Giant private tire piles cleaned up at public expense

By The Associated Press

CARENCRO — For years, used tires piled up throughout Louisiana, attracting mosquitoes and rats, and angering neighbors. Now most of the piles are gone, but taxpayers paid the price.

Of 815 dumps identified by the state in the early 1990s, all but 11 have been cleared. It cost more than $6 million.

Holding owners accountable for the rubber mountains has not been easy, according to a seven-month investigation by three Acadiana newspapers. The Courier of Houma, the Daily Comet of Thibodaux and the Daily World of Opelousas all are New York Times regional newspapers.

Take John Sagona. The state Department of Environmental Quality estimates that at one time, he owned more than a million tires in 10 locations. Taxpayers paid $800,000 to cart 800,000 of the tires away.

DEQ representatives said early problems drawing up rules and enforcing new laws perpetuated the situation and let people evade responsibility.

They insist that DEQ has ended previous abuses and has prevented the rise of new tire piles.

Sagona, 71, started in the used tire business in the mid-1970s. For decades, he sold most of the tires he bought to individuals, marinas, tug companies and other markets.

In 1992, the Legislature began to heavily regulate his business.

"You have a class of people, like Sagona, who were doing it before regulations," said Lou Buatt, senior attorney with DEQ's legal division. "No permits were required. No bonds. It was mayhem.

In 1990, state law prohibited burying tires in landfills. Tires don't stay buried; they work their way back up to the surface.

Two years later, DEQ established disposal rules for used tire dealers.

"It was pretty controversial, and we had to get every one and their brother involved, and that's why it took so long" said Paul Templet, DEQ secretary from 1988 to 1992.

Sagona hung on. Retailers began giving him used tires. Soon, he was renting small out-of-the-way barns and sheds for storage in four Acadiana parishes.

DEQ reports show that Sagona generally ignored cleanup orders. Through a family member, Sagona claimed he did his best to comply.

Sagona still lives in Church Point with one of his children, but, according to DEQ, has few or no assets. He is recovering from surgery and asked that his daughter Carolyn Shiver speak for him.

"The medicine I'm on has me saying things that my kids say didn't happen. I'd be afraid I'd say something wrong," he said.

Shiver, a Carencro chemist and owner of Laboratory and Analytical Business Services, said her father regrets having to abandon the piles.

"I believe if they had left him alone he would have closed up every one of those sites," she said.

Years after people first started complaining and years after DEQ began actively inspecting Sagona's sites, DEQ tried to see if the man and assets that the state had its eye on were still around. He had none worth looking after, Buatt said.

Even if he had been rich, DEQ would have had trouble collecting, Buatt said.

DEQ ordered him 10 times in 1992 to apply for a permit to recycle his tires or submit a plan to close the tire sites.

Sagona did both. But his permit request was sent back as deficient and never resubmitted.

His closure plan was accepted in March 1994, but he did not clean his dumps in two years as he had promised.

The next logical step would have been to act against the company, but "It doesn't necessarily legally follow," Buatt said.

One of Sagona's tire piles, at the entrance to Duson, could be seen from Interstate 10.

In 1990, Sagona was given permission to continue buying tires for recycling at that site. He was also allowed to store tires there until he had enough to start recycling.

As the tire pile grew, so did local anger.

Mayor Patricia Gary fired off a letter to DEQ in July 1993, saying she had been getting complaints about Sagona — and the lack of state enforcement against people like him — for years.

"When will someone take action to initiate a process to provide protection against shoddy operations like Mr. Sagona's?" she wrote.

Shiver said her father was very upset about leaving that tire mountain, which one estimate placed at 400,000 tires.

Between 1990 and 1992, retailers were giving tires to Sagona, but DEQ was starting to send him letters saying he could not sell them, she said. "He had all these tires, and they were shutting down his outlet.

Buatt and Shiver say Sagona had stopped collecting tires by the time the tire regulations took effect.

Gary is among those who disagree.

She said she saw a truck dumping tires there in July 1993. A DEQ inspection could neither confirm nor deny Gary's suspicions.

About 150,000 more of Sagona's tires overflowed from two tin-roofed stalls at a former St. Landry Parish dairy farm near Sunset.

In May 1994, inspectors found only tires, mosquitoes and rats there.

But Mary Baum, who lived nearby, said a man who came to her house to use the telephone told her he had unloaded 500 tires at the farm.

"He said his boss instructed him to cut brush to cover up the tires so the environmental people couldn't see them from the air," Baum said.

Shiver acknowledged that Sagona did move tires to appease DEQ because it had ordered him to cover the tires. She insisted, however, that he was not dumping any new acquisitions.

"He began renting places and moving tires," she said. "I don't know how much money he spent putting them in buildings. It had to be hundreds of dollars.

Still, she said, her father tried hard to dispose of the tires. "My father is a very determined man."

He bought a share in a recycling machine that reduced the tires to carbon black and oil, but it proved too expensive to operate, Shiver said.

"He kept trying to comply with the regulations," Shiver said. "It was all a waste of time."

In August 1994, the Duson dump caught fire. It burned for almost 12 hours, closing I-10 and forcing nearby residents to leave home.

About 7,000 tires burned. Two days later, a Lewisburg site in Acadia Parish, where Sagona had about 500 tires stored, also caught fire.

State Fire Marshal staff attorney Tony Walker said the Duson fire was arson.

Shiver said she heard that some young people were later arrested for starting a fire in a nearby field. Walker, however, said he is not aware of any arrests for that Duson fire.

The Lafayette Parish Council, which had urged DEQ to approve Sagona's closure plan to hasten the cleanup, asked DEQ in December 1994 to make sure Sagona cleaned up the Duson site.

Later, the town of Duson tried to make DEQ pay $7,133 for the cost of putting out the fire. DEQ said it could not legally pay.

By April 1995, one year into Sagona's closure plan, DEQ noted that only 4 percent of the tires removed. By the end of that year, Sagona told DEQ he was broke.

"I don't think DEQ knew exactly what to do with him," Shiver said.

"Think their patience ran out, and his desire to chase it ran out at the same time. He was getting old and flat broke and just said, 'That's enough.'"

In 1997, DEQ hired private companies to clean Sagona's tire dumps, drawing money from the $2 fee that
people pay when they buy new tires. By January 1999, all the tires were gone.

The problems in DEQ's waste tire program did not escape the notice of Legislative Auditor Dan Kyle. In April 1996, Kyle's auditors cataloged a host of flaws:

- DEQ let several companies and individuals accumulate and store waste tires, but the companies went out of business before actually shredding and disposing of them.
- DEQ did not aggressively try to recoup money owed by former tire collectors, nor did it properly check before granting tire recycling permits whether companies, such as Sagona's, were financially stable.
- DEQ did not conduct periodic audits to make sure dealers collected the $2 new-tire fee and passed it on to DEQ.
- DEQ improperly paid tire transportation companies without the proper legal authority.

Between 1992 and 1994, the situation was even worse. Tire dealers kept $1 of the fee to recycle the tires, but were not required to track whether tires were actually recycled, Buatt said.

Templet said the original rules, which he helped create in 1992, could have worked if the agency had enforced them through more aggressive inspections and audits.

"That's what enforcement is," he said. "You don't have to penalize the guy, but you have to check on him, otherwise there's no incentive to follow the law."

After a series of legislative hearings, DEQ agreed to hire new auditors and make other changes. Kyle said the waste-tire program appears to be operating well now.

As evidence of the program's turnaround, Buatt said that, since 1994, there has been only one case of suspected violations.

Rep. Clara Baudoin, D-Carencro, still has misgivings. She said she gets upset that people such as Sagona were able to walk away.

A similar situation occurred in Cankton when MARS Services, an oil-waste-disposal company, buried hazardous waste in the area, she said.

That company, too, went out of business, leaving the potential pollution of the area's source of drinking water a problem for others to clean up.

Last year, she promoted a bill in the Legislature that would have allowed DEQ to prosecute criminally such environmental violators, but it failed in committee.

"That's the real problem, to me, when people are allowed to walk away from their responsibilities," Baudoin said. "Accountability is something we talk about a lot, but fail to make it happen."