



Eloise Edwards still remembers the day in 1974 when she and her family moved into their home on Deepwood Street in the Shady Hills neighborhood of southeast Dallas. It seemed the perfect location to raise children. She loved exploring the swatches of undeveloped land that wrapped around two sides of her neighborhood, including an old mining area where abandoned gravel pits had turned into pleasant fishing ponds.

"I went fishing there a couple of times. There were lots of trees. It was peaceful," said Edwards, a computer operator for the city for 30 years. "The neighborhood was quiet, nice, clean."

It wasn't clean or quiet for long. Over the next few years, while the racial makeup of the neighborhood changed from majority-white to majority-black, other changes were also happening. Most worrisome was a procession of trucks that began barreling down neighborhood streets, their sides bulging with trash and garbage. As it quickly became obvious, they were headed for the 85 acres of the old gravel mine off Jim Miller Road.

It was the beginning of the transformation of Deepwood into what would eventually be the largest illegal dump in Texas. For years, up to 200 trucks a day disgorged their stinking loads there, running up and down the neighborhood streets day and night. The garbage mountains grew to a height of 40 feet, holding not just rotting household refuse, but asbestos, car bodies, 55-gallon drums, old tires, and benzene - - a carcinogen that can cause leukemia and harm men and women's fertility.

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By 1995, city officials worried that the garbage was producing so much methane gas that it might cause explosions in nearby houses -- an "imminent threat to public health." In 1988 and again in 1996, the dump caught fire and burned for months. The city knew the first fire was burning for months before making any attempt to put it out. The second fire cost taxpayers \$1.5 million to extinguish; the smoke caused illness and shortness of breath among folks living in that part of town. The U.S. Environmental Protection Agency found that soil and water from the dump contained 10 different carcinogens in concentrations high enough to be harmful to human health.

The degradation of their neighborhood didn't happen while residents stood idly by. From the first, they complained long and loudly, going to the city over and over again with their objections. The state took notice, and eventually the EPA. But for 30 years -- until a federal judge finally forced their hand -- the city of Dallas never truly stopped the dumping, never actually punished the perpetrators, never cleaned up the estimated 8 million cubic yards of waste it allowed to accumulate there.

Dallas officials say they did their duty, trying their best to enforce the environmental laws at Deepwood. But records and interviews show that city officials played a primary role in what amounts to the ruination of the surrounding neighborhood, ignoring their own ordinances and policies as well as state law, to enable the dump to be established and continue in operation. The city's actions -- of omission and commission -- violated the federal Solid Waste Act, which has prohibited open dumping since 1976.



Much of the garbage that piled up at Deepwood came from substandard homes demolished by the city.

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And in fact, beginning in 1994 or earlier, city officials may have had a large financial stake in allowing the dump to continue. At a time when the dump was supposed to be shut down -- and when the city was supposed to ensure it was being cleaned up -- the city repeatedly paid contractors to haul debris from demolished substandard houses straight to Deepwood with no city intervention.

Only when federal and state investigators got involved was Deepwood shut down. Only when a federal judge and an appeals court ordered it did the city finally -- and quietly -- approve a \$36 million plan to clean it up. Residents say racism was involved in the city's allowing it to operate for so long. City officials deny it.

Cheryl Seager, regional criminal enforcement counsel for the EPA, says Deepwood is a classic example of environmental injustice.

"If someone in Highland Park complains about a dump, they have clout, power, and an ear with people who can do something about it," said Seager, the chief federal attorney involved in the criminal prosecution of the most recent owner and operator of the Deepwood dump. "If you are a poor black woman in South Dallas, who's going to listen to you?"

Even properly run landfills are not sought-after neighbors for places where kids run and play and homeowners care about their property values. Dallas has legal landfills. But it costs money to dump there. Illegal dumps, not surprisingly, don't charge as much. Dumpers save money -- and the landfill operators can make millions.

City officials knew that illegal dumping at Deepwood had been a problem since at least 1976, when inspectors urged continuing surveillance of the site. On March 16, 1982, Terry Van Sickle set out to make the dumping legal -- or at least, to get the city to approve it. He applied for a city permit to mine sand and gravel at Deepwood. According to the application, his V.V. Construction Co. would fill the resulting sand and gravel pits with solid waste, including "putrescible" waste -- meaning materials that rot. From the first, this was a violation of state law, which requires that excavated areas be filled with materials that won't rot away.

Nonetheless, the city issued a certificate of occupancy to Van Sickle's company in April of that year, allowing the mining of sand and gravel. According to rules laid down for him by the city's public works department, the mined areas were to be filled only up to ground level, not above it.

Permit in hand, Van Sickle then leased the property to Samson Horrice, owner of an excavation and demolition company. Dallas officials were familiar with Horrice. In 1980, they had sued his company over an illegal landfill in another area of southeast Dallas -- this one near a predominantly white neighborhood. In that case, the city obtained a permanent injunction within less than a year, prohibiting Horrice from using the property as a dump.

In Deepwood, the city-permitted "mining" operation opened -- heralded not by filled sand and gravel trucks leaving the property, but by lines of garbage-filled trucks coming in.

The complaints started within six months. "We fought it from day one, and nothing ever happened," said Shirley Davidson, who moved into a home in the 100 block of Deepwood Street in 1973. "It's not like it was a dump when we moved in. The dumping started after we moved in -- after it became a neighborhood of mostly black people."

On Nov. 22, Harold Cox, a longtime resident of a subdivision near the dump, filed a complaint with the mayor and city council. Cox said Deepwood was being used for "massive illegal dumping." A city investigation confirmed Cox's complaint. Inspectors visited Deepwood and found "truckloads of garbage materials were being dumped in this area," according to a letter to Cox from Victor Suhm, an assistant city manager. Suhm said the city had issued a citation to Van Sickle and would take immediate action if Van Sickle broke his promise to immediately cease the dumping. "We will continue to inspect the backfill operation for this area and react quickly when illegal dumping is noticed," Suhm wrote.

But residents saw no improvement. They filed more complaints throughout the early months of 1983. Cox appeared at five city council meetings to complain about illegal dumping. He and other residents reported heavy traffic, excessive noise at late hours, air pollution, and objectionable materials -- some possibly toxic -- being dumped at Deepwood.

"We couldn't rest because of the noise caused by the trucks," said Davidson. "We couldn't park on the street because the trucks would kick rocks up into our cars."

City officials acknowledged that dumping was continuing. In an April 15, 1983, memorandum to the council, Assistant City Manager Levi Davis said Deepwood was being used as a "private dump." But rather than directing that the dump be shut down, the council told the staff to work with Van Sickle "in

his attempts to build an alternate route to the site."

Still, by the end of that month, the mayor and council were sufficiently annoyed that they asked the city Board of Adjustment to determine whether Deepwood should be shut down.

Four days before the July 26 hearing on the matter, Van Sickle sent a letter to Horrice, telling him to get ready for a visit by city inspectors -- to level the heaps of trash and bring in dirt to cover the garbage.

Deepwood residents sent letters to the board opposing the landfill. Many complained that the convoys of garbage-laden trucks were destroying the neighborhood. One resident wrote, "The large trucks are very dangerous to the small children playing on the street. There was a tire blowout on a truck, which sent a huge tire across my yard, destroying my shrubs and cracking a window. My invalid husband was on a bed in front of a window, and the tire could easily have crashed the window. This has caused him much stress. The dust and dirt on the street is a hazard to his breathing."

Despite such letters, the board's minutes state that there was no opposition to the continued use of Deepwood as a landfill. The board decided not to close it.

The dumping problem at Deepwood did not go away. Instead, it got worse. Ross Howard, Jr., a city engineer and an expert in solid waste disposal, visited Deepwood in 1983 and found piles of trash and garbage 30 feet high. He returned several times and found new piles of garbage and demolition debris, including scrap metal, furniture, barrels, and lumber. According to Howard's 1989 sworn affidavit, the trash at Deepwood "constitutes a hazard and danger to surrounding property because of possible contamination of ground water, underground fires, and the attraction of insects and rodents."

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More than 10 years later, a federal appellate court ruling noted that the city had known through reports and testing, even in 1983, that illegal dumping was going on. Perhaps, the court suggested, the city had done nothing about it because using the site as a landfill allowed the city to sidestep limitations on use of the land because it was in the 100-year floodplain of the Trinity River. Then, the city could rezone it for industrial use, "making [it] more profitable for the city," the court wrote.

After the Board of Adjustment decision, records show, it would be another four years before the city took any enforcement action against Deepwood.

Finally, in 1987, the city and state filed a joint lawsuit against Van Sickle and Horrice, charging that they had operated a solid waste disposal site without a state permit for years.

In January 1988, with that lawsuit still going forward, a state health inspector -- accompanied by two city officials -- visited Deepwood and found that it was on fire. Eight months later, the same inspector, again accompanied by two city officials, returned and found the landfill was still on fire. There is no record to show that either the city or state tried to do anything about the fire.

In December 1989, the city and state reached a settlement with Van Sickle and Horrice. The pair agreed to stop dumping at Deepwood, clean up the illegal waste by September 1990, and pay \$5,000 in penalties.

None of those things happened. In April 1991, state health inspectors reported that the illegal dumping was still going on and that there was no evidence of



Eloise Edwards and Shirley Davidson fought the dump for years, with no results until they sued in federal court.

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any clean-up. The inspectors discussed their findings with the city attorney's office. But the city never forced Van Sickle and Horrice to live up to the terms of the 1989 settlement. Nor did city officials enact their own clean-up plan, though the city code required them to do so.

Cynthia Herring lived for 10 years in the 400 block of Deepwood Street, raising a young daughter. She said the city's refusal to act made child-rearing a nightmare.

"It wasn't safe for her to be outside because of the mosquitoes, the wild dogs, the snakes, and the other creatures that the dump brought up," she recalled recently. "We didn't have guests come over, no birthday parties at the house, or family things. We certainly didn't want children to come and get hurt or get sick. We were fearful and embarrassed of the dump."

The only thing, apparently, that stopped Van Sickle was money. In 1991, First State Bank acquired the Deepwood property after Van Sickle defaulted on a loan. The change in ownership still didn't end the dumping. Several nearby families said that while the number of trucks dropped, the dumping continued over the next three years.

In August 1994, the bank sold the property to Herman Nethery, who promptly applied for a permit from the city to fill and mine the property. But just like Van Sickle before him, he had no intention of running the "mining" operation himself. He was going to leave that job to Herman Gibbons -- a man who was already running another Dallas landfill where dangerous illegal dumping had been going on for more than a year.

The residents around Deepwood were deeply cynical by this time about their local government's intentions. But even they didn't expect the dump to rev back up to full-speed operation with another tainted operator and with the blessings -- and indeed the help -- of city officials.

Herman Gibbons had some problems. City employee Kenneth Hornbeck had the answers.

Gibbons, the man with whom Nethery contracted to run the Deepwood operation, had no experience in mining. He was a demolition contractor. He operated a landfill on South Lamar Street in Dallas that city officials had been trying to shut down for months. Now state officials were turning up the heat as well, calling that site an "endangerment of human health and welfare."

Hornbeck knew all that. He also knew that, as a demolition contractor, one of Herman Gibbons' chief clients was the city of Dallas. The city was razing hundreds of substandard houses a year -- and all that asbestos shingle and unsightly rubble had to go somewhere. Repeatedly, demolition debris was among the materials found dumped improperly at Gibbons' South Lamar site.

In fact, Hornbeck wasn't in the building inspection or public works departments -- the agencies responsible for granting mining permits. Hornbeck's job was supervising those demolition contractors.

By law, in order to take over the dumping operation at Deepwood, Gibbons needed a landfill permit and a certificate of occupancy. To get the certificate, the city was supposed to get statements from adjacent property owners that mining had been a continuous operation there (it hadn't) since the site's original permit was issued in 1982. City officials also were required to tour the site. An added bother was that code enforcement inspectors had issued eight citations to Nethery for illegal dumping at Deepwood since he took possession of the property in August.

In short, Gibbons had a bad track record, no mining experience, a growing pile of dumping-violation tickets issued to the owner, little chance of getting the needed statements from property owners, and little chance of passing a city inspection for the occupancy permit. But after he went to see Hornbeck, none of that mattered.

No statements were obtained from property owners; no site inspection was made. Instead, on Dec. 13, 1994, a few days after the latest dumping citation was issued at Deepwood, Hornbeck took Gibbons around to meet two key officials. In a matter of hours, they approved Gibbons' plan to mine and dump at Deepwood and waived the required inspection. The only paperwork was a handwritten note from Hornbeck outlining the deal.

This was not the only black-and-white proof of the connection between the Deepwood permits and the city's demolition operations. On the same day that he took Gibbons around to see the various officials, Hornbeck wrote a letter specifically authorizing Gibbons to dump concrete, gravel, and other debris from Dallas' demolished homes in Deepwood.

Gibbons had no plans to do any mining -- and, he said recently, Hornbeck knew it. In fact, Gibbons said, Hornbeck told him at the time that he expected the Deepwood dump to compete with the city's McCommas landfill for Dallas' trash. "The site is there, so have at it," Gibbons recalled Hornbeck saying.

And so, trucks filled with garbage headed for Deepwood. In a recent interview, Gibbons said the dumpers he dealt with at his old landfill were excited about the prospect of coming to Deepwood. "The people that were doing business with me on Lamar, they came right out to Jim Miller [Road] and told me, 'Hey man, this is great.' "

In a recent deposition, Hornbeck confirmed that he knew in 1994 that Gibbons was already operating a landfill where illegal dumping was taking place, but that he still helped him get the Deepwood permits. Did he take Gibbons' bad track record into account? "I don't see the relevance," Hornbeck said.

Less than a month later, on Jan. 3, 1995, city inspectors issued a citation to Gibbons for illegal dumping at Deepwood -- a citation that was later dismissed on the recommendation of the code enforcement department. It would be the only one Gibbons ever got in connection with the property -- although records show that inspectors observed him engaged in illegal dumping there at least twice more.

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Six days after the citation was written -- and only a month after he helped Gibbons get his permits -- Hornbeck attended a meeting with other city officials to discuss Deepwood. In preparation, Hornbeck now wrote another memo. The purpose of the meeting was simple, he wrote: How could the city "shut this location down as a dump site?"

Liz Fernandez, an assistant director in the code enforcement department, asked at the meeting that the certificate of occupancy for Deepwood be revoked. That has never happened.

City officials did not shut down Deepwood or penalize Gibbons. But they did take action of another sort.

On Jan. 11, 1995, the city council awarded a \$3 million demolition contract that would benefit several companies. Gibbons would receive almost \$1 million. Under the program, the city paid contractors and subcontractors to demolish structures and dispose of the debris. During the late 1980s and early 1990s, the city demolition program, like illegal dumping, had become big business. And, as with illegal dumping, demolitions were disproportionately concentrated in poor minority neighborhoods. In one year alone, the city demolished 662 residences, the vast majority of them single-family homes -- and most of them in poor minority neighborhoods.

Demolition spending escalated dramatically during these years -- and much of the increase went to Gibbons. Between 1992 and 1996, Gibbons' company, Fruit of the Spirit Services, was a contractor or subcontractor on 12 of 16 demolition contracts awarded.



It was years after the dump was ordered closed before it was fenced off.

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Records show that city officials repeatedly gave contracts to companies that they knew had illegally dumped demolition debris at Deepwood and other landfills. Gibbons' company wasn't the only one with dirty hands held out for money. With contracts coming in, the companies paid little attention to the citations. According to a Sept. 21, 1994, memorandum, one contractor told a city inspector "that he will not stop dumping no matter how many tickets he receives."

During that period, Jill Jordan was director of the city's public works department, which oversaw demolition contractors. Now an assistant city manager, Jordan said in a recent interview that she could not explain why the city failed to enforce environmental laws against these contractors. "I know that there is a lot of demolition debris, but who has it and all, that I don't know," she said.

Hornbeck said he often heard that demolition contractors were illegally dumping debris but that no one provided him with evidence in most cases. "We were always trying to figure out how to keep our contractors honest," said Hornbeck, who recently retired from the city. He said the job of policing Deepwood was overwhelming. "The only way to stop it would have been to put an armed guard there," he said.

During the years 1994 to 1996, when Gibbons operated the Deepwood landfill, the city required that contractors provide proof that they had dumped debris into legal landfills before the city paid them. However, records and interviews show that city officials routinely failed to follow this requirement. Mark Davidson, a 13-year veteran of the city board that oversees demolitions and its current manager, said in a sworn deposition that the city demolished some 3,000 structures between 1990 and 1996. But, said Davidson, the city has only 234 receipts.

"We just didn't think it was very good proof because, unless we followed the truck to the landfill, they could get a dump receipt from anywhere," he said in explanation. "I mean, there was no way to tie that dump receipt to our demolition."

Cox shakes his head when city officials profess to be ignorant and powerless to address the situation. "The city hired these contractors who demolished houses," he said. "They needed a place to dump it and they didn't want to dump it in city landfills. The city wasn't ignoring it. They were a part of it."

Once they got the city's official blessing, Nethery and Gibbons launched a dumping business that dwarfed the previous operation. As many as 200 trucks a day paid \$25 to \$100 each to dump garbage and demolition debris at the landfill, according to criminal investigators with the EPA. Gibbons told investigators that he and Nethery took in as much as \$4,000 a day.

According to Nethery and Gibbons, Deepwood was open for business seven days a week from sunrise to sunset. Edwards and other residents said that statement is half-true.

"They came 24/7," Edwards recalled recently. "The trucks would wake us up at night. One time they dropped a bunch of shingles on the street, and every person in this neighborhood had to buy new tires because of all the nails on the road.

"They dumped everything there," said Edwards, a soft-spoken woman. "Debris from Fair Park after the State Fair. Elephant manure. Demolition waste. Medical waste. It was embarrassing. We only went outside when we had to."

The city, meanwhile, maintained an almost inexplicable schizophrenia toward Deepwood. In April 1995, a few months after Hornbeck greased the skids to get Gibbons his permits, the city filed suit against the landowner, claiming the landfill represented an imminent threat to the health and safety of surrounding neighborhoods. Ironically, the suit said Nethery had been "unwilling to correct or remedy the situation." The city asked the court to order him to shut down Deepwood and to remove the mountains of garbage and trash.

Nethery was jailed twice for contempt, for a total of 21 days, and fined \$2,000. During one stint in jail, "he was on the phone the whole time directing Gibbons to keep up with the operation," said Seager, the EPA attorney. The court ruled against Nethery and ordered him to pay \$15 million, but the city took no action to enforce the order. Meanwhile, city code enforcement inspectors issued hundreds of tickets to Nethery and several demolition contractors for illegal dumping, but a city judge dismissed them, saying the city ordinance was invalid. The city did not appeal the ruling. Meanwhile, the dumping continued.

Why would the city help Nethery and Gibbons re-open Deepwood, then sue to close the landfill? Mike Daniel, a civil rights attorney who represents seven residents who sued the city to force a clean-up, said the state embarrassed the city into taking action. "The state was always the one taking the lead role, because the legitimate landfills were complaining," he said. "The city would look like an idiot if it didn't do something. But there is never any doubt what the city wanted. The dismissal of the citations shows it. The money paid to the

contractors shows it. The point was to keep it open to dump demolition debris there."

In the summer of 1996, state and federal environmental investigators got involved. After several weeks of surveillance, agents with the EPA and the Texas Natural Resources Conservation Commission obtained enough information to justify a search warrant. In September, they raided the landfill, Nethery's business, and Gibbons' home. Investigators confiscated more than \$200,000 in cash and checks. At the dump, the task force uncovered medical waste, oil, and mounds of construction debris. In October, Nethery and Gibbons were each indicted on a charge of organized crime in connection with the landfill.

Illegal dumping was finally stopped in December 1996. But the landfill's many hazards remained. In September 1996 state and federal investigators reported that the dump was on fire. Firefighters thought they had extinguished it. They hadn't. In February 1997, the dump's neighbors found their homes blanketed in smoke. Many found it hard to breathe. "You couldn't see anything," recalled Shirley Davidson. "The smoke was low over all of our houses."

Firefighters arrived to face a monstrous task: a wall of fire 300 feet long and 30 feet high fed by underground hot spots over 30 acres. "The thing looked like a roller coaster," said Dallas Fire Dept. Lt. Joel Lavender, one of many who fought the fire. "We had to rotate crews from all over the city to tame the thing."

Firefighters soon realized conventional methods would not extinguish the fire. They brought in heavy equipment and turned over 30 acres of construction debris. They also accidentally cut a sewer line, dumping 20,000 gallons of partially treated sludge into Deepwood. "The smell was disgusting," said Davidson. "The firemen were wearing masks while we -- the people -- lived in it." **NEXT »**

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Cynthia Herring remembers the fire in almost biblical terms. "Every creature that was living in the dump invaded our houses to get away from the fire," she said. "There were rats, wild dogs, snakes, cats, crickets, even frogs. We couldn't believe what was happening."

It took another two months and \$1.5 million to put out the fire. After that, the city water department tested run-off water from the dump and found levels of benzene that exceeded federal limits. The obvious solution to all this was to clean up the dump. But the city continued to refuse to even entertain the idea.

In April 1997, the city manager's office and the council met to discuss the dump. Gene Shipman, an assistant city manager, said the city had asked the EPA and the state for money to clean it up. Shipman didn't tell the council that the state had already rejected the request. Shipman did assure the council that federal investigators had determined the dump was not hazardous and that the city had done everything possible to police it.

Some council members were skeptical. Charlotte Mayes said the city was guilty of "pure neglect." However, neither she nor any other council member proposed that the city clean up the dump.

A few days later, the EPA rejected the city's request for clean-up money. The residents continued to plead with the city to remove the mountains of stinking garbage and trash. Another year passed without action.

Finally, in February 1998, Cox, Davidson, Edwards, Herring, and three other residents filed a federal lawsuit asking the court to order the city to clean up the dump.

The city maintained it had paid attention to the residents and done everything possible to stop illegal dumping at Deepwood.

"We don't agree that they were ignored," said Thomas P. Perkins Jr., the city litigation chief. "We took significant efforts to stop illegal dumping."

U.S. District Court Judge Barefoot Sanders found otherwise. In 1999 he

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ordered the city, Van Sickle, and Nethery to shut off Deepwood so that no one could enter the property and to clean it up. Despite all that had taken place, the city, up to that point, had not erected a fence, provided surveillance, or monitored the dump for escaping methane gas until ordered to do so by the judge. The judge said the dump represented a risk to residents. "The Deepwood site currently poses a threat to both health and the environment, and this threat stems from -- i.e., is caused by -- the disposal of solid waste that has occurred at the site," he wrote.

As described by Sanders, Deepwood was an environmental horror story. Asbestos. Bottles of hazardous chemicals labeled "sulfuric acid" and "nitric acid." Plastic garbage bags containing food waste and other household garbage. Benzene in excess of state limits. Syringes and 55-gallon drums. Old car bodies and tires. Paper, lumber, plywood, and roofing shingles. In all, the depth of waste was estimated at 40 feet.

The city and state had argued they had diligently pursued every avenue available to clean up the mess at Deepwood. Judge Sanders rejected that argument, citing as evidence the state's failure to enforce the 1989 settlement with Van Sickle. "No actions have been taken to enforce the judgment and not a single scrap of trash has been removed in the 10 years since the state obtained this agreed judgment," Sanders wrote. The judge added, "The State of Texas has taken a do-nothing attitude towards the Deepwood site and has not diligently prosecuted the state court actions related to it."

But Sanders said it was the city of Dallas that was ultimately responsible for the Deepwood debacle. "The city has had numerous opportunities to minimize the health hazard that exists next door to the plaintiffs' homes by simply following its own procedures," he wrote. "These failures, when looked at in combination with the city's careless oversight of its own demolition contractors, have contributed to the disposal, transportation, and storage of solid waste at the Deepwood site."

He ordered the city to remove all of the garbage and trash at Deepwood by March 2000. The city appealed the ruling.

Meanwhile, the EPA investigated the possibility of adding Deepwood to the list of Superfund sites, the most toxic sites in the country, eligible for federally funded cleanup. Deepwood did not score high enough. But that did not mean, as the city manager's office had assured the council, that federal investigators had found nothing toxic or hazardous at the dump.

EPA investigators found that the water that flowed from the dump to the

Trinity -- water that can be ingested by fish and contaminate the food supply -- as well as the soil there contained hazardous wastes including 10 carcinogens in concentrations that could threaten human health. The list included including benzo(a)pyrene, which can harm a person's development and fertility, and copper, which can cause liver and kidney damage.

In 2001, the U.S. Fifth Circuit Court of Appeals upheld Judge Sanders' ruling against the city. In the appellate court's view, Deepwood was an environmental disaster. "Residents adjacent to the dump site report the appearance of snakes and rats in their backyards since the beginning of the illegal dumping, and the dumps are easily accessible to children in the neighborhood," the court found.

Government officials could not claim ignorance of the problem. The court said the city and state had known about open dumping at Deepwood for at least 15 years. The judges found no shortage of government documents detailing Deepwood's problems, from a 1976 inspection report to 1983 soil and water tests. State investigations found that waste had been dumped into Elam Creek -- which flows through Deepwood and into the Trinity River. And city officials had authorized the dump to re-open and paid demolition contractors to dump debris there even after they learned of these "illegal acts."

Now the chickens were coming home to roost. Gibbons had pleaded guilty to one count of engaging in organized crime and been sentenced to 10 years in prison. Nethery was found guilty of one count of engaging in organized crime and sentenced to 30 years, a conviction that was later overturned on technical grounds.

And the city? It's on the hook for the clean-up, which city officials estimate will cost \$120 million -- that they say they cannot afford. Instead, they have proposed leaving the millions of acres of garbage and trash in place and capping it with a multi-layered mixture that includes a layer of gas absorption material, a synthetic liner, clay, and finally topsoil and grass. Last June, the council quietly approved \$36 million for the project. Judge Sanders will make the final decision as to whether this is adequate.

Residents feel vindicated by the rulings. A federal court hearing is scheduled to begin next week to determine the damages the city should pay to Cox and the other six plaintiffs. Cox, who filed the first recorded complaint 22 years ago, is bitter toward those in city government for creating a horror in his neighborhood and then refusing to clean it up. "They were performing acts of environmental terrorism in this community," he said. "My two sons and I are veterans of the military. We fight wars for this country. It hurts that we have to come home and fight racism."

Cox is not alone. Many residents feel cheated. Environmental experts and government officials don't blame them. "There's no good solution," said Dr. John Ockels, who trains Texas police in investigating environmental crimes. "There are some problems that don't have solutions. This is one of them."

Seager, the EPA attorney, said she would hate to be a Deepwood resident. "They're stuck, they really are," she said. "Maybe the best thing is [for the city to] just buy them out."

Dallas City Hall does not see it that way. Jordan is the city's top official over the clean-up. She sees the city's plan for Deepwood as a great opportunity for the residents. According to Jordan, the millions of cubic yards of garbage and trash dumped into Deepwood represent a blessing in disguise. That's because the waste has elevated the landfill to the point that it's now above the floodplain. What was a dump will now be a nature center.

"They're going to be neighbors with one of the great assets of the city once we build the Trinity Interpretive Center," she said. "We were trying to be a good neighbor."

Try telling that to Davidson. "I didn't think I'd be retired here, inhaling these smells, living next to a dump," she said one afternoon, sitting in her small, perfectly ordered living room and running her hand along the seam of her granddaughter's freshly pressed school uniform. "I'm an old lady. I can't go anywhere and start over. I would say my dreams and hopes have been destroyed.

"What do I have to leave my sons? I know they don't want it. They'll sell it as cheaply as possible as soon as I die. I'd like to sit on my front porch swing in my old age, but I can't even do that."

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