

OAKVILLE—UNPROTECTED: A STUDY IN ENVIRONMENTAL INJUSTICE

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I. INTRODUCTION

Oakville is a historic African-American community of several hundred residents located in the southeast reach of coastal Louisiana. Freed slaves from nearby plantations that spread along the Mississippi River established this Plaquemines Parish community in the 1860s. Many of Oakville's present residents can trace their ancestry to those who first lived there.

Oakville is in a rural setting that is attractive and peaceful, except for the sixty foot high landfill that looms over the community. The landfill, owned by Industrial Pipe, Inc. (Industrial Pipe), spreads over forty acres on land that the Parish has zoned for rural and agricultural use, *not* industrial use.¹ In 1985, Industrial Pipe began operating the landfill without regulatory permission and continued to operate without a state solid waste permit until 2004.² These landfill operations occur

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1. See Video: 8-25-2011 Council Meeting (Plaquemines Parish Government Aug. 25, 2011), <http://www.plaqueminesparish.com/view.htm>.

2. State records show the present owner of the landfill, Kennett Stewart, d/b/a Industrial Pipe, Inc., began operating an illegal dump on the property next to Oakville in 1985. The Louisiana Department of Environmental Quality keeps and maintains an Electronic Document Management System [hereinafter EDMS, LDEQ]. See Dep't of Natural Res., Solid Waste Regulation General Inspection Report, EDMS, LDEQ (Feb. 25, 1985),

<http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=307326&ob=yes&child=yes>.

The Louisiana Department of Environmental Quality issued an order on August 5, 1985 to Stewart assessing a \$50,000 penalty for operating an illegal solid waste dump. Proposed Penalty Notice, EDMS, LDEQ (July 31, 1985), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=1568656&ob=yes&child=yes>.

Stewart continued to operate in violation of the order. Document to be Filed in the Parish Records Upon Final Closure of a Solid Waste Facility, EDMS, LDEQ (Oct. 24, 1985),

<http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=308817&ob=yes&child=yes>. On

fifty feet from residential lots, a community playground, and a church. For decades, these operations have robbed the citizens of Oakville of a decent quality of life, exposing the people to noxious landfill odors, noisy equipment, pollution, dust, and fires—not to mention imposing on them the indignity of living so close to a landfill.

II. ZONING, PERMITS, AND LITIGATION

Plaquemines Parish's zoning ordinances prohibit industrial uses such as landfills in rural and agricultural zoning districts.³ In fact, there are special permitting requirements for landfills and other uses that the Parish deems hazardous even within a district zoned for heavy industry.⁴ Nonetheless, the landfill operates next to Oakville six days a week while area citizens, the Oakville Community Action Group, and the Louisiana Environmental Action Network (LEAN) continue to work to bring justice and relief to the community.

November 6, 1985, the LDEQ gave Stewart permission to accept construction and demolition debris waste in accordance with a specified plan. Inspectors found violations of the plan and acceptance of unauthorized wastes, and the LDEQ issued a compliance order on June 30, 1988 requiring closure of the site within sixty days. Compliance Order, EDMS, LDEQ (June 30, 1988), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=307617&ob=yes&child=yes>. Another order requiring the same was issued by LDEQ on Oct. 4, 1989. Compliance Order, EDMS, LDEQ (Oct. 4, 1989), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=62063&ob=yes&child=yes>. Industrial Pipe submitted its solid waste application in October 2003 and LDEQ issued the permit in 2004. Standard Solid Waste Type III Permit No. P-0367, EDMS, LDEQ (Jan. 7, 2004), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=2425989&ob=yes&child=yes>.

3. See COMPREHENSIVE ZONING ORDINANCE OF PLAQUEMINES PARISH, LA., 142, § VI.B (1996) (allowing “single-family dwellings,” “farming,” and “animal raising,” among other uses, but not industrial use, in rural and agricultural zoning areas); see also *id.* at § V, 1 (“Except as hereinafter provided, no building or land shall hereinafter be used or occupied . . . unless in conformity with the regulations herein specified for the district in which it is located.”).

4. COMPREHENSIVE ZONING ORDINANCE OF PLAQUEMINES PARISH, LA., 142, § VI (1996) (detailing application procedures “for a permit to use land or buildings in an I-3 Heavy Industrial District” for listed uses such as the storage of waste products, “which are usually accompanied by hazards” including “fire, explosion, noise, vibration, dust or emission of smoke, odors or toxic gases, or other hazards to public health, safety or welfare or which cannot be designed and constructed without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences and which normally generate a considerable amount of vehicular traffic, and for which permits should be issued only after special review procedures.”).

Allowing Industrial Pipe to operate a landfill in the backyard of a lower-income minority community is a disgrace to the Parish and the State. In a statement to the U.S. Senate Public Works Committee, one person called the situation “a blatant example of . . . environmental injustice.”⁵ A visitor to the area said: “The government has violated [the Oakville community’s] right to a clean environment by overlooking the landfill’s questionable legal, moral, and ecological practices. . . . This is an extreme case of environmental injustice, and a textbook case of structural violence.”⁶ Notre Dame University has incorporated Oakville’s plight into its curriculum as an example of environmental injustice.⁷

To make matters worse, Industrial Pipe wants to expand its landfill so that it can receive another 245,000 cubic yards of waste despite zoning laws to the contrary.⁸ Yet, to expand, Industrial Pipe must obtain a Coastal Use Permit because the land on which it seeks to expand is a wetland.⁹

The consequences of this Coastal Use Permit decision are significant. The permit would allow Industrial Pipe to dispose 245,000 cubic yards of construction and demolition debris waste into an area of wetlands larger than five football fields.¹⁰ To put

5. Rev. Vien The Nguyen, Written Testimony (Feb. 26, 2007), UNITED STATES SENATE COMMITTEE ON THE ENVIRONMENT & PUBLIC WORKS, http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=9f2dc64f-ad5d-4fc9-8673-467c63fc3a9a (2007).

6. See, e.g., Shannon Coyne, *Example of Oakville, Louisiana*, OPPORTUNITY AND INEQUALITY, <http://scoyne.weebly.com/environmental-justice.html> (select “Structural Violence;” then select “Examples from the United States;” then select “Environmental Justice”) (last visited June 12, 2012).

7. See *Spring 2011 Community-based Course Guide*, UNIV. OF NOTRE DAME, <http://socialconcerns.nd.edu/faculty/Spring2011.shtml> (last visited June 12, 2012).

8. Industrial Pipe Coastal Use Permit (CUP) Application (Apr. 29, 2011), Step 10, *available at* http://sonris-www.dnr.state.la.us/sundown/cart_prod/cart_crm_application?pcup_num=P20100453&pline_id=3&pshow_appl_email=N (describing fill material).

9. Louisiana enacted the State and Local Coastal Resources Management Act in 1978 to “protect, develop, and, where feasible, restore or enhance the resources of the state’s coastal zone.” LA. REV. STAT. ANN. § 49:214.22(1) (2012). The Act requires anyone seeking to build a project that will significantly impact coastal waters to obtain a coastal use permit from the Louisiana Department of Natural Resources (DNR), or from a local parish government, so long as that parish has an approved local coastal zone management program. See LA. REV. STAT. ANN. § 49:214.30.A (2012).

10. CUP Application, *supra* note 8 (describing the “fill areas.”).

this in perspective, the existing landfill, which has been in existence since 1985, contains approximately 760,000 cubic yards of waste.¹¹ The additional waste would amount to one-third of the total waste that is already there. This means that the landfill could stay in operation directly next to Oakville for several additional years, exacerbating and prolonging Oakville's suffering. Children growing up in Oakville may never know what it is like to live without a landfill operating in their backyard.

In 2003, Industrial Pipe obtained a Coastal Use Permit for this expansion from the Plaquemines Parish Council, which is the permitting body for local uses in the Parish pursuant to the state coastal zone program.¹² The Oakville Community Action Group and LEAN fought the permit decision in state court for six years until the Louisiana Fourth Circuit Court of Appeal forced the district court in Plaquemines Parish to revoke the permit.¹³ Soon after, in 2010, Industrial Pipe applied again for a Coastal Use

11. See Solid Waste Annual Disposal Report, EDMS, LDEQ (Oct. 4, 2010), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=7827680&ob=yes&child=yes>.

12. See *Oakville Cmty. Action Grp. v. Plaquemines Parish Council*, 2005-1501 (La. App. 4 Cir. 9/27/06); 942 So.2d 1152, 1154. Plaquemines Parish has an approved local coastal zone program, and, therefore, must review and make a final decision on coastal use permit applications that DNR determines are of local concern to Plaquemines Parish. Here, DNR has determined that Industrial Pipe's coastal use permit application is of local concern to Plaquemines Parish and has assigned the Parish the responsibility of reviewing and making a decision on the permit.

13. *Oakville Cmty. Action Grp. v. Plaquemines Parish Council*, No. 50-697 (La. 25th J.D.C. 10/24/2009) ("It is ordered . . . that the coastal use permit number P20011734 issued to [Industrial Pipe] by Plaquemines Parish Council is hereby revoked."). The court revoked Industrial Pipe's earlier Coastal Use Permit because the Parish failed to prepare a decision document to show that the Parish took into account the requirements of state Coastal Zone Permit regulations. *Id.* The decision document that Plaquemines Parish failed to make part of the record is a substantive requirement of the state Coastal Zone Permit regulations. The decision document must detail whether the proposed use conforms to the Coastal Zone Program and Guidelines. LA. ADMIN. CODE tit. 43, § 723 (2012). These guidelines mandate that all permitting bodies are to avoid siting waste disposal facilities in wetlands "to the maximum extent practicable." LA. ADMIN. CODE tit. 43, § 715 (2012). State regulations also require that the written decision "represent an appropriate balancing of social, environmental, and economic factors." *Id.* Had the Parish followed the law when it reviewed Industrial Pipe's first Coastal Use Permit application—*i.e.*, fully considered the guidelines and environmental costs of the project—the Parish likely would have denied the permit (which it approved only by a 5-3 vote). The Tulane Environmental Law Clinic represented the Oakville Community Action Group and LEAN in this and other matters related to the Industrial Pipe landfill. See also *Tulane Environmental Law Clinic Docket*, TULANE.EDU, <http://www.tulane.edu/~telc/assets/pdfs/lawsuits.pdf> (last visited July 12, 2012).

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Permit. This time, the Parish Council denied the permit in an 8-1 vote, largely because the land was not zoned for industrial use. Finally, the Council heard Oakville.¹⁴ After all, as the Oakville Community Action Group pointed out, if the Parish had issued this permit contrary to its zoning laws, it would have denied Oakville residents the equal protection of the Parish's zoning laws, which are meant to "promot[e] the public health, safety, morals, and general welfare" of the entire Parish.¹⁵

While this was a big victory for Oakville, the story does not end there. Industrial Pipe has appealed the Council's denial and has asked for a trial de novo before the district court in Plaquemines Parish on its Coastal Use Permit application.¹⁶ The Parish is defending its decision, and the Oakville Community Action Group and LEAN have intervened to bolster the defense, which is where things currently stand.

III. REMAINING ISSUES

The obvious question is: why is this landfill operating next to Oakville in the first place? Despite the zoning conflict, Industrial Pipe operates its construction and demolition debris landfill pursuant to a solid waste permit it received from the Louisiana Department of Environmental Quality (LDEQ). The LDEQ issued the permit after Industrial Pipe certified, under penalty of law, in its solid waste application, that its property is zoned for industrial use.¹⁷ Although state solid waste regulations specifically required Industrial Pipe to provide proof of valid zoning with its permit application,¹⁸ Industrial Pipe did not provide any proof. Instead, Industrial Pipe attached to its

14. Allen Powell, II, *Plaquemines Parish Council Rejects Expansion of Oakville Landfill*, NOLA (Sept. 22, 2011), http://www.nola.com/politics/index.ssf/2011/09/plaquemines_parish_council_rej.html.

15. COMPREHENSIVE ZONING ORDINANCE OF PLAQUEMINES PARISH, LA., § IV, 1 (1975).

16. *Industrial Pipe, Inc. v. Plaquemines Parish Council, et al.*, Civ. No. 59189 (La. 25th J.D.C. 11/3/11).

17. *See* Permit Application Type III Construction/Demolition Debris Facility, EDMS, LDEQ (Aug. 1, 2003), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=1898362&ob=yes&child=yes>.

18. Solid waste regulations at the time required Industrial Pipe to include "a zoning affidavit or other documentation stating that the proposed use does not violate existing land-use requirements." LA. ADMIN. CODE tit. 33(VII)(901)(N) (2012).

application a parish resolution granting a special permit¹⁹ to construct and renovate a “warehouse” and “burner” in the portion of its property that extends into the flood plain zoning district—the part of the property that is outside of the hurricane protection levee and the furthest from Oakville.²⁰ The resolution says nothing about granting Industrial Pipe permission to construct and operate a landfill, nor does it (or can it) change the zoning for the area. In fact, the same resolution actually required Industrial Pipe to close a large portion of the landfill that sits closest to Oakville.²¹

Based on Industrial Pipe’s claim and the resolution, the LDEQ granted Industrial Pipe a solid waste permit to operate a landfill at the site—the whole site, even in the area next to Oakville that the Parish ordered Industrial Pipe to close.²² Thus, Industrial Pipe obtained a solid waste permit to operate a landfill next to the Oakville community because the LDEQ failed to either insist on valid proof of zoning or acknowledge that the very resolution it relied on prohibited continued landfill operations next to Oakville.

The LDEQ also dismissed comments from both Oakville Community Action Group and LEAN on the proposed permit. Oakville Community Action Group and LEAN submitted a copy of a letter sent by the Plaquemines Parish president to Industrial Pipe, which was signed by the owner of Industrial Pipe and stated that “the lands owned by [Industrial Pipe] between the levee and Highway No. 23 are zoned A-2 Rural and Agricultural. No permit was ever granted for operations of a landfill in this area. Resolution No. 90-60 mandates Industrial Pipe, Inc. to immediately commence the closure of this property”²³

19. The Parish zoning ordinance allows Plaquemines Parish Council to approve specific industrial uses within the flood plain zoning district—Resolution 90-60 reflects such approval. *See* COMPREHENSIVE ZONING ORDINANCE OF PLAQUEMINES PARISH, LA., § VI.M.1(b) (2009).

20. *See* Permit Application Type III Construction/Demolition Debris Facility, EDMS, LDEQ (Oct. 8, 2003), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=2038204&ob=yes&child=yes>.

21. *Id.*

22. *See* LDEQ Decision, EDMS, LDEQ (Jan. 7, 2004), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=2425989&ob=yes&child=yes> (granting Industrial Pipe Solid Waste Permit for Construction/Demolition Debris and Woodwaste Landfill).

23. *See* Letter from Luke Petrovich, President, Plaquemines Parish Government, to Kenny Stuart, President, Industrial Pipe, EDMS, LDEQ (Mar. 15, 1990),

The LDEQ responded to the comments by stating that Industrial Pipe “has provided LDEQ information that indicates it has the proper zoning.”²⁴ The LDEQ offered no other explanation and did not even acknowledge the letter submitted served as notice that the landfill does not meet parish zoning laws.

The LDEQ does not appear to conduct its solid waste permit review for other areas in this manner. For instance, the LDEQ declined to process a solid waste application for a landfill in Sulfur because it concluded that the “[s]ite [was] improperly zoned.”²⁵

Oakville Community Action Group appealed the LDEQ’s permit decision, citing violation of solid waste regulations due to lack of proper zoning, but the district court affirmed the LDEQ’s decision.²⁶ The district court judge stated, “I think there was sufficient evidence to support LDEQ’s decision that this permit would not be a violation of the zoning regulations.”²⁷ The Louisiana First Circuit Court of Appeal subsequently upheld the district court’s decision.²⁸ Yet, neither court actually determined whether the zoning was proper—both courts only concluded that the LDEQ’s decision to grant the permit was not arbitrary and capricious.²⁹ Nonetheless, LDEQ continues to shield itself with these court decisions and refuses to reopen the permit or address

<http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=2167292&ob=yes&child=yes>. The comments explained that the parish zoning department confirmed that the land is zoned for rural and agricultural use, that parish zoning prohibits industrial uses in such areas, and that the resolution is not evidence of zoning. *Id.* at 5-6.

24. See Notice of Final Permit Application, EDMS, LDEQ (Jan. 7, 2004), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=2238479&ob=yes&child=yes>.

25. Letter from Martha A. Madden, Secretary, Louisiana Dept. of Env’tl. Quality, to Mike Derdeyn, Browning Ferris, Inc., EDMS, LDEQ (Mar. 11, 1988), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=948724&ob=yes&child=yes>.

26. Oakville Cmty. Action Grp. v. La. Dep’t of Env’tl. Quality, No. 517,017 (La. 19th J.D.C. 2/24/05).

27. Oakville Cmty. Action Grp. v. La. Dep’t of Env’tl. Quality, No. 517,017, Oral Reasons for Judgment, p. 5 (19th JDC 2/24/05); *aff’d* 2005-1365 (La. App. Ct. 1 Cir. 5/5/06); 935 So. 2d 175.

28. Oakville Cmty. Action Grp. v. La. Dep’t. of Env’tl. Quality, 2005-1365 (La. App. 1 Cir. 5/5/06); 935 So. 2d 175, 177.

29. Indeed, no court has ever ruled on a zoning determination challenge for Industrial Pipe’s property. Such challenges “are first subject to the review by local zoning boards,” and then may be properly reviewed by a district court. *E. New Orleans Neighborhood Advisory Comm’n v. Levy Gardens Partners 2008, L.L.C.*, 2009-0326 (La. App. 4 Cir. 7/15/09); 20 So. 3d 1131, 1137; COMPREHENSIVE ZONING ORDINANCE OF PLAQUEMINES PARISH, LA., § IX (2004) (allowing appeal of zoning determinations to Board of Zoning Adjustments).

valid evidence of improper zoning by asserting that the “issue was addressed during the permitting process for Industrial Pipe’s standard solid waste permit, and reviewed by [the] district and appellate court[s] and will not be addressed again here.”³⁰

IV. NEGATIVE IMPACT

Only the Oakville residents can fully explain the negative impact of this unfair permitting decision, but public records and landfill studies of construction and demolition debris landfills begin to paint a picture. For instance, a Federal Emergency Management Agency (FEMA) study showed that “[construction and demolition debris] landfills are at a much higher risk for a significant fire than other types of landfills,”³¹ because “[t]he gases produced by wallboard and the decomposition of other [construction and demolition debris] are flammable.”³² Construction and demolition debris landfills often have underground fires, which “are generally more difficult to extinguish than surface fires.”³³ “These so-called hot spots can come into contact with pockets of methane gas and result in a fire.”³⁴

In addition to burn hazards, landfill fires also present health hazards associated with particulate matter in the smoke. The particulate matter can cause pulmonary problems. Furthermore, “long-smoldering, underground fires . . . can cause a build-up of the byproducts of combustion in confined areas such as landfill site buildings or surrounding homes, which adds an additional health hazard.”³⁵ Just last summer, the LDEQ investigated a complaint by members of the community of a fire at the landfill.³⁶

30. LDEQ’s Response to Public Comments on Proposed Modifications to Industrial Pipe’s Solid Waste Permit, EDMS, LDEQ 11 (Nov. 18, 2008), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=3756869&ob=yes&child=yes>.

31. Nat’l Fire Data Ctr., U.S. Fire Admin., Fed. Emergency Mgmt. Agency, *Landfill Fires: Their Magnitude, Characteristics, and Mitigation* 7 (May 2002) available at www.usfa.dhs.gov/downloads/pdf/publications/fa-225.pdf.

32. *Id.*

33. *Id.* at 13.

34. *Id.* at 14.

35. *Id.*

36. See La. Dept. of Env’tl. Quality Incident Report, EDMS, LDEQ 3 (Apr. 8, 2011), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=7910232&ob=yes&child=yes> (noting the facility had been working to extinguish “hot areas” at the landfill).

Other fires have occurred at the Industrial Pipe landfill. In 2006, the wood-waste pile at the landfill burned for over a month, exposing the Oakville residents to smoke each time the wind blew from the northwest.³⁷ The LDEQ cited Industrial Pipe for a fish kill caused by the illegal discharge of water used to extinguish this wood-waste fire.³⁸ Residents in the area complained about this fire at a public hearing on a permit for the Industrial Pipe landfill. One resident stated that “a two year old child died of respiratory problems in the Oakville community. She had been playing in her backyard the night before, or the evening before, a major fire at the landfill.”³⁹ Also a manager of a business across the street from the landfill said that they “closed [their] doors and sent [their] employees home because breathing was impossible.”⁴⁰

Industrial Pipe buries waste below the ground level where the soil is wet. The water table exists at approximately seven feet below the ground surface⁴¹ and Industrial Pipe excavates fifteen to twenty feet below ground surface to create landfill cells for the waste.⁴² Drywall (or wallboard), a common waste at construction and demolition debris landfills, produces hydrogen sulfide gas when it gets wet—“[w]hen gypsum drywall is exposed to water, the calcium sulfate component dissolves. As conditions in the landfill become anaerobic (without oxygen), sulfate reducing bacteria digest the sulfate and release hydrogen sulfide.”⁴³ Hydrogen sulfide, which smells like rotten eggs, affects the eyes,

37. See Fire Report, EDMS, LDEQ (Mar. 10, 2006), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=5509582&ob=yes&child=yes>.

38. See Consolidated Compliance Order, EDMS, LDEQ 2, ¶ I.A. (May 30, 2006), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=5527699&ob=yes&child=yes>.

39. See Public Hearing and Request for Public Comment, Industrial Pipe, Inc., Type III C&D Debris Landfill, EDMS, LDEQ 16 (July 15, 2008), <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=3576101&ob=yes&child=yes>.

40. *Id.* at 20.

41. See *Permit Application P20100453*, DEPT. OF NATURAL RESOURCES, (June 17, 2011)

http://sonris-www.dnr.state.la.us/sundown/cart_prod/cart_crm_view_cmnt?pcup_num=P20100453&pauthorization=N&psort=2 (select “3894870 – INTERNAL COMMENTS – PARISH COMMENTS”).

42. See Materials Management Group, *Final Site Activities and Soil Classification Report: Prepared for U.S. Army Corps of Engineers*, p. 4 (Oct. 20, 2006), http://www.nolaenvironmental.gov/nola_public_data/projects/usace_levee/docs/original/FinalSiteActivitiesSoilClassReport.pdf.

43. Su Lee, *Reduced Sulfur Compounds in Gas from Construction and Demolition Debris Landfills*, WASTE MANAGEMENT, June 2006, at 526-33.

lungs, and nervous system.⁴⁴ People with pre-existing respiratory problems like asthma and restrictive lung disease, children, and the elderly are more sensitive to adverse health effects from exposure to hydrogen sulfide.⁴⁵ Here, the Industrial Pipe landfill has no gas control system—despite the opportunity for drywall to mix with water.

V. CONCLUSION

Because the LDEQ granted a solid waste permit to Industrial Pipe without regard to parish zoning regulations, the Oakville residents must continually endure the hazardous conditions posed by the neighboring landfill. These are the exact sort of conditions that local governments seek to avoid by imposing zoning restrictions. However, when zoning is not observed or enforced, communities are left unprotected and vulnerable. Now a second generation of children will not enjoy the protection of parish zoning or state solid waste laws meant to prevent landfill companies from literally dumping in peoples' backyards.

44. See *Toxicological Profile for Hydrogen Sulfide*, AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (July 2006), available at <http://www.atsdr.cdc.gov/toxprofiles/tp.asp?id=389&tid=67>.

45. *Id.*