-Dade Police Department Organized Crime Bureau, the Dade County State Attorney's Office, and other law enforcement agencies in their continuing efforts to investigate and prosecute members of organized crime syndicates.

ACKNOWLEDGMENTS

As we come to the close of our term as Grand Jurors, the members of the Spring Term of the 1983 Dade County Grand Jury would like to express our sincere thanks to his Honor, Chief Judge Gerald T. Wetherington.

Our special thanks to Chief Assistant State Attorney Tom Petersen who performed his trust as our legal guide in the presentation of the State's cases in an exemplary manner. We were very fortunate to have the expert guidance and the benefit of his experience. We thank him for his understanding and dedication in working with the Grand Jury.

We are grateful to Janet Reno, State Attorney for Dade County, who has proven to be a professional counselor with complete objectivity in her dual roles as prosecutor for the State and interpreter of the law and procedures in the complex process of jurisprudence. In particular, we thank Assistant State Attorneys Larry LaVecchio and Gertrude Novicki for their dedication and their persistence to see justice done.

We would also like to acknowledge all of the investigative agencies for their help provided to us during our term.

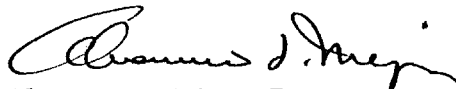
The Grand Jury was very fortunate to have the continued services of our Administrative Assistant Madeline Camp, who is highly qualified and very competent. Words cannot express our appreciation for her unfailing cooperation and thoughtfulness to us. Madeline, thank you for your ever present smile and your extraordinary help.

Our special thanks to our Bailiff Sam Karlin for his ever necessary support and services, for his concern and thoughtfulness.

We are also grateful to County Manager Merritt Stierheim, County Commissioner Harvey Ruvlin, as well as Anthony Clemente, William Brant, Dr. Jean Perdue, Randy Duvall, Dr. Irving Vinger, Dr. Geoffrey P. Alpert, Barbara Bronis. Their dedicated assistance was of great importance to us.

We are pleased to have been selected to serve our community. Grand Jury service is a public duty which each of us found an enlightening and memorable experience.

Respectfully submitted,



Alvaro L. Mejer, Foreperson
Dade County Grand Jury
Spring Term 1983

ATTEST:


Ivis Felipe
Clerk

DATED: February 7, 1984

RE: HAZARDOUS WASTE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
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HAZARDOUS WASTE

Of all our natural resources water has become the most precious. By far the greater part of the earth's surface is covered by its enveloping seas, yet in the midst of this plenty we are in want. By a strange paradox, most of the earth's abundant water is not usable for agriculture, industry, or human consumption because of its heavy load of sea salts, and so most of the world's population is either experiencing or is threatened with critical shortages. In an age when man has forgotten his origins and is blind even to his most essential needs for survival, water... has become the victim of his indifference.

-Rachel Carson, "Silent Spring,"
1961.

I. INTRODUCTION

The publication of "Silent Spring" in 1961 represented the first widely publicized warning regarding the potential risks to health and the environment of synthetic chemicals. Yet Rachel Carson, at that point in time a generation ago, limited her focus to the hazards of herbicides and pesticides. She was dealing only with the tip of an iceberg.

It has been estimated that between 1965 and 1979 well over four million new chemicals were prepared in the laboratory which do not occur in nature. This list is growing at the rate of 6000 per week, or one million every three years. The United States Environmental Protection Agency (EPA) estimates the number of chemicals being used industrially in the United States as 70,000, with approximately one thousand more synthetic chemicals being introduced each year.

The tragedy of Love Canal epitomizes the risks which accompany the manufacture and disposal of synthetic chemicals:

Love Canal was a neighborhood of several hundred people near Niagara Falls, New York. The community of single-family working class homes, built in the 1950's, had been built on the

site of a covered excavation that had been used for twenty-five to thirty years as an industrial landfill for the Hooker Chemical and Plastics Corporation. Hooker used the site to bury unknown quantities and types of chemical wastes, fly ash and process sludges.

In 1976, following six years of record rains which began to carry chemicals leaking from rotting drums to the surface, corroding waste drums popped up through the earth in backyards. Trees and gardens blackened and died. Fence posts were eaten away and collapsed. A swimming pool floated off its foundation in a small sea of chemicals. A strong stench pervaded the neighborhood and pools of smelly and caustic chemicals formed in yards and oozed into basements. Children and dogs returned from play with burns on their bodies and residents began to notice unusual numbers of cancers and miscarriages.

One of the lessons taught by Love Canal was that the horrors of hazardous waste frequently lie dormant for years after unsafe disposal: the menace of past dumping did not appear there until nearly twenty-five years after the landfill was closed and covered with earth.

After two years of citizen complaints and media exposes, the New York State Health Commissioner finally released a report dealing with the disastrous health threat posed to Love Canal residents. The report declared "a great and imminent peril" to the health of those living in the area and recommended the immediate evacuation of pregnant women and children under age two because of their vulnerability to the adverse effects of exposure to toxic substances. New York's governor declared a state of emergency and said that the state would purchase homes affected by the chemicals. President Carter declared Love Canal a federal disaster area, the first time national emergency relief of this kind was granted in the wake of a man-made environmental catastrophe. Within months the neighborhood was boarded up and

abandoned. In all, two hundred sixty-three worthless homes had been emptied.

At Love Canal more than 260 chemical compounds were identified in an astounding 42.5 million pounds of chemical wastes. Forty-three of the chemicals were capable of causing genetic damage and lesser, but significant, numbers of the chemicals could cause effects ranging from defects in fetuses and newborns, to cancer, neurological disorders and liver damage.

What are hazardous wastes and from where do they come? Sixty percent of the nation's industrial hazardous waste is produced by the chemical industry. This category includes producers of plastic synthetic fibers and rubber, fertilizers, medicines, detergents, soaps, cosmetics, paints, pigments, adhesives, pesticides and explosives. Most of the nation's hazardous waste is generated by a few large manufacturing companies. An EPA study of 350 hazardous waste sites concluded that hazardous materials that injure people and the environment when disposed of unsafely could be loosely divided into six main categories: (1) solvents and related organics; (2) PCBs and PBBs; (3) pesticides; (4) inorganic chemicals such as ammonia, cyanide, acids, and bases; (5) heavy metals such as mercury, cadmium, lead, and chromium; and (6) waste oils and grease.

How have these materials been disposed of? It has been estimated that ninety percent of hazardous waste has been disposed of in a manner actually or potentially harmful to human health and the natural environment. Surreptitious "dumping" is the least costly means of disposal, yet the major portion of improperly disposed of hazardous waste is by disposal in unlined or improperly lined landfills and industrial pits or ponds. The ten percent of the nation's hazardous waste that is properly handled is disposed of by controlled nonpolluting incineration,

by resource recovery, and by burial at a very few well-lined, well-covered, and well-maintained chemical landfills.

The improper disposal of hazardous waste can cause damage to human health or the environment in one or more of six ways: (1) pollution of groundwater; (2) pollution of lakes, ponds, rivers and streams from overflow or runoff; (3) pollution of the air through open burning, evaporation, or wind erosion; (4) fires and explosions; (5) poisoning via the food chain; and (6) poisoning or injury from direct contact. In this Report, because of Dade County's unique ecological status, we will deal almost exclusively with the threat posed by the actual or potential contamination of our groundwater.

II. DADE COUNTY AND ITS ENVIRONMENT

In March of this year the Florida House of Representatives issued its Report of the Speaker's Task Force on Water Issues. This Task Force, chaired by William Sadowski, examined in detail issues relating to Florida's present and future water supply. The exhaustive and comprehensive Report concluded:

The Task Force believes that the potential contamination of groundwater by hazardous waste is the single most urgent issues which must be addressed by the Legislature in protecting the water resources of the State of Florida. Given that groundwater constitutes about 90 percent of the state's drinking water supply, the serious deficiencies which exist in the current hazardous waste regulatory, management and cleanup program pose a major threat to the public health of the citizens of this state...

Over 200 uncontrolled hazardous waste sites in Florida have already been identified and this is probably not a complete listing... Only twenty-five of these Florida sites have been identified by EPA as having top priority for cleanup under the federal \$1.6 billion superfund program which is designed to clean up the worst hazardous waste sites in the country...

South Florida's drinking water supply is drawn from a layer of porous rock which underlies Dade, Broward and part of Palm Beach Counties. This formation lies directly beneath us, approximately

five feet beneath the land surface, and is the sole source of our drinking water. Known as the Biscayne Aquifer, it is understandably extremely susceptible to contamination from surface activities. The urbanization of Dade County has occurred with only a few feet of porous limerock separating the streets, homes and industries from the shallow layer of groundwater which is the sole source of our drinking water. Disposal of waste into the ground in Dade County is synonymous with disposal into its drinking water supply: it is as though a city has been built over a lake, with that lake being both the receptacle for the city's refuse and industrial wastes as well as the source of its drinking water supply.

The ongoing EPA Biscayne Aquifer Study is confirming earlier County studies which reveal that low level concentrations of synthetic chemicals are dispersed over large areas of the County and that contamination is not localized. This contamination represents the cumulative effect of urban development rather than its being the result of contamination by one or a few individual sites. We find this to be an important point. In our Report we will deal with two specific sites which we have studied, yet as important as it is that such individual publicized potential sources of groundwater contamination be addressed, it is in the last analysis the cumulative effect of many thousands of instances of hazardous waste disposal which occur daily in Dade County which poses the greatest threat to our water supply.

Each dump and junkyard slowly yet continually generates hazardous waste which is at this very moment seeping into the aquifer. Each dry cleaner or engine repair shop which permits its waste solvents or acids or petroleum products to be disposed of in the ground threatens to be returned to us through our kitchen faucets. Every service station with an underground gasoline storage tank poses the risk that its tank might be corroded and leaking, and every individual who disposes of the waste oil drained from an auto engine as the result of a routine

oil change, or the excess paint remaining from a weekend house painting endeavor adds to the cumulative effect which increases in direct relationship to our rapidly expanding community and its population.

We are extremely impressed with our Dade Department of Environmental Resources Management (DERM). On several occasions we have been briefed by its Director, Tony Clemente, and its Pollution Control Administrator, Bill Brant. We applaud their commitment, their expertise and we urge the County Commission to ensure that the funding of this Department be assigned the highest priority in the years to come. Yet we also note that no level of funding will be adequate to prevent contamination of our aquifer unless and until we ourselves become committed to pollution control as a community priority and as an individual and collective responsibility. We have been conditioned for decades to view our urban and industrial expansion as a beneficial and positive process. We must now learn that those benefits are more than offset when a byproduct of that expansion is the contamination of our groundwater.

In the next section of our Report we will focus upon two sites which have posed, and which continue to pose, a particular threat to our groundwater, these being the Pepper Steel Company and the Miami International Airport. These are two of five sites in Dade County which are included in the EPA's list of the most dangerous waste sites in the nation. Yet we preface our discussion of these publicized and very visible sources of potential groundwater contamination by reiterating our observation that individual and invisible, seemingly minute, acts of contamination such as a single can of paint poured in a single backyard, when multiplied thousands of times over in a community such as ours, in the last analysis poses the greatest threat to our water supply.

III. PEPPER STEEL AND THE MIAMI INTERNATIONAL AIRPORT

A. Pepper Steel

The Pepper Steel and Alloys Company, at 11000 N.W. South River Drive in Medley, is located within 150 yards of the Miami Canal, which flows southeast from the site into a recharge area for wellfields in Miami Springs.

Pepper Steel, a salvage and scap metal operation, from 1967 to 1981 maintained as its prime customer the Florida Power and Light Company, which disposed of used electrical transformers by selling them to Pepper Steel which, in turn salvaged the metals encased in the transformers. The transformers utilize oil as a coolant and, according to testimony we have heard, substantial quantities of this oil were, continuously over the years, poured or dumped into the ground at the Pepper Steel site as a step in the salvage process. Cited by DERM twice in the mid 1970's for this contamination, the Company finally installed a receptacle into which the waste oil was to have been poured, which receptacle was to drain into an underground tank, which tank was to be regularly emptied by sale of its contents to a waste hauler which in turn would recycle the oil.

Florida Power & Light officials and Pepper Steel former employees differ as to the quantity of oil which reached the Pepper Steel site within the transformers. And former and present Pepper Steel employees differ in their recollection as to the amounts of oil which were simply poured into the soil as opposed to contained and safely stored. The uncontrovertible fact is, nevertheless, that large quantities of oil were disposed of in the ground at the site. And, most alarmingly, tests later revealed that the soil affected by the oil contained quantities of the carcinogen PCB. PCB, a synthetic chemical manufactured for the purpose of serving as a flammability retardant, was identified as a highly toxic substance in the early 1970's

and its manufacture in the United States has been banned since 1978.

We have received disturbing testimony with respect to what has occurred, and as to what continues to occur, at the Pepper Steel site. We have been told that former employees who handled the transformers have developed symptoms ranging from skin lesions to impotence, yet a list of former employees who might be so afflicted does not exist. We have heard a range of opinions as to the extent of PCB contamination at the Pepper Steel site, with Florida Power & Light understandably taking the position that contamination is minimal while other tests apparently indicate levels of fifty times the acceptable safe level. And not only do we not yet know the level of contamination or the extent to which the toxics have migrated into our groundwater, we also are no closer to understanding exactly how the contamination was allowed to occur than we were six months ago. These are questions which need to be answered and we urge the Fall Term 1983 Grand Jury, which will succeed us, to pursue the answers to these important questions.

What is of particular concern to us is the fact that the Pepper Steel site was designated by EPA as an emergency site earmarked for cleanup to be funded by the EPA "Superfund" created by Congress to finance EPA approved cleanups. With considerable fanfare this cleanup was undertaken some months ago. We now learn that EPA has, in somewhat cryptic fashion, declared the emergency to be over and removed their "emergency team." Incredibly, this departure has apparently occurred without pre-exit soil tests which would indicate the present levels of contamination at the site. The EPA has apparently expended one quarter of a million dollars in their "cleanup" endeavor, yet despite extensive investigation we seem to be no closer to answering the critical questions with which we began: What is the extent of contamination? What is the magnitude of the threat

to the groundwater? And, most importantly, who is to blame for what happened? The statute of limitations may well bar the bringing of criminal charges even if a culprit is identified, since the "dumping" of the transformer contents occurred in years past, yet we feel that our community must be provided with the answers to the questions we have raised. We urge that this investigation be continued.

B. Miami International Airport

The Miami International Airport is and will continue to be a cornerstone integral to our economic and social growth. As we expand our posture as hub of commerce and travel in the Caribbean, the efficient performance of the Airport will remain essential to our community's future. The Airport is, however, located above that portion of the aquifer which feeds one of our principal wellfields.

Storage facilities both above and below ground at the Airport transmit extremely large quantities of hydrocarbon products such as jet fuel, aviation gas, and cleaning solvents (such as Varsol) through extensive underground distribution systems. Hydrocarbon inventory controls and system integrity programs presently in use have failed to detect small leaks in these systems. Past leaks have often occurred for extended periods of time due to inadequate system integrity and inventory control programs. That even small hydrocarbon leaks represent a very real threat is made evident by the fact that one gallon of fuel can contaminate one billion gallons of water. One billion gallons of water represents one square mile of water with a depth of five feet.

Construction activities during 1981 in the Eastern Airlines maintenance area revealed a heavy hydrocarbon layer floating on the water table. These pollutants are believed to represent a portion of the Varsol and jet fuel which had been lost in two

large spills discovered in 1970 in which 1,600,000 gallons of Varsol are estimated to have been spilled into the ground in that 1970 incident. This event illustrates the impact that albeit unintentional spillage of pollutants at the Airport can have on the aquifer.

We concur wholeheartedly with the conclusion of a report by DERM dealing with hydrocarbon spills at the Airport:

Effectively monitoring the underground hydrocarbons at the MIA is essential for the protection of our drinking water supply. Current and past programs to monitor and reduce hydrocarbon contamination have become obsolete due to the continuing research and improved understanding of this growing problem. . . . Programs designed to reduce the potential for future hydrocarbon spills and improve existing monitoring and recovery techniques are necessary to effectively protect the ground and surface water in and around the Miami International Airport.

During the course of our investigation we noted a tension existing between DERM and the Airport. This emanated in part from DERM's perception that the Airport was less than zealous in its cleanup operation as well as its commitment to a long range plan for environmental and groundwater protection. And the Airport appeared to perceive DERM as insensitive to the facility's priorities. In retrospect this tension is inevitable and potentially healthy: airports and environmental protection agencies will inevitably reflect different, and conflicting, priorities. Yet we caution that airports, left unchecked, may be expected to wield more power and influence than environmental control agencies.

Commerce and growth have historically been held in higher esteem in our society than have environmental considerations and this conflict in priorities should not be quickly passed over: it is precisely this choice of priorities which must be readdressed in the 1980's. Just as the discovery that petroleum products are not inexhaustible has forced us to readdress the balance we had struck with respect to the interstate highway, the automobile and mass transit, so too must the discovery that

our drinking water supply is vulnerable cause us to rethink the balance between commercial growth, tourism and the ecology.

We are grateful to the County Manager for his willingness to appear before us to address this issue intelligently and forthrightly. In his testimony the County Manager demonstrated an impressive grasp of issues relating to groundwater and hazardous waste disposal and an understanding of the conflicting priorities of DERM and the Airport. Not only did the County Manager adopt our suggestion that a DERM inspector be placed fulltime at the Airport, he has gone further and is in the process of implementing a plan which would give to DERM the responsibility for monitoring responsibility at the Airport. This plan is apparently unprecedented in the United States.

We are also pleased to note that cooperation and communication between DERM and the Airport have apparently improved considerably since we began our investigation of hazardous waste disposal in June. While we are confident that this trend will endure, we again urge the Grand Jury which will succeed us to monitor this phase of our Report.

IV. THE DERM ORDINANCES AND DADE'S NEEDS

A. DERM Ordinances

Commissioner Harvey Ruvin, who testified before us, has proposed on DERM's behalf three extremely important ordinances which will go far in assuring that hazardous wastes are disposed of in a safe and environmentally acceptable manner. We urge that the County Commission enact these measures, which would provide the following three innovations:

One ordinance would provide the means to regulate the transporting of all liquid waste. The existing County Code does not specifically address the handling, transport and disposal of liquid and hazardous waste, and federal regulations generally exempt small quantities of these substances and thus

do not impact the majority of Dade's industries. This ordinance will enable DERM to accurately catalogue, inspect and regulate the types, amounts and final destination of all liquid and hazardous wastes generated within the County and will require the issuance of permits to all transporters.

A second proposed ordinance would regulate the permitting, installation, repair and continued operation of underground storage facilities for hazardous materials, which of course include the approximately two thousand underground gasoline storage tanks beneath gasoline service stations. The ordinance requires that all such facilities be equipped with monitoring devices capable of detecting the presence of discharges into the ground or groundwater. The ordinance also specifies that special protective measures be implemented for underground storage facilities within specified distances from public well-fields.

The third ordinance provides for a hazardous waste cleanup trust fund. The United States Congress has created the EPA "Superfund" for the purpose of providing funds and authority to expedite the cleanup of major hazardous waste sites and the State Legislature has appropriated funds to provide matching monies for federal cleanups and to perform other cleanups which do not qualify for federal EPA action. Enactment of this ordinance is necessitated by the fact that Dade's cleanups remain dependent upon federal and state agencies. Absent a County cleanup trust fund, relatively minor incidents such as a drum of hazardous chemicals appearing at a County trash transfer station would not qualify for either federal or state funds.

We urge the enactment of these three ordinances by the County Commission.

V. FINDINGS AND RECOMMENDATIONS

We find, first of all, that Dade County's industrial growth is compatible with the protection of its air, water and environment.

We now have learned that uncontrolled industrial growth and utilization of the ground to dispose of wastes can and has resulted in groundwater contamination. Yet planning for future growth, by itself, will not assure the integrity of our groundwater. We find also that the disposal of synthetic chemicals or wastes into the ground will inevitably impact underlying groundwater and hazardous waste disposal should therefore be comprehensively controlled by the County.

Although research is continuing on the toxicological effects of low level contaminants, the rate of production of new chemicals has outdistanced research efforts at determining the consequences of improper management and disposal. Therefore, lacking scientific evidence of toxicological effects, no degree of contamination of groundwater by synthetic chemicals should be tolerated.

On October 25, 1983, the Hazardous Site Control Division of the U. S. Environmental Protection Agency issued a draft report of its exhaustive study of Dade County's Biscayne Aquifer. This report confirmed the testimony which we received concerning the purity of the Aquifer, the sources of contamination and the embryonic state of scientific knowledge of the polluting effects of many synthetic chemicals.

The EPA Biscayne Aquifer study concluded, first, that "This evaluation indicates that widespread low to moderate levels of several toxic contaminants are present in groundwater within most of the study area. No contamination plume from a specific source could be defined from these data... The presence of toxic contaminants, in low to moderate amounts, in the Biscayne Aquifer study area is of serious concern, especially in the well

field area, because this part of the aquifer supplies drinking water to a majority of Dade County residents and tourists."

That specific single sources of chemicals were not found to be the cause of existing Aquifer contamination (although we do note that the Study identified detectible levels of PCB, albeit in but one of seven samples, approximately one quarter mile downfield from the Pepper Steel site) confirms our conclusion that the cumulative effect over time of household and small industrial disposal of hazardous waste materials represents the principal threat to the future of our groundwater.

And a footnote in the EPA Aquifer Study, which qualifies the passage which we quoted immediately above, highlights our lack of knowledge regarding the effects of synthetic chemicals upon our bodies:

Concentrations of the contaminants found during this investigation were compared to (criteria which reflect) the present, incomplete knowledge of chemical effects on the environment and health, as summarized in the following points:

- a. At different concentrations and durations of exposure, contaminants can have different types of effects--acute, chronic, carcinogenic, mutagenic, etc. A given concentration might be low in acute toxicity and moderate in chronic toxicity.
- b. Carcinogenic substances are believed to be nonthreshold, meaning a decreased risk with lowered concentrations, but for zero risk there must be no exposure.
- c. The combined effects of chemicals...might be greater or less than the sum of their individual effects. This issue is complex and unresolved; we expect it to remain that way for many years.

Therefore, only for the purposes of this investigation, the "low to moderate" ranking is considered appropriate. This ranking could change as more is learned about chemicals and their effects.

Fortunately, technology is rapidly improving in the fields of waste treatment, and consequently waste disposal to the ground is no longer necessary. In most circumstances technology now provides the ability to recycle, treat, immobilize or destroy

hazardous wastes. Due to these available waste disposal alternatives, ground disposal can be virtually eliminated. Although the cost of these technologies is greater than the short term cost of land disposal, these technological costs are totally reasonable and totally acceptable when they are compared to the costs borne by industry and the public in cleaning up contaminated land.

Dade County must fulfill its responsibility in several ways. First, the environmental regulations in the County Code must be refined to specifically address hazardous waste issues. Second, Dade County must assess the need for waste disposal facilities and must evaluate the technological options for waste disposal. Third, the County must encourage industry to provide needed facilities, and wastes not addressed by industry should be managed by the County. Fourth, industries must be provided with an incentive to properly dispose of their wastes: expensive waste disposal charges will result in continued illegal ground discharges. And finally, Dade County must be equipped to handle all types of hazardous waste disposal incidents and should be provided with adequate training and personnel and a specialized fund so as to provide this response capability.

We also find that the responsibility should not be shared by local government and private industry alone. The problem calls for action by the State of Florida as well. Small businesses and private individuals need to be provided with economically viable alternatives for the safe disposal of hazardous waste. The present cost of safe disposal by transportation out-of-state has been estimated for us at one hundred dollars a drum, which fact alone explains the persistence of illegal "dumping" of such wastes. The State of Florida must therefore establish regional facilities for the safe, and economically viable, disposal of hazardous waste.

In order to implement the policies outlined above, we make the following specific recommendations:

(1) Geographical areas surrounding public water supply wellfields should be provided with stringent growth management controls to minimize the potential for groundwater contamination. Implementation and enforcement of these controls should be aggressively carried out by the County.

(2) Regulations to control the use, transportation, disposal and storage of chemical substances should be implemented by the County. These regulations should include a requirement that companies engaging in activities deemed by DERM to pose contamination hazards post a pollution bond such as the U. S. Coast Guard requires of vessels entering the Port of Miami waters. We consider this recommendation to be of great importance in assuring that financial responsibility for hazardous waste pollution be borne by those who profit from activities utilizing synthetic chemicals, rather than being borne by Dade's taxpayers.

(3) The utilization of underground and above ground storage facilities for hazardous materials should be closely monitored and managed by Dade County.

(4) A special fund should be established to provide for cleanup of hazardous waste spillage incidents in Dade County, and a user tax imposed upon those who either use, transport, dispose of or store potentially hazardous chemical substances should be levied for this purpose.

(5) Land uses which have until now received little environmental review, such as junk yards and mechanical repair facilities, should be routinely monitored and regulated by the County.

(6) The State of Florida should utilize monies appropriated and available to clean up hazardous waste sites. The State must also establish regional, and economically viable, facilities for the disposal of hazardous waste.

(7) The County should improve the effectiveness of its enforcement of environmental regulations by obtaining the authority and ability to issue payable citations to violators of environmental regulations.

(8) Relative to the existing contamination of our groundwater which has been identified by the EPA Biscayne Aquifer study, we urge that the highest priority be given to its decontamination by the methods suggested in that Report:

A brief examination of the properties, fate, and health effects of the priority pollutants encountered at levels above specified criteria revealed that most of these contaminants can be treated and removed from the potable groundwater supply by air stripping and/or carbon adsorption processes.

The County should explore the feasibility of these suggested processes. The purification of existing contaminated groundwater should be assigned the very highest priority. We reiterate that there are no acceptable levels of known or suspected carcinogens within our water supply. All such chemicals, such as vinyl chloride which the Biscayne Aquifer study identified as the contaminant most commonly found and which is a known carcinogen, must be eliminated entirely.

(9) The existing comprehensive groundwater monitoring network should be expanded to provide feedback relative to trends in water quality and an early warning system for contamination.

(10) Funding sources for the County's environmental programs should include substantial General Fund appropriations in order to maintain the necessary flexibility in responding to the constantly changing demands of environmental protection.

While funding on a user fee basis is equitable and should be continued, the necessary constraints on the use of such user fees can limit the ability of agencies to respond to environmental problems.

(11) The residual effects of abandoned dumps and old industrial sites, where hazardous waste disposal probably occurred, should be investigated and defined.

(12) An inventory of the generators, types and quantities of hazardous waste in Dade County should be initiated and maintained.

(13) An evaluation of the needs for industrial waste disposal and a study of the available disposal options should be initiated. A feasibility study should recommend actions to provide necessary facilities, and Dade County should implement the study's recommendation.

(14) A test protocol to determine suitability of material for land disposal in Dade County should be established.

(15) Dade County should equip itself to more effectively investigate suspected areas of groundwater contamination and should have the right and the ability to install exploratory wells for sampling on private property.

(16) The Fall Term 1983 Grand Jury should monitor the implementation of all of the recommendations made in this Report and, specifically, should continue to monitor recovery and cleanup activities at Pepper Steel and the Airport. With respect to the Airport, the next Grand Jury should monitor the facility's adherence to its proposed future prevention plan as well as adherence to the County Manager's plan. As to Pepper Steel, we urge that the next Grand Jury pursue the answers to the several questions we raised earlier in this Report.

(17) The citizens of Dade County should become increasingly involved in the effort to protect our water supply and environment. They should do so by familiarizing themselves with the 'hotline' for the reporting of observed hazardous waste disposal (638-6088) as well as through enhanced participation in civic and environmental groups.

We began our Report by quoting Rachel Carson's landmark "Silent Spring." We close with another passage from the same work:

We stand now where two roads diverge. But unlike the roads in Robert Frost's familiar poem, they are not equally fair. The road we have long been travelling is deceptively easy, a smooth super highway on which we progress with great speed, but at its end lies disaster. The other fork of the road--the one 'less traveled by'--offers our last, our only chance to reach a destination that assures the preservation of our earth.

The choice, after all, is ours to make.