

Ooo, That Smell

A Franklin neighborhood is held hostage by a dawdling polluter

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Photo: Eric England



Scott Martin knows how people must feel when they look at Daniels Drive. It's the same way he felt 10 years ago when he first laid eyes upon the neighborhood.

Squeezed between a dried-up creek and a CSX rail line, the dead-end street in Franklin features rusted beaters parked haphazardly outside of rental homes, the grass turned to dust under their treads. Post-war ramblers with gutters askew offer a boom-or-bust contrast to the residents here, either single elderly people or Mexican immigrants.

Martin himself had a poor first impression: "I didn't think this was where we'd be buying our first home."

Photo: Eric England



His appreciation changed, however, when he reached the cul-de-sac at the end of the block. There, Martin and his wife Galyn found a hidden gem: A wooded amphitheatre backing up to the Harpeth River. The backyard would eventually offer their two little girls the kind of proximity with Mother Nature normally reserved for a petting zoo, with bobcats, fox, deer and otter. In a development-heavy suburb like Franklin, Martin felt like he'd found an oasis.

Photo: Eric England



Putting up with the occasional rumbling freight car meant that Martin, a software developer, could live a firmly middle-class existence. The only trade-off, it seemed, was the smell.

Every once in a while, the air would fill with an acrid bite reminiscent of a nail salon. Martin brushed it off. One of his neighbors often refinished furniture in his basement; that was explanation enough for him.

More puzzling, however, were the times when Daniels Drive smelled like one big overturned litter box. It was enough to push residents inside, their eyes and mouths burning. But despite their puzzlement, they always figured it was an oddity peculiar to the block, never thinking it could be something bigger.

Photo: Eric England

At least until one November morning in 2006, when all of Franklin woke up smelling like cat piss.

Suddenly, the scent isolated to a small strip of lower-income homes was



Kids Draw the Darndest Things
Seven-year-old Ella and her picture
of the Harpeth River

stinking up the city's every nook and cranny. The Disneyfied downtown. The granite countertop units of a new condo development. The playground at tony Battle Ground Academy. Franklin officials scrambled to find a source, eventually tracking the smell to Liberty Creek, a meek little stream between the school and Daniels.

By January, air and water samples around Liberty revealed high concentrations of two chemicals: toluene and acetone, both paint solvents. There were pools of noxious black fluid seeping up from the creek bed.

While the city tried to ward off panic, ensuring Franklinites the chemicals were harmless and their drinking water was safe, the Tennessee Department of Environment and Conservation (TDEC) and a non-profit went looking for a culprit, a search that revealed a clear suspect.

Only one local company used the two chemicals found in the creek: Egyptian Lacquer Manufacturing. The dozen-employee factory made its money producing paint, mostly for pencils. It sat atop the hill overlooking Daniels Drive and Liberty Creek, and the bedrock beneath made a perfect conduit for spreading pollution.

"It's like Swiss cheese," says Mark Quarles, an environmental consultant hired by the Harpeth River Watershed Association (HRWA). "The bedrock has these miniature caves in them, so that enables contaminants to migrate."

At first, Egyptian Lacquer denied culpability. In order to produce readings that high, the company argued, its storage tanks would have to leak gallons of chemicals per hour, and they were regularly checked. But the pipes leading from the tanks were another story.

Buried underground for 30 years without so much as a checkup, they were found to be leaking acetone and toluene. Pools of slick, bubbling water were discovered seeping into the Harpeth near a fishing hole and a site where kids swim.

Egyptian Lacquer hired TriAd Environmental Consultants, the logical choice in Tennessee. It's run by Dwight Hinch, a 13-year veteran of TDEC's hazardous waste department, who once told a newspaper that he "basically wrote" the state's regulations. TriAd's first task was to figure out where, and how much, pollution had been spilled. But, rather curiously, the company decided this would be best accomplished by testing nowhere beyond Egyptian Lacquer's property.

Then it came up with an equally curious plan: clean up the area around the company, while leaving neighbors in the hands of Mother Nature. Digging up all that pollution underneath Daniels Drive and elsewhere, TriAd argued, was just too much work.

"The fancy name for the plan TriAd came up with is called 'natural attenuation,' " says Pam Davee, development director of HRWA. "Dumbed down, it means we're just gonna let the shit keep flowing."

Not surprisingly, the plan was rejected.

Neighbors were irate. It'd been a year since the leak was detected and still no one could tell them what kind of toxic waste was running under their houses. TriAd went about assuaging concerns by promising to drill wells and conduct tests. But it seemed to be doing its best to find as little pollution as possible. The wells were nowhere near where most assumed the chemicals had flowed.

TriAd passed it off as a way to establish a perimeter. In order to know where the chemicals were, it argued, one had to also know where they were not.

But even that tactic blew up. Halfway down Daniels Drive, a well revealed high levels of benzene. Though the chronic effects of toluene and acetone are unknown, there's no gray area when it comes to benzene: It's a clear-cut cancer causer. HRWA believes this too is coming from the Egyptian property, but the company says it has no way of knowing until further tests are conducted.

Still, nearly two years after the spills were detected, Egyptian and TriAd continue to drag their feet—with the blessing of the state, which has granted multiple extensions. It's a situation common to the world of pollution, where state enforcers tend to worry more about the companies than residents who may be harmed.

"Whenever there's a need for a benefit of the doubt, the people of Tennessee don't get it," says one consultant. "The people with the permit get it."

To be fair, agencies like TDEC don't carry the biggest stick. Since they tend to be cozy with companies like TriAd, fines are a rarity. And if push comes to shove, their biggest weapon is filing suit, which can drag on for years and cost both sides a fortune. So they tend to make nice with polluters, hoping that eventually something will get done.

But if you happen to be Scott Martin, it's like battling an allied front.

He first learned about the pollution by reading the paper online. By the time he'd scrolled down, he'd deposited a mouthful of coffee onto his keyboard. As the months went by, Martin got more and more used to the sight of people in waders in his backyard. But he wasn't always happy with their methods.

On a Friday afternoon before Easter, Martin got home around 5 p.m. to find a flier in his mailbox. TriAd had recently dug a trench in front of Liberty Creek in order to intercept the leaking chemicals. Now it was informing Martin that, come morning, it would be hauling 75 barrels of toxic waste through his back yard.

Furious that he'd been given no prior notice, Martin said no. During an 11 p.m. conference call that night, Martin faced the pleas of Hinch, Egyptian Lacquer attorney Bill Penny, and TDEC lawyer Joe Sanders. Workers were standing by in motels, they said. If they didn't go through with it now, they'd lose thousands of dollars. Plus vandals might come in the night and tip over the barrels. Even worse, suggested Sanders, was the threat from terrorists.

Martin held the phone away from his face and stifled a laugh. The thought of Jihadists snooping around a suburban creek seemed emblematic of how far the folly had gone.

"I had this image of a gunfight in a Western, when the guy runs out of bullets and has to throw his gun," he says of Sanders.

Despite the appeal to his patriotism, Martin held firm. He finally relented weeks later, after Sanders intimated he could face fines of \$1,000 a day if he continued to object.

Yet the hazard remained. In May, Martin returned home to find his grandmother-in-law hysterical. She'd been in his backyard when she was overcome by the same odor that'd been floating around Franklin for more than a year.

"I could smell an acrid smell, a chemical smell," she says. "My face started burning. My eyes started tearing. My nose dripping. I took allergy shots for years, so I knew it was an allergic reaction. It felt like my throat was beginning to tighten, so I got inside in a hurry."

Martin made an angry call to TDEC. Within a week, he got an e-mail response from Hinch, saying that a worker had found empty spray paint cans underneath the railway bridge. This, he offered, was probably what caused Grandma's illness.

The official reaction of Franklin hasn't been much better. At one point, Mayor John Schroer banned the rebroadcast of a public meeting when an angry BGA parent named names of former teachers who'd become sick from the fumes.

Meanwhile, TriAd's second clean-up plan seems no better than the first. It's proposing to suck the pollutants out of Egyptian's property while still ignoring what's underneath Daniels.

"The simple fact that they haven't drilled any wells in Daniels Drive is proof they never intended to clean this up," says Quarles. "When it's all said and done, what they're saying is Liberty Creek is not going to explode. Nobody's dying. But they ignore the chronic health issues, what's vaporizing in the ground and getting into people's homes. How can you possibly say there's no imminent threat to human health when you haven't even tested?"

Penny says that's just not true, pointing to the \$1.3 million Egyptian has paid to date, including a newly installed \$40,000 air monitor at BGA. And Hinch contends that the testing they've done is more than adequate. He doesn't understand why, if people on Daniels are upset, he hasn't heard more from them.

"My phone number's been down there and I've gotten maybe two or three calls," he says. "The state may be hearing from residents, but I'm not. It's frustrating all around. If we didn't think they were safe we'd be doing something about it."

Martin isn't sure of that. Every time he pushes Egyptian for more info, the news gets bleaker. No one knows exactly where the benzene came from, meaning there may be another leak yet to be discovered. And Egyptian's recent history doesn't suggest the clean-up will come quick: The company took seven years to dig out a small patch of lead-infected soil at its Indiana plant.

The Martins just want everything to return to normal. For two years the fight has filled weekends, evenings and lunch-breaks. The hunt to understand what's in their air has turned both into amateur chemists. "The Internet is a wonderful thing," jokes Galyn.

But the primary concern is their kids. Playing in the front drive, seven-year-old Ella takes a break from her sidewalk chalk to grab a picture she's drawn. On the front are a dozen box turtles. The ones she found with her dad. On the back is a swirl of bright colors with a solid mass of black below them. At the end of an arrow is the label: pollution.

"It comes in this way," she says, tracing her finger from the left side of the page, "and then sits at the bottom."

Martin stands, hands on hips, looking at his daughter. He's in front of the living room picture window, right above the ground where he'd grow a vegetable garden if he thought he could trust the soil beneath him.

"I don't want to be eating what gets sucked up into that root," he says.

He knows Ella's old enough to understand what's happening, so they don't hide anything from her. What has him more concerned is what they can't see.

Everyone on Daniels knows about the rash of strokes that hit the block a couple years back. The victims were older, and there's no way of knowing if what happened to them came from pollution or natural phenomena. But it still makes Martin think: *What happens when my girls want to have kids of their own?*