

SUB COMP 07/25/2006 BEXAR

Texas Commission on Environmental Quality

Investigation Report WILD ANIMAL ORPHANAGE CN601477094

WILD ANIMAL ORPHANAGE

RN102911369

Investigation # 512610

Incident # 76601

Investigator: MELISSA STORY

Site Classification

Conducted: 07/25/2006 -- 09/18/2006

SIC Code: 0752

Program(s): MUNICIPAL SOLID WASTE PROCESSING
MUNICIPAL SOLID WASTE NON PERMITTED

Investigation Type : Compliance Investigation

Location :

Additional ID(s) :

Address: 3511 TALLEY RD; SAN
ANTONIO, TX 78253

Activity Type : REGION 13 - SAN ANTONIO
MSWCMPL - Investigation of MSW complaint
MSWUNA - Investigation at a site that is in violation of
330.4, including illegal disposal of tires

Principal(s) :

Role	Name
RESPONDENT	WILD ANIMAL ORPHANAGE

Contact(s) :

Role	Title	Name	Phone
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Other Staff Member(s) :

Role	Name
QA Reviewer	JAMES BARD
Supervisor	HENRY KARNEI JR

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
MSW COMPLAINT INVESTIGATION	WAO

Investigation Comments :

INTRODUCTION:

On May 18, 2006, the San Antonio Region Office received a complaint against The Wild Animal Orphanage (WAO), aka The Animal Sanctuary of the United States facility located at 3511 Talley Road, San Antonio, Bexar County, Texas

The complaint alleged horses, tigers, lions, monkeys, dogs, cats, cougars are all being buried onsite. There is also a water well on site and is concerned about contaminating the groundwater. Potentially diseased (deceased) animals are supposed to be sent to BFI for disposal, but they are buried onsite. Birds may be incinerated onsite but may be buried. Site has a disposal permit with the Texas Department of Health services, inspected by Dr. Tulle, Vet. Red McCombs is potential buyer to develop residential subdivision.

GENERAL FACILITY AND PROCESS INFORMATION:

The Wild Animal Orphanage (WAO) is a non-profit permanent sanctuary for animals.

BACKGROUND:

On October 14, 2002, Arthur Locke, TCEQ Investigator in the San Antonio Region Office, investigated the WAO at 3511 Tally Road in regards to a complaint logged against the facility. The complaint alleged runoff from septic tanks. According to Mr. Locke, no violations were noted.

ADDITIONAL INFORMATION:

On May 26, 2006, the complainant sent the writer a copy of a log of deaths (one page), via telefax. The telefax cover sheet indicates the death log sheet came from Dr. Tull, Vet (see attached e-mail).

On May 30, 2006, the writer received a forwarded e-mail message from the complainant. The e-mail message made reference of a conversation between the complainant and Mr. Eric Jumper, Special Agent with the United States Fish and Wildlife Services (see attached e-mail).

On May 13, 2006, the complainant sent via e-mail a copy of a log of deaths (one page). According to the complainant, the page included was taken from the WAO animal death/injury book (see attached e-mail). Note this is a duplicate of the fax received on May 26, 2006, log of deaths.

On June 22, 2006, the complainant sent via e-mail to the writer a copy of a Standard Operating Procedure (SOP) agreement, between the WAO and the Texas Health Department. The SOP agreement reviews disposal of biological/medical waste, and primate deaths (see attached e-mail).

On June 21, 2006, the writer contacted Mr. John Earnhardt, Facility Manager with Stericycle via telephone call to request three years of records of all animals that were disposed of by the WAO Facility (Tally Road and Leslie Road). Mr. Earnhardt said that he would send what records he had to the agency. Note - Once BFI terminated their permit for medial waste disposal, Stericycle obtained some of their clientele which included the WAO facility's.

On June 21, 2006 & June 23, 2006, the writer received an e-mail from Mr. John Earnhardt, Facility Manager with Stericycle. He reported that within the last three years, there were two work orders that showed Stericycle had two pick ups on February 16, 2004 and August 12, 2005.

On July 25, 2006, the writer drove to the WAO facility located at 9626 Leslie Road, where the main offices are to meet with the responsible parties. The writer met with Ms. Carol Asvestas, Chief Executive Officer, Director of Animal Care and Director of Administration along with her Husband, Ron Asvestas, Sanctuary and Construction Manager, for both WAO facilities.

During the investigation, the writer questioned both Mr. & Mrs. Asvestas about animal deaths and where they disposing of the animals. According to both Mr. And Mrs. Asvestas, they have been burying dead animals in two graves located at their other WAO facility on 3511 Talley Road. The writer specifically asked if these animals were sick or diseased animals, both Mr. And Mrs. Asvestas' said "No", they were not sick animals. The writer then explained that the burial of all animals onsite at either facility was a violation of the Municipal Solid Waste Rules with the TCEQ. Both Mr. and Mrs. Asvestas said that they were told by TNRCC that they were able to bury animals onsite at the time they were opening the WAO facility at Leslie Road. The Asvestas' said that someone from the TNRCC (a man, name unknown), came by the Leslie Road facility and gave the WAO permission to bury the animals there. The writer then asked for a record of the conversation they had with the TNRCC representative and the name of the representative. Ms. Asvestas said that she would look for any record of such a meeting, which she believed may be packed away in a box somewhere. Both Mr. and Mrs. Asvestas' asked the writer if they are not allowed to bury them, what are they supposed to do then. The writer said they would need to dispose of them by way of the landfill or have them sent to a crematory but that burial was not an option. Mr. Asvestas said the option for the landfill disposal was not an option and that they may consider the crematory, however, the would need to cut the animals up which is something they would not want to ask of their employees because most of the employees who are with these animals on a daily basis are attached to them. Mr. Asvestas then said they would find another way but that they would no longer bury the animals. The writer then asked about the burial pits and how large, deep and whether they were covered. Mr. Asvestas said they were deep pits, dug by heavy equipment and that they were buried. Pits are somewhat close together. The writer requested

permission for access onto the Tally Road facility. The writer was granted permission by both Mr. and Mrs. Asvestas, and was escorted to the Tally Road Facility.

Upon arrival to the facility, the writer observed mounds of MSW on the property in question. The writer was shown the areas where the animals were buried (see attached photographs). The writer also asked Mrs. Asvestas about the other debris onsite. Mrs. Asvestas said that they were going to remove the waste and burn the boxes there were placed in a hole but that they haven't been burning because of the local burn ban. The writer explained that burning without an authorization from the agency was against the TCEQ's Air Program Permitting rules and that they would need to obtain authorization to burn the boxes or dispose of them along with all the other waste materials. Mrs. Asvestas was unaware of the burning requirements and said she would have them removed.

Prior to the writer departing the facility, the writer requested records from Mrs. Asvestas, a copy of all animal deaths for the last three years, whether they were sick, diseased or not, necropsy reports for the sick/diseased animals and where the animals were taken to for final disposal and to make sure all other MSW is disposed of properly. Mrs. Asvestas said they will do anything they can to cooperate with the agency but that their facility needed time to get some of the records. The writer explained that the agency will be sending an NOV to the WAO.

On July 26, 2006, the writer received an e-mail from Carol Asvestas regarding the dead animals buried on the property. In the e-mail, she said they have not buried any sick or infectious animals and that animals buried on the property died of natural causes and internal ailments due to old age. She also included a tiger that was euthanized due to aggressive nature (see attached e-mail).

On August 10, 2006, an e-mail was received from the complainant. The complainant reported that on December 6, 2000, the WAO Talley Road Facility received over 300 Marquises within the research community and since that time several more were received and that all should be treated under bio-safety level 2 procedures. Also, a list of dead animals which the complainant compiled from past WAO tour guide sheets but, it only would list the animals that died or have gone missing mostly from the Leslie Road Facility. The writer replied to the complainants e-mail and explained that any additional documentation would be appreciated (see attached e-mail).

On August 11, 2006, the complainant sent a fax to the San Antonio Region Office. The fax received was a "Certification from the complainant" regarding animal deaths at the WAO (see attached). This document is not from the WAO facility. A request has been made for animal disposal records. In conclusion, the writer at this time will send an NOV to the WAO facility. Included in the NOV, records will be requested from the WAO.

NOV Date	Method
09/18/2006	WRITTEN

OUTSTANDING ALLEGED VIOLATIONS

Track No: 253839 Compliance Due Date: 10/18/2006

30 TAC Chapter 330.7

Alleged Violation:

Investigation: 512610

Comment Date: 09/14/2006

Failure to obtain a permit or other authorization from the Commission to dispose, process and store municipal solid waste..

During the investigation conducted on July 25, 2006, Wild Animal Orphanage Representatives showed the investigator the location of two covered pits that contained dead animals.

During the investigation conducted on July 25, 2006, Wild Animal Orphanage Representatives showed the investigator a pit where cardboard box's had been burned (processed). According to Wild Animal Orphanage Representatives, currently burning was not being done due to a county wide "Burn Ban".

During the investigation conducted on July 25, 2006, Wild Animal Orphanage

Representatives showed the investigator where several piles of municipal solid waste was stored.

Recommended Corrective Action: You shall immediately cease the disposal and burial of dead animals without the required permit or other authorization from the Commission.

You shall immediately cease all burning (processing) activity of municipal solid waste.

You shall remove and dispose of all piles of municipal solid waste at an approved permitted Type I landfill.

Resolution:

Track No: 253853

Compliance Due Date: 10/18/2006

30 TAC Chapter 330.7

Alleged Violation:

Investigation: 512610

Comment Date: 09/14/2006

A person may not cause, suffer, or allow, or permit the disposal of municipal solid waste prior to deed recording.

During the investigation conducted on July 25, 2006, the writer observed at least two covered burial pits, that according to Wild Animal Orphanage Representatives, contained dead animals.

Recommended Corrective Action: You shall file an "Affidavit to the Public" in a form provided by the executive director that includes an updated metes and bound description of the extent of the disposal areas and the restrictions to future use of the land in accordance with §330.457(g) of this title (relating to Closure Requirements for Municipal Solid Waste Landfill Units that Receive Waste on or after October 9, 1993) and §330.451(c)(1) of this title (relating to Certification of Final Facility Closure). See attached except of 30 TAC §330.19 - Deed Recordation.

Note - Citation 30 TAC §330.7 was changed to 30 TAC 330.19, Effective March 27, 2006.

Resolution:

Additional Issues

Description

Item 3

Additional Comments

During the investigation, records were not available to show; 1) total numbers of animals buried for each burial site; 2) records to show animals buried were sick/were not sick, infected or diseased; 3) records of all deceased animals for the last three years along with the records of where animals were disposed of (buried, cremated, veterinarian).

You shall provide the above requested records.