

# **GARBAGE, GANGSTERS, AND GREED**

## A history of illegal dumping in Orange County, NY

### ANNOTATED TRANSCRIPT

Narrator over shots of small, red, leachate streams: For the last thirty years, garbage haulers connected to organized crime have illegally dumped toxic waste and red bag waste throughout New York's Lower Hudson Valley, often with the knowledge and cooperation of politicians, law enforcement officers, and government agents.<sup>1</sup>

Narrator over trenches with red water, then bigger water, then pipe: Almost all of our region's toxic landfills are built over major aquifers. Much of our water may already be contaminated.<sup>2</sup>

Narrator over wide angle of excavated landfill with pipe, then shot of cap, followed by roll off, then bulldozer: As a result, a multi-million dollar clean-up industry has grown up around our old landfills: an industry that often pollutes more than it cleans.<sup>3</sup>

Narrator over barking dogs and winter landfill footage and ending with gate: Our toxic history begins in the late 1960s, at the old Town of Wallkill landfill, soon after organized crime took control of the garbage business in Orange County, NY.<sup>4</sup>

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<sup>1</sup> Maurice Hinchey, "Organized Crime's Involvement in the Waste Hauling Industry: a report to the New York State Assembly Environmental Conservation Committee, 1984, pps. 1-5.

Jack Anderson, "Toxic wastes spawn mob business," Times Herald Record, November 17, 1980.

Ed Sperling, "State called lax on illegal dumping," Times Herald Record, September 14, 1984.

Ed Sperling, "Toxic dumping tied to payoffs," Times Herald Record, September 27, 1984.

Ed Sperling, "DEC official says she took payoff," Times Herald Record, September 23, 1988.

"Organized Crime in the toxic waste disposal industry," statement of Jeremiah B. McKenna, Counsel to the New York State Select Committee on Crime, before the permanent subcommittee on investigations, Washington, DC, February 24, 1983, pps. 17-18.

<sup>2</sup> "Study finds all's not well with water," Times Herald Record, May 30, 1985.

Anne Crowley, "Groundwater: threat of pollution, A need for prevention," Times Herald Record, September 22, 1985.

Orange County Water Authority, Water Supply Project, August 1991.

<sup>3</sup> Peter Montague, "New Evidence that all Landfills Leak," Rachel's Hazardous Waste News #316, December 16, 1992.

Peter Montague, "Superfund Remedies: Communities Suffer When Polluters Do the Cleanup Studies,"

Rachel's Hazardous Waste News #166, January 30, 1990.

Peter Montague, "Fixing Superfund-part 2: Why Superfund Generates so many Lawsuits," Rachel's Hazardous Waste News #358, October 7, 1993.

<sup>4</sup> Kenneth Lovett, "Dump probe focuses on Orange County," Times Herald Record, September 23, 1993.

Narrator in front of gate with quick cut aways to country road and special exit ramp: This old dump is at the end of a quiet country road, just a mile or two from a state highway with a special exit ramp that leads right here.

Narrator (first over Maps of Wallkill then all dumps in Orange) in front of Dutch's trailer: We believe that the Wallkill dump is like a lot of toxic landfills in Orange County. And we believe that what took place here can serve as an example of what happened, and what is still happening, at many other landfills throughout the country. Dutch Smith lives in that trailer. In the late 1960s, he and fellow landfill worker, Willy Myers, operated bulldozers for the Town of Wallkill.<sup>5</sup>

Dutch Smith (title): "I told my wife twenty years ago them trucks was all mafia owned. And you mean to tell me that all them college educated engineers and lawyers don't know...and the politicians don't know? Ha!"

Willy Myers (title): "They knowed. I think they all knew. They were just keeping it kind of hush, hush."

Dutch: "There's thousands and thousands of tons of toxic waste in there, of anything that you can name, from radioactive, to hospital waste, you name it, it's in that landfill, and I know it's in there because I buried lots of it."<sup>6</sup>

Willy (then under shot of rainbow slime): "Most of them was pushed down the bank and run over with a loader and stuff." Don: "What was it?" Willy: "Nobody knows." Don: "Was it powder?" Willy: "Some of it was powder, some liquid. You'd have to be a chemist to know. I didn't take any samples back then. Not thinking."

Dutch: "Two or three local trucks, then the rest of the day it would be roll offs and big commercial vehicles."

Willy: "I knowed it was wrong by putting it in there, but the town gave them the okay, and I couldn't tell them to leave."<sup>7</sup>

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"Press Release," United States Attorney, Southern District of New York, June 24, 1996, pps. 1-6

<sup>5</sup> "Inactive hazardous waste disposal sites in New York State," A joint report of the New York State Departments of Environmental Conservation and Health, April 1996.

<sup>6</sup> "A Public Hearing into Closure of Small Public Landfills," The New York State Assembly Committee on Environmental Conservation, March 20, 1992. Testimony of Donald Smith United States District Court, Southern District of NY, 94 Civ. 7133, exhibit Smith D3, Testimony of Donald Smith, November 2, 1995.

<sup>7</sup> "A Public Hearing into Closure of Small Public Landfills," The New York State Assembly Committee on Environmental Conservation, March 20, 1992. Testimony of Willy Myers.

Narrator over Lou Heimbach (title): The Town Supervisors who were in office during the late 1960s and early 70s deny any wrong doing.

Michelle Gerson: “Was there any toxic waste that was put in there?”

Louis Heimbach: “At the time, the rules were such that everything that went in there was allowed to go in there. Later, some of the regulations changed and those things have since been taken out.” Michelle: “So there is nothing left in there?” Heimbach: “Not to my knowledge.”

Narrator at gate: But the Town didn’t have a permit to accept chemical industrial waste. In fact, the only permit the Town did have was to accept household garbage, and that was at a different site about a mile and a half down the road from this landfill. Few, if any, records were kept of the millions of dollars generated by the illegal dumping. Many of the records that were kept may have been destroyed illegally.<sup>8</sup>

Narrator over Willy: Willy Myers has testified that he was ordered by Town Supervisor, Lou Heimbach, to burn boxes of records related to the landfill.<sup>9</sup>

Willy Myers: “He told me to just take them out back and burn them.”

Dutch: “It is effecting them and all their kids. But they are only interested in what the pocket will bear.”

Narration over Dutch Smith and then 1976 photos with titles: The dump was officially closed in 1974, but, in violation of the law, the mountains of toxic waste and garbage were left exposed for years after that, and more garbage and sludge still got dumped right into the 1980s. The Wallkill dump marked the beginning of an illegal industry that would spread all over Orange County.<sup>10</sup>

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<sup>8</sup> Applications and approvals for the Town of Wallkill to operate a sanitary landfill, October 1964 - January 1965.

Letter to Frank Ricotta, NYSDEC, from Dennis Cosgrove, Town of Wallkill, June 24, 1988, 2a-2e.

<sup>9</sup> United States District Court, Southern District of NY, 94 Civ. 7133, Testimony of Willy Myers, May 2, 1996, pps. 36-41.

<sup>10</sup> New York State DEC Refuse Disposal and Inspection Report, Town of Wallkill landfill, April 19, 1976.

Letter from J. Rutherford, NYSDEC, to J. Puchalik, NYSDEC, May 26, 1976.

State of New York, County of Orange, Department of Health, Notice of Hearing, May 3, 1976.

New York State Record of Decision, Town of Wallkill Landfill, Site Number 336017, June 1992, p 1.

NYSDEC Inactive hazardous waste disposal report, Wallkill Town landfill

Narrator, on the NY/NJ border where we can see hardened sludge and drums sticking out of the ground (begin under drum shot that matches last still): Back in the 1960s and 70s the Ford Motor Company operated a huge automobile factory here on the New York, New Jersey border. Ford is gone, but their mess isn't.<sup>11</sup>

Narrator with drums: Ford was not the only industry producing toxic waste. Throughout the 1970s and 1980s, mob connected carters hauled hundreds of thousands of tons of industrial waste into Orange County, and polluted our water.<sup>12</sup>

Charlie Oetzel (title): "A lot of people are afraid to talk, say where they dumped and things like that."

Narrator with drums: Charlie Oetzel was a driver who hauled Ford paint sludge for ISA of New Jersey from 1972 until 1978. ISA, like Round Lake Sanitation, was a mob connected company owned by the Mongelli family.<sup>13</sup>

Narrator over drums, sludge, then highway shots on both sides of state line: Early each morning, Charlie would leave Ford with a truckload of thick, liquid paint sludge; he could often see the fumes rising up out of it in his rear view mirror. As he drove up the highway into Orange County, NY, he would wait for radio instructions from his boss.<sup>14</sup>

Charlie: "Sometimes we would leave the Ford plant in NJ, change the signs so they didn't know where we were coming from, and he'd say, head north with it Charlie, Joey will get on the radio and tell you where to dump it. (Russ off cam: is that Joey Mongelli?) Yeah, Joey Mongelli. Sometimes you would get going above Hillburn and they'd tell you to take it to L3, or Meyer's landfill, or take it to Wallkill. A lot of times they would wait until you were on the road to tell you where to go with it. (cut away to road shot w/state police) I think Bobby or someone like that was watching these landfills to see if somebody else was watching them, cops or things like that."

Narrator over State Police: Despite the fact that Charlie Oetzel was traveling New York State highways nearly every single day for six years, with out of state, over weight, loads of paint sludge, the NY state police only stopped him

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<sup>11</sup> Alan Block and Frank R. Scarpiti, Poisoning for Profit, William Morrow and Company, Inc., 1985, p. 141.

<sup>12</sup> Poisoning for Profit, pps. 100-101.

<sup>13</sup> Hinchey Report, p. 76.

<sup>14</sup> Julia Campbell, "See no Evil, Haul no Evil," Times Herald Record, July 18, 1993.

once, and that was for driving with the wrong class license. The charges were later dropped.<sup>15</sup>

Charlie: “That was the only time we had any problem. I used to go up and down the highway and we used to see the state police and they never bothered us, even the scales, we used to go past the scales, and there wasn’t a load, that wasn’t way over loaded.”

Narrator over Stan Greenberg (title): But at least one local cop was paying careful attention to the illegal dumping: Rockland County deputy sheriff, Stanley Greenberg.

Stan: “You’re beginning to realize that garbage isn’t just what your mother tells you to take out. Garbage is gold. It is big business.”

Narrator at Pyramid in Nyack (first over shot of sludge and jawbone): At the same time that Charlie Oetzel was hauling paint sludge out of the Ford plant for the Mongellis, Greenberg, and a partner, William Grogan of the Yonkers Police, conducted the first ever, undercover, surveillance operation into illegal dumping in the US.<sup>16</sup>

Narrator in Nyack then over shot of passing truck, then Pyramid construction: They followed loaded trucks and discovered that toxic waste was being dumped here, in the Dexter landfill near West Nyack, New York. Today the old dump is the site of a new pyramid mall. Next, Greenberg trailed illegal dumpers to another Rockland county landfill, this time in Ramapo.

Stan: “The supervisor of the town knows it, and we know he knows it. He’s not trying to stop it. He’s doing nothing about it. Carmine Franco is bringing stuff in from all over. Medical waste, hypos, organs, blood. Everything is going into the landfill.”

Narrator: Greenberg built a strong case on both landfills, but District Attorney Ken Gribetz would not prosecute.<sup>17</sup>

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<sup>15</sup> Will Workman, “Gift Rap,” Times Herald Record, June 14, 1992.

New York State Assembly Standing Committee on Environmental Conservation Public Hearing on the Unlawful Disposal of Solid and Hazardous Wastes, the Testimony of John C. Fine, Sept. 26, 1984, pps. 28-34, 204-206.

<sup>16</sup> Poisoning for Profit, p. 26.

<sup>17</sup> Poisoning for Profit, pps. 106-110, 114-115.

Stan: “I went back to the District Attorney, and spoke to him again. His answer was didn’t I learn anything from the first landfill and haven’t I got anything better to do. My answer to him was no I don’t have anything better to do, and this is pretty serious, we’re talking tremendous sums of money. He refused to go with the case.”

Narrator: In 1977, Greenberg joined with John Fine, head of the New York State Organized Crime Task Force, investigating haulers, politicians, and law enforcement officers throughout the region. But once again, he got nowhere.

Stan: “The people came to court for their arraignments, the wise guys. All the indictments were dismissed. They were thrown out of court. We had cancelled checks totalling thousands and thousands of dollars. All of this was disregarded. The Organized Crime Task Force people said that they would appeal. The director of the Organized Crime Task Force, couldn’t get into his office the next day, the locks had been changed.”

Narrator on Ramapo: The clamp down came from the Governor’s office, just as John Fine and Stan Greenberg were beginning serious investigations into Orange County.<sup>18</sup>

Narrator on Ramapo: If the government had acted on what John Fine and Stan Greenberg knew back in 1980, the widespread damage could have been avoided. But the system was allowed to continue.

Charlie Oetzel: “I don’t like hauling this stuff. If you had a wreck you could burn up and kill people in another car. And he said to me, I told Robert and Louis and they said if you don’t like it, just quit and leave. I got a family and 6 kids so I can’t up and quit over nothing, but I knew when I dumped it in Harriman, I said you know there is a brook in the back, and I was born in Harriman and it goes toward Nepera chemical and goes past two or three wells, they said don’t worry about it.”

Stan: “Everybody who has tried to do something about it, has been stepped on, or put down, all because of organized crime, all because of local politicians who are either corrupt, incompetent, or scared to death.”

Charlie: “They had to get paid off, these supervisors, to look the other way. Why would Jersey be so strict with the cops and everything, and NY state, all these town cops and the sheriff’s department, they would never bother you.

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<sup>18</sup>Hinchey Report, pps. 33-35.

Ed Sperling, “The Search for Truth hit a Dead End,” Times Herald Record, September 16, 1984.

“Toxic dumping tied to payoffs,” Times Herald Record, September 27, 1984. (SEE ATT. 1)

The sheriff's department in Goshen never stopped us, never bothered us. Somebody somewhere must have been paid off."

Stan: "Nobody has yet been able to grab the people on the local level and put them up against the wall and say what the hell are you doing to us. You're poisoning us. You're killing us."

Narrator in front of trailer at Orange County dump, open with wide shot of landfill and ambience: This is the Orange County landfill, opened in 1974 and closed in 1993. The Orange County landfill was supposed to handle only household garbage, no toxic waste and no hospital waste. But a steady stream of anything and everything was coming in through the front gate.<sup>19</sup>

Narration over Map (Wallkill and Orange County) then aerial of OC landfill: On the same day the old Town of Wallkill dump was closed, the Orange County landfill opened, and the toxic enterprise which had its birth in the small landfills around the county, continued in earnest near the Village of Goshen on a much grander scale.

Narration over Louis Mills and title: The first Orange County executive, Louis Mills, who was in office when the landfill opened, claims that the massive importation of out of county garbage didn't begin until after he left office in 1978.

Rachel: Is it correct that they were charging half of the other landfills in the area, and accepting other counties' garbage?

Louis Mills: "You would have to ask Lou Heimbach that. When I was in office we didn't accept out of county garbage."

Narration over Heimbach image, then up angle shot of students on the landfill: Lou Heimbach moved up from Wallkill Supervisor to Orange County executive in 1978. When Heimbach took over as county executive, the illegal dumping business started booming, just as it had in Wallkill, and the Orange County landfill began accepting garbage and toxic waste from all over.<sup>20</sup>

Louis Heimbach: "You don't quite have your facts right. For awhile we took in a little bit of stuff, but at the time the best scientific evidence we could muster indicated that the landfill had a life of thirty years and that the little bit

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<sup>19</sup> Letter to C. Janice Whitney, NYSDEC, from Richard Gardineer, NYSDEC, March 16, 1992 and attachments.

Peter Panych, "Dumping by hospitals probed," Times Herald Record, April 3, 1986.

<sup>20</sup> Orange County Sheriff's Department Logbook maintained on the Orange County Landfill, April 1, 1986-December 26, 1986, pps. 1-5.

of garbage that we took in would have little impact, based on those predictions.”

Dieter Bohnwagner: “Every morning, if you got up early and went to this landfill, you would find the trucks lined up two deep almost a mile down the road, the garbage trucks were lined up to dump their load.”

Narrator over Dieter: Dieter Bohnwagner drove a bulldozer on the Orange County landfill from 1988 until 1991. And just like Dutch Smith and Willy Myers had done twenty years earlier, Dieter buried lots of stuff, including toxic chemicals and red bag waste.<sup>21</sup>

Dieter: “The main ones were Horton hospital, Arden Hill, and the Orange County Infirmary, everyday, twice a day.”

Dieter (under slime): “There were bloody rags, you just had no idea. Sometimes it looked like you run somebody over it looked so bad.”

Dieter: “I feel that they had something going, a lot of money to be made taking red bag waste, taking out of county, out of state garbage. There’s a lot of money to be made, and a lot of people were aware of it, but they wanted you to be stupid, and blind to the fact.”

Narrator: There was a reward for being blind to the fact. According to Dieter, the owners of the big hauling companies threw parties for the county employees and gave out fifty dollar bills.<sup>22</sup>

Dieter: “Every other week, and especially during the holidays, you ended up getting turkeys, cases of turkeys, cases of booze, envelopes. I didn’t get any envelopes because I was up on the hill pushing the garbage.”

Narrator over bulldozer then Newburgh Transfer Station: Dieter was moved to the Newburgh transfer station in 1991. Commercial haulers dumped loads here. Then the county compacted the garbage and trucked it to the landfill. Dieter noticed that some haulers had special arrangements.

Dieter: “The trucks that would come in would be Round Lake Sanitation, DV. LaMela on occasion. The gates would be open for them. They would bypass the scales, they would dump their loads, and then they would get out.”

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<sup>21</sup> United States District Court, Southern District of New York, 91 Civ. 8688, Affidavit of Dieter Bohnwagner, pps. 1-12.

<sup>22</sup> David Gurliacci, “Gifts galore for landfill supervisors,” Times Herald Record October 31, 1990.



Narrator over truck passing scale: Everyday Dieter found syringes and needles lying at the bottom of the compacting pit. And at least once a week, Dieter saw Lou Mongelli, owner of Round Lake Sanitation, watching the operation from the scale house.<sup>23</sup>

Dieter: “Mr. Mongelli would come into the scale house like he owned the place, sit there with a cigar hanging out of his mouth like he owned the place, not a care in the world. It was private property, you were supposed to, I mean, it didn’t matter. My belief is I think he did own the place.”

Michelle Gerson: “What happened to the money that was made on the landfill? Why wasn’t it put away so that it could be used to fix it?”

Lou Heimbach: “That’s a good question. We did put aside a great deal of that money but some of it was used for other purposes other than the landfill.”

Narrator in front of dump, then over surveillance camera or sign, then trailer: Back in 1986, the New York State Attorney General set up a sting operation to test security at the site. A truck loaded with 55 gallon drums drove up to the weigh station and was waved on in. The drums contained only water, but the labels on the outside were clearly marked: Toxic. After that, Orange County was ordered to improve security at its landfill, and beginning in April of 1986, deputies from the Orange County Sheriff’s Department were stationed here.<sup>24</sup>

Narrator in front of trailer: But the whole operation was a charade to make it look like the law was being followed. Sheriff’s deputies kept a daily logbook of their findings. The book was allegedly burglarized from the security trailer in the late 1980s, but it was made available to us by the sheriff’s department in 1996.

Narrator over book, then Armondo Bilancione(title): The book names New York State DEC officials who issued orders to cover up illegally dumped toxic waste and red bag waste, and it provides a record of appearance tickets written by sheriff’s deputies. The very first sheriff’s deputy assigned to the landfill in March of 1986 was Armondo Bilancione. According to the book,

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<sup>23</sup> Hinchey Report, pps. 76 (SEE ATT. 13), 83-86.

Robert Hennelly, “Candid Camera: High school students’ video prompts upstate dump investigation,” The Village Voice, May 25, 1993, pps. 41-42

United States District Court, Southern District of New York, Indictment 96 Cr., United States of America v. Mario Gigante, et al., pps. 1-4.

<sup>24</sup> Peter Panych, “Spring cleaners fall in for inspection of trash,” Times Herald Record, April 3, 1986.

he and a partner wrote 30 to 35 appearance tickets, each of which carried a minimum \$1000 fine, in less than 90 days. All it got him was trouble.<sup>25</sup>

Armondo: “At one point at the very beginning when I was working at that landfill I was writing tickets like an everyday affair, bam, bam, bam, stop get out of the truck, stop get out of the truck, and I was writing like a maniac, and I loved it because it was the right thing to do. Then all of a sudden I’m told to slack off, and you can see it in the book. I’m giving verbal warnings, I’m giving verbal warnings. It made me want to throw up, but what was I to do?”

John Rivera (title): “There were times that you would be looking at one truck and another one would be dumping and by the time you are finished with that truck, that truck is gone.”

Narrator over John Rivera and early OC footage: John Rivera was another Sheriff’s deputy who was assigned to the Orange County landfill in the Spring of 1986. Part of his job was to go through the garbage that was hauled up to the face of the landfill, looking for what was dumped illegally. Rivera quickly realized the task was nearly impossible.

John: “When I first started, you would see the DEC there maybe once or twice a week, then after awhile they never showed up unless something really big happened.”

Narrator over logbook: In one logbook entry in the late summer of 1986, Deputy John Rivera complained that the DEC should at least come to the landfill and look at loads of illegally dumped red bag waste before giving the orders to bury them.

John: “Yes, I wrote that. That was one of my frustration times, and I wanted to make sure that everything was put into that book so that I wouldn’t be blamed, and I wanted to make sure that people’s names were in that book, who told me to cover up that load because I didn’t want to be blamed that those loads were covered with no one looking at them but me.”

Narrator in front of trailer: Deputies claim that they were repeatedly told by the DEC to bury loads of restricted hospital waste, and that they were told by superiors in the sheriff’s department to ignore many crimes. The sheriff’s office has responded that there were never any orders to bury red bag waste, either from the sheriff’s department, or from the DEC.<sup>26</sup>

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<sup>25</sup> Sheriff’s logbook, August 29, 1986.

<sup>26</sup> Letters from Chief H. Thomas McDonald II, Orange County Sheriff’s Department, to Fred Isseks, September 3, 1996 and September 11, 1996.

John: “Sometimes they would just say bury it, and the giant bulldozer would come and crush it in with the rest of the garbage.”

Armondo: “The Orange County Home Infirmary didn’t have a garbage permit, the company that hauled it away didn’t have a garbage permit, but they dumped it at the landfill. I caught them. Lt. White comes down, he tells me in a nutshell, in so many words, these are county employees just like us, we’re not going to hurt them, tell the bulldozer operator at the landfill, Walter Bennett, tell him to bury that hospital waste with the rest of the garbage. To make a long story short, I had a verbal confrontation with my Lt. I didn’t have to recite the law to him, because he had been working there longer than me and he knows the law, he took the same course as me. He knows me and I know him and I say to him, in all due respect, this is a violation of the law, we’re breaking the law, and we can’t do that. Well I was told in so many words to shut my mouth and do it, and if I didn’t do it, I’d be out of that landfill.”

Narrator at Keller: One of the most alarming things that happened to Dep. Bilancione involved red bag waste being illegally transported from Keller Army Hospital here at the United States Military Academy in West Point.

Armondo: “I once set up a sting operation at dawn. I busted a company called Milton Sanitation, illegally taking red bag waste from Keller Army Hospital into their garbage truck. Keller didn’t have a DEC 364 Permit to release this stuff. Before I got there, they had been doing it all the time. When I got there, I was surrounded by M.P.s of all kinds including sergeants, full bird colonels, there may have been a general there. They threatened to shoot me if I came back.”

Narrator at Keller: The ticket never made it to court. In fact, there are no records of this incident in either Town Court or the Sheriff’s Office. The hauler and the army hospital were never arraigned. And the next day, according to Deputy Bilancione, the very same red bag waste he intercepted on the US Military Academy was dumped in the Orange County landfill by a county truck.<sup>27</sup>

Armondo: “I gave my tickets to my superiors in the sherriff’s dept. Never made it to the Town of Highland Falls. Why didn’t it? That’s a serious crime. Someone did something illegal. And what does it tell me? There was a payoff, simple as that.”

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<sup>27</sup> Peter Panych, “4th hospital joins illegal dump list,” Times Herald Record, April 1986.  
Letter from Fred Isseks to Barbara Bott, Town of Highlands Clerk, March 5, 1996.

Narrator over orange slime shots with Pahucki pools: But the deputies were finding more than just hospital waste. They also found toxic ooze bubbling out of the ground, drums full of oils, pesticides, acids. They claim their movements around the landfill were restricted.

John: “I was taking a little tour around the landfill, and I saw one of the county workers was pumping this liquid into the Wallkill, and asked me what I was doing there.”

Armondo: “Lo and behold, they have a pump and they are about to pump this stuff into an annex of the Wallkill River.”

Narrator over river to leachate pools or ooze shots at landfill: Deputy Bilancione took pictures of the pumping operation and filled several jars with samples of the toxic liquid. According to Bilancione, the film was confiscated by investigator Cole of the New York State DEC, and the samples in the jars were ordered smashed by Lt White of the Orange County Sheriff’s Department.

Armondo: “Take the samples and smash them, all the while standing there with his hand on his gun.”

Narrator over standing Armondo then Round Lake truck: On one occasion, according to Dep. Bilancione, Louis Mongelli pulled up to post 1 on the landfill in a black limo, and made it clear to the deputy that he didn’t like all the tickets his trucks were getting. On another occasion, the message was even more direct.

Armondo: “I was going through the garbage when these two trucks came backing up and almost ran me over...well, to make a long story short, one of the drivers told me that there’s a \$5000 bounty on your head.”

Armondo (under truck with sound): “I went through all my chain of command and I told everyone of them what I had uncovered. I told the sheriff, I told Louis Heimbach, I told Francis Phillips.”

Narrator over Armondo and then All Waste truck: But nothing happened. The Orange County district attorney, Frank Phillips, has not challenged organized crime throughout his term in office. No one in the deputy’s chain of command stood up to the haulers.<sup>28</sup>

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<sup>28</sup> The New York State Assembly, Committee on Environmental Conservation, Public Hearing into the Illegal Disposal of Wastes in the Hudson Valley, testimony of Earl Washburn, NYSDEC, September 15, 1989.

Narrator in front of OC trailer: Armondo Bilancione claims he was called before his supervisor, Roger Phillips, and told that he was being overzealous writing tickets, especially during an election year.

Armondo: “I was like someone hit me in the face with a bat, I didn’t understand why. I had to step back and realize, I just stepped into some serious muddy water, and I am not prepared for it, I don’t have my boots on, I don’t have a respirator on my back. These are the people who told me to uphold the law, now they’re telling me not to, do it the way I tell you to do it.”

John: “I noticed that Round Lake didn’t have a tax sticker, so I pulled him over and wrote him a ticket. Then I noticed that another Round Lake truck didn’t have a tax sticker, so I pulled him over. At the end of the day I had six trucks pulled over and wrote them all tickets.”

Narrator over John Rivera: It wasn’t long before the owner of Round Lake called John Rivera’s superiors.

John: “A little while later, the sheriff’s dept. called, Lt. White, who said, ‘give them their tickets and let them go.’ That’s what I did. Since that, I’ve never been to court for any of the tickets, never heard anything about the tickets.”

Narrator over John Rivera then Armondo: The deputies had been writing appearance tickets for environmental crimes, carrying fines from \$1000 to \$2500, but they were never asked to appear in court.<sup>29</sup>

Narrator over shots of tickets: None of Armondo Bilancione’s appearance tickets or vehicle and traffic tickets appears in the dockets at Town of Goshen Court. Nor do the appearance tickets written by Mr. Rivera and other deputies stationed on the Orange County landfill in the late 1980s. The Orange County Sheriff’s Office, the Orange County Attorney’s office, and the New York State DEC have been unable to provide a single record of any of these tickets, or how these matters were settled.<sup>30</sup>

Narrator in front of OC landfill: Armondo Bilancione claims he has tried to file a complaint with the New York State police but that they refused to

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<sup>29</sup> Appearance Tickets, New York State C.P.L. 150.10, #343, #344, #318, #316.

<sup>30</sup> Letter from Chief H. Thomas McDonald II, Orange County Sheriff’s Department, to Fred Isseks, September 3, 1996. (SEE ATT. 26)

Letter from former sheriff Roger Phillips to Fred Isseks, September 24, 1996.

Letter from Laurie McDermott, Orange County Attorney’s office, to Fred Isseks, November 20, 1996.

Letter from A/Lieutenant Louis Bello, NYSDEC, to Fred Isseks, April 25, 1997.

accept it; that he gave information to the organized crime task force, and the FBI. But that no one seemed to be doing anything.

Armondo: “To this day they have only arrested the organized crime figures, and not the law enforcement and public officials, and that’s very scary people.”

Hinchey (including title as Congressman with Julie at MHS): “As far as I know there is no law enforcement activity. There should be. Someone should investigate the people who were in office at that time.”

Narrator overlooking Hudson: From the mid 1980s until the early 90s, New York State Assemblyman Maurice Hinchey conducted serious investigations into organized crime and the solid waste industry. Hinchey had been inspired by the work of Stan Greenberg and John Fine of the Organized Crime Task Force. (SEE ATT. 18)

Hinchey on Orange County landfill: “The carting business in this part of NY state was controlled by organized crime.”

Hinchey to Julie: “In my investigations there have been town board members who have taken bribes from carters who were working for organized crime. There have been incidents where local officials took money to look the other way.”

Hinchey on OC landfill: Toxic waste dumped illegally under Heimbach administration, acts of commission or omission.

Julie’s question about whether or not Orange County is a particularly corrupt place.

Hinchey to Julie: “I have suspected some degree of corruption in Orange County. When I investigated, I suspected that there were people who knew about it and were probably corrupted by organized crime.”

Narrator over Hinchey with Julie then Hinchey on the OC: In 1992, Maurice Hinchey was elected to the United States Congress and his investigations as a New York State Assemblyman came to a screeching halt. Since that time, no one has picked up where he left off, and he still had a long way to go.

Bill Rabsey off camera: Thank you for taking on these issues. Not too many people seem willing.

Hinchey: “Yeah, there are damn few. Damn few.”

Narrative in front of river view: Louis Mongelli used to live here; now he is in the federal witness protection program. Maurice Hinchey is one of the main reasons why Louis Mongelli is no longer in the garbage business. Mongelli

owned Round Lake Sanitation with his brother, Robert. In 1992 he pleaded guilty to racketeering and tax evasion.

Narrative in front of river view: But he has never been charged with any environmental crimes, even though Round Lake was the biggest user of the Orange County landfill. In the meantime, Round Lake has been sold to Browning Ferris Industries, a giant garbage company with a dirty record of its own, in many ways, far worse than the Mongellis'.<sup>31</sup>

Narrator over Heimbach then expansion: In 1990, Lou Heimbach became President of the Sterling Forest Corporation. Before he stepped down as county executive, he put in place a huge Orange County landfill expansion, immediately over a federally protected wetland. Orange County officials have subsequently thrown away more than \$50 million on a landfill that can not be used.<sup>32</sup>

Narrator in front of mansion and River: A few haulers like Louis Mongelli have been indicted or put in prison, but the corruption in the toxic dumping industry remains, relatively unchanged by the Hinchey investigations. The Hudson River Valley, one of the most beautiful places on earth, is still a toxic dumping ground.

Hinchey on OC landfill: "The system is still around to this day, and they will do anything to subvert anyone who tries to stop them."

Dieter: "I've been doing this since 1990 trying to make it known to the public and bring it to the attention of the public that it's really corrupt in Orange County. And I believe that it is mob related and that there are a lot of people in government, higher ups, who are on the take ... I have worked in three different places, and each one is a mess. There are dumps, it is contaminated."

Narrator over Dieter, then OC Park: After he left the transfer station, Dieter Bohnwagner went to Thomas Bull Park where the county maintains a ski area and golf course.

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<sup>31</sup> Robert Hennelly, "Candid Camera: High school students' video prompts upstate dump investigation," the Village Voice, May 25, 1993, pps. 41-42. (SEE ATT. 23)

Hinchey Report, p. 76. (SEE ATT. 13)

Brian Lipset, "BFI: the sludge of the waste industry," Multinational Monitor, June 1990

United States District Court, Eastern District of Pennsylvania, 87-3717, Cumberland Farms v. Browning Ferris Industries, Inc. , Plaintiffs' memorandum in opposition to defendants' motion for summary judgment, pps. 1-5.

<sup>32</sup> Christopher Mele, "County rejects landfill deal," Times Herald Record July 14, 1995.

Narrator at Orange County Park: Late this past winter Dieter Bohnwagner let the public know about the hidden landfill next to the 6th fairway in the park. Public attention forced the county to conduct an investigation. The New York State DEC fined Orange County \$5000.<sup>33</sup>

Narrator at Park: Dieter and others claim that the landfill is bigger than a football field and was used for more than 25 years. Here, they say, you could find everything from buried automobiles, pesticides, lead powders, lead paint, containers of liquid mercury, and red bag waste.

Narrator over excavator: But none of this came to light during the county's investigation of the site, which isn't surprising since the county was responsible for the dump in the first place. The operation had been designed for political damage control. Environmental dangers were minimized, and no real effort was made to find out who was responsible for the dumping. Dieter took part in the so called clean up.<sup>34</sup>

Dieter: "I was on my hands and knees in the site scraping around for stuff when I found a syringe and I held it up for my boss to see."

Armondo and syringe sound bite: "A syringe. The kind they would use in a hospital or a nursing home."

Narrator over drum and Park outing shots: The county's hired engineers didn't find any medical waste and almost no evidence of hazardous waste. But in a short ten minute hike in the park, Middletown High School students were able to find one syringe and about a dozen crushed drums. The county responded by threatening to have the high school students arrested the next time they trespassed in the park.<sup>35</sup>

Dieter: "That was the only concern that the county had. Not the health or well being of the people who lived around the area, or have to ski there, golf there, walk their dogs around, it wasn't a concern. It was who blew the whistle."

Narrator over Thomas Bull, Map, and wetlands: Over 200 tons of garbage were removed from Thomas Bull park because Dieter spoke up. The day the

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<sup>33</sup> Christopher Mele, "Dump found at park," Times Herald Record, February 13, 1996.  
Christopher Mele, "County fined \$5000 for illegal park dump," Times Herald Record, November 9, 1996.

<sup>34</sup> Christopher Mele, "Cleanup at Bull park may cost \$100,000," Times Herald Record, May 22, 1996

<sup>35</sup> Christopher Mele, "Syringes found at park," Times Herald Record, November 30, 1996.  
Christopher Mele, "Dump probe panel sought," Times Herald Record, December 3, 1996.  
Letter from Antoinette Gluszak, County Attorney's office, to Fred Isseks, February 11, 1997.



story broke, Orange County workers began removing tons of buried garbage from county parks in Newburgh and Warwick without informing the public or the DEC. The county sidestepped state fines and regulations, chemical tests and engineers' reports, and any questions about water and public health.<sup>36</sup>

New narrator over titled shots of OC Park work site beginning with drums and dumpsters, then Wallkill site in snow; use titles for money amounts: The cover up of the Thomas Bull Park cost \$100,000 while doing almost nothing to clean up the pollution. The cover up of the Wallkill dump accomplished just as little, but cost almost \$10 million, much of it going to a construction company allegedly connected to organized crime.<sup>37</sup>

Narrator on cap: This enormous cap was designed to keep the garbage that is buried below us dry, a physical impossibility, since most of the garbage is usually well below the water line. The excavation during the construction of this cap in 1995 was the last best chance to discover what is really in this old landfill. Instead, the Town of Wallkill and the State of New York moved in all haste to make sure that this landfill got covered up and all of its secrets with it.

Narrator on cap: Only recently has the present Wallkill town supervisor admitted that there are probably thousands and thousands of drums still buried in the landfill, deep, where they are contaminating the underground water. But he has admitted it now that it is too late to do anything about it.

Narrator over 1976 shots of drums: The first clean up of this dump was back in 1986 and cost \$40,000, when a couple of hundred 55 gallon drums were supposedly pulled out of the ground with the help of the Cosulich engineering company.<sup>38</sup>

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<sup>36</sup> Total tonnage for parks department clean-up, February 14, 1996-May 31, 1996.

Orange County transfer station receipts

Letter from Fred Isseks to County Executive Joseph Rampe, January 13, 1997.

Letter from Antoinette Gluszak, County Attorney's office, to Fred Isseks, February 11, 1997. (SEE ATT. 35)

<sup>37</sup> Christopher Mele, "Cleanup at Bull park may cost \$100,000," Times Herald Record, May 22, 1996. (SEE ATT. 34)

"Wallkill to borrow \$8.2M for dump," Times Herald Record, May 27, 1994.

Steve Gelsi, "Environmental engineers survey landfill," Steve Gelsi, Times Herald Record, April 7, 1992.

Marie Szaniszlo, "Landfill bid approved," Times Herald Record, June 2, 1995.

Marie Szaniszlo, "Company's past questioned," Times Herald Record, November 6, 1995.

<sup>38</sup> New York State Record of Decision, Town of Wallkill landfill, site number 336017, p. 2. (SEE ATT. 10)

Letter from State Senator Richard Schermerhorn to Florence Centamore, April 9, 1984.

Donna Moskowitz, "Town plans cleanup of wastes at landfill," Times Herald Record, March 27, 1983.

Lou Heimbach (with supervisor title): “A few things went in there that shouldn’t have gotten in there, but they have since been taken out. The town spent a great deal of money to clean up what was put there that shouldn’t have been put there.”

Dutch about the 1986 clean up: “How are you going to clean a landfill for \$40,000?”

Narrator over Dutch: But according to Dutch Smith, nothing was taken out of the dump. Dutch maintains that the trucks that were loaded with drums simply made a big circle out on the highway, then drove back into the dump and re-deposited their loads. And the last truck had a big cover over it to disguise the fact that it was empty.

Dutch: “It seems they had something like a turntable-pickup, deposit, and clean up-make money. No way you can tell me the DEC doesn’t know this!”

Narrator over shots of the DEC hearings including Dutch and DEC and engineers, also include Cummings: Even though the 1986 clean up was supposed to put the matter to rest, a second investigation was begun in 1991. The Department of Environmental Conservation presented their findings in 1992. Once more, they held that there were 208 drums in the dump, and they had all been removed. Nothing was dumped illegally. And, of course, no contamination had gone into the wetlands. The Town Supervisor stood by his engineers, the Cosulich Company, even though they had never once spoken with Dutch Smith or Willy Myers about what they had witnessed.<sup>39</sup>

Narrator over shots of Hinchey and Willy at dump (start with ambient sound up): In 1992, shortly before he became a congressman, Assemblyman Maurice Hinchey began his own investigation into illegal dumping at the Town of Wallkill landfill.

Maurice (title of assemblyman): “I think the first thing we ought to do, is find out what the hell is going on here.”

Allison’s question about whether it was legal.

Hinchey to Julie (title of Congressman): “It wasn’t legal, and it was entirely improper.”

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<sup>39</sup> Public meeting to discuss status of the remedial investigation and feasibility study and early remedial measures at the former Town of Wallkill landfill, Town of Wallkill, Orange County, New York, April 4, 1991, pps. 1-2.

Town of Wallkill landfill site, remedial investigation and feasibility study, responsiveness summary for April 4, 1991, public meeting, pps. 1, 16.

Hinchey and Cozzy at the dump arguing about going down 20 feet near the river to clear the drums.

Tom Maher on dump: “Test pits went 8 feet down.”

Narrator over action: Hinchey saw that the Town and State’s study had been a farce, but he wasn’t able to do anything to stop it.

Hinchey to Julie: “My belief is that there are probably 1000s of drums left in there.”

Hinchey to Julie over dump including Maher: “I would say that the engineers are not so naive, not so unsophisticated, that they are pulling a kind of a con game when the stuff is more than eight feet deep.”

Hinchey to Julie (over dump): “I think they (Cosulich) were interested in just coming in and doing a quick job. My concern has always been that material can be absorbed into the watercourses. The engineers didn’t want to look because they knew that the toxic waste had been absorbed into the watercourse.”

Hinchey yelling at Maher: “If you had listened to Dutch, you wouldn’t have to have dug 75 test pits in the first place.”

Narrator on dump: The Cosulich engineering company got over a million dollars for doing extensive drillings and tests, yet they weren’t able to find any toxic waste. Then DEC wildlife pathologist Ward Stone visited the site for a few hours and uncovered nests of 55 gallon drums, bags of lead power, pools of toxic ooze.<sup>40</sup>

Ward Stone at Hinchey hearing with cut away to Hinchey: “It would be almost impossible not to find it. We took it out of their own test pits.”

Ward Stone on dump: “IV bags and tubes, IV tubes and bags.”

Narrator over medical waste and leachate and ambience: Both Ward Stone and Maurice Hinchey were convinced that there was more in this dump than

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<sup>40</sup> Letter from Ward Stone, NYSDEC, to Assemblyman Hinchey, March 27, 1992.

Letter from Ward Stone, NYSDEC, to John Stawski, NYSDEC, April 27, 1992.

Jim Gordon, “High Priced Help: Hinchey slams consulting firms for low quality work,” Huguenot Herald, March 26, 1992.

“Environmental engineers survey landfill,” Steve Gelsi, Times Herald Record, April 7, 1992. (SEE ATT. 37)

Fonda Marie Lloyd, “DEC, Hinchey tour landfill,” Times Herald Record, April 25, 1992.

the Town's engineers and the DEC were admitting. But no one was listening to them.

Narrator over Ward Stone at hearing (show Hinchey first): Ward Stone was once again fighting with his own agency, the DEC, because he had a habit of finding buried toxic waste when they didn't. (sound bite: "We're not getting better, we're getting worse.")

Hinchey to Julie (begin under Ward): "I put as much pressure on the DEC and the town board as I could at the time. They kept saying that this was the best way to go about it. What we need to do is go in and get the stuff out."

Hinchey on dump: "We're just kidding ourselves that we're doing something, when we're not really doing anything."

Ward to Mags: "This dump is going to be a problem with a cap on it, for hundreds of years to come. Underneath that cap, persistent pollutants, elements that last virtually forever, elements like lead, they're going to remain there, so the dump is going to have to be watched forever."<sup>41</sup>

Bill Cummings (with title) asking, "Is there a health hazard here? I'm not convinced. I've heard the same stories that you have, and I don't think there is enough evidence for criminal prosecution."

Narrator over beginning of confrontation with sound: A few months after Maurice Hinchey began his investigation into the Town of Wallkill dump back in 1992, Town Supervisor Bill Cummings and the Wallkill police confiscated Ward Stone's soil and water samples. A couple of weeks later, when Stone went back to the site to collect more samples, he was threatened with arrest. The New York State Department of Environmental Conservation did nothing to back up Ward Stone. (SEE ATT. 23)

Ward Stone getting thrown off the dump by Cummings, ending with "We'll see, we'll see."

Narrator on Wallkill cap: In 1995, three years after Ward Stone last set foot on the Wallkill dump, and three years after Maurice Hinchey went to Washington, this \$6 million cap was built in record time by the Tully Construction Company of New York City. (SEE ATT. 37)

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<sup>41</sup> Mary Wessling, "State setting strategy to safeguard its resources," Times Herald Record, September 22, 1985.

"New Evidence that all Landfills Leak," Rachel's Hazardous Waste News #316, December 16, 1992. (SEE ATT. 3)

Narrator over shots of Tully: The construction company had an ugly history. Tully was denied New York City contracts by the mayor's office because of alleged organized crime connections, repeated environmental violations, failure to pay taxes, and a pattern of not telling the truth on official questionnaires about business history and practices. They lied repeatedly on their DEC and town of Wallkill applications, and the DEC and the Town were fully aware of that when they awarded the contract to Tully. Howard Mills is the most recent Town of Wallkill supervisor.<sup>42</sup>

Jenn Holohan: "If it's not good enough for NYC, the biggest city in the state, why is it good enough for us."

Howard Mills with title: "The problem that NYC had with Tully, had nothing to do, nothing to do, in the opinion of the DEC, mind you this is the DEC not the town board, had nothing to do with their ability to perform this job."

Hinchey to Julie: "I tried to get the DEC to become critical of anyone with a history. The DEC has been reluctant. I don't know why. There ought to be more information available about people with past criminal records."

Jeff Dutemple: Why not deny Tully the contract since they lied?

Howard Mills: "I reiterate this for the umpteenth time, we submitted this to the DEC, all the bid material, and we said, is there any reason to disqualify any of these contractors. We were told that we have to, have to, award to the lowest bidder."

Narrator with over view of cap: Work began in July 1995, the summer of the most severe drought in decades, and ended in only five or six months, way ahead of schedule. How good a job did Tully do? The DEC rarely showed up to check on what the Tully company did and to enforce their own regulations.<sup>43</sup>

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<sup>42</sup> Marie Szaniszlo, "Company's past questioned: accusations plague those capping landfill," Times Herald Record, November 6, 1995. (SEE ATT. 38)

Letter from NYC Comptroller Elizabeth Holtzman to Mayor David Dinkins, September 22, 1993, pps. 1-10.

Letter from Alan Rockmore, NYSDEC, to Fred Isseks, October 26, 1995.

Tully bid application for Wallkill landfill, May 19, 1995, pps. B-14-B-16.

Letter from Fred Isseks to Michael Mason, NYSDEC, October 14, 1995.

Letter from Alan Rockmore, NYSDEC, to Fred Isseks, November 10, 1995.

Letter from John Cahill, NYSDEC, to Fred Isseks, April 10, 1996 and Tully Company's uniform contractors' questionnaire, pps. v-31 - v-32.

Letter from Fred Isseks to Wallkill Town Board, October 2, 1995.

Letter from Orange County District Attorney, Frank Phillips to Wallkill Town Board, December 6, 1995.

Letter from Robert Knizek, NYSDEC, to Howard Mills, Wallkill supervisor, October 12, 1995.

<sup>43</sup> Alan Wechsler, "Drought sends bears scavenging," Times Herald Record, August 24, 1995.

NYSDEC Inspector's daily reports, Wallkill landfill, 27 July, 1995 through November 1, 1995.

Narrator over dump and leachate footage: Tully didn't cover up the waste each night or keep it out of the water, as they were required by law to do. They didn't keep daily records of ground or surface water encountered, or of materials that looked like they might be toxic. No one did any chemical tests on material found in the dump. No one bothered looking for toxic waste or evidence of environmental crimes. The last best chance to really see what was in the dump was being squandered.<sup>44</sup>

Ward with Mags: "And then you see these pictures of all these colors in the water leaving the site in the summer of 1995 and in earlier films, and then you realize that you don't know what all these pollutants are, and then you realize that the site has never been seriously studied. They don't know what went in it. They don't know where it went, and it makes you wonder just what they do know about this site."

Howard Mills: "We acknowledge that there is still a lot of stuff in that landfill. It's absolutely correct that there is a tremendous amount of toxic waste in that landfill. It behooves us to acknowledge that. We have retained legal experts to go after potentially responsible parties who deposited waste. This is a dangerous landfill."

Narrator in front of Tully trailer site: But just as they began to look for responsible parties, they conveniently buried all the evidence under the cap. (gesturing over landfill cap.) And the company they contracted with guaranteed up front that they weren't going to find any toxic waste.<sup>45</sup>

Narrator over similar shot from summer of 1995: Tully was able to submit the low bid for the capping contract partly because they bet that they wouldn't be finding any barrels of toxic waste, especially since they were only digging down eight feet.

Howard Mills: "They are really in tune to what we are looking for. They have experience in landfill closures. So we hope that they find drums, that

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<sup>44</sup> Letter from Town Supervisor Howard Mills to Fred Isseks, September 12, 1995.  
Letter from John Sobiech, Clough, Harbour & Associates, to Howard Mills, September 11, 1995.

<sup>45</sup> Supreme Court of the State of New York, County of Orange, Index No. 3126/95, Affidavit in opposition by Thomas Oesczuk, engineer for Tully Construction Co., pps. 1, 5-6.  
Supreme Court of the State of New York, County of Orange, Index No. 3126/95, reply affidavit from Larry Fantozzi, engineer for Servidone Construction Co., pps. 1-2.  
Order of Judge Peter M. Leavitt, Supreme Court of the State of New York, County of Orange, Index No. 3126/95, pps. 1, 4.

they find toxics, that we can trace to either a PRP or a hauler, so that will help in our lawsuit. We haven't found anything exciting there yet."

Narrator over shots of students: By the end of the summer, Tully had found only two 55 gallon drums and nothing else that looked like toxic waste in all of their excavations, pretty much as they had predicted. Once again, the Town of Wallkill and the New York State DEC were only pretending to be interested in finding what was buried there. (SEE ATT. 44)

Hinchey to Julie over shots of drums and toxic waste: "This problem was created by carting companies who are controlled by organized crime. They disposed of this stuff illegally. So why would you hire a company that is allegedly associated with organized crime?"

Howard Mills: "Maybe they are, maybe they aren't. I don't know, and frankly, I don't care. It made no difference, and that's the end of the story."

Narration over footage of trucks coming into the landfill: Over twenty years after the landfill officially closed, the capping of the Wallkill dump was completed under cost, and much faster than anticipated. A change order was executed immediately after the contract was signed. Instead of using soil to fill in under the cap, the Town and the State agreed to let the Tully Company use C&D, or, construction and demolition debris - the type of waste generated when buildings are put up or knocked down. The Town and the State saved the \$680,000 they would have paid for the soil. C&D, on the other hand, is free. Better yet - people pay to get rid of it. The Tully Company charged outside haulers a tipping fee for the hundreds of thousands of tons of C&D that were dumped in Wallkill to round out the cap. How much money did Tully charge for each ton of waste, when the going rate is about \$100? And just how many tons did they allow in? The Town Supervisor doesn't know, and the Tully company, with a known history of keeping false records, and a known history of accepting and burying waste illegally, refuses to say. The C&D they allowed into the dump was supposed to be processed and ground fine. Was this C&D legal, or was it cocktailed, that is, secretly mixed with toxic waste? Cocktailing is a common practice in the New York metro area where hot loads of highly regulated pollutants are hidden in the middle of other garbage. Most of the material dumped in Wallkill in 1995 came from haulers with links to organized crime, and the Tully company itself had already been busted for cocktailing. The Town of Wallkill and the State of New York handed the Tully company a golden opportunity to cheat New York taxpayers out of millions of dollars in tipping fees, as they turned the old Wallkill landfill into their very own C&D dump. This was a clean up? It was a second round of pollution for profit.<sup>46</sup>

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<sup>46</sup> Marie Szaniszló, "Dump costs down: hazardous waste could raise estimate," Times Herald Record, August 4, 1995.

Letter from Robert Knizek, NYSDEC, to Howard Mills, July 24, 1995.

Narrator on the Wallkill cap, up angle at mound: The leadership of the Department of Environmental Conservation gave the tainted Tully Company the freedom to run an unsupervised dump, in violation of their own rules, but for the last several months hasn't allowed DEC wildlife pathologist Ward Stone to set foot on any landfill in the region without written permission and an escort. The DEC refuses to answer any of our questions about this or other matters in front of a video camera.

Narrator in media center: We are sorry that the DEC won't go on tape. Our purpose since 1991 has been to document this story in the hope that public outrage will pressure someone into taking action against these toxic criminals. We feel that local, county, state, and even federal governments are, to some degree, influenced by organized crime. Who is going to enforce the law?<sup>47</sup>

Secretary Babbitt (title including date): "There are issues here that have to be addressed on all levels. Certainly the EPA has a role here. My advice to you. Keep after it. Don't get discouraged."

Trey (title including date): "Sir, sir. The county executive will tell you all about it. About the high school and the tape." President Clinton: "Good for you."

Narrator over Clinton at Stewart: We have received no help from the President of the United States. A letter to Vice-president Gore brought no response either, even though the Vice President is intimate with the situation in our landfills because he served almost 20 years ago on a House committee that investigated organized crime and toxic dumping in the New York metro area.<sup>48</sup>

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Summary of meeting, Wallkill landfill, August 23, 1995.

Summary of meeting, Wallkill landfill, September 6, 1995.

Letter from Howard Mills to Fred Isseks, August 19, 1996.

Letter from Fred Isseks to Peter K. Tully, August 28, 1996

Letter from Thomas Olesczuk, Tully Construction Co., to Fred Isseks, September 9, 1996.

Superior Court of New Jersey, Law Division, Warren County, Docket No. L-425-93, verified complaint.

Hinchey report, pg. 88.

<sup>47</sup>Memo from Cesare J. Manfredi, NYSDEC, to Larry Skinner, NYSDEC, April 11, 1996.

Letter from Assemblymember Susan John to Michael Zagata, NYSDEC, January 10, 1996.

Letter from David Sterman, NYSDEC, to Susan John, February 12, 1996.

Letter from Robert Knizek, NYSDEC, to Fred Isseks, August 2, 1996.

Andrew Revkin, "High school class exposes toxic dump," the New York Times, November 16, 1995.

<sup>48</sup> Poisoning for Profit, pps. 133-137.



Narrator in media center: Our local media have been hiding from the story, pretending that it isn't serious or that it doesn't exist. And, unfortunately, the national media are hiding from the truth too.<sup>49</sup>

Hinchey to Julie with ABC cameras: "You have been able to attract media attention in a way that we were unable to."

Narrator over ABC cams: We have attracted national media, but the media attention didn't do all that we had hoped.

Hinchey to Julie, holding report in his hand: "Here is a copy of our report which documents and names people. I took this report to media outlets, and they were not all that interested in reporting on it."

Narration over a couple of seconds of ticking 60 Minutes watch then 60 minutes stills: 60 Minutes worked for months on a story about illegal dumping in Orange County, but the story never ran, and no explanation was ever given to us why it was dropped so suddenly. And ABC World News came up to Wallkill three different times, and got thrown off the dump once, only to produce another story that never ran.

ABC World News getting thrown off the site by the Tully folks.

Julie on the dump worked in under last shot: "I don't think they can be truthful. I think that being involved with organized crime is dangerous and it's bad, and if they came out and if they covered this the way it should be, they would be in a lot of trouble."

Howard Mills: We have ABC World news, we have PBS, we've been in the NYT, etc. I don't want the Wallkill taxpayer to get the wrong idea, and to think that anything has happened here that is not consistent with protecting our environment."

Narrator in the wetlands below the dump looking up at the mounds of the cap: This thing leaks already; it cannot do what it was constructed to do. The toxic waste is still down in there, and will continue to slip silently into the groundwater. This cap will not stop that, but it will require millions and more millions of dollars just to keep up appearances. It looks like the people in the landfill remediation business will be cleaning up for a long time to come. Our children and our children's children will be tending this lethal garden forever.

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<sup>49</sup> Robert Hennelly, "Not now, the kids are watching," Columbia Journalism Review, May/June 1994. Marie Szaniszlo, "Teens' project not 'cute': landfill inquiry a serious study," Times Herald Record, December 12, 1995.