

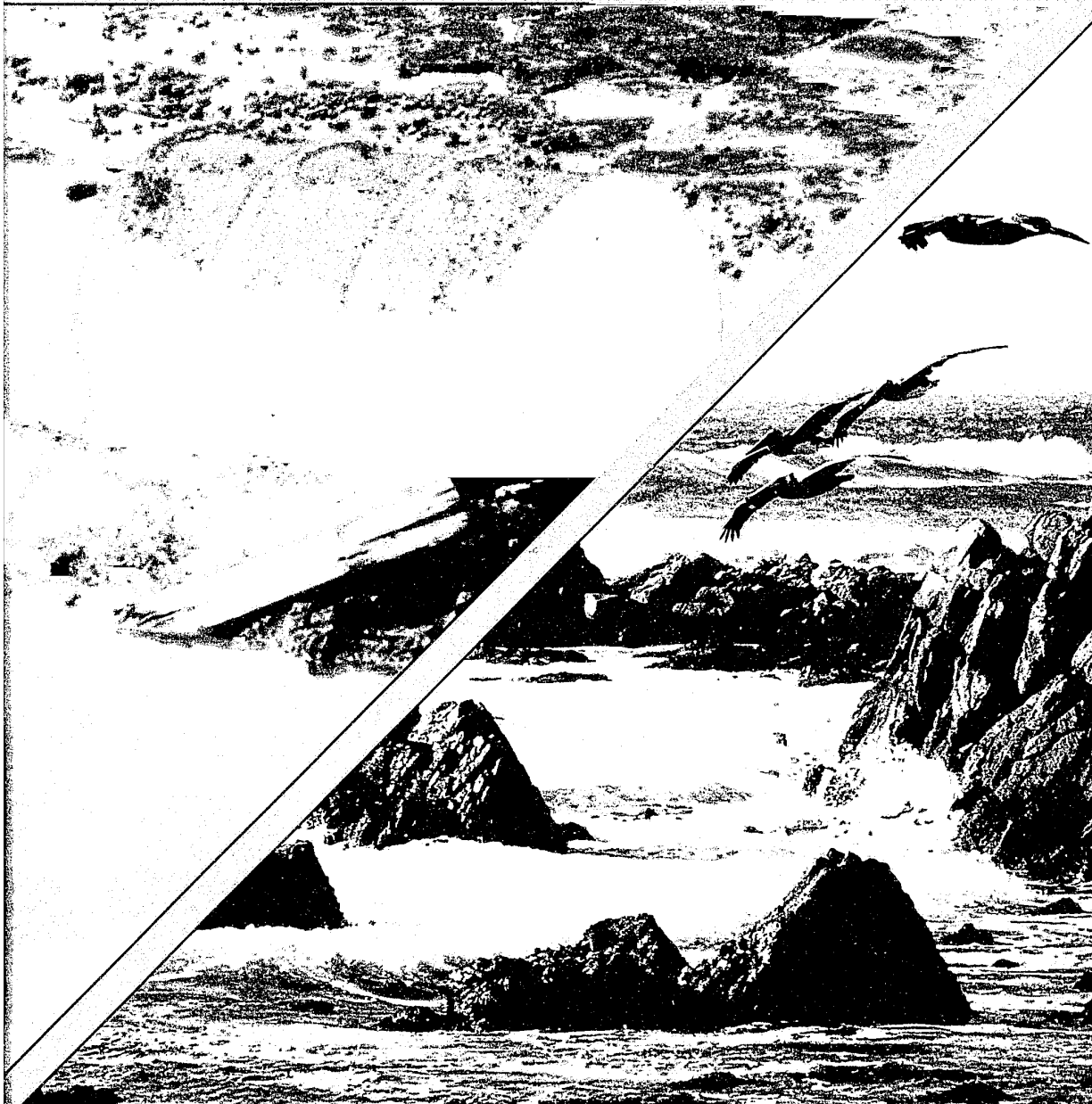
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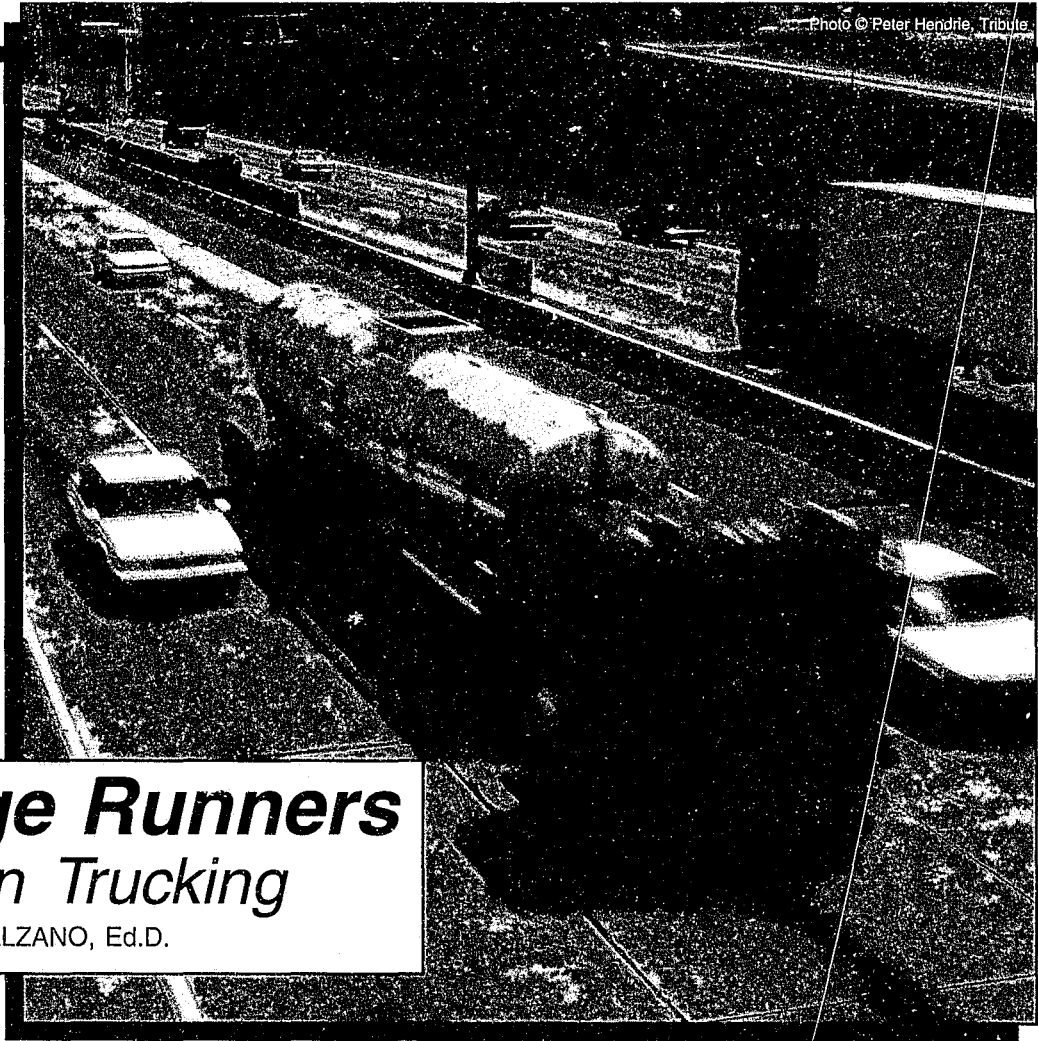
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Sludge Runners Keep on Trucking

By JULIENNE SALZANO, Ed.D.

When the Mianus River Bridge in Connecticut collapsed on June 28, 1983, it appeared that nature and years of heavy use had finally taken their toll. However, investigators soon determined that the untimely demise of the bridge was caused by more than simple time and travel.

For years, unscrupulous waste haulers had taken advantage of rainy days, opening the spigots of their storage tanks as they drove across the span. Gallon after gallon of corrosive liquid drained off the roadway, not only polluting the river below, but also seriously weakening the metal support joints of the bridge.

Eventually, these joints rotted and broke apart under the road surface, leading to the sudden collapse of the bridge.

The practice that led to the Mianus River Bridge incident is part of a growing menace that threatens both environmental and consumer safety. The waste haulers who choose to abuse the environment rather than dispose of their cargo in a legal and safe manner represent a growing minority of truckers who disregard public safety to increase profits. These "sludge runners" generally work for, or are part of, organized crime groups and specialize in

circumventing State and local environmental ordinances.

The public safety community should be aware of the various offenses committed by these criminals. The offenses—ranging from the sale of contaminated fuel mixtures to the illegal disposal of hazardous materials—pose an especially menacing threat both to the public and to law enforcement personnel.

SCOPE OF THE PROBLEM

One of the inherent difficulties in detecting and prosecuting illegal trucking practices is that truckers often cross State lines. What is illegal in one State may be

legal in another. However, sludge runners often violate laws in several jurisdictions.

In 1993, investigators with the New Jersey attorney general's office executed 40 search warrants for offenders in New Jersey, New York, and Pennsylvania. Investigators arrested members of three crime families, as well as Russian crime figures, for their involvement in a scheme that defrauded the State of New Jersey and the Federal Government for \$1 billion in taxes.¹ These offenders also had defrauded their customers, selling pure diesel fuel mixed with corrosives, solvents, and other hazardous waste as home heating oil.

Dirty Business

Selling compromised fuel mixtures represents one of the most widespread offenses perpetrated by sludge runners. Because these adulterated mixtures generate far more pollution than does virgin fuel, these offenses ultimately victimize entire communities. A recent study cited the Greenpoint section of Brooklyn as having one of the highest concentrations of airborne toxins in the State of New York.² The State's Environmental Protection Agency attributes this unusually high residential reading to the many apartment houses in the area that routinely burn contaminated fuel sold to them by sludge runners.

Apartment managers may or may not know what their furnaces are burning. While smaller residential heating systems would break down quickly if fed a steady diet of impurities, the larger furnaces found in apartment houses, housing projects, industrial plants, and

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hospitals generally can tolerate the impure fuels. However, as the residents of Greenpoint are discovering, serious environmental problems can result from these practices.

Waste Not, Want Not

Sludge runners actually pervert the environmentally friendly concept of recycling as they commit their crimes against consumers and the environment. They recycle waste oils, or sludge, back into the market. In doing so, they reap substantial profits from contaminated waste products.

The procedures employed are quite simple. Over time, sludge forms at the bottom of residential and commercial heating oil fuel tanks. If not removed periodically, this sludge eventually clogs the burners, reducing the output of the heating systems.

A professional tank cleaner (individuals known in the trade as “generators”) must be called to drain the old, contaminated fuel from a tank. Generators also remove accumulated waste oil that has been drained

from vehicles at service stations and automobile dealerships. After generators transport waste oil to their plants, they can do one of two things: Dispose of the waste fuel at a legal dump site in a manner that complies with EPA guidelines, or they can “bootleg” the waste to a sludge runner.

Generators can save considerable money by opting for the latter scenario. In doing so, they pay only a modest fee to have the dirty oil removed from their site; disposal at a legal dump is far more costly.

Increasingly, however, sludge runners are honing in on the middleman's turf altogether and undercutting the sludge removal prices offered by generators. Although the difference per gallon amounts to pennies, the overall price tag for large-scale waste removal is substantial.

Legitimate generators charge approximately 15 cents per gallon to remove sludge from private residences; the cost to service stations, auto distributors, and other commercial enterprises is about 10 cents.

Tragedy Stirs Action

On a cold December day in the early 1980s, two New York State troopers responded to the site of an accident involving an overturned truck. The troopers quickly found themselves ankle-deep in the thick liquid that had spilled from the truck's storage tank.

Once the truck had been removed from the scene and the troopers had completed their accident paperwork, they returned to patrol. But, not for long. Although the troopers had not touched the spilled liquid—Toluenedisocyanate (known as TDI), a solvent used in paint and tar removal—their boots had become immersed in the powerful agent. They could not foresee the consequences.

The heater in their cruiser vaporized the TDI on their boots. Inhaling the poisonous fumes rendered them lethargic and weak. They pulled to the side of the road and phoned for assistance. By the time help arrived, the troopers were unconscious. They were transported by ambulance to a nearby hospital.

The troopers were discharged after a brief hospital stay, but neither was able to return to duty. Both retired on disability, too ill to resume service with their troop. One of the troopers died shortly thereafter.

Prompted by this tragedy, hazardous waste training for emergency services personnel in New York, including police officers, was enhanced. Law enforcement officials also encouraged the legislature to strengthen State hazardous waste laws. One of the measures enacted made illegal dumping a felony that mandated imprisonment upon conviction.

(Information provided by James Atkins, Director of Public Information for the New York State Police.)

Sludge runners often offer to remove the waste oil for half the market rate.

When in possession of the used fuel, sludge runners create a new blend of diesel by mixing the sludge with virgin fuel oil. The similar weight and appearance of No.2 heating oil and diesel fuel make the illegal blend nearly impossible to distinguish from virgin fuel.

The bootlegged fuel then is sold for 50 cents or more per gallon to gas stations, apartment houses, hospitals, industrial plants and other

users of heavy-duty oil. Because few of these facilities are equipped with a treatment or "washing" process for emissions passing through smokestacks, the impure fuel mixture contaminates the air as it is burned.

Illegal Dumping

Illicit trucking operations routinely dispose of a variety of dangerous waste products in other unsafe or illegal ways. This refuse usually consists of toxic liquids, but may also include such materials as "red

bag" medical waste or polychlorinated biphenyl (PCB). Because proper disposal of hazardous waste is costly—in some parts of the country averaging \$2,000 to \$4,000 a truckload—companies run by organized crime families and individual truckers may dump dangerous waste illegally and pocket the savings.

Many offenders place the waste in 55-gallon drums and leave the containers in vacant lots or along railroad lines, or they may transport the drums to rural areas out of State. Authorities rarely discover the illegal waste until the drums begin leaking perilous materials into the ground.

Other offenders simply abandon dilapidated trucks along with the illicit cargo. In New York City, for example, authorities routinely impound unattended trucks carrying dangerous waste products. The steep fine for such an offense makes it economically preferable for drivers to lose the vehicle as well as the waste. In many cases, the penalty fee to reclaim the vehicle and pay for any cleanup would far surpass the value of the truck.

Rainy-Day Bandits

Like most criminals, sludge runners adapt in various ways to intensified law enforcement scrutiny. Instead of abandoning their trucks, some sludge haulers open a back drain on their storage tanks and let the fuel "accidentally" drain out while they drive. Truckers generally wait for a rainy day, making it difficult for law enforcement officers to detect the fuel falling onto the road surface with the rain water. As in the case of the truckers whose practices led to the untimely collapse of the

Mianus River Bridge, sludge runners often open their valves while crossing bridges so that the contaminated fuel will drain unnoticed into the waterways below.

CONFRONTING THE PROBLEM

While police departments routinely train recruits to handle safely hazardous materials (hazmat), many of these same agencies fail to train officers and detectives to recognize a hazmat crime scene. The integration of environmental detective squads into police operations is an important step in enhancing law enforcement's response to the illegal transportation and disposal of toxic waste.

Environmental Detectives

Suffolk County, New York, is one of a growing number of jurisdictions that fields an environmental crime unit. Nearly two-thirds of its cases come from other agencies through routine regulatory inspections of plants and factories. Other cases are generated by the unit's own emergency services officers.

Typically, these officers receive training in handling toxic waste from the National Fire Academy. As part of this training, officers are taught how to stop a leak, rescue trapped people, and identify potentially explosive conditions. However, the training does not prepare officers to conduct criminal investigations of environmental crimes.

The unique qualities of environmental crimes require that experienced detectives, who are familiar with long-term, investigative techniques and who have the ability to work cooperatively with other agencies, be assigned permanently to

investigate such crimes. Prior knowledge of environmental law is not essential; specific training in this area can be provided to environmental detectives. Instead, when staffing these positions, administrators should look for detectives with proven *investigative* abilities.

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Due to the potential dangers of hazmat crime scenes, no officer should inspect conditions alone.
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Cooperation

The complexity of many environmental crime cases underscores the importance of a cooperative relationship between police detectives and prosecutors in State and county attorney's offices. So that prosecutors can coordinate effective criminal cases, personnel from the environmental crimes unit should familiarize them with the standard techniques employed in long-term investigations.

Environmental detectives also must be able to work closely with other agencies, such as fire and health department officials, as well as county waste generators. Wherever possible, detectives in the environmental crimes unit should explain relevant points of the law to personnel in these agencies. For example, it is not unusual for fire department personnel to issue a minor summons to an offender, unaware that such a summons frees

the subject from further prosecution due to prohibitions against “double jeopardy.” Thus, many offenders pay only a modest fine and then continue their illegal practices.

Looking for Leads

County and municipal health departments can be very good sources of information for environmental crime cases. Often, their investigators are the first to detect discrepancies in facilities that have a record of waste disposal. For example, they may find that a factory that traditionally manifests 2,000 gallons of contaminated fuel a week suddenly begins manifesting only 150 gallons. Such information may be sufficient grounds to launch a police investigation.

Safety and Chain of Custody

During any investigation involving hazardous materials, safety must be a paramount concern. To protect themselves and members of the community, it is imperative that police and fire department personnel be familiar with proper security procedures for hazmat crime scenes.

Law enforcement officers also should maintain the same rules of evidence for hazmat crime scenes as those for other serious crimes, such as homicide or assault. Agencies must be prepared to store safely hazardous materials that later may serve as criminal evidence. Chain-of-custody procedures must be maintained regardless of the type of evidence recovered.

Cost

In a time of limited budgets, the ultimate consideration often comes down to cost. It is undisputably

