

SW13P

T R A N S C R I P T

REGIONAL PUBLIC MEETINGS ON THE
RESOURCE CONSERVATION AND RECOVERY ACT of 1976
February 28 and March 1, 1977, Pittsburgh, Pa.

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ENVIRONMENTAL PROTECTION ACT 67

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of: :
: :
Public Participation Meeting, :
Pittsburgh, Pennsylvania. :
: :
: :

Transcript of Proceedings in the above-entitled
matter, held on Monday, February 28, 1977, commencing
at 7:00 o'clock p.m. in the Monongahela Room, William
Penn Hotel, Pittsburgh, Pennsylvania.

BEFORE:

Gordon Rapier, Director, Air and Hazardous
Materials Division, EPA, Region III
Moderator

SPEAKERS:

Thomas Williams, Chief, Technical Information and
Communications Branch, Office of
Solid Waste Management, EPA
Truett DeGeare, Chief, Land Protection Branch,
Systems Management Division, Office
of Solid Waste Management, EPA
Alfred Lindsey, Chief, Implementation Branch,
Hazardous Waste Management Division,
Office of Solid Waste Management, EPA
Robert Lowe, Chief, Technical Assistance Branch,
Resource Recovery Division, Office
of Solid Waste Management, EPA
William Bucciarelli, Director, Pennsylvania State
Solid Waste Program

P R O C E E D I N G S

MR. RAPIER: Ladies and gentlemen,

good evening. I hope that everybody here has registered. The young ladies out there have three by five cards for any people who would like to make statements at the end of our presentation.

What we propose to do tonight is to have a number of prepared presentations for you, each followed by a question and answer period. At the end of our presentations and the Q and A period, we will have a general discussion and for any people that would like to make statements, prepared or extemporaneous, you may do so.

We would ask you, however, to limit the statements to about five minutes.

My name is Gordon Rapier, I am the Director of the Air and Hazardous Materials Division of the Environmental Protection Agency, Region III in Philadelphia. With me are members of our regional staff, whom I will introduce shortly, and also representatives of the Office of Solid Waste in Washington, D.C. These members from the Office of Solid Waste will be making individual presentations, so that I will introduce them as they make their presentations.

I also have with me tonight

1 Mr. William Bucciarelli, the Director of the Pennsylvania
2 Solid Waste Program. He will give a few prepared and
3 unprepared remarks in a few moments also.

4 The purpose of the meeting is to explain the
5 provisions of the new Resource Conservation and Recovery
6 Act, which was signed into law October, 1976. There are
7 copies available and if you ask for one, you should have
8 a copy of that Act and other hand-out materials.

9 The new law might more appropriately be called
10 the Solid Waste Disposal Act since it deals with all
11 aspects of solid waste management, including land disposal
12 of solid and liquid wastes and the management of
13 hazardous or chemical wastes.

14 The Act includes provision for maximum public
15 participation in writing the guidelines, regulations
16 and standards, so we are here to receive your comments
17 and answer questions about the various aspects of the Act.

18 In passing this new Act, Congress intended that
19 the full range of disposal methods for unwanted materials
20 be regulated. In prior years, we have had laws
21 regulating disposal into air, water and the oceans, and
22 now this bill will regulate land disposal for the first
23 time at the federal level. The law encourages states to
24 take over the administration of the program. Your views
25 on this should be conveyed to your state officials.

Following are a few of the crucial areas of

1 implementation where we feel that your views and
2 guidance are most critical:

3 Number 1 precisely how should "hazardous
4 wastes" be defined? Since much of the damage from
5 hazardous wastes occurs before they reach treatment,
6 storage and land fill disposal facilities, and since the
7 Act focuses only on upgrading land disposal facilities
8 to take care of those wastes which fall outside the
9 "hazardous waste" definition, it is clear that how
10 hazardous wastes are defined is a critical element in
11 implementing the Act.

12 Number 2 in which ways, if any, would the
13 definition of hazardous waste have a bearing on the
14 states' willingness to take over responsibility for the
15 program, which under the Act, is not mandatory but of
16 course highly desirable?

17 Number 3 what would be the best ways to
18 ensure that hazardous wastes are defined to the fullest
19 extent possible on standardized objective criteria and
20 associated tests, and at the same time not put too great
21 a burden on many potential hazardous waste generators
22 who are small businesses?

23 Number 4 wastes are mixtures of many different
24 materials. To what extent can criteria and tests be
25 applied to wastes and to what extent to suspected

1 hazardous components?

2 Number 5 the RCRA requires a definition of a
3 sanitary land fill and of the obverse, an open dump, to
4 apply, we feel, to both municipal and industrial wastes
5 and possibly others from agriculture or mining. Should
6 pits, ponds and lagoons used for disposal of industrial
7 wastes be defined as open dumps?

8 Number 6 what kind of process should EPA
9 establish to determine which guidelines should be written
10 or updated?

11 Number 7 with regard to state and local
12 planning, what process should be employed to enable
13 governors and local government heads to decide who does
14 the planning and implementation for which aspects of
15 solid waste management, and which percentage of planning
16 funds each should receive?

17 Number 8 how should the waste disposal
18 inventory be carried out? Who should do it? How
19 decentralized should it be? How can we survey facilities
20 on industrial property?

21 Number 9 what is the degree of need for
22 full-scale demonstration projects for resource recovery?

23 Number 10 the Resource Conservation Panels or
24 technical assistance panels are important to the success
25 of the Act. How comprehensive should they be? How much

1 should they focus on research conservation and recovery
2 in relation to a focus on hazardous wastes and land
3 disposal of all wastes? What should be the proper
4 composition of such panels to ensure appropriate
5 representation from state, regional and local levels of
6 government?

7 Number 11 the Act mandates several special
8 studies and directs that a broad range of supportive
9 research and development activities be carried out.
10 Can new research and development be performed in time to
11 influence the formulation of mandated guidelines and
12 regulations? Which activities should be considered
13 essential in the development of solid waste management
14 alternatives, and, therefore, considered high priority for
15 research?

16 Number 12 unlike the Federal Water Pollution
17 Quality Act and the Clean Air Act, this Act does not
18 mandate quantifiable objectives, but rather gives broad
19 guidance as to the law's intent. Open dumps are to be
20 closed, and hazardous wastes are to be regulated within
21 certain time frames, but no measures of environmental
22 or public health improvements are suggested. Should we,
23 however, try to assign meaningful, quantifiable objectives
24 to the solid waste management area? If so, what kind
25 of monitoring and feedback system should be provided to

1 evaluate results?

2 Number 13 the Act mandates a high degree of
3 public participation in development and implementation of
4 the regulations, guidelines, permits and information
5 required by the law. How can we best obtain public
6 participation in a timely and meaningful way? What
7 avenues should EPA explore to ensure really widespread
8 and effective public participation?

9 Now we have with us a court reporter tonight,
10 who is here to prepare a transcript of the meeting. So
11 for all of your questions and any statements that you
12 might make, we would like for you to identify yourself
13 and if you are representing an organization, please also
14 mention that organization.

15 If you have a written statement, you may
16 submit it to the record or, as I said before, you may
17 present a brief oral summary.

18 Before I get to the first speaker of the night,
19 let me introduce to you our regional staff. We have
20 with us Miss ^Elene Glen, who is the Assistant to the
21 Regional Administrator, and she was very instrumental in
22 helping us set up this program. ^Elene, raise your hand,
23 would you?

24 Mrs. Alma Mullane and Mrs. Jean Jonas in
25 the back of the room, who are working on our desk tonight.

1 Bill Schremp, from our solid waste staff. Bob Allen,
2 ^{Chief}~~Chairman~~ of the Air and Hazardous Materials Branch.

3 And Mr. Thomas Fielding, who should be out there somewhere,
4 is in our enforcement division.

5 Let me now introduce to you
6 Mr. William Bucciarelli for a few words.

7 MR. BUCCIARELLI: Thanks, Gordon.

8 A lot of you have heard this story before,
9 but I am going to give it again, so bear with me. I have
10 a very short period of time in order to give you what
11 has taken over ten years to develop. I don't know
12 whether I can cover everything that is done, or even
13 fairly represent the tremendous amount of activity and
14 interest that has been generated in the State of
15 Pennsylvania over the past 10 or 11 years.

16 But we did have our inception as far as an
17 expanded waste program is concerned, when we passed, or
18 when the legislature passed the Act 241, Pennsylvania
19 Solid Waste Management Act. This essentially gave us
20 planning and regulatory responsibilities, both at the
21 state and local level.

22 Over \$3 million was spent in the development --
23 this is on a 50-50 matching basis, now -- in other words
24 we put out better than a million and a half, and this is
25 matched by local communities. So over \$3 million was

1 spent to develop the 67 county plan, and there are also
2 three regional plans in the process of being developed.

3 There have been great improvements, technically,
4 and from a management point of view, especially when you
5 are talking in terms of institutionalizing, of creating
6 agencies that will take control or command, or at least
7 be interested in planning solid waste management
8 activities for a number of years.

9 Back in 1966 when we started we only had one
10 county that had a management agency at the county level.
11 We now have almost 30 management agencies throughout the
12 Commonwealth.

13 We have, as far as the state is concerned,
14 since we passed Act 241, we have issued over 550 permits.
15 We have closed over 400 open dumps, and this is
16 community dumps, not the indiscriminate roadside dumps
17 that you are well aware of, and we have processed over
18 1700 applications and reviews, and some of them are
19 reapplications and so on.

20 That sounds very easy, just rolling it off the
21 tip of my tongue. But this represents a tremendous
22 amount of time and effort on the part of many different
23 types of personnel and people at the state and local
24 level.

25 The Department also was slightly interested in

1 resource recovery. Back in 1964 the legislature passed
2 Act 198, the Resource Recovery Act, Pennsylvania Resource
3 Recovery Act, which in effect was a \$20 million revolving
4 low interest loan program. The unfortunate thing about
5 that is the \$20 million portion was never funded. So we
6 still are hoping that some time that does get funded.

7 But in addition to that, still trying to
8 promote resource recovery, there is at least \$260,000
9 that was spent, this is on a matching basis again, to
10 develop 13 market studies across the Commonwealth. These
11 are not in-depth studies that you might want to think of
12 in terms of when you are thinking of terms of specific
13 facilities, but they do give some indication as to the
14 general market areas that could be further explored.

15 In addition to that, an amendment to Act 198
16 gave us \$4 million in demonstration grants, \$2.5 million
17 was awarded here some time ago the first go-around,
18 about a year ago to four projects. And we got an
19 additional \$1.5 million, and currently we are evaluating
20 applicants for distribution of those funds.

21 Now this represents, again, and I reiterate
22 this, this represents a tremendous effort on a state,
23 local and private enterprise and citizens, and everybody
24 in the Commonwealth. And this is not the only interest,
25 after all, the reason you are here tonight is because of

1 the federal interest. And the federal interest is
2 because of many other interests that come from all
3 corners of the nation, and even within Pennsylvania itself
4 when you look at the state level, we have the Governor's
5 Solid Waste Advisory Committee; we have the Citizen's
6 Advisory Council.

7 Now the Governor's Solid Waste Advisory
8 Committee has worked with this program since 1968, when
9 it was first formed. The Citizen's Advisory Council
10 has been in and out of the solid waste program, and has
11 made certain recommendations to the solid waste agencies.

12 The Governor's Energy Council, although it's
13 involved in energy in general, and conservation, is also
14 getting involved in certain matters in solid waste.

15 We have the Governor's Science Advisory
16 Council, who has just completed, through its waste
17 utilization panel, a study and is making certain
18 recommendations to the solid waste program.

19 The joint legislative and Air, Water and
20 Pollution Control and Conservation Committee has been
21 interested, and we have developed liaison with those
22 people. And they are wanting certain things done, or
23 at least the way they see it in the solid waste picture.

24 The House Conservation Committee held a
25 meeting with DER, this is kind of a public meeting, wanting

1 to know how DER is carrying out the solid waste
2 program, especially in the enforcement area. But they
3 are also quite interested in the Resource Recovery
4 Development Act.

5 The Senate Committee that was set up to
6 investigate the solid waste industry, they were not only
7 interested in how the program is being carried out, but
8 is Pennsylvania getting its fair share of whatever it
9 is entitled to from state and federal sources?

10 And we have 94-580, as Gordon pointed out,
11 this is the federal act. And he has also rightly
12 pointed out that there is a tremendous amount of
13 developmental work that needs to be done before this
14 Act can be properly implemented.

15 They are seeking a lot of input, this is one
16 of a series of meetings in which they are trying to seek
17 that input. I imagine they will have hearings later on,
18 but also other agencies at the national level of which
19 we are a member, such as the National Governors'
20 Conference, the ^{ASSOCIATION} ~~Administration~~ of State and Territorial
21 Solid Waste Management Officials, and the National Solid
22 Wastes Management Association are all interested.

23 As a matter of fact, the National Governors'
24 Conference and the Association I just mentioned, are
25 cooperating in a series of meetings that we have set up

1 with their task force. They have five task forces that
2 they set up; one is a solid waste management planning
3 area, planning task force. Another is a land fill
4 technology task force, there is another on resource
5 recovery, one on hazardous wastes, and one on funding.

6 There are lead states in each one of these
7 task forces. Pennsylvania happens to be the one in the
8 land fill technology development. And we have one of
9 the members of our staff, in fact our director,
10 Donald Lazarchik, is involved in the hazardous waste
11 committee. Wesley Gilbertson is the -- represents
12 Pennsylvania as the lead state in the land fill technology
13 committee. And I am a member of the solid waste
14 management planning task force.

15 The whole idea here is obviously to provide
16 assistance and input to the EPA in order to assist them
17 in coming up with the guidelines and all the other things
18 that they need to do in order to implement the act. And
19 this total effort, it seems to me, represents a mandate
20 on the part of the people, because when you look at all
21 these agencies and look at what they represent, in effect
22 the people and the interest groups and the local
23 government and state government are all represented, and
24 they are all saying, "We need to do something in solid
25 waste. We need to do more in solid waste." And this

1 is essentially what we are doing here tonight.

2 MR. RAPIER: Thank you, Bill.

3 The next presentation will be by
4 Mr. Tom Williams, who is the Chief of the Technical
5 Information and Communications Branch, Office of Solid
6 Waste Management in Washington. And Tom is going to talk
7 about public participation, public information and
8 training.

9 MR. WILLIAMS: These slides were
10 made while I was off work, so if there is any conflict
11 between what I say and what the slides say, I win.

12 I am a believer in the obverse of the Chinese
13 proverb, one word is worth a thousand pictures.

14 The Resource Conservation and Recovery Act of
15 1976 contains an unusually complete array of provisions
16 which could bring about a high degree of public
17 understanding and participation. I say, "could bring
18 about" because while this provision has appeared in many
19 other pieces of legislation during the past several years,
20 it has not, very often, brought about very much real
21 public participation. There are all kinds of ways of
22 aborting that, and the government knows all of the ways.

23 But these provisions, taken together, make it
24 clear that the Congress understood it is impossible for
25 the public to participate meaningfully unless the

1 government first produces valid scientific and technical
2 data, and then processes and publishes the information
3 in such a way that everyone can have real access to it.

4 And it's not entirely my fault, but in part
5 I will take credit for some of the fault, that the solid
6 waste management of the Environmental Protection Agency
7 has traditionally done a much better job of that than
8 many other federal components have, that is of letting the
9 public and everyone know what they have done, what they
10 think, what they have researched and what they have
11 deduced.

12 Only in this way can the public have a
13 reasonable chance of influencing the social, economic
14 and political changes which this law is intended to
15 bring out.

16 In section 8003, the Administrator of EPA
17 is required to develop, collect and coordinate information
18 on nine key elements which are crucial to the act's
19 purposes. He is not only to implement a program for
20 the rapid dissemination of this information, but he is
21 also to develop and implement educational programs to
22 promote citizen understanding.

23 This makes it quite clear that someone in
24 the Congress understood that information is not to be
25 developed for the exclusive use of those who, for one

1 reason or another, may be considered "experts" in the
2 field.

3 In Earth Day, 1970, I think the American
4 public indicated that it had had quite enough of experts
5 telling them how the world ought to be running and what
6 we ought to do about the environment. Moreover, the
7 Administrator is asked to coordinate his actions and to
8 cooperate to the maximum extent possible with state and
9 local authorities, particularly with state authorities,
10 and to establish and maintain a central reference library
11 for virtually all the kinds of information involved in
12 solid waste management, for the use of state and local
13 governments, industry and the public.

14 To ensure that the public participation
15 process does not become lopsided we felt it would be
16 necessary to identify major categories of interest
17 groups who represent the public at large. Under the
18 act we regard these to include consumer, environmental
19 and neighborhood groups, trade manufacturing and labor
20 representatives, public health, scientific and
21 professional societies, and governmental and university
22 associations. This spectrum of categories of
23 representative groups will be altered and supplemented
24 as necessary, if in the course of implementing the act
25 it appears necessary to do so.

1 It is our intention to ensure that no matter
2 which component of the federal solid waste program is
3 carrying out what activity, that to the fullest extent
4 possible, representatives of all of the types of interest
5 groups mentioned there will have an opportunity to
6 participate and to let their views be known before a
7 regulation is published, before a guideline is published,
8 or before any serious effort is made to implement any
9 mandatory provisions of the act.

10 Section 7004(a) of the act states that any
11 person may petition the administrator for the promulgation,
12 amendment or repeal of any regulations under this act.

13 And section 7004(b) has to do with public
14 participation. The act says that public participation
15 in the development, revision and enforcement of any
16 regulation, guideline, information or program shall be
17 provided for, encouraged and assisted by the Administrator
18 and the states.

19 And further, that the Administrator, in
20 cooperation with the states, shall develop and publish
21 minimum guidelines for public participation in such
22 processes.

23 Section 7002(a) states that any person may
24 commence a civil action on his own behalf against any
25 other person, including the United States, who is alleged

1 to be in violation of this act, or against the
2 Administrator if there is alleged a failure by him to
3 perform any act or duty under the act.

4 The techniques which can be used to involve
5 the public in governmental actions fall into three major
6 categories. The first is to ensure that appropriate
7 public meetings, hearings, conferences, workshops and
8 so forth are held throughout the country, and more
9 importantly that they are planned and conducted in
10 accordance with the unfolding of the Act's key provisions.

11 The second technique is the use of advisory
12 committees and review groups which may meet periodically,
13 but which may also be called upon to review and comment
14 upon major programs, regulations and plans, no matter
15 when these occur, and no matter whether a specific
16 meeting is convened or not.

17 And the third is the development of
18 educational programs so that the public has an opportunity
19 to become aware of the significance of the technical
20 data base and the issues which emerge from it. Effective
21 public education programs depend on the use of all
22 appropriate communications tools, techniques and media.

23 These include publications, slides, films,
24 exhibits and other graphics, media programs, including
25 public service television and radio announcements, and

1 releases, of course, to the daily and professional press.
2 And public education projects carried out by civic and
3 service organizations with EPA technical and financial
4 assistance.

5 Without those three things, advisory groups
6 and committees, public education programs and meetings
7 of all varieties, you don't really have effective public
8 participation. All you need do is do only two of them
9 or one of them, and you have aborted the process.

10 Section 7007(a) and (b) authorize the
11 Administrator of EPA to make grants and offer contracts
12 with any eligible organization for training persons for
13 occupations involving the management, supervision, design,
14 operation or maintenance of solid waste disposal and
15 resource recovery equipment and facilities, or to train
16 instructors. "Eligible organizations" means a state or
17 any state agency, a municipality or educational
18 institution capable of effectively carrying out a training
19 program.

20 Section 7007(c) says that the Administrator
21 shall make a complete investigation and study to
22 determine the need for additional trained state and local
23 personnel to carry out plans assisted under this act and
24 to determine means of using existing training programs
25 to train such personnel and to determine the extent and

1 nature of obstacles to employment and occupational
2 advancement in the solid waste disposal and resource
3 recovery field.

4 The Administrator is required to report the
5 results of such investigation and study, including his
6 recommendations to the President and the Congress. No
7 particular time is indicated.

8 That, in a nutshell, is what the Act says
9 about public education, participation and training.

10 We will be happy to accept questions or
11 suggestions. We would prefer the latter.

12 Thank you.

13 MR. STRONG: Jim Strong, Butler
14 County Community College.

15 Has any thought been given to how member
16 personnel for the advisory committees and the review
17 groups will be handled?

18 MR. WILLIAMS: How they will be
19 selected?

20 MR. STRONG: Right.

21 MR. WILLIAMS: Well, to have an
22 official advisory committee for the headquarters office
23 can consist of no more than 15 people, and it has to be
24 approved by the Office of Management and Budget, and takes
25 quite a bit of time to get through.

1 Undoubtedly what we will have to do, or try
2 to do, is try to find 15 people who, in the opinions of
3 others, represent the whole spectrum of interest groups --
4 and we are going to miss some -- but 15 people who would,
5 if you will excuse the expression, will go from the left
6 of the environmentalists and consumers, to the far right
7 where you have trade associations and all those in
8 between.

9 In the meantime, we are planning to have a
10 large ad hoc committee meeting or two, and that might go
11 as far as 30 people.

12 We will probably select them on the basis of
13 which we have three major divisions carrying out the
14 provisions of the act. Probably mainly on what the
15 divisions are, the major interest groups that are
16 affected by what they have to do.

17 That is ensuring all the while that we don't
18 end up with a lopsided group that does not represent
19 the full public, so to speak.

20 MR. MEHR: Harold Mehr, Mehr
21 Research and Development Corporation, Greenville,
22 Pennsylvania.

23 Is there actual funds ready to be disseminated
24 for grants, training grants in the graduate areas at
25 universities today?

1 MR. WILLIAMS: No, sir, I am sorry
2 to say at this moment there are no funds whatsoever for
3 training. What our budget for fiscal year '78 is going
4 to be, is not actually known.

5 We now have the Ford budget and we have the
6 Carter budget, and we are waiting for the Congress budget,
7 which we think will be the best of the three.

8 In the meantime, we barely have enough budget
9 to carry out, or to attempt to implement those provisions
10 of the Act which are mandatory. Unfortunately for those
11 of us who care a good deal about training, no time limit
12 was placed on it. So as of now, we simply don't have
13 budget or manpower to do much about training.

14 I hope in fiscal '78, the situation will be
15 different.

16 To make another comment on training, if you
17 have any ideas on training or anything that you think we
18 ought to be thinking about, please don't hesitate to let
19 us know. We just brought a specialist in from one of
20 EPA's regions to stay with us for a couple of months,
21 to try to develop some preliminary thinking on how we
22 ought to implement these training provisions under the
23 Act, because we have had no training capability for
24 several years now in the program, until this Act was
25 passed.

1 MR. ZADAN: Walter Zadan, Group
2 Against Smog and Pollution, GASP.

3 In reviewing the subtitles under the Act, I
4 see no mention made of the fact that there should be a
5 study made of the tax structure. It seems to me if we
6 are to divide the solid waste disposal problem into two,
7 hazardous and non-hazardous problem areas, it seems to
8 me that the tax structure discussing depletion allowances
9 and so on, is the most serious problem faced with solving
10 that aspect of the solid waste problem. That does not
11 deal with hazardous materials, and I see no mention in
12 the Act.

13 MR. WILLIAMS: There is mention. I
14 will say very briefly there is important work to be done
15 under the Act that pertains to that problem. Do you
16 want to comment further, Bob?

17 If you don't mind, Bob ~~Lowe~~ will comment on that
18 when he is up here in the frying pan.

19 Come on, we have got to have another question
20 or suggestion or something. I don't want to go back to
21 Washington with a record like this, for God's sake, we
22 will lose the public participation entirely and never get
23 any training done.

24 MR. MEHR: Excuse me, but you
25 really can't get much accomplished unless you have the

1 funding to go ahead and accomplish something with. Don't
2 you think you sort of got the cart before the horse?

3 MR. WILLIAMS: Well, when you have an
4 Act, sir, that is supposed to require \$180 million to
5 implement, and maybe three or four hundred people, and
6 you have a hundred million people, that is \$39.47, and
7 the Act says in 6 months get this out, in 18 months
8 regulate this, in 18 months regulate this, define this,
9 you better do some things. Because they come around
10 saying, "You haven't done those, we will put you in jail,"
11 or something. They say, "Do training and give a report
12 to Congress." They don't say when.

13 It's just unfortunate, but nevertheless
14 mandatory on the managers in the agency that they do those
15 things that have to be done.

16 I think as a matter of fact possibly when they
17 start getting out some of these regulations and some of
18 these definitions, the need for training will become
19 so apparent that there will be some provision made for
20 it.

21 MR. STRONG: Jim Strong again. I
22 am still a little bit concerned about the citizen
23 participation aspect of this. As we were going through
24 the slides, it seemed to me there would be many other
25 areas besides this one, what I might call king pin

1 advisory committee of 15 people, that would be needed
2 to ensure public participation, or would be actually
3 involved in public participation.

4 Now perhaps I missed, and maybe this is looking
5 down the road too far, but has any thought gone into,
6 say in Western Pennsylvania where there may be certain
7 highly specialized solid waste programs or problems, having
8 Western Pennsylvanians in that area involved in the
9 particular aspect, or is the public participation mainly
10 going to be centered around this one 15-person committee
11 that you hope is going to represent the spectrum of
12 people?

13 MR. WILLIAMS: A 15-member panel is
14 very small, which I would never be under the illusion
15 that it would represent everybody. It is a formal
16 advisory council, which is very good for us to have, it
17 beats no council at all, believe me. But as I said,
18 there are three kinds of activities that would have to
19 be carried on to ensure minimal public participation.

20 Also, remember the divisions in the states and
21 others will be holding meetings, will be holding all
22 kinds of meetings, workshops, et cetera, as they implement
23 provisions of the Act, or plan provisions of the Act,
24 there will literally be hundreds of meetings in the
25 next couple of years in this country by us alone, not

1 to mention the meetings that states will hold and others
2 will hold. There will be all kinds of opportunities.

3 As I said in the first remarks I made, there
4 will be opportunities for organizations to comment on
5 proposed guidelines, even if we don't have meetings, in
6 addition to having the formal advisory committee is
7 just the icing on the cake, frankly. And the Act says,
8 "States ought to develop public participation strategies
9 and plans," and we will encourage them to. And I think
10 most of the states will do so.

11 Any more questions, please?

12 MR. DeGEARE: Truett DeGeare, I am
13 with EPA in Washington.

14 While it sounds not especially likely we would
15 get the full funding that Tom has mentioned in the Act,
16 it is likely we would get some funding. And, therefore,
17 it's also logical to assume that part of our funding
18 will be diversified into various areas and activities
19 called for under the law. One of these areas would be
20 training.

21 Therefore, it's important for us to obtain
22 your viewpoints on how we would prioritize the amount of
23 resources we do have, and the directions that you would
24 take in implementing the provisions of the Act which
25 call for training.

That is, should our agency at the federal level implement a short course training program, or should that be more appropriately done by the state agencies throughout the nation, or how would you best see the area carried out?

But we have also just asked for a representative from each of the divisions to help us make an appraisal of where in the various areas there are going to be real problems if we don't have trained people, what kind, what aspects of hazardous waste management, for example, would be so deficient as to make the implementation of the law difficult if they were not trained people, whether these be trained people in government or private industry?

I would think if we had the appropriate

1 funding for it, that we would have some training of our
2 own, but training by states and training by other
3 institutions under grants.

4 May I make one more comment before I say
5 anything else?

6 I think what Truett said is very important
7 from another viewpoint, and that is: We are here to get
8 your views. Nobody has decided how this Act is going to
9 be implemented. And what happens in these meetings and
10 why I said, not totally jokingly, that I wanted some
11 comment, the transcripts of each of these meetings is
12 going to be analyzed by someone under contract, who we
13 are hiring, to determine what you thought in each city
14 where we have had meetings. What seemed to be -- what
15 did the public think, in effect, we ought to be doing?
16 We are going to have that analyzed, condensed, then have
17 a cross section made of all the ten regional meetings,
18 and that is going to be given to the Administrator of
19 EPA, to the head of the solid waste program, the head of
20 our work forces strategy, and so on, before they make
21 any further decisions about how to proceed under this
22 Act. So it's quite serious.

23 MR. BARBUTOS: George Barbutos,
24 solid waste manager for Dallas County.

25 I would suggest that the federal program set

1 up a sharing program with the states in order to do the
2 training at the regional level, and that you actually
3 start with the government officials and the consultants
4 involved in solid waste, before you get to the public.
5 That would be my recommendation.

6 MR. WILLIAMS: Thank you.

7 Yes, sir?

8 MR. BERN: Joe Bern, U. S.
9 Utilities Service, Monroeville, Pennsylvania. In other
10 words, I am the industry or trade association vested
11 interest here.

12 MR. WILLIAMS: We are all vested
13 interests.

14 MR. BERN: Having been with the
15 state as an enforcement officer, I feel the biggest
16 problem the agency faces is knowledgeable enforcement,
17 uniformly and competent. And I feel that the training
18 should start at the state level where the program now
19 resides, at least in Pennsylvania, and that the manpower
20 be adequately trained so that there can be a hazardous
21 waste disposal industry. Until that occurs, there never
22 will be.

23 MR. WILLIAMS: Thank you, sir.

24 MR. MEHR: I have a suggestion
25 also, that some concentration be made on training people

1 who are problem solvers, rather than enforcers. Because
2 I think enforcement is one thing, but actually we have
3 a problem which not only needs enforcement, it needs
4 solved. I don't think there has been enough effort in
5 problem solving; there has been an awful lot of effort
6 placed on enforcement.

7 MR. BERMAN: Don Berman, Allegheny
8 County Works Department.

9 The gentleman here just mentioned problem
10 solvers, and I think one of the areas that we can use
11 training, and this is particularly true of Allegheny
12 County and Southwestern Pennsylvania, and I don't know
13 how you do this, but a training course for local elected
14 officials to apprise them of what is in the Act and what
15 their responsibilities are. I don't think they know.
16 I think they have got so many other things going around
17 in their minds at the present time, that they just don't
18 care.

19 And I think that is where the decision is
20 going to be made about what is going to happen, and
21 therefore, those people should become very knowledgeable,
22 either them or their staffs.

23 MR. WILLIAMS: Thank you. We agree,
24 even though we don't have a formal budget or money set
25 up, we do have some small but significant contracts with

1 NACO and the ICMA and such groups, to ensure that local
2 and state officials, county officials, become aware of
3 what this Act means.

4 Okay, thank you very much.

5 MR. RAPIER: Thank you, Tom.

6 That last suggestion Don Berman made I think
7 is an excellent one. I am not sure that we can't do
8 something about it soon. Maybe you and Bill and I can
9 talk about it and we can see if we can't do something.

10 I think one of the vital, major, new initiatives
11 of the Act is subtitle C, which deals with the development
12 and implementation of a hazardous waste management
13 regulatory program. We are fortunate to have tonight
14 with us to discuss the hazardous waste management area,
15 Mr. Fred Lindsey, who is Chief, Implementation Branch,
16 Hazardous Waste Management Division, Office of Solid
17 Waste Management.

18 Fred?

19 MR. LINDSEY: Thank you, Gordon.
20 May I say, like Tom Williams indicated, that we are really
21 very pleased you came out this evening to share with us
22 your thoughts, and give us your suggestions.

23 As Gordon mentioned, I am here to mention
24 subtitle C, the hazardous waste requirements within the
25 Act. I am going to go through and discuss as I go, some

1 of the Act's requirements. And I am going to throw out
2 what some of the issues are that we are going to have
3 to face as we try to deal with these requirements.

4 Subtitle C mandates a regulatory program,
5 the objective of which is to control hazardous wastes
6 from the point of generation, usually in an industrial
7 concern, to ultimate disposal at a permitted facility.

8 Now this is a very clear mandate, there is
9 a lot of latitude as to how we can carry that out, but
10 the mandate is very clear what we are supposed to do.

11 The first thing we have to do, and one of
12 the more important parts of the Act and one of the more
13 difficult parts of the Act is to come up with and identify,
14 shall I say characteristics of wastes which make them
15 hazardous or not hazardous. And in so doing, the Congress
16 has mandated that we consider such things as toxicity,
17 persistence in the environment, degradability,
18 bioaccumulation in tissue, flammability, corrosiveness
19 and other similar properties.

20 Once having identified what the criteria are
21 that make a waste hazardous or not hazardous, then we
22 have to issue a listing of wastes which are hazardous,
23 a hazardous waste list, as it were. However, I should
24 point out it is the criteria which will determine what
25 is and is not a hazardous waste.

1 As with the hazardous waste part of the Act,
2 we are given 18 months within which to come up with these
3 criteria, with these standards, 18 months from passage
4 of the Act, which was October 21, 1976, which will bring
5 us to April the 21st, 1978.

6 Gordon earlier mentioned some of the problems
7 we have in trying to identify what is and what is not a
8 hazardous waste. A number of people have pointed out
9 that before you decide what is and is not hazardous,
10 you have to decide when a waste is a waste. And while
11 it may sound a little ludicrous, if you think about it,
12 it's a difficult question.

13 There are a number of materials which, for
14 example, are sold at a very low price and used for such
15 things as, and I am including some potentially dangerous
16 chemicals, for example, that are sold occasionally for
17 road oiling, keeping down dust in horse arenas, and things
18 like that, and have cause many, many problems in the
19 past. So it's very important to us to determine when is
20 a waste a waste, so we will be able to deal with that,
21 as well as to be able to determine what is and is not
22 hazardous.

23 Wastes are mixtures of many different materials.
24 In dealing with air pollution and water pollution, we
25 are typically dealing with lead, or we are dealing with

1 copper, or we are dealing with asbestos or some other
2 easily identifiable substance. In wastes, we are usually
3 dealing with ooze and gunk and yellow goodies, things of
4 that nature, sludges of various types. And the question
5 arises: To what extent can our criteria and tests which
6 we develop for determining what is a hazardous waste,
7 be applied to the waste? And to what extent will they
8 have to be applied to suspected hazardous components?
9 And how does one go into setting up standardized tests
10 for things which vary all the way from things like
11 molasses, to things like a waste solvent, for example?

12 The next part of the Act requires us to
13 develop standards for generators, for those people who
14 generate hazardous wastes. And in so doing, we must come
15 up with reporting and record-keeping requirements which
16 will consist of identifying quantities, constituents
17 and disposition of waste materials which are generated at
18 a given site where you have to come up with standards
19 for labeling, standards for containers, the use of perhaps
20 design of containers, and perhaps most importantly under
21 this Act, we have to develop a manifest system.

22 The manifest system is designed to track waste
23 from cradle to grave. That is: From the point of
24 generation to the point of disposal. It is to give
25 pertinent information from the generator to the transporter

1 and disposer so that they can more adequately handle
2 their function.

3 In those states which already have and use
4 manifest systems, this has typically taken the form of a
5 trip ticket. Some of you may be familiar with these.
6 There are a few problems ^{and} ~~in~~ issues in this area also,
7 for example, how can record-keeping and reporting burdens
8 be minimized, and yet provide adequate control of the
9 hazardous waste management problem?

10 In the manifest area, should manifests be
11 uniform nationwide, or should there be permitted to be
12 some variation from area-to-area and section-to-section?
13 This is some of the things we are going to have to deal
14 with, on which we would like your thoughts.

15 Similar standards are required for those
16 people who transport hazardous wastes, including again
17 record-keeping. Records which would be kept here would
18 include things like the source of the waste and the
19 delivery point to which the transporter delivered the
20 waste, again labeling requirements for containers,
21 compliance also with the manifest system, which would
22 impact upon the transporters, also.

23 And then there is a provision which requires
24 that whatever we come up with in the area of transport
25 standards will have to be consistent with Department of

1 Transportation regulations. And we have very close
2 liaison, at this point, with those people.

3 Section 3004 of the Act is probably one of
4 the more important parts of the Act, because it is here
5 that standards must be developed for those people which
6 own or operate treatment, storage and disposal facilities.
7 And it is by such standards that improper disposal will
8 be made illegal. So this is a very important area.

9 Congress has mandated a number of regulations
10 in this area, including again record-keeping and reporting,
11 including how much was received at a facility and how
12 was it disposed? Again, compliance with the end of the
13 manifest system, requirements for monitoring and
14 inspection. This will include requirements for minimum
15 requirements, minimum testing and sampling protocols
16 to determine if a site is in fact polluting.

17 We must come up with regulations for location,
18 design and construction of such facilities which would
19 include such things as where facilities can and cannot
20 be placed, what design options may be restricted, or
21 otherwise controlled. We must come up with maintenance
22 and operating standards. Contingency plans are called
23 for. What to do if something goes wrong at a facility
24 must be identified ahead of time.

25 Then there is a broad area of what we call

1 "ownership requirements" which could consist of such
2 things as performance bonds, long-term care funds,
3 training requirements at hazardous waste facilities,
4 perhaps site closure plans, things of that nature.

5 And then there is a general overall section
6 that says, in effect, such other standards as may be
7 necessary to protect the public health and the
8 environment. So it's an extremely broad mandate.

9 Some of the questions in this area, which we
10 would appreciate your thinking about and sharing your
11 thoughts with us, what are the main problems at the
12 implementation end of all this which are associated
13 with integrating hazardous waste facility standards
14 with the present Air, Water and OSHA Standards with
15 which many of these facilities must comply at this
16 point? Should performance standards for hazardous waste
17 storage, treatment or disposal facilities apply at the
18 fence line of a hazardous waste facility, or other
19 places?

20 Should the standards take the form, for
21 example, of non-degradation of a medium such as ground
22 water beyond some specified point, or should there be
23 equipment standards, "Thou shalt have Venturi scrubbers,
24 or the equivalent, if you are going to burn chlorinated
25 hydrocarbons," for example?

1 There are a variety of ways in which we could
2 put together regulations which would affect this area.

3 Should hazardous waste facility standards
4 be uniform nationally, or should there be allowances for
5 the difference in climate, et cetera?

6 Many citizens automatically oppose the siting
7 of hazardous waste facilities in their locale. I think
8 a gentleman back along the aisle mentioned that earlier,
9 or alluded to a problem along this area. For example,
10 we can come up with the best standards going, and do a
11 very good job of setting standard, but if there is no
12 place to put the wastes, where are we going?

13 So the problem of monolithic opposition, even
14 for acceptable facilities, may be a serious problem for
15 us. I suspect it will. How can we overcome that? How
16 can we effect that?

17 Someone mentioned perhaps training for local
18 officials and so forth, who must deal with the problem of
19 disposal facilities in their locale might be helpful.
20 I don't know, that is a good suggestion. In any event,
21 this may be a problem.

22 On the other hand, would very stringent
23 facility standards have any appreciable influence on this
24 issue? Should regulations published by EPA require
25 certification of employees to work at a hazardous waste

1 facility?

2 We certify boiler water operators; should we
3 certify the operators at a hazardous waste facility?

4 That is the question we are facing.

5 Should EPA require bonding and insurance for
6 hazardous waste and disposal facilities?

7 What routine monitoring should be required at
8 a waste facility, and who should do it; the enforcement
9 authority, or should the facility itself do it?

10 What should be the reporting requirements?

11 These are some of the problems, and as you
12 can see, some of them are rather substantial that we
13 are facing over the next few months.

14 Under section 3005 of the Act, we are required
15 to develop a mechanism for bringing facilities into
16 compliance with these standards. And this is through
17 the use of a permit system.

18 Six months after we develop, or after we
19 publish the criteria for what is and what is not a
20 hazardous waste and the other standards under section
21 3004, the standards for facilities, it will become
22 illegal to dispose of a hazardous waste in a facility
23 that does not have a permit. That will be illegal.

24 Now in order to get a permit, a facility will
25 have to show to the regulatory agency, whether that be

1 EPA or the appropriate state agency, will have to show
2 that they comply with the standards which we just got
3 done talking about for treatment facilities. These are
4 requirements within the Act.

5 Now the Act also states that in order to
6 receive a permit, a certain amount of data will be
7 required, including the manner of disposal of the waste
8 at the facility or treatment, the types and amounts of
9 waste which are expected to be received, the frequency
10 of treatment or the rate of application in case of
11 disposal.

12 There will have to be certain amounts of
13 information on the site, probably hydrogeology,
14 climatology, demography, et cetera.

15 There is the provision in the Act for the
16 granting of interim permits for those facilities,
17 treatment, storage and disposal facilities which are in
18 business as of the passage of the Act this past October.
19 And those facilities should have notified the state or
20 EPA, under section 3010, of their existence, which we
21 will talk about in a minute, and those facilities that
22 have applied for a permit. So for facilities which have
23 done all three of those, they will be granted an interim
24 permit to continue operating until all the paper work
25 clears. Because I think as you can understand, there are

1 probably going to be quite a number of applications in
2 the beginning, probably in the same sense there was for
3 the water pollution permit systems.

4 One of the major problems we are facing in
5 this area is the question of whether or not there should
6 be different classes of permits, which would depend perhaps
7 on the amounts and type of wastes which are handled,
8 which would then have different requirements in order to
9 receive permits.

10 Section 3006 of the Act is where Congress has
11 dealt with the desirability of turning the permitting
12 and enforcement part of this Act over to the states to
13 carry out. Now we, within EPA, will be developing
14 guidelines to assist the states in setting up acceptable
15 programs under the Act. In order to be authorized to
16 carry this out, the state program will have to be
17 equivalent to the federal program; it will have to be
18 consistent with any other state programs which have been
19 authorized, and it will have to contain adequate
20 enforcement provisions.

21 Now Congress didn't say what "equivalent,
22 consistent and adequate" are, so that is what we will
23 be wrestling with in the next few months.

24 Section 3010 requires that anyone within three
25 months after we identify what is and what is not a

1 hazardous waste, which is required, as I say by April 21
2 of 1978, within three months after that time, anyone who
3 generates, transports, treats, stores or disposes of
4 hazardous wastes, under the definition, will have to
5 notify EPA or the appropriate state agency, that they do
6 this. Now this will probably be a very simple operation,
7 but it will have to be carried out nonetheless, it's
8 a one time notification.

9 Section 3011 of the Act outlines procedures
10 for assisting the states to assist them in developing
11 and implementing the state program, to carry out the
12 permitting and enforcement parts of this Act. It
13 authorizes \$25 million to do this for each of two years.
14 Unfortunately, that particular amount of money hasn't
15 been appropriated as yet, and probably will not be,
16 although there will certainly be a certain amount of
17 money in this area, it probably will not be anywhere
18 near what we would like. How much will be appropriated,
19 no one knows at this particular point.

20 The allocation will be made to states, based
21 on a formula which we will devise, based on the amount
22 of the hazardous wastes which are generated in the state
23 and the extent of public exposure to those wastes.

24 In brief, that is what we are up against for
25 the next few months. And as you can see, I think it's

1 quite a formidable task on our part, and we do mean it
2 when we say we will listen and are interested in anything
3 you have to say, any comments you might have, any guidance,
4 any suggestions you might have on any of these issues,
5 or any of the things which I have talked about this
6 evening.

7 So I am here to receive any suggestions you
8 might have, and to answer any questions that you might
9 have.

10 MR. SHAPIRO: *M.A.* Shapiro from the
11 grad school of public health.

12 Nowhere do I find anything related to the
13 establishment of centers for conservation or for re-use
14 of the materials. Is there anything in the Act, in the
15 hazard^{ous} portion of it, which will allow for the
16 establishment of such centers, either voluntarily, or
17 under the Act?

18 MR. LINDSEY: There is no provision
19 which specifically addresses hazardous wastes in that
20 sense, although any of the resource -- ~~many~~ of the
21 Resource Recovery provisions, which Bob ~~Lowe~~ is going
22 to talk about later, could also apply to the hazardous
23 waste section.

24 Now if I understood you correctly, your
25 question was: Would it be possible, either with support

1 from the Act, or without support from the Act, to
2 undertake recycling facilities for these kinds of wastes?
3 And the answer, at least to the latter, without support
4 under the Act, is yes. That would certainly be possible.
5 There are a number of facilities now in existence whose
6 major business is just that; taking various types of
7 hazardous wastes, treating them and making salable
8 products out of them.

9 One of the more common approaches is
10 distillation of solvents to reclaim solvents. There are
11 others, copper reclamation, et cetera. But there is no
12 money available to give to people to do that.

13 There will, however, probably be some funds
14 available for demonstration work for that type of thing.

15 Other questions?

16 MR. SCHMIDT: Ray Schmidt, Bethel
17 Engineering.

18 On your question about operating standards,
19 I have worked with Pennsylvania Standards for land fills,
20 and trying to design them around it, I might suggest they
21 be set up in two parts:

22 One, the results are desired, or the
23 undesirable results which you don't want from the
24 operation or design of a land fill.

25 And then second some "cookbook" or standard,

1 agreed upon approaches, which might be acceptable.

2 MR. LINDSEY: Okay, so what you are
3 saying, then is in that area, the standards in that area
4 should take the form of prohibitions, such things as
5 perhaps --

6 MR. SCHMIDT: We don't want any
7 ground water, wherever water is being drawn from in that
8 aquifer, that should not be polluted. But if there is
9 ground water below a hundred feet, therefore you don't
10 have to worry about it.

11 MR. LINDSEY: Is that an example,
12 or a suggestion?

13 MR. SCHMIDT: That is both. Since
14 the Pennsylvania requirements call for hundred foot
15 monitoring wells, and many parts of the state do not
16 have any usable water in the first hundred feet, if any
17 water at all, of any consequence.

18 By the same token, there are many ways of
19 getting rid of hazardous and non-hazardous wastes which
20 are not spelled out in specific detail in the Pennsylvania
21 regulations. For example, shredding is not even
22 discussed; composting is. But shredding, which I believe
23 Dover, Delaware is one of the prime examples of this
24 approach, but nowhere does Pennsylvania have it in their
25 regulations.

1 MR. LINDSEY: In other words, it
2 is not permitted under Pennsylvania regulations?

3 MR. SCHMIDT: It's not mentioned,
4 therefore it is not acceptable.

5 MR. LINDSEY: Are you talking about
6 shredding and spreading of what types of materials?

7 MR. SCHMIDT: Of both hazardous
8 and non-hazardous, where it is possible if you take a
9 large amount of non-hazardous waste and mix in an
10 appropriate small amount of hazardous waste, your unit
11 level, if you will --

12 MR. LINDSEY: Application rate?

13 MR. SCHMIDT: Right, becomes
14 acceptable.

15 By the same token, you get into the problem
16 if you start allocating specific times when you can take
17 and mix them, for example, toxic sludges will agglomerate
18 with other materials, an example might be fly ash, or
19 very absorbent materials that are left over. These things
20 could be used to dispose of a toxic, and tie it up.

21 MR. LINDSEY: Should these specific
22 procedures be addressed in the form of guidelines, or
23 should they be some sort of regulation as to how they can
24 or cannot be carried out, as you say?

25 MR. SCHMIDT: Well, the preference

1 is guideline, because by regulations you have no choice,
2 that is it, it's black and white. But if you set it up
3 as guidelines, which DER's regulations had been for
4 quite a while, you have the option, if you will, to have
5 some leeway.

6 MR. LINDSEY: So your recommendation
7 is, then, that we set performance standards which would
8 be regulations, and then we set guidelines relative to
9 different techniques?

10 MR. SCHMIDT: Right.

11 MR. LINDSEY: Thank you.

12 Others?

13 MR. LARUE: Dennis La^Rxue,
14 Youngstown Vindicator, Youngstown, Ohio.

15 In Mahoning County, which is about 50 miles
16 from here, for the last two years Browning-Ferris
17 Industries have proposed carting solid waste from
18 Montgomery County, Maryland and from Philadelphia,
19 Pennsylvania to Mahoning County to have it disposed of
20 in abandoned strip mines. And both times the local
21 board of health has waited to see what would happen before
22 asking or considering a lawsuit against Browning-Ferris.

23 I am wondering here with the development of
24 standards, if the federal EPA is going to take over the
25 whole ball of wax, if Browning-Ferris will be able to

1 bring it in, as long as they complied with the
2 requirements under the Act?

3 MR. LINDSEY: First of all, you are
4 talking now about a situation which was a municipal
5 trash and garbage, as opposed to the hazardous wastes.
6 And Truett DeGeare, who spoke a few minutes ago and
7 will speak again, will address that point.

8 But you are getting to a whole other area
9 which is important, and that is: Whether or not
10 hazardous wastes should be permitted to move great
11 distances? Some states have tried to, and I think
12 certain localities have tried to permit the movement of
13 those materials, either into their jurisdiction for
14 treatment or disposal, or even through it in some cases.
15 And this issue has been raised by others you know, what
16 is EPA's position on that?

17 Well, our position has been all along, although
18 we have no regulatory position in that at this point, but
19 our position has been all along that these types of
20 wastes should be treated and disposed in those areas
21 where they can be handled from the best standpoint
22 environmentally and economically. Where the trade-off
23 is the best, where they can be handled safely from an
24 environmental standpoint, and cost, even if this requires
25 transportation.

1 And in fact, these materials do move today
2 vast distances; across half the nation is not uncommon.
3 Many of these materials already move those distances.
4 Part of the reason for that is that in order to treat,
5 detoxify many of these materials requires a relatively
6 specialized piece of material, in some cases. So the
7 movement to an area which is large enough to support such
8 a facility may be quite larger than one state, or even
9 larger than one region.

10 MR. MEHR: You have an equal
11 problem with radiation wastes. There are only maybe a
12 dozen localities in the entire United States that suit
13 geologically for that type of hazardous waste. What
14 type of movement do you have to take as a federal
15 government, to say to a group of environmentalists,
16 "This is one of a few spots that remains in our nation
17 and we have got to use it, and that's all there is to it",
18 like the salt mines of Ohio?

19 MR. LINDSEY: Are you suggesting
20 that EPA should take this kind of positive approach in
21 handling facilities?

22 MR. MEHR: I am not suggesting,
23 I am pointing out a problem where it may be the necessity
24 of the federal government to make a choice for everyone,
25 because no one really wants hazardous waste in his

1 back door anyhow.

2 MR. LINDSEY: That is true. I don't
3 think there is any authority, the way the Act is written,
4 for us to say, "Okay, we are going to put it here."
5 That authority doesn't exist.

6 Also, you are dealing with radioactive waste
7 which, generally speaking, most radioactive wastes are
8 not covered under this Act. There are certain nuclear
9 wastes which are.

10 The wastes which are covered under the
11 Atomic Energy Act are not covered under this Act. The
12 wastes which are covered under this Act include such
13 things as naturally occurring radioactive wastes, such
14 as radium and probably as we read the Act, the phosphate
15 slime piles in Florida, the piles of radioactive overburden,
16 et cetera, in Western Colorado, anything which is
17 generated out of a cyclotron, would be covered under
18 this Act.

19 But as I say, most of the nuclear wastes are
20 covered under the Atomic Energy Act, and it is up to the
21 Nuclear Regulatory Commission and ERDA to identify
22 disposal sites for that. But the question of what impact
23 EPA can have on siting of facilities, which I think I
24 mentioned a little earlier, we see as a potentially
25 major problem, is something we are very interested in.

1 And where there are good suggestions in this area, we
2 would like to have them. But we don't have the authority
3 to say, "This is where this has got to be."

4 MR. SCHMIDT: Ray Schmidt, Bethel.
5 On that subject, I explored it on some other cases, and
6 the answer I have always gotten back is the state or
7 federal government will permit a site to be used as far
8 as meeting their regulations or guidelines, as far as
9 whether or not it can indeed be used because of other
10 things, such as the local health department taking suit,
11 that is beyond their interest and jurisdiction. They
12 will simply permit it from the standpoint of, "Yes, it
13 does meet the criteria for an acceptable site." Whether
14 or not you can actually use it is another story.

15 MR. LINDSEY: That is true. There
16 are some zoning requirements and things of that nature
17 where permits could be required that could cause problems.

18 For example, we are trying now, under a
19 demonstration grant from our office, to site an
20 environmentally acceptable facility in Minnesota, and
21 we are having a heck of a time doing it because of
22 things like that.

23 MR. BERN: Joe Bern, U. S.
24 Utility Services.

25 With regard to the guidelines or regulations,

1 or whatever you want to call them, it is my opinion that
2 they should be directed toward an acceptable environmental
3 impact, rather than a particular treatment or a particular
4 facility, or a particular kind of process. Because the
5 hazardous wastes, and wastes in general are so varied,
6 almost infinite in nature, that they can't even be
7 designed as such.

8 Now, as far as our activity with the
9 Department of Environmental Resources, this has always
10 been the approach in trying to dispose of a waste, we
11 feel we have to comply with any regulations with
12 regard to any discharges or any situations. And this
13 has still been the case and still is, regardless of
14 what the waste is.

15 Consequently, what level of treatment is
16 required will be dictated by the environmental impact,
17 and not by the characteristics of the waste only.

18 MR. LINDSEY: Again, the suggestion
19 being that we stick with performance type standards,
20 as opposed to equipment standards.

21 Okay.

22 MR. SCHMIDT: This is a support of
23 that statement. The Coast Guard has a book about that
24 thick (indicating) which lists all the materials which
25 are "hazardous" by their definitions.

1 DOT has a similar sized document with all the
2 labels for those; so once you begin to get that large a
3 number of potentially hazardous materials trying to
4 dictate a system, you completely wipe out, you get lost.

5 MR. LINDSEY: The problem, as I
6 think I may have mentioned earlier, with dealing with
7 those lists, the Coast Guard list and DOT list are
8 hazardous lists of chemicals, as it were, whereas the
9 wastes we are dealing with occasionally are those, but
10 more occasionally there are some goo's or glop which has
11 some two or three or five of these materials in them,
12 which may tend to be antagonistic or synergistic with
13 each other.

14 We feel that the criteria for hazardous wastes
15 are probably going to have to address the waste itself,
16 as opposed to the materials which are in it. Although
17 this is still an open question we are addressing at
18 this particular point, but it is a difficult problem.

19 Are there any others?

20 MR. SHAPIRO: I think you made one
21 of your first questions concerning minimum record-keeping
22 systems. And it appears to me that in a sense, it's
23 already in the Act, and in fact other acts like the
24 Safe Drinking Water Act or other like acts, have already
25 set standards that you must establish minimum standards,

1 then allow the states, if they care to, to upgrade it
2 or make them more strict, in the other sense, that that
3 would be acceptable.

4 But in trying to ascertain what is going to
5 be available as knowledge of what happened in the past,
6 I just can't see you getting around without getting some
7 minimum of the record-keeping system for the whole
8 country. Otherwise, it's not going -- we are not going
9 to be able at all to identify anything in the future.
10 And since that is what I believe you are trying to do,
11 then a set of minimum standards, uniformly applied,
12 will have to be available.

13 MR. LINDSEY: In the case of
14 disposal facilities, would you like to tell us what kinds
15 of things they should keep records of, or have you
16 thought about it?

17 MR. SHAPRIO: Well, I was reading
18 what was in the Act here, in the sense that it states
19 record-keeping practices that accurately identified the
20 quantity of such hazardous wastes generated, the
21 constituents thereof, and which are of significant
22 quantity or potential harm to human beings, I think it's
23 spelled out. The transfer of records from the source
24 to the disposal site should be more or less a mechanical
25 operation.

1 MR. MEHR: May I caution the
2 government from making the record-keeping so difficult
3 and so voluminous that you have the same paper problem
4 developing in the EPA as you have in other federal
5 agencies? One of the things that you have is that when
6 you handle the record-keeping portion of handling wastes,
7 you find it's more expensive to keep the records than it
8 is to go ahead and make a buck disposing of the wastes.
9 Then it becomes profitable for a man to cheat and lie
10 and do all the things that the enforcers don't like to
11 have done.

12 So if you make your record-keeping too
13 strenuous, too difficult and too mean and expensive,
14 you are going to get more and more enforcement necessary
15 because people are going to cheat.

16 MR. LINDSEY: Okay, good point.

17 MR. WILLIAMS: Well, I resent that.
18 I don't think anybody else caused any more records to
19 be kept than EPA does.

20 MR. MEHR: I didn't imply that,
21 I am sorry.

22 MR. LINDSEY: Does anyone have
23 any suggestions they might make on whether or how we
24 might integrate our record-keeping at these facilities,
25 as compared to whatever the requirements there are on

1 these types of facilities from pollution discharge
2 systems, or from the air or whatever?

3 ^{R. WALTER}
MR. ZADAN: I am subject to a
4 certain amount of record-keeping by the county, state
5 and federal government, and very often we have three
6 different forms that cover the same problem, but each
7 form is different. So I would suggest that a good place
8 to start would be perhaps to get your local forms and
9 required state forms and federal forms, and perhaps use
10 a simple, one single form.

11 And I think the same thing exists as to
12 inspection. I have a city inspector, a county inspector,
13 a state inspector and a federal inspector. The federal
14 inspectors are today once a year a supervisor, once a
15 year another "super" supervisor, who comes in from half
16 a nation away. And I have at least five levels of
17 governmental agencies inspecting me for the very same
18 thing. And I think this is the problem that many people
19 who are in business object to.

20 MR. LINDSEY: I think in this
21 particular Act, under this Act, at least the hazardous
22 waste provisions, if the state takes over the program,
23 you won't see the federal inspector, in all likelihood,
24 as long as the state is managing the program.

25 I think that should help some, anyway.

1 MR. STRONG: Since it's apparent
2 under ^{Sub}title C that there is going to have to be a
3 tremendous amount of scientific impact, especially
4 characterizing what is going to a "hazardous waste",
5 are there plans for a specific advisory group to, again
6 representing a broad spectrum of the public, to be
7 involved in this establishment, or is this mainly
8 in-house.

9 MR. LINDSEY: Let me give a brief
10 outline of how we do things relative to developing
11 standards in EPA, or at least for this Act. We have a
12 variety of different people who impact upon us, in
13 other words, we don't sit in Washington and just do
14 this.

15 For example, there is first of all what we
16 call a working group. A working group is made up of
17 members, not only from our own office, we are the lead
18 office, but also members from other parts of EPA, a
19 number of other parts of EPA and any other part of air
20 pollution and water pollution.

21 The intent of these work groups and all
22 these various other experts on the group is:

23 Number 1, to give us the benefit of their
24 experience and their knowledge, and also to help
25 integrate, as we pointed out a little earlier, the

1 requirements of this Act with the requirements of some
2 other acts where there may be some overlap, or some way
3 we can smooth the implementation of it.

4 In addition to that, we are holding, and have
5 held, a number of meetings with various segments of the
6 public, both one-on-one type meetings, which are meetings
7 with a public interest group of one sort or another, or
8 a trade association, to seek information, seek data, seek
9 viewpoints of that sort of thing.

10 We have held some, and will be holding very
11 soon within the next few months, some more of what we
12 call type 2 meetings. These are small group discussion
13 meetings in which having identified experts, we will
14 bring them together representing different viewpoints,
15 including public interest groups again, trade
16 associations, college professors, state personnel and
17 other experts we may have identified, to discuss a given
18 problem, like how do we best regulate emissions from a
19 site?

20 So there are a lot of those things going on.
21 There are public meetings like this, there will be
22 hearings as we get down the line.

23 Then there is something called an advanced NOTICE of
24 proposal of rule making in which we will publish again
25 some of our concerns, some of these issues I have

1 discussed, and we have an open document and ask people
2 to respond to those issues, anyone and everyone to
3 respond to those issues.

4 So generally, in a general way is the way we
5 go about getting public input. On the other hand, there
6 is no reason why, at any time as a result of these
7 meetings or anything else, any thoughts that come along,
8 any time anyone has an idea they want to get across,
9 the way to do it is phone or send a letter to your
10 regional office, and they will see that it gets to the
11 proper person within our group.

12 MR. MEHR: Do you have an 800
13 number? That might be a suggestion that is wise, to place
14 an 800 number at the disposal of the public to call you
15 and give you suggestions.

16 MR. WILLIAMS: Call the region.

17 MR. LINDSEY: You can call the
18 region in Philadelphia, even though that is a toll number
19 from out here.

20 The phone number is 215-597-8114, 0980, 0982
21 and 8116.

22 MR. MEHR: You will get more
23 results if you have an 800 number.

24 MR. LINDSEY: Good suggestion. I
25 don't know if it's legal, but we will look into it.

1 I think we are going to have to quit, because
2 we are getting way over our time.

3 MR. RAPIER: Take one more.

4 MR. SCHMIDT: I will keep it short.

5 One, your question about reporting procedures, I might
6 recommend rather than a whole series of trip tickets,
7 which fill file cabinets, you go to a quarterly or
8 semi-annual or annual report system similar with the
9 NPDS permit, or similar to the new potential reporting
10 methods of quarterly dumping amounts. That will make
11 it a lot simpler where you have incidental dumps of
12 miscellaneous items, you can have a special short form.
13 But where industry is constantly dumping the same type
14 of thing on a fairly routine basis, that would be a
15 far simpler operation.

16 MR. LINDSEY: In terms of reporting,
17 I would agree with you. However, the manifest and the
18 purpose of the manifest, at least from the commercial
19 background document, is to track the material, to be
20 sure that it gets from generator A when he gives it to
21 a transporter, that it actually gets to disposer B.

22 In California, for example, where they have
23 this they use that as an enforcement mechanism. This is
24 one way of assuring that the transporter, when told by
25 the generator to deliver it to a permitted place, doesn't

1 go off and dump it down the creek.

2 MR. SCHMIDT: Understood, the
3 point being if you report out of the acceptor and
4 generator, the two should coincide and a simple
5 correlation of the two would take care of it.

6 The second major quick point was: Nowhere,
7 going through this, do I find any sort of tax incentives
8 to anyone, be it private industry or otherwise, to try
9 to somehow reduce or transform any of the hazardous
10 wastes.

11 There are a number of technologies, including
12 nitric acid generation, which, given some economic
13 incentives, such as tax write-offs, either direct
14 against tax or otherwise might become a viable way of
15 getting rid of it.

16 MR. LINDSEY: You are correct,
17 there is nothing in the Act which specifically relates
18 to hazardous wastes. However, there are things for
19 incentives which would also apply to hazardous wastes,
20 but it's not a program as such. It's a study that is
21 to be undertaken, but that's all the Act specifies.

22 MR. SCHMIDT: I notice it does
23 offer 5 percent for tire shredders. They give you a
24 grand total of \$75,000.

25 MR. LINDSEY: I bet you there isn't

1 any of that that has been authorized or appropriated
2 yet.

3 MR. MEHR: Harold Mehr again.

4 I remember the story of the man who had a
5 \$4,000 race horse and a \$20 customer. It appears that
6 industry, with hazardous wastes, has a multi-million
7 dollar solving problem, but only \$20 customers that can't
8 really afford it. He finally solved his problem by
9 finding 200 raffle holders at \$20 a ticket, and I am
10 wondering whether the government can consider district
11 treatment facilities for certain types of hazardous
12 wastes?

13 Mobay Chemical pointed out they had 4,000
14 pounds a day or 3,000 a day of some type of hazardous
15 chemical. I remember Exxon down at Bay City in Texas,
16 have put in some type of pipeline, they do it on a small
17 scale.

18 I wonder if you have considered this, or
19 looked at that situation?

20 MR. LINDSEY: I think you may be
21 talking about two different things. One is the so-called
22 "national disposal site concept" where the government,
23 either federal or state, for that matter, would set up
24 plants which they would run to treat the wastes on
25 a regional basis.

1 MR. MEHR: Combination private-
2 federal, maybe industry, given certain portions of the
3 funding with the government introducing certain portions,
4 and have it jointly operated with government and industry.

5 MR. LINDSEY: There are no provisions
6 for any such thing under the Act. There potentially
7 could be a demonstration mechanism under the Act, if
8 there were funds to do it.

9 But the "hazardous wastes national disposal
10 cite concept" is not treated under the Act. It's
11 something that Congress felt was the responsibility of
12 the generating industry and it is a cost that should be
13 borne by them, generally speaking, and therefore it's
14 not included.

15 The other thing^g you talked about, I think
16 you indicated in Texas, was the possibility that one
17 waste may be another man's feed stock, and the concept
18 of what we call a waste exchange. Maybe I am wrong,
19 but I will say something about it anyway, since it has
20 come up.

21 In many of the European countries, this is
22 a common thing where the government, or in many cases
23 it's something like where the manufacturing chemists
24 association, or some other trade association uses a
25 technique where they advertise waste for somebody, and

1 the characteristics of those wastes without naming
2 names, so somebody on the other end who has a need for
3 that type of chemical material can effect an exchange.
4 And there is a fledgling operation of this type in
5 St. Louis, and others around the country beginning to
6 make some headway. We hope that will at least put some
7 dent in the hazardous waste problem.

8 Well, thank you very much. If there are other
9 comments or suggestions, I would be pleased to have them
10 after this is completed.

11 MR. BUCCIARELLI: I would like a
12 second crack here, since there were some statements made
13 that might need a little clearing up.

14 First of all, I am glad you mentioned the
15 waste exchange business, because if you didn't, I would
16 have. And I think this is what Dr. Shapiro was alluding
17 to in terms of the whole area of industrial-agricultural
18 wastes. And there is the St. Louis regional exchange
19 outfit, and also Zero Waste Systems out in California.

20 We know this simply because DER has been
21 trying to interest certain agencies and groups into
22 adopting this concept and getting into the industrial-
23 agricultural waste field. And the beauty about that kind
24 of a system is that even if you only have one percent
25 success, if it is a particularly difficult and

1 complicated and hazardous type waste, if you do recycle
2 that, you do save a lot of time and effort and money that
3 would have had to have been invested in trying to solve
4 that problem, and probably not solved it in the end.

5 The rate of success has not yet been determined
6 in any of these waste exchanges, even in Europe, because
7 it's difficult to track down what the ultimate conclusion
8 was, or what the ultimate arrangement was between the
9 contractor and the recipient. Because oftentimes, they
10 don't want you to know.

11 But any degree of success along that line,
12 and really it's in terms of running that kind of a
13 concept or exchange, it's relatively cheap for those
14 that are running it. So we are trying to promote that.

15 As far as things not being covered under our
16 Act or our rules and regulations, and naming them
17 specifically, such as the gentleman over here mentioned
18 shredders, yes, it's not mentioned. But that does not
19 mean it's not covered.

20 Now we do mention certain solid waste
21 technologies, but we don't mention all the equipment
22 or all the processing methods that are possible in the
23 solid waste game. But they are covered under equipment
24 and processing methods.

25 As far as 100-foot wells, well, they are not

1 all a hundred foot wells, they vary in depth depending
2 on where the water table is. So it's not a standard
3 requirement.

4 One more comment, and that is we are very
5 interested in a hazardous waste program in Pennsylvania.
6 Roy Weston has just completed a study for us, we have
7 just received a completed document, we are looking at it
8 now in terms of how it will fit, or what we can use out
9 of it to develop a state program. But the part of that
10 development of the state program is dependent pretty
11 much on how the federal government wants to go under
12 this Act.

13 And we, as states, would implore that in the
14 implementation of the federal act, that they provide
15 the incentives for us as states to take over the program
16 and be supportive to what has gone on in here in the
17 states in the past and in the present, and not disrupt
18 the tremendous, as I pointed out, the tremendous
19 commitments that have been made by state, local and
20 private and everybody else involved. Be supportive
21 and provide the incentive for us to take it over.

22 I think we can, in that kind of atmosphere.

23 MR. RAPIER: Thank you, Bill.

24 I should point out that subtitle C of the
25 Act has a mandatory requirement for implementation. If

1 Bill Bucciarelli doesn't do it, I will have to, so I
2 want to assure you that I will do everything in my power
3 to see to it --

4 (Laughter.)

5 MR. BUCCIARELLI: Come on in, glad to
6 have you.

7 MR. RAPIER: One of the new things
8 of the Act is the requirement to look at the whole
9 land disposal question and the non-hazardous solid waste
10 management program.

11 Truett DeGeare, the Chief of the Land
12 Protection Branch in the Systems Management Division of
13 the Office of Solid Waste Management is going to talk
14 about the general land disposal area.

15 Truett?

16 MR. DeGEARE: It's nice to stand
17 up. If you would care to for a second, feel free.

18 With regard to land disposal of non-hazardous
19 solid wastes, some of the important features of RCRA
20 are significant new definitions, a requirement for the
21 Administrator of EPA to promulgate regulations containing
22 criteria for determining which facilities shall be
23 classified as sanitary land fills, and which shall be
24 classified as dumps. The requirement that the Administrator
25 publish an inventory of all disposal facilities which are

1 open dumps, and the requirement that the Administrator
2 publish suggested guidelines, including a description of
3 levels of performance to protect ground water from
4 leachate. The implication and requirements for state
5 and local government will be discussed later under state
6 and local program development provisions.

7 RCRA recognizes open dumps and sanitary land
8 fill as the only two types of solid waste disposal
9 facilities. They will be distinguished by criteria to
10 be developed under the provisions of Section 4004.

11 RCRA adds clarity by defining "disposal" and
12 "solid wastes." Disposal means the discharge, deposit,
13 injection, dumping, spilling, leaking or placing of
14 any solid waste or hazardous waste into or on any land
15 or water, so that such solid waste or hazardous wastes,
16 or any constituent thereof, may enter the environment
17 or be emitted into the air or discharged into water,
18 including ground waters.

19 The term "solid waste" means any garbage,
20 refuse, sludge from a waste treatment plant, water supply
21 treatment plant or air pollution control facility, or
22 other discarded material, including solid, liquid,
23 semi-solid or contained gaseous material resulting from
24 industrial, commercial, mining and agricultural operations,
25 and from community activities. But it does not include

1 solid or dissolved material in domestic sewage, or
2 solid or dissolved materials in irrigation return flows
3 or industrial discharges which are point sources subject
4 to permit under section 402 of the Federal Water Pollution
5 Control Act as amended, or source nuclear or by-product
6 materials as defined by the Atomic Energy Act of 1954,
7 as amended.

8 I went to the trouble of reading through those
9 two definitions because they are significant in their
10 breadth. As I said earlier, the statutory definitions
11 of sanitary land fill and open dump refer specifically
12 to section 4004 of RCRA, which is entitled, "Criteria
13 for Sanitary Land Fills; Sanitary Land Fills Required
14 for all Disposal."

15 This section requires the Administrator to
16 promulgate the regulations containing criteria for
17 determining which land disposal facility shall be
18 classified as open dumps, and which shall be classified
19 as sanitary land fills. At a minimum, the criteria must
20 provide that a facility may be classified as a sanitary
21 land fill and not an open dump only if there is no
22 reasonable probability of adverse effect on public
23 health or the environment from disposal of solid waste
24 at the facility.

25 An important aspect of the implementation of

1 RCRA, then, is further interpretation of what constitutes
2 "no reasonable probability" and what constitutes "adverse
3 effect on health or the environment." The task of
4 promulgation of these criteria will be particularly
5 difficult for ground water protection because of technical
6 uncertainties and the general lack of ground water
7 protection policy.

8 This regulation is due by October 21 of this
9 year, after consultation with the states, notice and
10 public hearings.

11 The intent of this criteria is not to develop
12 a federal regulatory system for sanitary land fills,
13 but to provide guidance for state programs.

14 Section 4004(b) requires each state plan to
15 prohibit the establishment of open dumps, and to contain
16 a requirement that disposal of all solid waste within
17 the state be disposed of in the sanitary land fills,
18 unless it is utilized for resource recovery.

19 Finally, section 4004(c) indicates that the
20 state prohibition on open dumping shall take effect
21 six months after the date of promulgation of the
22 criteria, or on the date of approval of the state plan,
23 whichever is later.

24 Not later than one year after promulgation
25 of the criteria for sanitary land fills and open dumps,

1 the Administrator must publish an inventory of all
2 disposal facilities in the United States which are open
3 dumps.

4 Section 4005 also prohibits open dumping when
5 usable alternatives are available. If such alternatives
6 are not available, the state plan shall establish a
7 timetable or schedule for compliance which specifies
8 remedial measures, including an enforcement sequence of
9 actions or operations leading to compliance with the
10 prohibition on open dumping of solid waste within a
11 reasonable time. And this reasonable time cannot exceed
12 five years from the date of publication of the inventory.

13 If a state plan is not being undertaken, the
14 citizen suit provisions of 7002 provide recourse to
15 aggrieved parties.

16 Section 1008, solid waste management
17 information and guidelines, requires the Administrator
18 to publish in one year, guidelines which provide technical
19 and economic descriptions of the level of performance
20 that can be attained by various available solid waste
21 management practices.

22 Congress, in the law, did not specify a
23 specific solid waste management practice to be addressed
24 in the guidelines, but addressed ~~several~~ areas which
25 the guidelines should include. These are appropriate

1 methods and degrees of control that provide, at a
2 minimum, for production of public health and welfare,
3 protection of the quality of ground water and surface
4 water from leachate, protection of the quality of surface
5 water from run-off through compliance with effluent
6 limitations under the Federal Water Pollution Control
7 Act, protection of ambient air quality through compliance
8 with new source performance standards or requirements
9 of air quality implementation plans under the Clean Air
10 Act, disease and vector control, safety and aesthetics.

11 So as you can see, there is some linkage in
12 the suggested guidelines with other agencies with which
13 our agency operates.

14 The guidelines are seen as being descriptive,
15 as opposed to prescriptive, and could be used to suggest
16 alternatives for dealing with concerns and issues raised
17 by the criteria.

18 Section 1008(c) requires minimum criteria to
19 be used by the states in defining and controlling open
20 dumping of solid waste as prohibited under subtitle D.

21 In response to the general mandate of section
22 1008, the agency intends first to update the land
23 disposal guidelines we currently have on the books, and
24 initiate sludge disposal guidelines. We will also be
25 carrying out a process for determining which guidelines,

1 that is guidelines on which other subject areas should
2 be developed. And we will solicit your input on that
3 prioritization of practices.

4 I will be happy to hear any views you might
5 have on the various provisions of subtitle D, regarding
6 land disposal.

7 Let me pose a couple of questions, then,
8 specifically with regard to criteria.

9 Would you say that each criteria should be
10 something general that would address, for example,
11 ground water pollution from any and all deposition of
12 wastes on land, that is, from what we in the past have
13 known as sanitary land fills and lagoons, pits, ponds
14 and other disposing methods, or would you see a series
15 of criteria addressing each of those practices? It
16 seems those are two alternatives we could take in
17 developing the criteria.

18 MR. WILLIAMS: I have a question for
19 you. Tom Williams, EPA.

20 Since a municipal land fill site, even if
21 through implementation of schedule C, would not receive
22 any so-called hazardous wastes, even if that were the
23 case, the wastes in municipal sites are hazardous under
24 certain circumstances. In ground water, how do you
25 propose to have anything less stringent for disposal

1 than you can have with hazardous wastes, or with many
2 hazardous wastes? How can that be different?

3 MR. DeGEARE: It could be different
4 on the basis of differing hydrogeological conditions,
5 I would say, and soil types.

6 I would think using the criteria and guidelines
7 which might be later promulgated, as back-up to the
8 criteria, develop potential for attenuation of substances
9 through the soil, and determining the potential for
10 impact on the ground water, and I think depending on
11 those assessments, we could provide for different types
12 of disposal facilities.

13 MR. WILLIAMS: In different parts of
14 the country?

15 MR. DeGEARE: Yes.

16 MR. STRONG: Even though some
17 mention was made earlier about the radioactive mine
18 tailings being under this, are such things as deep mine
19 spoil piles in any sense covered under this Act, or have
20 those been covered under BU mine regulations, that they
21 are not included here, even though I didn't see any
22 mention? I realize this is a little early because of
23 these being guidelines. But is it the thought that these
24 will be covered under this particular act because there
25 is some rotten masses that are generated from these things?

1 MR. DeGEARE: One reason I went to
2 the trouble of reading those two definitions for
3 disposal of solid waste is to indicate the all-encompassing
4 nature of the law. And that is not to say that we are
5 going to try to re-invent the wheel in terms of over-
6 regulating and taking over what is being done adequately
7 by other agencies and our agency.

8 We see the law as directing us to oversee all
9 placement of wastes on land. That doesn't mean we are
10 going to implement new programs for those, we are going
11 to look at what is already being done and coordinate
12 what we think should be done with what is being done now.

13 MR. BUCCIARELLI: You are not going to
14 pre-empt any other act or statute, are you, in that sense?
15 This will cover wherever there are gaps?

16 MR. DeGEARE: The gaps will have
17 to be based on what the Act says is the criteria. No
18 adverse effects on health or environment.

19 MR. MEHR: I would like to go
20 back to a question he pointed out, because a few years
21 ago I attempted to do something that wasn't able to be
22 accomplished in the State of Pennsylvania for lack of
23 evidence, you might say. He mentioned the fact that in
24 some states you are permitted to shred, and then place
25 this in an open area without putting the three or four

1 or eight inches of fill on top of it, because it has
2 been proven in some areas that rodents are not attracted,
3 flies aren't attracted, water doesn't seem to deteriorate
4 it or anything like that. Yet in the State of
5 Pennsylvania, this can't be done because the law states
6 you must cover the land with so many inches of dirt,
7 or else it's not considered legal.

8 We attempted at one time to go ahead and
9 densify bales of material, and we ran into a legality
10 with the state. There was no evidence to prove that
11 water did not deteriorate these bales, and there was a
12 question in mind as to whether you could use bales or
13 place bales on the surface without having to cover it
14 with eight or ten inches of dirt.

15 The intent of the baler was to go ahead and
16 avoid this and cut the cost. It appears to me that some
17 technical proof must be devised that shredding and
18 densification is a viable technique, and that it should
19 be found acceptable in all states, so that you can go
20 ahead and utilize it. Maybe that is one of the things
21 that the federal government should do, because it appears
22 that the State of Pennsylvania says that dense bales is
23 not acceptable in Pennsylvania. But in Minnesota, it's
24 acceptable to put it in deep water and leave it lay there
25 in a swamp.

1 government and repetition that shouldn't be done at the
2 expense of anyone. The area that you should concentrate
3 on in land fills is areas that are in doubt, that you
4 can resolve.

5 If you can do the technological work that is
6 required to prove it's safe to use bale fills, and then
7 standardize it so it's applicable in all states, fine,
8 that is great. That is something that Bill couldn't
9 accomplish himself because there wasn't the funds there
10 or the time, or whatever the reason was that they
11 weren't able to accomplish it.

12 But if it is successful in one state of the
13 union, it ought to be fit for 50 states in the union.
14 If it's non-acceptable in this state, then it's suited
15 for none.

16 MR. WILLIAMS: But you would agree
17 there are some things that can be done in one state and
18 not in another because of physical reasons?

19 MR. MEHR: But surface
20 application of shredded waste is either proven in one
21 state, or disproven in all, because it's on the surface
22 everywhere. It doesn't make any difference whether it
23 lays on the sand or in the swamp.

24 MR. RAPIER: Not having the
25 responsibility for developing these guidelines, I can

1 go ahead and state with all kinds of wisdom, it seems to
2 me under the question of federal pre-emption, EPA can
3 probably define a minimum level of standards that we
4 think are acceptable, whether it depends on climatic
5 situations or hydrogeologic situations.

6 But I think I hear you raising the issue
7 should we insist that Pennsylvania not have whatever
8 criteria they want, over and above those minimum standards.

9 MR. MEHR: You can't do that.

10 MR. RAPIER: Okay.

11 MR. MEHR: No, I don't say that.

12 MR. RAPIER: What you are suggesting
13 is we try to devise a minimum?

14 MR. SCHMIDT: This goes along with
15 my statement before of the difference between a
16 guideline and a regulation. In a guideline you can say
17 the following things, such as baling or ultra-high
18 density compaction, which has been shown in certain
19 areas to be a very fine way of getting rid of garbage.
20 I have seen some demonstrations where they shredded
21 newspaper, baled it in high density compaction, dropped
22 it from 30-some odd feet and it sits there. You soak it
23 with water, nothing happens, it just sits there ad
24 infinitum.

25 But perhaps through lack of funding or what

1 not, there is no promulgation of how good this is. And
2 necessarily Pennsylvania can't say, "Hey, go do it,"
3 unless they can be sure what they are saying, "Go do it"
4 has an acceptance to the environment, it does not
5 deteriorate it.

6 MR. BUCCIARELLI: I might add just a
7 little more to that. I am familiar with what you are
8 talking about. I don't think that we can say, though,
9 that the regulation prohibits baling per se, one thing.

10 The other thing is that up until now, we
11 had no mechanism to give us enough to try an experimental
12 method in our proposed regulations, which are currently
13 being considered by the Environmental Quality Board.
14 We do have a mechanism whereby we think we can get
15 some experimental things.

16 The other thing I wanted to mention, this
17 did not stop us from wanting to try things. We did also
18 agree to go ahead with this milling operation that you
19 are making reference to, like in Pompano Beach and also
20 Madison. However, that thing never turned out to be the
21 true milling operation we wanted to see tested, so that
22 kind of died by atrophy as far as experiments is
23 concerned. It turned into a conventional system.

24 So we do want to try it.

25 Also since it is so extremely new to

1 Pennsylvania, we are very, very concerned and will
2 probably demand a lot of the best evidence available,
3 best state-of-the-art on that particular methodology,
4 or that particular system. And you might interpret
5 that as being so restrictive that it blocks it out, but
6 you might be right up to a point.

7 MR. MEHR: I wanted to take it
8 one further step. In our case, what happened to the
9 deal was that the costs grew so extensively, because of
10 the lack of action, that you couldn't go ahead and
11 economically accomplish a result. And I think that that
12 is going to be repeated over and over and over again.
13 And I thought maybe guidelines that are there, that
14 can help, would help solve that problem.

15 MR. SCHMIDT: In support of DER,
16 I might point out they did improve their regulations
17 for the six inch cover on fly ash. At one point, fly
18 ash had to be celled just as regular garbage did. And
19 as more experience was gotten, they did indeed remove
20 that restriction.

21 MR. BERN: I would like to ask
22 one question of anyone who can answer it for me. What
23 is the difference between a guideline and a regulation
24 with regard to the legal implementations? Because we
25 have got a court.

1 MR. RAPIER: A lot of our lawyers
2 will say there is no difference.

3 MR. SCHMIDT: Legal solicitors have
4 pointed out the one is no argument, the other is you
5 can argue about considerably.

6 MR. BERN: Having been both an
7 enforcement officer, and I don't want to say polluter,
8 I would prefer to know what I could do.

9 MR. DeGEARE: The apparent
10 Congressional intent, as far as our guidelines are
11 concerned, versus the standards, criteria and regulations
12 which are required, is that the guidelines be more
13 advisory in nature and provide a discussion of options
14 and alternatives by which standards and criteria and
15 regulations can be met.

16 So from the viewpoint of one who is reviewing
17 the mandate of the law with respect to having to write
18 these things, that is the way I am looking at that.
19 From the viewpoint of an attorney or judge, I could only
20 guess.

21 MR. MEHR: Maybe when you write
22 that, you should have the viewpoint of an attorney or
23 judge before you write it.

24 MR. DeGEARE: We do, but decisions
25 in the courts hold that one judge may often view a

1 situation completely different than another might, and
2 you don't know the final answer until you get before the
3 judge.

4 MR. BERMAN: Don Berman, County
5 Works Department. Being an engineer, I won't comment
6 about engineers and lawyers, but it seems to me that
7 this particular section of the Act should be the easiest
8 to implement. I say that because I know the work
9 Bill Bucciarelli has done here in Pennsylvania with
10 defining an open dump versus a sanitary land fill, and
11 I am sure there are many other states in the country
12 that have done that.

13 I presume that you are going to take what
14 the states have done, and put it together, and draw from
15 that and come up with what EPA feels are either the
16 appropriate guidelines or regulations. And since there
17 has been so much of that work done, and it has been
18 proven state-to-state, I guess I go back to my statement
19 and ask a question: Isn't this going to be the easiest
20 section to implement?

21 MR. DeGEARE: I wouldn't disagree
22 that a lot of the work has been done. But we have certain
23 concerns as to how far a definition should go.

24 Now the criteria called for are, in my
25 viewpoint, something quite different from simply a

1 definition which all the states do have. And they call
2 for something more extensive than just a simple
3 definition. A criteria would imply something like
4 perhaps a limit or standard on any discharge, either
5 subsurface or surface, and that issue has not been
6 dealt with uniformly among the states, or within states
7 we found, especially with regard to placement of sites
8 relative to aquifers.

9 MR. MEHR: My point is there is
10 much more work that has been done in that area than,
11 say in the area of hazardous wastes. There is a lot
12 more to work with, and all you have got to do is find
13 your level, rather than try to start from scratch and
14 develop a whole series of parameters, and then pick a
15 level out of that.

16 MR. WILLIAMS: Probably more bad
17 habits to counteract in the municipal waste area than
18 in the hazardous waste area.

19 MR. MEHR: The definitions are
20 good.

21 MR. WILLIAMS: The definitions are
22 good, but I think the way the Act has been written, it
23 suggests that Congress feels, not in certain places,
24 but in the country as a whole, we have been handling
25 the municipal wastes as though they were a lot more

1 benign than they were.

2 MR. ZADAN: May we go on to a
3 new subject? I was led to believe that you would discuss
4 the restructuring of the tax structure, and what effect
5 that might have upon solid waste.

6 MR. DeGEARE: You might try on
7 the next guy. I know I am a hard act to follow.

8 MR. MEHR: Have you been in
9 touch with Eugene Wininger ^{GERTER} of the National Solid Wastes
10 ^{Management Association} Disposal people?

11 MR. BERN: They have an awful
12 lot of kinds of experience too.

13 MR. WILLIAMS: A lot of it bad.

14 MR. MEHR: As long as you were
15 in touch.

16 MR. DeGEARE: We have had a
17 continuing liaison with that organization over the years,
18 and they are especially interested in what we are doing
19 under the new law, and they are aware of the implications.
20 And we are interested in what they have to offer in
21 terms of their experience.

22 MR. MEYERS: Jim Meyers, Mobay
23 Chemical Company. One of our concerns is the liability
24 that our waste has once it gets to a contractor's site.
25 We have no authority or -- once it goes to the site, we

1 don't know what happens to it as long as he is under
2 permit, yet if something bad happens, we are responsible
3 or we have the secondary liability. And I would like to
4 see in any law, something so that we don't have that
5 responsibility. That once they take it, they are the
6 responsible party, as long as we provide them with a
7 proper description.

8 And another thing, in the past we have dealt
9 with water and air agencies with EPA, and we find that
10 they seem to be concerned only with their special field,
11 as long as they can transfer it from a water problem to
12 an air problem, they don't care. And I would like to
13 urge you all that you don't take this problem and convert
14 it back to a water problem.

15 And you seem to have taken this, but --

16 MR. DeGEARE: I believe you have
17 read the Congressional history of this law, that is one
18 of the primary purposes, from what we have been able to
19 deduce, for being in this business and having this law.

20 MR. MEYERS: DOT is another thing.
21 We had one of the samples that this gentleman alluded
22 to, which I tried to send a sample to Browning-Ferris,
23 and I couldn't get through our transportation department
24 to send the sample, because I couldn't describe it.
25 So that is a big problem.

1 MR. DeGEARE: With regard to your
2 first question on liability, an answer was not given.
3 But that question was raised last week in Atlanta, and
4 this question was posed: Does liability transfer through
5 the manifest system? And we didn't have any preconceived
6 ideas at that time, and that is something we should
7 certainly look at, because it has been raised as a
8 question in other forms also.

9 Thank you.

10 MR. RAPIER: Thank you, Truett.

11 My schedule says that the discussion on
12 resource conservation is going to extend from 8:45 to
13 9:15, and by my watch I see it's almost 9:15. So I
14 thought maybe I would introduce you to Bob Lowe, and
15 move on.

16 No, not really, I am not going to do that.

17 A major thrust of the Act is, of course, the
18 control and the production of environmental degradation
19 due to the handling and disposal of various waste
20 materials. We have been talking here about some of the
21 major features of the Act for the explicit control and
22 reduction through the regulatory process, that is
23 hazardous waste measurement programs, strict regulatory
24 control over land disposal. But there is certainly
25 another and very significant aspect of the control and

1 reduction of environmental degradation, and that is
2 through better management of our resources. Resource
3 conservation and resource recovery.

4 Bob Lowe, who is the Chief, Technical
5 Assistance Branch^h, Resource Recovery Division of the
6 Office of Solid Waste Management is going to talk about
7 some of the significant features in the Act that touch
8 upon the whole resource conservation recovery aspect.
9 And he will probably talk about that tax structure
10 thing as well.

11 MR. LOWE: Thank you, Gordon.

12 One of the major objectives of the Office
13 of Solid Waste Management is to reduce the amount of
14 waste requiring disposal. And there are two approaches
15 to this:

16 One is through waste reduction, and that is
17 reducing the amount of waste that is generated in the
18 first place.

19 And the second is through recycling.

20 I am going to review some of the sections in
21 the Act that address this, and provide us with the
22 authority to attempt to help the states and the local
23 governments solve these problems.

24 There are two things I might add, one in
25 our favor and one not in our favor. The one in our

1 favor, I think one of the most important incentives
2 for recycling is the development of strict criteria
3 for land disposal. The stricter the criteria for land
4 disposal, the greater the incentive to drive up the cost
5 of land disposal and therefore make resource recovery
6 more attractive.

7 The other factor working against us is the
8 level of funding and staffing we have to implement these
9 sections of the Act. We are actually in worse shape,
10 "we" meaning those of us who are working in ^{source}research
11 conservation and resource recovery, we are in worse
12 shape than most people. We are in the same boat as Tom
13 in training, in that we don't have mandatory requirements
14 and deadlines. As a result, many of our resources have
15 to be put into the areas that do have those specific
16 deadlines and specific requirements, such as the
17 subtitle C hazardous waste management.

18 So a lot of what I am saying is nice, but
19 it's empty because we don't have the backing of the
20 dollars. We don't control that. If you want to have some
21 impact on that, there are some people to whom you can
22 write.

23 MR. MEHR: Who?

24 MR. LOWE: The President, Congress,
25 Bert Lance, head of OMB. That is a good start.

1 MR. MEHR: You can't reach them,
2 it doesn't mean a thing.

3 MR. LOWE: The President has an
4 800 number.

5 MR. MEHR: I have got letters
6 in my briefcase that are very, very nice from all these
7 people, that say, "We are sorry, we can't do a thing
8 for you."

9 MR. WILLIAMS: Not from those people,
10 the other group.

11 MR. MEHR: I wrote the
12 transition committee, and they don't know what is going
13 on. You write to Mr. Lance, he will tell you he is not
14 prepared yet.

15 MR. LOWE: I think writing to
16 Congress is effective, because your congressman, whether
17 he cares what you say or not, will write a letter to
18 an executive agency which has a certain obligation to
19 reply, and at least you get some attention.

20 MR. MEHR: Congress passed their
21 own increase and never went ahead and put a budget in
22 for you.

23 MR. LOWE: I would like to
24 review some of the sections of the Act that address
25 resource recovery and resource conservation, most of

1 which are on this slide.

2 The guidelines in section 1008, which was
3 mentioned earlier by Truett, call for, among other
4 guidelines, for recycling.

5 Section 2003 calls for -- I use the section
6 numbers for you who are bureaucratically oriented out
7 there, and really don't know how to think in terms of
8 concepts. The resource recovery and conservation
9 panels, the technical assistance -- that is a very
10 selective insult, you know, resource recovery and
11 conservation panels, which I will get into in a moment,
12 subtitle D, which includes the definition "requirements
13 for land disposal programs and statewide planning,"
14 requires that state plans address resource recovery.

15 One thing that is not up here is section 6002,
16 federal procurement guidelines. We are obligated to
17 write guidelines to require the federal purchasing
18 agencies to review, and if necessary change their
19 purchase specifications to, in the long run, help
20 create markets for secondary materials. Now specifically
21 to remove any provisions that forbid the use of
22 secondary materials in products purchased by the
23 government, and more positively to encourage the increase
24 of recycled material in products purchased by the
25 government, resource recovery and conservation, is

1 called for in section 8003, "information dissemination",
2 which Tom Williams covered earlier. And in all the 8000
3 section, 8002, 4, 5 and 6, all those are oriented toward
4 studies and demonstrations, which I will get to a little
5 bit in a moment.

6 Section 8002 calls for special studies in a
7 variety of areas, each of which requires a report to
8 Congress, which is the closest thing we come to a
9 specific mandate, unfortunately. One thing I would like
10 to put some emphasis on here is that the inclusion of
11 the small-scale, low technology, front end separation
12 items on here, that refers to source separation. For
13 those of you who are not familiar with that, that is
14 where the home owner or office or industry segregates
15 certain recyclable materials from all of the rest of
16 the waste, and directs it through separate collection
17 channels, back to a recycler. This is going to get
18 considerable emphasis. It has been getting some emphasis,
19 and it's going to get more.

20 Section 8002(j) calls for the establishment
21 of a resource conservation committee, which is a cabinet
22 level committee. It's composed of the Administrator
23 of EPA and several cabinet secretaries, and a
24 representative of the Office of Management and Budget.
25 I find great irony in that that a mere representative of

1 the Office of Management and Budget, who would be a
2 representative at my level, is the equivalent of a
3 secretary, for example.

4 The establishment of this committee is good
5 and bad. In a sense it's bad because it recommends more
6 study, and therefore any further legislation in the
7 areas of economic incentives and so on now is postponed
8 for three years until the studies are complete.

9 Obviously you can't do something if somebody
10 is studying it.

11 On the other hand, this is the first time
12 that studying of this nature has been brought into the
13 administration. In the past, there were special
14 commissions, there have been about four or five, I think,
15 since 1950, special commissions for this purpose, all of
16 which were more easily ignored than hopefully what this
17 cabinet will do. And I guess the law comes at a good
18 time, because we have a brand new cabinet and the
19 studies can be completed while these people are still in
20 office, at least while the President is still in office.

21 Some of the issues which this committee is
22 authorized and required to investigate are listed up
23 here. The existing public policy item on here I think
24 addresses the gentleman from GASP's questions directly.
25 This includes depletion allowance for timber, et cetera.

1 I think I will go on, because we are running
2 a little behind. I can take questions for this later,
3 if you want.

4 The resource recovery conservation panels,
5 which is the part I am concerned with most directly,
6 even though it has the name "resource recovery and
7 conservation", it includes not only those areas, but
8 also all of solid waste management, land disposal and
9 hazardous waste management.

10 The resource recovery panels are a form of
11 technical assistance, which is bureaucratic language for
12 information and consulting and advice provided free of
13 charge by the federal government to whoever wants it.

14 Some of the purposes of this technical
15 assistance are to help states design and implement
16 regulatory programs, and I think that addressed your
17 question earlier. Also to help state and local
18 governments develop alternatives to land disposal, such
19 as resource recovery systems.

20 The panels will be composed of -- are
21 required to be composed of specialists in the following
22 fields; Technical, marketing, financial and institutional.
23 The teams will be composed of EPA staff people,
24 consultants under contract to EPA, and state and local
25 officials. And this will be provided to other state and

1 local officials through a concept we call "peer matching."
2 Through grants to national organizations of public
3 officials, such as the National Association of Counties,
4 National League of Cities, and so on.

5 Let me just clarify one thing: The word
6 "panels", which is written into the law, I find that to
7 be a misnomer. At least I am not interpreting it the
8 way the word is generally accepted. The word "panel"
9 is generally interpreted to mean a fixed unit of
10 individuals, maybe four individuals who work as a
11 unit and travel as a unit, and when called upon, would
12 go as a unit to a given city and sit down with the
13 officials in that city.

14 I don't see it working there. I see it more
15 as a pool of resources, or a stable, as some people
16 refer to it, where we have a list of people with all
17 kinds of expertise and all kinds of background who can
18 be provided as appropriate to anyone who asks for
19 assistance and meets our requirements, meets our
20 criteria for assistance. So that in any given situation,
21 we may send just one person, someone from our staff,
22 or we may extend a consultant or something like that.

23 The Act requires that 20 percent of the
24 general authorization be spent on technical assistance
25 programs. That could be 20 percent of a fairly small

1 number, however, and that 20 percent could be accounted
2 for in a variety of ways, and if you recognize the
3 existence of creative accounting, it could be smaller,
4 and I think it could happen to us here.

5 An important issue within the agency, some
6 of you may have some opinion on, is: What will be the
7 relative emphasis that EPA places on regulations, on the
8 one hand, as a means of improving solid waste management
9 and protecting the environment, regulation on one hand,
10 versus non-regulatory subjects, such as recovery?
11 There is a tendency to pick the regulatory. We are
12 concerned that the non-regulatory aspect not be
13 forgotten.

14 Now I have a few questions which reflect
15 some of the things we are trying to deal with now.
16 Maybe I should wait on them for just a minute to see if
17 there are any questions from the floor, or any opinions
18 from the floor on what I already said.

19 MR. BERMAN: Don Berman, Allegheny
20 County Works. First as a comment, you said that if
21 somebody is going to study something, you can't do
22 something until the study is over. I just beg to differ
23 with you; we have got one local government in Allegheny
24 County who is doing three things at once. They are
25 preparing a RFB for a recovery system, they have got a

1 study to get decided, and they are getting some money
2 to get a solid waste management plan. So they are
3 doing all three things at once.

4 But in your investigations of front end
5 separation, I don't know if you are going to do this or
6 not, but I think it would be appropriate if you also
7 looked into the availability of the kinds of trucks,
8 the packers that are going to pick that material up if
9 it is separated. Now there is no sense in the home
10 owner separating, and then putting it all together in
11 the back of a 20 yard packer.

12 The truck industry has got to do something
13 to be able to move that material from its source where
14 its separated, to a resource recovery center. And I have
15 not seen anything like that major come along from the
16 industry.

17 MR. LOWE: Thank you.

18 Mr. Mehr?

19 MR. MEHR: Harold Mehr. One of
20 the reasons why you can't do that, Doctor, is because
21 in section 7008(b) it says, "Prohibition. No grant may
22 be made under this act to any private profit making
23 organization." And industry is not going to experiment
24 for the benefit of the public at a cost to itself, without
25 some subsidy or something that will help it along.

1 So what you have actually done in the Act is
2 put in a restraint which makes it impossible for industry
3 to do what you want it to do.

4 MR. BERMAN: My point is if you
5 are going to have source separation, there has to be a
6 truck available to move it. Don't forget that
7 transportation item in your look at source separation,
8 that's all.

9 MR. LOWE: Tom, did you have
10 a comment?

11 MR. WILLIAMS: I would like to expand
12 what the second gentleman said. When we say "industry"
13 we are speaking about all different organizations doing
14 all kinds of things. One very influential segment of
15 industry claims that if we can recycle all these wastes
16 so well that we shouldn't be concerned about waste
17 reduction, the beverage container legislation and other
18 things of that sort.

19 Now the same industry that says we can recycle
20 so well, seems to me should be willing to --

21 MR. MEHR: Alcoa is making a
22 profit with the aluminum, but the guy that goes ahead
23 and makes the truck isn't going to profit from it.

24 MR. WILLIAMS: He will if the large
25 cities see a need to go to source separation, they can

1 certainly ask for the proper kind of truck.

2 MR. MEHR: Let me tell you
3 where there is a weakness in your thinking. There are
4 two organizations that spend a tremendous amount of
5 money on resource recovery in the solid waste field.
6 One was very successful, one failed miserably.

7 If you take a look at the Saugus,
8 Massachusetts success versus the Baltimore failure, you
9 will find the reason the Baltimore failure was so
10 successful was that the public regulations that went
11 ahead and put in the bidding made them underbid the
12 project in Baltimore, and it failed because it was
13 under bid and wasn't built properly.

14 The reason why it was successful in Saugus
15 was that they went ahead and put in the redundancy that
16 was required at a cost to private enterprise who saw
17 the need, but wasn't hampered by regulation.

18 What I am trying to say is that you have
19 built into your regulations already, the things that
20 hamper, the things that Dr. Berman finds is so necessary,
21 you see, to succeed.

22 MR. WILLIAMS: No, I am sorry, sir,
23 there is nothing in the Act that prohibits a city or
24 any private industry from using any kind of truck it
25 wants to to collect and take wastes away for recycling.

1 And if you are saying that EPA has had very successful
2 failures, I could only agree.

3 MR. MEHR: I am saying a Mack
4 truck could do R & D on units they know will sell hundreds
5 and thousands of units, and will be reluctant to put
6 in the requirements to take care of the specific need
7 that Dr. Berman feels is essential, and we know is
8 necessary, but you don't find it profitable to do
9 without some kind of incentive that tells you to go ahead
10 and do it, because the need is there.

11 Eventually they may find the market is large
12 enough, but at present, the market analysis proves that
13 it's a waste of dollars to go ahead and do the
14 experimentation.

15 You won't get it. You may not get it for 20
16 or 30 more years.

17 MR. LOWE: Let me make a few
18 comments to respond to, there were about eight points
19 that were exchanged in the interchange. One, we do
20 recognize that the transportation link is essential to
21 the channel, and we are already working on that to some
22 extent.

23 With response to Mr. Mehr's comments, we
24 can promote, we are authorized to promote the development
25 of new kinds of equipment under the demonstration section

1 of the Act. We can provide grants to municipalities for
2 the purchase of new kinds of equipment. We can provide
3 contracts to private industry, we can enter into new
4 contracts with private industry for the development of
5 new technology. That's all if we have the money.

6 So the law does provide us with that avenue
7 of stimulating the R & D in the private sector, if we
8 find the private sector is not going to take the ball
9 themselves.

10 You mentioned the failure of the Baltimore
11 project. And you mentioned that the procurement
12 restrictions, the local procurement restrictions had a
13 lot to do with that.

14 The procurement restrictions of most states
15 and cities are not suited to the purchase of resource
16 recovery systems, because most procurement regulations
17 are suited to systems that don't involve such great
18 amounts of money, and such high risk, and therefore are
19 not suited. We recognize that.

20 We are going to be working, and part of our
21 technical assistance program will be oriented toward
22 helping states and local governments recognize this as
23 a problem, and then hopefully change their laws, or
24 at least their procedures to deal with this better. And
25 in that sense, the Baltimore facility was a success.

1 The Baltimore project was a success because
2 it pointed that out.

3 MR. MEHR: \$16 million worth
4 of success that isn't used or can't be used successfully
5 right now? That is a success? I would like to see your
6 failures.

7 MR. LOWE: I just said it was in
8 that respect. I resent cheap shots like that, when you
9 tend to generalize.

10 MR. MEHR: I didn't mean it as
11 a cheap shot.

12 MR. LOWE: All right. Technically
13 it was a failure, but I would rather have one failure
14 at the federal government's expense, rather than one
15 failure at the local taxpayer's level where more people
16 can get hurt.

17 MR. ^{BLOOMGREN}~~BLUMGREN~~: Harold ^{BLOOMGREN}~~Blumgren~~,
18 Northwest Engineering. You made one opening comment,
19 probably a small point, but you said one way to make
20 resource recovery more attractive was to make stiffer
21 regulations for land fills. I think probably as long
22 as the regulations make environmentally sound land fills,
23 that is probably not too good of a point to make,
24 especially for many rural areas that don't have the
25 amount of solid waste necessary to attempt to even make

1 a try at resource recovery.

2 So I think that if you are looking at that
3 for a possibility of implementation, or stressing
4 resource recovery, that the small municipalities, or
5 relatively rural areas should be given some kind of
6 consideration because of their small wastes.

7 MR. WILLIAMS: May I comment on
8 that, Bob?

9 MR. LOWE: Sure.

10 MR. WILLIAMS: First, I don't believe
11 Mr. Lowe intended to say that anybody favors tight
12 regulations of disposal simply to encourage resource
13 recovery. It's just a by-product of that.

14 The reason for encouraging better disposal
15 practices are to protect the public health and
16 environment.

17 MR. ^{Bloomgren}BLUMGREN: I am saying if the
18 land fills are adequate at the present regulations,
19 then perhaps the regulations should be different.

20 MR. WILLIAMS: I think also we will
21 see, in the next five years or so, that the situation
22 with regard to small towns and rural areas is not
23 necessarily so positioned against resource recovery,
24 as we now tend to think. We tend to think too much in
25 terms of a large technological system, such as the

1 Baltimore ~~Pyrolysis~~ and some others.

2 And actually some little work that has been
3 done recently by the Wildlife Federation, in looking
4 into some activities going on in rural areas, suggest
5 that there are tremendous possibilities, considering the
6 relatively small problems they have, for recovering
7 materials in rural areas.

8 Also, it's interesting in the discussion we
9 had a while ago about trucks, the manufacturers will
10 build what there is a market for. One of the ironies
11 to me is that while most people will concede that
12 recovering resources or separating resources, like
13 separating aluminum cans is probably a cheaper and a
14 better way to recycle huge quantities of material, if
15 you leave out the thing of energy production, just the
16 materials to be used again, that almost none of it is
17 going on. And where it is going on is a couple of towns
18 in Massachusetts, small communities which the resource
19 recovery division of EPA has given a grant to.

20 And I don't know why that can't be done in
21 large cities, such as Chicago and Philadelphia and
22 others, with a little imagination and a little risk
23 taking.

24 By the way, I hope you don't mind my talking.
25 This is supposed to be a discussion, I am a citizen also.

1 Actually we ought to be sitting in a circle,
2 this is a very bad arrangement, we sit here like judges.

3 I don't apologize for opening my mouth, I
4 just wanted you to know it's legal.

5 MR. LOWE: I would like to
6 apologize to Mr. Mehr for pouncing on you. In my
7 experience at these public meetings, you are one of the
8 most informed of all the people who have attended, and
9 we appreciate that very much, so I am sorry for what I
10 said.

11 MR. MEHR: I am sorry too, I
12 didn't mean to make it as a cheap shot. It was just
13 information.

14 MR. BUCCIARELLI: I would like to speak
15 as a citizen too.

16 MR. LOWE: Would you care to
17 move down there, please?

18 (Laughter.)

19 MR. BUCCIARELLI: Taking up what this
20 gentleman brought up here, in fact I was going to do it
21 there for a second, I agree if you are going to define
22 land fills in such a restrictive sense with your idea
23 being to drive attention toward resource recovery and
24 away from land filling, the only thing you are going to
25 do is drive us up a wall, for one thing.

1 Secondly, after all, no matter what recovery
2 system you have, you must have supplemental or supportive
3 land fills for those items that cannot be recovered,
4 number 1.

5 And number 2, you must have the land fill as
6 a back-up system. There is no other methodology that
7 could act as a back-up system. So I don't think that
8 that would be a proper way of trying to encourage resource
9 recovery.

10 As far as the rural area is concerned, one of
11 the things that we attempt to do in rural areas, is to
12 first centralize solid waste systems, then work and
13 phase in resource recovery over time.

14 And I agree with Tom here that there are
15 certain elements of resource recovery that you can
16 build in terms of separating maybe metal and that kind
17 of thing initially, but they are having a difficult time
18 supporting the cheapest alternative in solid waste
19 technology, and that is land fill, much less even
20 consider going into resource recovery.

21 MR. LOWE: I have a couple of
22 questions that reflect some of the issues that we are
23 trying to deal with. I don't know if I will have time
24 to get answers on this. I am not sure if you have ever
25 thought of this before, but we would appreciate it if

1 you could give it some thought and let me know, either
2 telephone me or write me, or telephone or write to
3 Mr. Rapier's staff in region 3.

4 Assuming that we do not have enough resources
5 in our technical assistance program to help everybody
6 who comes in with a request, how do we prioritize the
7 requests? Which communities do we work with, and which
8 ones don't we work with?

9 Do we do it on the basis of the most tonnage,
10 or the basis of the most critical environmental problems,
11 or the basis of those communities most likely to succeed?

12 If we do it on the basis of most tonnage, that
13 means we will work with New York first, Los Angeles
14 second, Chicago third, Philadelphia fourth and so on,
15 and won't be able to help small communities.

16 If we do it on the basis of the most critical
17 environmental problems, then we are discriminating
18 against the communities that want to implement resource
19 recovery, let's say, or something else in the solid
20 waste management system, who are already doing a good
21 job and don't have a severe environmental problem, because
22 they are doing a good job. Or do we work with the
23 communities most likely to succeed, in which case we
24 don't necessarily help those who have the most critical
25 environmental problem, nor are we building the statistics

1 that justify our existence in a bureaucracy. So that
2 is one of the questions.

3 Another thing, should technical assistance
4 be given to a few states and governments in an in-depth
5 way, in other words, give them all the help we can to
6 a few cities, or do we go an inch deep and a mile wide,
7 giving a little bit of help to as many cities as we
8 can get to? And that means without the kinds of
9 follow-up to make sure our information is being
10 understood.

11 Also, what criteria should EPA use in
12 evaluating resource conservation options, such as
13 incentives, product regulations, that kind of thing?
14 Should we focus on those measures that address total
15 overall pollution, or resource scarcity, or employment
16 impacts, or balance of payment impacts? And there are
17 a bunch of others.

18 Those are the kinds of questions we are
19 dealing with now, and anybody who has an opinion on
20 that, I would love to hear it.

21 MR. STRONG: I come from an area
22 which is relatively rural. It seems to me one other
23 criteria for deciding who you would help first would be
24 to select the areas with the greatest level of ignorance,
25 and there would be your in-depth impact, whereas if you

1 look at a larger urban center that has engineering
2 support with in-house in those areas, maybe there would
3 only need be a light level of support.

4 I know in our areas, we have a county engineer
5 who has to do everything from surveying bridges, to
6 designing swings in the park.

7 He tries to be knowledgeable, but again, he
8 could, you know, use quite a bit of support. I know
9 he is interested in this area, whereas perhaps in a
10 larger area where you have 20 engineers instead of one
11 engineer, maybe you have an engineer for park swings in
12 some areas, that the level of support there might not
13 be necessarily as intense.

14 MR. LOWE: Thank you, that is
15 a good point. Although I don't know, I am trying to
16 picture the words in which we announce the winners of
17 our technical assistance, those least able to help
18 themselves.

19 MR. BERN: In my opinion, the
20 government should not go into any resource recovery
21 concept that could be successful on its own, that is
22 already economically successful, because it will happen
23 anyhow with private capital.

24 MR. MEHR: I am going to go
25 against that.

1 MR. LOWE: Yes, sir?

2 MR. MEHR: I think Japan has

3 proven to the world that federal assistance to private

4 enterprise for solving problems is really the only

5 intelligent route to take.

6 MR. LOWE: Excuse me, could we

7 clarify what kind of assistance you are talking about?

8 MR. MEHR: Money to give private

9 enterprise an ability to succeed in an area that is so

10 risky it won't run the risk. Japan is one of the few

11 nations in the world that actually goes ahead and backs

12 private enterprise to a dollar and cents amount, and

13 succeeds.

14 I think this is a miserable failure in the

15 United States, where we are afraid to take dollars and

16 give it to the individual who has the greatest opportunity

17 for success in using those dollars to succeed. I think

18 what we should do is insist when this is done, that we

19 have a revolving credit type of system, you make money,

20 you pay back your debt, you understand. You lose your

21 tail, you are insured. This is sort of like an ex-im

22 bank type of arrangement, where if you go to a country

23 and they expropriate your investment, the government

24 insures it.

25 Let's put on some type of guarantees that help

1 private enterprise, risk takers to take those
2 unreasonable risks to make something successful. Then
3 if he succeeds, make him pay back the debt at 2 percent
4 interest or 3 percent interest, and reinvest it on
5 somebody else.

6 I think you are wasting your money the way
7 you are doing it now. I think Japan has proven they
8 can succeed where we failed.

9 MR. WILLIAMS: Our vested interest
10 representative didn't say anything that you refuted. He
11 said the government ought to put it in on those that
12 private industry couldn't do it on.

13 MR. MEHR: How do you know?

14 MR. BERN: Secondary metal,
15 for instance, secondary fibers.

16 MR. MEHR: How about oxides?
17 In secondary metals, there are dozens of metallic oxides
18 that are hazardous, that get put into land fills, and
19 we close our eyes to these things and they seep into
20 the water systems and bust our spleens and reduce our
21 liver to jelly, and all this sort of stuff. And we
22 don't spend the money to solve the problem, but you
23 pretend it isn't there.

24 MR. BERN: I happen to be private
25 enterprise.

1 MR. LOWE: Could I recognize
2 Dr. Berman?

3 MR. BERMAN: If somebody calls me
4 doctor one more time, I am going to spit. It's
5 Don Berman, Director Berman.

6 The Lord may strike me dead with a
7 thunderbolt, because I am a member of a government agency
8 too, but I have been in Washington twice on this Act:
9 Once before it was passed and once after it was passed.
10 My comment, along with other government officials, was,
11 "Uncle Sam, keep your construction rates." All it's
12 going to do is slow us down. Help us with technical
13 assistance, help us do what we have to do, but keep your
14 money.

15 I agree that industry should be paid for what
16 they do, but I don't think that money ought to come from
17 Washington. I think that money ought to come from my
18 pocket and everybody else in Allegheny County, and if
19 the company moves in here and makes a profit, let them
20 pay it back to us.

21 MR. MEHR: How about the little
22 guy who doesn't have the dollars. One of the little
23 fellows in Japan, started out as a little fellow like
24 me and learned how to reclaim zinc successfully, and it
25 took \$4 million to get him started.

1 I am not talking about Wheelabrater-Frye or
2 General Motors, I am talking about a little guy who
3 can't get an idea off the ground, who is not General
4 Motors.

5 MR. LOWE: Just in response
6 to that discussion, let me clarify what the law does
7 provide and doesn't provide. It does provide funding
8 for planning, it provides financial assistance for
9 planning, both at the state level and at the local
10 level. It also provides technical assistance, which
11 obviously is just for planning.

12 It does not provide for any construction or
13 purchase of land, with the one exception of a
14 demonstration project, in which case that is technology
15 that in our judgment would not be done otherwise, which
16 is essentially what this gentleman recommended.

17 The issue of loan guarantees and construction
18 subsidies, generally a lot of people testified just
19 the way Mr. Berman did, and for that reason, the
20 Congress rejected them, even though there was great
21 support from, what do you call it "pork barreling" or
22 whatever the term is in Congress.

23 Okay, I see the hook coming.

24 Thank you.

25 MR. RAPIER: Thank you, Bob.

1 I wonder if we could have just one last
2 short presentation by Truett. Can you do it in ten
3 minutes, Truett? Will you try?

4 Truett is going to talk about state program
5 development issues.

6 MR. DeGEARE: The Resource
7 Conservation and Recovery Act recognizes that the major
8 roles in solid waste management lie with state and
9 local government. This is especially evident in
10 subtitle D.

11 The state may play a key role in limiting
12 open dumps, and also administering a hazardous waste
13 program. The governor, in consultation with local
14 elected officials, can structure a mechanism for
15 preparing and implementing solid waste plans that build
16 on existing efforts at the state and local levels. At
17 the federal level, the Administrator will publish
18 guidelines for identification of regions, state plans
19 and state hazardous waste programs.

20 Section 4002(a) of RCRA gives the Administrator
21 six months to publish guidelines for the identification
22 of those areas which have common solid waste problems,
23 and are appropriate units for planning regional solid
24 waste services. That is the kickoff of the three step
25 process, I believe taking 18 months.

1 Within six months of those guidelines, the
2 governor of each state, after consultation with local
3 elected officials, will promulgate regulations
4 identifying the boundaries of each area within the state
5 which, as a result of urban concentration, geographic
6 conditions, markets and other factors is appropriate
7 for carrying out regional solid waste management services.

8 The state then has another six months to
9 jointly, with the appropriate elected officials of local
10 government, identify an agency to develop the state
11 plan and identify one or more agencies to implement the
12 plan and identify which solid waste functions will,
13 under the plan be planned for and carried out by state,
14 regional and local authority, or a combination thereof.

15 Where feasible, agencies designated under
16 section 208 of the Federal Water Pollution Control Act,
17 will be considered for designation.

18 So the three step process is kicked up by
19 our promulgating guidelines on identification of planning
20 areas. The governors and local officials then identify
21 the planning areas, and thirdly the governors and local
22 officials identify the respective roles of the
23 entities involved.

24 Section 4002(b) requires the Administrator,
25 after consultation with appropriate federal, state and

1 local authorities, to promulgate regulations containing
2 guidelines to assist in the development and implementation
3 of state solid waste plans. This is due in April of
4 1978.

5 The Act provides minimum requirement for
6 approval of state plans, which include the identification
7 of responsibilities in implementing the state plan, the
8 distribution of any federal funds to the appropriate
9 authority responsible for implementing the plan, and
10 means for coordinating regional planning and implementation.

11 The prohibition of the establishment of new
12 open dumps within the state and requirements that all
13 solid waste, including solid waste originating in other
14 states, shall be utilized for resource recovery or
15 disposed of in sanitary land fills. Provision for the
16 closing or upgrading of all existing open dumps within
17 the state, provision that no local government within the
18 state shall be prohibited under state or local law from
19 entering into long-term contracts for supply of solid
20 waste to resource recovery facilities. Disposal of
21 solid waste and sanitary land fills, or any combination
22 of practices as necessary to use or dispose of the solid
23 waste in a manner that is environmentally sound. RCRA
24 authorizes assistance to state and local governments in
25 a number of places. Section 4008(a)(1) authorizes

1 \$30 million for 1978 and \$40 million for 1979 for grants
2 to states to be distributed to state, local, regional
3 and interstate authorities carrying out the planning and
4 implementation of the state plan, as discussed earlier.
5 This money would be distributed among the states on
6 a population basis, except that each state receives
7 one-half of one percent of the total available.

8 Section 4008(a)(2) authorizes \$15 million
9 each of the fiscal years 1978 and 1979 for states,
10 counties, municipalities and inter-municipal agencies
11 and state and local public solid waste disposal
12 authorities for implementation of programs to provide
13 solid waste management services.

14 The assistance can include assistance for
15 facility planning and feasibility studies, expert
16 consultation, surveys and analyses of market needs,
17 marketing of recovered resources, technology assessments,
18 legal expenses, construction feasibility studies, source
19 separation projects and fiscal or economic investigations
20 or studies. But the assistance cannot include any other
21 element of construction or any acquisition of land or
22 land interests, or any subsidy for the price of recovered
23 resources.

24 There is also a provision for assistance to
25 what are identified as special communities. Funding is

1 relatively low, and only ^{one}/such community is allowed per
2 state and one project per state, and the project must
3 be consistent with the state plan.

4 There is a special provision for rural
5 communities in order to assist them in meeting the
6 requirements of section 4005 dump closure requirements.
7 These funds would be provided in the form of grants to
8 states, and could include construction, but not land
9 acquisition.

10 There are specific criteria and distribution
11 formulas for distribution of funds in the state provided
12 in the law. And one important is that all these "gee
13 whiz" figures on dollars authorized are simply figures
14 on dollars authorized. They in no way reflect any money
15 available now, or necessarily in the future.

16 So with regard to funding potentials, if you
17 are doing something constructive now, don't stop and
18 wait for federal funding.

19 Do you have any thoughts or suggestions
20 relative to our encouraging state and local program
21 development as consistent with the new law?

22 MR. MATTHEWS: Jack Matthews, citizen
23 of Allegheny County.

24 As a non-engineer, how can I find out the
25 "state of the art" of certain of the programs that have

1 been described, the Baltimore program, the Saukus,
2 Massachusetts program?

3 Secondly, how can I find out how Allegheny
4 County stacks up with comparable counties throughout
5 the country?

6 And third, if I should discover that it's
7 not moving as rapidly as I would like it to, how do I
8 go about getting it to move a little bit more rapidly?
9 I find it extremely difficult to get information.

10 It seems to me that one of the services that
11 should be provided by someone would be providing access
12 to information to novices like myself who want to do
13 an intelligent job as a citizen.

14 MR. DeGEARE: We try to do that,
15 provide that kind of information. In fact, Tom Williams'
16 office is intimately involved in that. We disseminate
17 that information through our headquarters office, as
18 well as the regional office, and the state solid waste
19 management office.

20 MR. MATTHEWS: How can the citizen
21 ultimately get a hold of it?

22 MR. DeGEARE: The most direct way
23 is to correspond with us, with the state agency or our
24 regional office, ask the question, and we will do the
25 best we can to answer it.

1 We have funded in the past, studies and
2 demonstrations, and we have some experience ourself. And
3 we can draw on our experience, as well as that of state
4 agencies, to provide answers as best we can.

5 We don't always have the answers, but we will
6 do all we can to provide them. I think we have a pretty
7 good track record in terms of response.

8 MR. BERMAN: Would a bibliography
9 help the gentleman, the free literature?

10 MR. DeGEARE: We have a lot of
11 publications that we have developed, and Tom again works
12 in distribution of this material. We have compiled a
13 bibliography of available information materials, which
14 includes publications as well as training films and
15 slide shows which are available to the public. And in
16 fact, if you would like to give me your name and address,
17 when I get back to Washington, I will send you a copy of
18 that bibliography which serves as a key to what we do
19 have.

20 We can also run a computer search for
21 literature in our computerized retrieval system, and
22 again that is initiated simply by request to us or to
23 the regional office.

24 MR. MATTHEWS: On the local scene,
25 who would be the key person that would be encouraged to

1 move along these lines, or is there no one key person?

2 MR. DeGEARE: Can anyone in this
3 room address that? I can't speak for the local situation.

4 MR. BERMAN: I can answer that
5 situation. The three county commissioners and the
6 elected officials in 129 local governments, that is the
7 key.

8 I will give you my telephone number, and we
9 can talk about it tomorrow or the next day.

10 MR. DeGEARE: Okay, I know of no
11 place that you can get the assessment of the relative
12 status of this county, you know, with other counties.

13 MR. MEHR: Would it be terribly
14 expensive for the federal government, through the
15 Environmental Protection Agency, to send a monthly
16 package of information to district libraries or public
17 libraries in all municipalities?

18 MR. WILLIAMS: I would like to
19 comment on that. I am glad we have a real citizen here,
20 by the way, sir. Glad you came.

21 I would like to make an editorial comment
22 before I answer your question. That is that we have a
23 marvelous system in this country, in my opinion, and
24 citizens just don't use it well enough. You have a
25 local government -- except in Texas, I don't know whether

1 they have them -- but in other places they have local
2 governments, county governments, state governments
3 and federal governments, and I think through any of
4 those means you can get all kinds of information on
5 all kinds of problems. You really can.

6 I think you would be surprised if you would
7 go to your authorized local government information
8 office, the public works or whoever, and you would be
9 surprised at how much information you can get. And they
10 can tap state information sources, or they can tap the
11 regions and they can tap the headquarters. And there is
12 a lot of effort that goes on to try to make it possible
13 for the citizens to participate in and influence what
14 happens in his tax dollars.

15 Insofar as libraries are concerned, the
16 information that Truett DeGeare referred to a while ago,
17 not only can you obtain our own literature, but abstracts
18 of the world's literature free, anything written almost
19 anyplace in the world, we abstract at the taxpayers'
20 expense and make those abstracts available to anybody who
21 wants them, no matter who the person is.

22 I don't have the list of libraries with me,
23 but there are a great number of libraries throughout the
24 country in whose system we participate, so to speak.
25 You can go to many libraries and receive the same

1 searches and receive solid waste information.

2 We routinely make it available to them.

3 I don't have a list, but I could get it.

4 MR. BERN: How about the Federal
5 Repository Library at the University of Pittsburgh?

6 MR. MEHR: But it's not in public
7 libraries, that is why I was saying if that could be
8 sent. Federal repositories are just special individual
9 universities who carry them.

10 MR. DeGEARE: We have a question
11 back here.

12 MR. LARUE: Dennis Larue. As a
13 reporter, and my paper is more or less a specialist on
14 environmental problems, I find that I have to study and
15 concentrate pretty hard on many of these publications
16 which you say are accessible to the taxpayer, and I
17 try to put these into language which the general public
18 can understand, provided, of course, I can understand
19 it myself first. I think the publications, while they
20 will never be as interesting as "Playboy" or "Penthouse"
21 or "Hustler" they could be written more so that I could
22 understand it, and the people that I write for can
23 understand it.

24 I know tonight, I think I am fairly well
25 versed in solid waste land fills to a degree, I am not an

1 expert as many of the others are here, but I have had
2 trouble following what is going on tonight. I know you
3 people understand it, and I am going to ask that you
4 stay afterwards tonight so that I can go through the
5 points that I don't understand, so for tomorrow's
6 paper, I can write and the people who read it will know
7 what we are talking about.

8 You people are intelligent, you know what
9 you are talking about, but the general public doesn't
10 understand it.

11 MR. WILLIAMS: I would like to
12 comment on that comment.

13 MR. DeGEARE: There is a fellow who
14 just moved into our bureaucracy who had a similar comment
15 about that.

16 MR. WILLIAMS: I don't know whether
17 you are talking about all of EPA, but if you are talking
18 about the Office of Solid Waste ~~Management~~, you are
19 mistaken because we do put everything out in very
20 accessible form for anyone. We have gone to the great
21 trouble of putting together all kinds of information,
22 complicated information on recycling, on source reduction,
23 on how this relates to disposal problems and so on, in
24 five and six page brochures which is a lot of very hard
25 work, I might say, to put it out that way. We put out

1 a popular pamphlet on hazardous wastes.

2 But after all, these are bureaucrats and
3 technocrats who have a very complicated law to enact,
4 and it's almost no matter how hard we try, the citizen
5 who cares and wants to learn something about it is going
6 to have to learn something.

7 And I have been in the public information
8 business in the federal government almost since the
9 Civil War --

10 MR. MEHR: You don't look that
11 young.

12 MR. WILLIAMS: And I very much
13 empathize with the press and with the public who are
14 trying to understand. But I just think your blanket --
15 if you want to say that about any other part of EPA,
16 I can only say you are right. But not about this part.

17 MR. BERMAN: I think the circle
18 has come full round. We started out talking about public
19 information, and one of the hardest things in the world
20 is to explain to somebody for the first time some of the
21 thoughts that you have generated in your mind over two
22 years, or five years, or ten years worth of experience.
23 It is almost impossible to put a complicated subject
24 into layman's language. It loses something in translation,
25 and that is the hardest part of the public education

1 element of this program. And that is one of the reasons,
2 quite frankly, that I think the public education elements
3 will be the least successful.

4 There aren't too many people, other than this
5 gentleman, who are in this room solely because they are
6 citizens. In fact, I am surprised there is one, quite
7 frankly. And the public is not interested. I don't say
8 that disparagingly, they have got their problems and
9 they don't care, except that it hurts them in the
10 pocketbook.

11 And that is a very valid position to take,
12 and it's difficult to explain to somebody who is in
13 the field all the implications about tax rates and
14 freight rates and Monsanto and Saugus and the CPU400.
15 It doesn't come out nicely.

16 MR. DeGEARE: Would you explain the
17 CPU400 to me, please?

18 MR. BERMAN: I have been in the
19 field a long time, and I still don't understand it.

20 MR. BERN: Joe Bern. As a
21 researcher, in trying to write a doctoral dissertation
22 on solid waste, I have taken advantage of the literature
23 and I can only comment on what Tom said, that the range
24 of literature embraces the whole field from a simple
25 4-page brochure to a 1200-page technical report, of which

1 I can use each one. But for public information in
2 solid waste, it is difficult unless it is emotional,
3 and I have been involved in the emotional things too,
4 trying to establish land fills in places where there
5 aren't any.

6 MR. WILLIAMS: We have a coloring
7 book that was a best seller at the GPO for many months.
8 And even the GPO can be a profit making organization.
9 We produced this coloring book at about 23 cents per
10 copy, and GPO was selling it for 75 cents because they
11 were getting rid of so many copies that way.

12 And this coloring book, I might say, covers
13 more than solid waste management. It addresses many
14 aspects of the entire environmental protection issues,
15 and I think it's a testimony to some bunch of school
16 teachers or somebody that they care enough about them
17 to use them.

18 Let me say, however, we have a representative
19 of the government, we have a representative of the
20 private sector, and in some ways there is nothing wrong
21 with the fact that there is a diversity here and in
22 our other meetings, who represent various organizations,
23 whose various organizations, in a sense, serve the
24 public too. We can't talk directly to 220 million
25 people, even if they were willing to listen to us and

1 we were willing to listen to them.

2 So I wouldn't dispair the system. I think
3 the public can rest secure that the manufacturing
4 chemists association and the power industry and automobile
5 industry and the packaging industry are going to be
6 representing them at meetings such as this. They can
7 also rest assured there are going to be some
8 environmentalists here, consumer advocates and others
9 who will make sure the federal and state bureaucrats
10 don't go too far one way or the other.

11 Let me say also I think the public, who we
12 sometimes think doesn't care, has, in my opinion, and
13 I have been in the business as I say for a long, long
14 time, that the general public has been right more
15 consistently than any of the rest of us have been about
16 environmental issues.

17 They have not trusted the sanitary land fill,
18 and they have been proven right recently. They thought
19 air pollution was bad for you before we could prove it.
20 They thought that the water was polluted before we
21 could walk on it, and so on. So the public has been
22 pretty right all along.

23 Then how the institutions go about rectifying
24 things is a very complicated problem, and they wisely
25 sit back and let us argue about how to do it. The

1 public has not often been wrong environmentally, in
2 my book.

3 MR. RAPIER: Well, ladies and
4 gentlemen, I want to thank you very much. This is the
5 end of our presentation.

6 I hope you can see from the character of the
7 presentations that we are nowhere near to the point
8 where we have promulgated the first guideline or
9 regulation or standard, so that we are truly here on
10 the front end with all of the people that we can get
11 together with us to discuss highlights of the new Act,
12 hopefully in language that everybody can understand it.

13 If you want to stay, we will stay and chat
14 with you so you can make your edition tomorrow.

15 We are soliciting your participation and
16 your support of the program that we are trying to
17 implement. I think it's a very important program to
18 close the loop on that sink in which we can put residuals,
19 and incidentally one gentleman mentioned here about
20 putting things in the air, well, I represent the air
21 program as well as the solid waste program and the
22 radiation program in our regional office, so really what
23 we are trying to do is balance the total environmental
24 program so that we don't degrade one thing more than
25 another, to the extent we can do so.

1 Now I am told that there are no 3 by 5 cards
2 filled out for people that want to make statements, but
3 let me just ask again, last call, are there any written
4 statements or any oral comments that anybody wishes to
5 make? If so, please raise their hand?

6 Are there any general comments or discussions
7 that anybody else wishes to make?

8 MR. BERMAN: Godspeed.

9 MR. RAPIER: Hearing none, I would
10 like to close the meeting and thank you very much for
11 coming out.

12 (10:15 hearing concluded.)

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UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY

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In the Matter of: :
Public Participation Meeting, :
Pittsburgh, Pennsylvania :
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Transcript of Proceedings in the above-entitled
matter, held on Tuesday, March 1, 1977, commencing
at 9:00 o'clock a.m. in the Monongahela Room, William
Penn Hotel, Pittsburgh, Pennsylvania.

BEFORE:

Gordon Rapier, Director, Air and Hazardous
Materials Division, EPA, Region III
Moderator

SPEAKERS:

Thomas Williams, Chief, Technical Information and
Communications Branch, Office of
Solid Waste Management, EPA

Truett DeGeare, Chief, Land Protection Branch,
Systems Management Division, Office
of Solid Waste Management, EPA

Alfred Lindsey, Chief, Implementation Branch,
Hazardous Waste Management Division,
Office of Solid Waste Management, EPA

Robert Lowe, Chief, Technical Assistance Branch,
Resource Recovery Division, EPA
of Solid Waste Management, EPA

William Bucciarelli, Director, Pennsylvania State
Solid Waste Program

P R O C E E D I N G S

MR. RAPIER: Ladies and gentlemen,

good morning this beautiful, snowy day in downtown Pittsburgh. Welcome. I am Gordon Rapier, Director of the Air and Hazardous Materials Division, Region III, EPA in Philadelphia. With me are members of our regional staff, which I will introduce shortly, and representatives from the Office of Solid Waste in Washington, D.C.

The purpose of the meeting today is to explain the provisions of the new Resource Conservation and Recovery Act which was signed into law in October, 1976. You should all have copies of the Act and other hand-outs. If not, or if you have not registered yet, please arrange to do so at the reception desk.

The new law might more appropriately be called the "Solid Waste Disposal Act" since it deals with all aspects of solid waste management, including land disposal of solid and liquid wastes and the management of hazardous or chemical wastes.

The Act includes provision for maximum public participation in writing the guidelines so we are here to receive your comments and answer questions about various aspects of the law.

In passing this new Act, Congress intended

1 that the full range of disposal methods for unwanted
2 materials be regulated. In prior years, we have had
3 laws regulating disposal in the air, water, and the oceans
4 and now this bill will regulate land disposal for the
5 first time at the federal level. The law encourages
6 the states to take over the administration of the program.
7 Your views of this should be conveyed to your state
8 officials.

9 Following are a few of the crucial areas of
10 implementation where we feel that your views and guidance
11 are most critical:

12 Number 1 precisely how should "hazardous
13 waste" be defined? Since much of the damage from
14 hazardous wastes occurs before they reach treatment,
15 storage and land fill disposal facilities, and since the
16 Act focuses only on upgrading land disposal facilities
17 to take care of those wastes which fall outside the
18 "hazardous waste" definition, it is clear that how
19 hazardous wastes are defined is a critical element in
20 implementing the Act.

21 Number 2 in which ways, if any, would the
22 definition of hazardous waste have a bearing on the
23 states' willingness to take over responsibility for the
24 program, which under the Act, is not mandatory but of
25 course highly desirable?

1 Number 3, what would be the best ways to
2 ensure the hazardous wastes are defined to the fullest
3 extent possible on standardized objective criteria and
4 associated tests, and at the same time not put too great
5 a burden on many potential hazardous waste generators
6 who are small businesses?

7 Number 4 wastes are mixtures of many different
8 materials. To what extent can criteria and tests be
9 applied to wastes, and to what extent to suspected
10 hazardous components?

11 Number 5 the Act requires a definition of
12 a sanitary land fill and of the obverse, an open dump,
13 to apply, we feel, to both municipal and industrial
14 wastes and possibly others from agriculture or mining.
15 Should pits, ponds and lagoons used for disposal of
16 industrial wastes be defined as open dumps?

17 Number 6 what kind of process should EPA
18 establish to determine which guidelines should be written
19 or updated?

20 Number 7 with regard to state and local
21 planning, what process should be employed to enable
22 governors and local government heads to decide who does
23 the planning and implementation for which aspects of
24 solid waste management, and which percentage of planning
25 funds each should receive?

1 Number 8 how should the waste disposal
2 inventory be carried out? Who should do it? How
3 decentralized should it be? How can we survey facilities
4 on industrial property?

5 Number 9 what is the degree of need for
6 full-scale demonstration projects for resource recovery?

7 Number 10 the resource conservation panels
8 or technical assistance panels are important to the
9 success of the Act. How comprehensive should they be?
10 How much should they focus on resource conservation
11 and recovery in relation to a focus on hazardous wastes
12 and land disposal of all wastes? What should be the
13 proper composition of such panels to ensure appropriate
14 representation from state, regional and local levels of
15 government?

16 Number 11 the Act mandates several special
17 studies and directs that a broad range of supportive
18 research and development activities be carried out. Can
19 new research and development be performed in time to
20 influence the formulation of mandated guidelines and
21 regulations? Which activities should be considered
22 essential in the development of solid waste management
23 alternatives and therefore considered high priority for
24 research.

25 Number 12 unlike the Federal Water Pollution

1 Control Act and the Clean Air Act, this Act does not
2 mandate quantifiable objectives, but rather gives broad
3 guidance as to the law's intent. Open dumps are to be
4 closed, and hazardous wastes are to be regulated within
5 certain of the frames, but no measures of environmental
6 or public health improvements are suggested. Should we,
7 however, try to assign meaningful, quantifiable objectives
8 to the solid waste management area? If so, what kind
9 of monitoring and feedback system should be provided
10 to evaluate results?

11 Number 13 the Act mandates a high degree of
12 public participation in development and implementation
13 of the regulations, guidelines, permits and information
14 required by the law. How can we best obtain public
15 participation in a timely and meaningful way? What
16 avenues should EPA explore to ensure really widespread
17 and effective public participation?

18 We have a court reporter here today who is
19 preparing a transcript of these proceedings. I am asking
20 that anyone that wishes to make a statement, at the
21 end of our prepared presentations, fill out a 3 by 5
22 card that you can get from the reception desk. If
23 someone wants to make an oral statement, I would like
24 for you to limit it to five minutes.

25 If you have a written statement that you want

1 submitted for the record, please give it to us.

2 Let me introduce our regional staff to you
3 now. Miss ^Elene Glen, who is the Assistant to our
4 Regional Administrator. We have two young ladies on the
5 desk in the back that you can't see right now, but I
6 am sure everyone saw when you came in, Mrs. Alma Mullane
7 and Jean Jonas. Mr. William Schremp and
8 Mr. Robert Allen of the Air and Hazardous Waste Materials
9 Division and Tom Fielding from our Enforcement Division.

10 We have a series of five presentations to make
11 today discussing the various highlights of the Act, and
12 we will solicit, at the end of each individual presentation,
13 your comments, your views, your questions.

14 As we proceed, I think you will see that what
15 we have come to you with today is not a series of
16 written regulations simply to wave them in front of
17 your face and give you a 30-day comment. We are coming
18 to you truly on the front end of this whole process of
19 planning and development to implement this Act, to
20 solicit your views.

21 Our first discussion today will be made by
22 Tom Williams, who is the Chief of the Technical
23 Information and Communications Branch in the Office of
24 Solid Waste ~~Management~~. He is going to talk to you about
25 public information, public participation and training.

1 MR. WILLIAMS:

Good morning. The

2 Resource Conservation and Recovery Act of 1976 contains
3 an unusually complete array of provisions which, if they
4 are properly implemented, could bring about a
5 significantly high degree of public understanding and
6 participation. Taken together, these various provisions
7 make it clear that the Congress understood that it is
8 impossible for the public to participate meaningfully
9 unless the government first produces valid technical
10 and scientific data, and then processes and publishes
11 the information in such a way that almost everyone can
12 have real access to it. Only in this way, the Congress
13 seemed to feel, can the public have a real reasonable
14 chance of influencing the potentially profound significant
15 social, economic and political changes which this law
16 will help bring about.

17 In section 8003, the Administrator of EPA
18 is required to develop, collect, evaluate and coordinate
19 information on nine key elements which are crucial to
20 the Act's purposes. They cover every significant aspect
21 of solid waste management.

22 The Administrator is not only to implement a
23 program for the rapid dissemination of this information,
24 but it is important to all to develop and implement
25 educational programs to promote citizen understanding.

1 This makes it quite clear that the
2 information called for is not to be developed for the
3 exclusive use of those who, for one reason or another,
4 may be considered experts in the field. Moreover, the
5 Administrator is asked to coordinate his actions and to
6 cooperate to the maximum extent with state and local
7 authorities, and to establish and maintain a central
8 reference library for virtually all the kinds of
9 information involved in solid waste management for the
10 use of state and local governments, industry and the
11 public.

12 To ensure that the public participation
13 process does not become lopsided, we felt it would be
14 necessary to identify major categories of interest
15 groups who represent the public at large. Under the
16 Act, we consider these to include consumer, environmental
17 and neighborhood groups, trade, manufacturing and labor
18 representatives, public health, scientifics and
19 professional societies and governmental and university
20 associations. This spectrum of categories of representative
21 groups will be altered and supplemented, if necessary,
22 in the course of implementing the Act, if it appears
23 desirable to do so.

24 Now this is not a meaningless list, as a
25 matter of fact, there will literally be dozens of meetings,

1 workshops and so on carried out by representative
2 components of the Office of Solid Waste and EPA, by
3 states and by the regions, and with rare exceptions, it
4 will be required that representatives from each of these
5 interest groups be present to give their views to the
6 government, and to hear what the government thinks it
7 wants to do.

8 Section 7004(a) of the Act states that any
9 person may petition the Administrator for the promulgation,
10 amendment or repeal of any regulation under the Act.

11 Section 7004(b) has to do with public
12 participation. It states that public participation in
13 the development, revision and enforcement of any regulation,
14 guideline, information or program under this Act shall
15 be provided for, encouraged and assisted by the
16 Administrator and the states. And further, that the
17 Administrator, in cooperation with the states, shall
18 develop and publish minimum guidelines for public
19 participation in such processes.

20 Section 7002(a) states that any person may
21 commence a civil action on his own behalf against any
22 other person, including the United States, who is
23 alleged to be in violation of this Act, or against the
24 Administrator of EPA if there is alleged a failure by
25 him to perform any act or duty under the legislation.

1 The many techniques which can be used to
2 involve the public in government actions fall into two
3 major categories: One is to ensure that appropriate
4 public meetings, hearings, conferences, workshops and
5 so forth are held throughout the country, and more
6 importantly, that they are planned and keyed to the
7 unfolding of the Act's key provisions.

8 The second technique is the advice of
9 advisory committees and review groups which may meet
10 periodically, but which may also be called upon to
11 review and comment upon major programs, regulations
12 and plans, no matter when these occur, and no matter
13 whether a specific meeting is convened or not.

14 And the third is the development of
15 educational^a programs so that the public has the opportunity
16 to become aware of the significance of the technical
17 data base and the issues which emerge from it.

18 Effective public education programs depend
19 on the use of all appropriate communications tools and
20 media. These include publications, slides, films,
21 exhibits and other graphics, media programs, including
22 public service television and radio announcements,
23 releases to the daily and professional press and
24 public education projects carried out by service and
25 civic organizations with EPA technical and financial

1 assistance.

2 Section 7007(a)(b) authorizes the Administrator
3 of EPA to make grants and offer contracts with any
4 eligible organization for training persons in occupations
5 involving management, supervision, design, operation
6 or maintenance of solid waste disposal and resource
7 recovery equipment and facilities, or to train
8 instructors. "Eligible organization" means a state or
9 any state agency, a municipality or educational
10 institution capable of effectively carrying out a
11 training program.

12 Section 7007(c) states that the Administrator
13 shall make a complete investigation and study to determine
14 the need for additional trained state and local
15 personnel to carry out the plans assisted under this
16 Act, and to determine means of using existing training
17 programs to train such personnel, and to determine the
18 extent and nature of obstacles to employment and
19 occupational advancement in the solid waste management
20 field.

21 The Administrator is required to report the
22 results of such investigations and study to the President
23 and the Congress.

24 Now as you were told earlier, we have called
25 this meeting not simply to, by any means, to lecture

1 to you or to ask you to ask questions, but to really
2 get your views. And I should certainly like views on
3 how you think we might bring the ideal of public
4 participation into the area of reality.

5 You know, it isn't easy despite the fact
6 that the federal government is large and powerful, and
7 so are states and other governments, there are
8 tremendous novations placed on our communicating with
9 the public. We have no way of competing with the
10 advertisers who entertain you through the increasingly
11 functional television programs throughout the nation,
12 and while we are attempting to do what we can do help
13 the public to understand that this Act is theirs, it
14 has a bearing on their lives that it will cost them
15 money unless it's carried out properly, that it will
16 bring them benefits only if it is carried out properly.
17 That is a pretty tough deal to try to make that
18 interesting and palatable when you compare it to others
19 whose main interest seems to be to convince you that
20 the only thing you really ought to do is sit back and
21 enjoy your favorite can of beer while you watch some
22 too often inane program that teaches you to be stupid.

23 So there is no way that we can give our
24 technical data base directly to 200-plus million people,
25 yet we feel that the essence of what we have learned

1 and used your money to do it, the reports we have
2 already sent to Congress, the research we do, the
3 technical assistance work we do, the investigations we
4 do, the essence of what this really means ought to be
5 known to everyone.

6 We don't approach this provision of the Act
7 with cynicism or with the idea of co-opting things,
8 which I have heard too much in the last six to eight
9 years, the idea that we let people in on what we are
10 doing, and then co-opt them and they won't get in our
11 way. We are not approaching it that way at all. If
12 you allow yourself to be co-opted, don't do it.

13 Furthermore, what comes out of this meeting
14 will not be confined to those who are fortunate enough
15 to be here and hear it and learn from it. This meeting
16 and all the others that are being held under this
17 Act, and all of them being held in all of the regions,
18 will be summarized and analysed, the transcripts will
19 be. They will be compared and a report will be put
20 together that will be laid before all of those in EPA
21 and elsewhere, who are involved in planning or
22 implementing any phases of the Act. As these meetings
23 indicate what the public thinks, it will be reported to
24 the Congress and President.

25 And now I will shut up, finally, and hope that

1 you have some suggestions and comments for us.

2 Looks like I have said it all.

3 Yes, sir?

4 ^{TOM}
MR. GRANEY: Any time I hear

5 "public participation", I have been in the local
6 government for 12 years, it's such a bag of worms and
7 such a tough thing to do, beyond a few special interest
8 groups, be they environmental or industrial, I am just
9 curious if you have any strategy to involve people?
10 I have seen hams given away, and still not be able to
11 get the people to come to the meetings.

12 Do you have any strategies involved beside
13 the media communication, which is relatively ineffective
14 unless there is a bulldozer beside somebody's house,
15 are there any other thoughts EPA has?

16 MR. WILLIAMS: Well, I came here
17 seeking thoughts, but I will give you a couple. For one
18 thing, we go to a bit more trouble, I think, than some
19 agencies do, to try to get the essence of what our
20 work is all about into a format that most people can
21 understand and appreciate, whether it be pamphlets or
22 announcements or whatever. We go to a bit more trouble
23 to do that.

24 I think the reason a lot of public participation
25 is aborted or fails completely is that it's set off by

1 itself and agencies will attempt to hold a lot of
2 meetings, but it will not do what the other part is,
3 to get the information out to the people, or work hard
4 enough to get the press to pay attention.

5 We had a reporter here last night who complained,
6 I think rightfully so, that he didn't understand half
7 of what was going on. And if he didn't, how could he
8 convey it to his readers?

9 I don't know any magic solution for it. I
10 think the public is more interested than we normally
11 give the public credit for being. The fact that it
12 doesn't get up in arms unless it's forced to do so is
13 no indication of the interest. I can imagine nothing
14 worse than 200 million people carrying placards at the
15 same time. It's discouraging at times, but I don't
16 despair.

17 Agencies really don't try very hard. Most
18 bureaucrats in my opinion are technocrats, they have
19 a tough job to do to develop a lot of technical
20 information and to make sense of it and implement a law,
21 at whichever level of government, and it's a kind of
22 a bother when you are doing all that, then, to have
23 somebody who is only half informed, you think, or
24 fully informed, to come in and tell you you should have
25 done it this way and that way. So the natural tendency

1 of bureaucracy is not to involve the public, and in
2 recent years, at least insofar as federal regulation
3 is concerned, Congress is making that more difficult by
4 saying, "You must involve the public." And there are
5 all sorts of ways of aborting that. You have the
6 meetings, you don't pay attention to them or show it
7 to anyone, and so on.

8 But I think it's incumbent upon us who work
9 with the taxpayer's money, to work harder and try
10 harder to get the public concerned.

11 I don't think it's bad either; there are
12 interest groups who do represent the public, because
13 they do, provided all the kinds of interest groups have
14 a chance to understand what you are doing. I would say
15 that most environmental groups represent a much broader
16 constituency than the membership would indicate, and
17 I think the same is true of many industry groups.

18 MR. GRANEY: There are currently,
19 because of the basin plans, instrumentalities in
20 existence throughout most of Pennsylvania now to have
21 public participation in waste water treatment. Is there
22 any idea to utilize some of the mechanisms built up,
23 or do you anticipate there will be additional efforts
24 separate from that?

25 I know the emphasis for the basin studies is

1 for waste water treatment, but there are mechanisms
2 that have begun to be built up in that area. Or will
3 this Act be separate unto itself?

4 MR. WILLIAMS: It will be separate
5 to some extent, as it was intended to be by the principal
6 members of Congress who put it together. But we will,
7 in some ways, be working with the 208 program.

8 I met with a young lady from that part of
9 EPA yesterday. They have a tremendously greater budget
10 than we do for involving the public in the water planning
11 business, and to the extent that what we are going jibes
12 with that, we will participate in that also.

13 MR. RAPIER: Let me ask that each
14 person that asks a question or makes some kind of
15 comment, to identify themselves and the organization.

16 MR. GRANEY: Tom Graney, Lawrence
17 County Planning Commission, Pennsylvania.

18 MR. JONES: Tom Jones, Union
19 Carbide. I would like to suggest that in your public
20 presentations, that you stress the benefits of the
21 program to the public. You have a situation like the
22 construction grant program that is meeting with limited
23 success because many people don't understand what they
24 are building for, or the benefits they are gaining from
25 this. If they could understand that they are gaining

1 something from this, rather than just have one more
2 bond to vote on or against, or whatever, it certainly
3 would push the program much better on the municipal
4 level.

5 MR. WILLIAMS: I certainly agree with
6 you. And I think part of the reason it is not is that
7 traditionally, certainly in the environmental area, the
8 major programs and even the minor programs have been
9 run by professionals who are dedicated to their work,
10 but who have really never thought of getting the public
11 involved, or the public's understanding, was a part of
12 their bag.

13 I think EPA has done a very poor job since
14 its inception of involving the public in things. Its
15 public affairs office is lower in esteem throughout the
16 agency, I think, than the lowest mouse in the garage.
17 And by and large, it deserves that level of esteem.

18 But it's not that office's fault only, it's
19 the lawyers and the engineers and the others who make
20 the major decisions, who have never regarded that aspect
21 of our business to be really as important as slipping
22 around on the sliderule, or otherwise trying to get the
23 work done.

24 EPA has done, in my opinion, dozens of
25 enforcement actions that have not been accompanied by

1 sufficient opportunity for people to understand what
2 they were going to be enforced against for in the first
3 place, or without exhausting the possibilities that are
4 inherent in technical assistance and public participation
5 and public education activities.

6 So I think that is part of the problem, it's
7 just not considered a real important and vital part of
8 the business. And it should be.

9 Yes, sir?

10 MR. ATKINS: George Atkins,
11 Northwest Engineering. Our experience on solid waste
12 in Pennsylvania, to some degree, at least in our area,
13 is that part of the public does not like -- probably the
14 most important area is the public officials and
15 legislators, and until something else occurs, you are
16 never going to get a unified program until you get to
17 those people. Now I know it's important to get to the
18 people at the lower level, but it doesn't do much good
19 to get to them if somebody above is telling them, "Well,
20 these programs don't really count all that much anyway."

21 MR. WILLIAMS: And I agree, and I
22 don't know whether we are going to get to them, but
23 certainly we are planning extraordinary measures, I
24 think, considering our resources, to ensure that officials,
25 county officials and local officials understand, along

1 with us and the states, what this Act really means,
2 what the opportunities for improvement are and so on.

3 Yes, sir?

4 MR. GILL: Max Gill, Erie County
5 Solid Waste Authority. I notice in the hand-out they
6 make reference to EPA's reference library, solid waste
7 reference library. I would like to emphasize that
8 aspect. I think if that were generally made more
9 available to municipal and school libraries, I think
10 there are a lot of people who want to read about it and
11 are looking for some piece of evidence, something they
12 can cite as facts, I think that would help.

13 MR. WILLIAMS: Thank you. We now
14 can extend this service because we do have -- not just
15 since this Act was enacted, but traditionally this
16 particular program, and not just information people, but
17 the technocrats I was just complaining about, have
18 maintained a tradition of really producing information on
19 everything they do. And we have almost 500 publications
20 that have been put out since the solid waste program
21 began in 1965.

22 They are all available, or all that are still
23 useful are still available. We also have an information
24 retrieval service where we can gather abstracts free of
25 charge, of the world's solid waste management. Those

1 services or publications are available in the libraries
2 that EPA communicates with. They are limited in number,
3 and we will see to what extent we can get some of the
4 basic information to other libraries. One of the
5 problems is the cost of it, but I know you are right.

6 Yes, ma'am?

7 MS. KEFFER: Laurie Keffer, from
8 the group for recycling in Pennsylvania.

9 Just a little nitty gritty. Could you please,
10 especially on your more popular publications, put the
11 number and the address and the zip code so that people
12 can send for more of them? We have been foiled many a
13 time, not able to find the number or where to send for
14 things.

15 MR. WILLIAMS: Yes, ma'am.

16 Someone here?

17 MR. BOUSQUET: My name is
18 Woody Bousquet, I am from the McKeever Environmental
19 Learning Center in Sandy Lake. And I had a question
20 about your public education guidelines under section
21 7004, and that is you will be offering interest group
22 education programs.

23 Does that mean that EPA personnel will be
24 available to talk on the Resource Conservation and
25 Recovery Act, and other similar acts that deal with

1 solid waste, if we request a speaker?

2 MR. WILLIAMS: Probably. It depends
3 on how many requests there are and how many people are
4 available, but we will do our best to do that.

5 MR. BOUSQUET: Who should we get
6 in touch with?

7 MR. WILLIAMS: You can get in touch
8 with me, Tom Williams.

9 Yes, ma'am?

10 MS. NEVIN: Eliza Neven, Allegheny
11 County Environmental Coalition. I was wondering if you
12 all will have time for having a personal contact with
13 people, like heads of organizations and environmental
14 groups and neighborhood groups? Because they are the
15 people who can get all of the people in their groups
16 to participate and to be interested. And we get in
17 from these 208 things, we get masses of mailings that
18 are impersonal, I get them under different names at
19 my home, a variety of things, every misspelling they
20 write down. And that doesn't make me want to participate.

21 But if somebody did call you up and you had
22 somebody say, "Won't you come to a meeting," then that
23 is the kind of thing that you can get into.

24 MR. WILLIAMS: You know, it's a very
25 big country, and your first move is toward your local

1 and state governments to get things done. We are a
2 small group, we are approximately a hundred people,
3 including everybody who can walk and crawl, in Washington,
4 and we have tried to extend our information farther
5 by -- we have given training grants for the past five
6 years to national environmental and similar organizations
7 who have local or state affiliates, the League of Women
8 Voters, Conservation Foundation and others, in the hope
9 that what they learn and what they decide to do about
10 these problems and how much education they plan to do
11 for the rest of the public, would get down to other
12 levels of government.

13 MS. NEVIN: I think that type of
14 thing works too.

15 MR. WILLIAMS: But there are
16 literally, as you know, tens of thousands of local
17 environmental organizations. I would love to have them
18 all on the mailing list and go to all their meetings, I
19 really would. It's just impossible.

20 Yes, sir?

21 MR. JACKSON: David Jackson,
22 Chester County Health Department. I think it would be
23 helpful, you indicated municipal groups, that contacts
24 are made primarily with them. And I have found,
25 particularly with the Federal Safe Drinking Water Act,

1 that that didn't occur to us, particularly the county
2 level or the municipal level. And while I do receive a
3 lot of your publications on solid waste, I think it would
4 be very beneficial if you would work particularly with
5 the county groups, county health departments, the heads
6 of county solid waste operations and so forth.

7 It seems to me with EPA, in the past, that
8 hasn't occurred.

9 MR. WILLIAMS: I can't defend the
10 rest of EPA, as a matter of fact, I wouldn't if I could,
11 but in our program we have, I believe we have had a
12 grant for the last four years, at least each year, with
13 the National Association of Counties for the purpose
14 of trying to encourage understanding on the part of
15 county officials, and at least access to our information.

16 We have done the same thing with the
17 International City Managers Association, Conference of
18 Mayors, with the Council of State Governors, and of
19 course we have other ways of keeping in touch with
20 state authorities.

21 But we do it. As I say, we are a hundred
22 people, plus the regions, which I should not mention --
23 which I should mention, and they are a handful altogether
24 in all ten regions.

25 So I think we try to work with the states,

1 and if there are things that we have to become involved
2 in, then we probably do it as some crisis really dictates
3 that we have to, you know.

4 MR. JONES: Tom Jones, Union
5 Carbide again.

6 I would like to suggest that I believe there
7 is an office in Cincinnati, a solid waste office in
8 Cincinnati that does handle publications, that they
9 may be more responsive. I have called, on several
10 occasions, to be met with a recording, which is fine.
11 But that is as far as it went. I never got a call back
12 or publication or whatever.

13 MR. WILLIAMS: If you met with the
14 recording, you were calling not anything out of the
15 Office of Solid Waste, you were calling for a publication
16 that the research and development people of EPA had.

17 I cannot account for that. I do not use
18 that service. If you call Cincinnati, or write Cincinnati
19 for anything in the available list of available materials
20 that we have, which is now about this thick (indicating),
21 I assure you you will get a response.

22 We don't have -- and we only have one man
23 and two part-time workers manning that thing. I don't
24 know what to say about that, sir. It was a research and
25 development publication.

1 Yes, sir?

2 MR. ATKINS: Do you have a
3 schedule on the regulation production process, a tentative
4 schedule yet, other than the statutory involvements?

5 MR. WILLIAMS: Yes. It's news to
6 me that we have really a schedule, but our region boss
7 says we do.

8 MR. ATKINS: Is that available?

9 MR. RAPIER: Not here today, but
10 if you will give us your name, we will send you one, sir.

11 MR. WILLIAMS: We don't have very
12 firm schedules yet, do we?

13 MR. ALLEN: The time frames in
14 the Act.

15 MR. WILLIAMS: We can give you what
16 the Act says we are supposed to do.

17 MR. ATKINS: We know that. I just
18 wondered within that, if you had --

19 MR. WILLIAMS: Within that, it
20 would take Houdini and three other mystics to figure
21 out most of it.

22 MR. ATKINS: What we are kind of
23 hoping is you don't do like you did under 92-500, it
24 comes down to the deadline is the first time anybody
25 sees regulations.

1 MR. WILLIAMS: My God, that would be
2 impossible. We are going to great lengths to ensure
3 that that doesn't happen. We are, as I say, forming
4 ad hoc advisory committees, we are having each division
5 have meetings with all kinds of organizations about
6 this, we have given grants to NACO, ICMA and others to
7 further public understanding and their participation in
8 the Act. It won't happen, sir, I assure you.

9 All right, thank you very much.

10 MR. RAPIER: Thank you, Tom.

11 You know, the EPA talks about how we want
12 to work closely with federal, state, regional, county
13 people, how important it is for our state and local
14 representatives to be an active part of the program, and
15 then the first thing I did this morning was to get up
16 and fail to introduce the person sitting on my right,
17 who is the leading state representative here that will
18 be working with us to implement the program. When I
19 sat down, I said to him -- his name is William Bucciarelli,
20 for those of you who don't know him he is the Director
21 of the Commonwealth Solid Waste Program -- I said, "Bill,
22 my God, I forgot to introduce you." He said, "That's
23 one."

24 In order that we don't make ths mistake twice,
25 let me ask Bill to get up now and give the state views

1 on RCRA.

2 Bill?

3 MR. BUCCIARELLI: You are making a good
4 comeback, Gordon. Keep it up.

5 I guess my purpose for being here today is
6 really threefold: One is to give some perspective to
7 the solid waste efforts in Pennsylvania, two is to
8 provide input which this meeting is designed to do, and
9 three is to add impetus to the crying need there is,
10 and I am speaking for Pennsylvania, the crying need there
11 is to nurture the solid waste efforts that have been
12 developed over the last 10 or 11 years. And to develop
13 some kind of a rational approach at implementing the
14 federal law and meeting this need.

15 To give some perspective, I said 10 or 11
16 years, we had our start back in 1968 with the passage
17 of Act 241, Pennsylvania Solid Waste Management Act,
18 which provided essentially, primarily, planning and
19 regulatory activities. And with that as our base, we
20 spent, together with local governments over \$3 million
21 to develop 67 county plans and currently 3 regional
22 efforts, 3 regional plans.

23 Now these plans are at all stages of
24 implementation. We have had some setbacks and slippages,
25 we have had what somebody might call failures, but in

1 the majority of instances, the level of implementation
2 that most of these plans are at today, I declare
3 successful. And even in those cases of slippages or
4 setbacks, it never slips back to the original level
5 at the time we started. So we get set back, then we
6 move forward, set back and move forward. And I am sure
7 there are some of you in here who know about some of
8 these failures.

9 We have had, as part of the implementation
10 I am talking about, we have had tremendous technical
11 and management improvements. For example back in 1966,
12 there was only one county that had a county-wide agency
13 that dealt in solid waste matters. Today we have almost
14 30, and I hear this one representative here of the
15 solid waste authority in Erie. Most of them are
16 authorities, but there are other agencies too that are
17 devoting almost exclusively their time to the solid waste
18 problem.

19 Now that, in itself, is tremendous in the
20 sense that I think one of the greatest accomplishments,
21 when you have an act and when you cause planning to
22 occur and when you cause implementation of that planning,
23 is that you are causing people to look further ahead
24 than one day, number 1.

25 Number 2, you are causing people to start

1 thinking about a problem they have never thought of
2 before.

3 And the other thing that you are doing is
4 placing and sharing some of that responsibility at all
5 levels where it should be. And if it does nothing but
6 that, I think we have accomplished a lot, even though
7 it raises a heck of a lot of controversy.

8 We have issued over 500 permits in this game,
9 we have closed over 400 open dumps, we have processed
10 over 1700 applications, reviews of that kind, and we have
11 initiated numerous legal actions at all levels. And I
12 might add that in the development of our program, we
13 have established pretty well some very precedent and
14 legal cases in Pennsylvania.

15 I won't go into too much detail into these
16 areas, because I was warned by Gordon to keep it short,
17 several times.

18 Back in '64, then, the department was also
19 concerned about resource recovery and its development
20 in Pennsylvania and as a result of the efforts of not
21 only the state staff, but other committees and other
22 people, we did manage to get the Act 198. This is the
23 Resource Recovery Act, and this is supposed to be a
24 \$20 million revolving low interest loan program. The
25 only problem is, we didn't get the \$20 million with it.

1 We hope that will still be funded at some point in time.

2 But along with that amendment to that Act,
3 we did get \$4 million for demonstration grants. Now
4 \$2.5 million of that has already been committed to four
5 projects, and they are in the process of being implemented,
6 I hope.

7 \$1.5 million, which we just recently got,
8 we are reviewing currently the applicants' submissions
9 at this time. The shut-off date has passed, and we will
10 not consider any more applications for demonstration
11 grants unless we get more money in demonstration grants,
12 number 1.

13 Number 2, some of the projects do not move
14 ahead and implement, and we get the money back and
15 we will re-allocate, or some of the applicants turn the
16 grants down.

17 So what they represent is a tremendous state
18 and local commitment and the money, with the exception
19 of the demonstration grants I am talking about, did not
20 speak to the tremendous capital investment that has
21 occurred in the implementation of this plan. So I have
22 no idea at this point what the figure might be, but it
23 is tremendous.

24 Now there is interest in all areas of the
25 state in terms of the solid waste program. So it's not

1 just us banging the doors because we got an act at the
2 state level or federal level. For example, the Governor's
3 Solid Waste Advisory Committee, which represents all
4 governments, including federal, all levels, the academia
5 people, the consulting people, the private enterprise
6 and so on, has been working since 1968 to help develop
7 the Act 241 and Act 198.

8 The Citizen's Advisory Council, who has gotten
9 in and out of the solid waste game, of course they deal
10 with other matters too, is making recommendations in
11 their reports to the Commonwealth as far as solid waste
12 matters are concerned.

13 The Governor's Energy Council is getting more
14 and more into the problems of solid waste and how that
15 can be used in meeting the energy needs.

16 The Governor's Science Advisory Committee
17 just recently completed, or had completed a report
18 through their waste utilization panel. I served on one
19 of the task forces on that one, and now we have got the
20 final draft of that report. And this will also make
21 recommendations to the Commonwealth as to how they should
22 run their program.

23 We have had interest on the part of the
24 House and the Senate. The House Conservation Committee
25 had a public meeting with DER to kind of try and find

1 out what DER is doing and whether what they are doing
2 is proper. And also I would think they want to offer
3 their help in further implementing the Pennsylvania
4 program.

5 The Senate Committee was formed to investigate
6 the solid waste industry, and also to see whether the
7 state is carrying out a proper program, and also see if
8 Pennsylvania is getting their fair share of state and
9 federal support, financial or otherwise. And these two
10 will be making recommendations as to, I am sure, how
11 the program should be carried out.

12 Now some mention was made here about make sure
13 that you get the input way before you come down to the
14 final draft of your guidelines and your regulations,
15 and don't come at the last minute, then show it to us.
16 You know, I have been in this business a long time, and
17 I can truly say that this is a sincere effort, this
18 effort is a sincere effort on the part of the federal
19 government to get input, and they really have done this
20 in a lot of different ways.

21 And one of the ways that they are doing it
22 is that they are providing, as indicated here, liaison
23 with other groups, for example the National Governors
24 Conference developed a group of task force committees.
25 Three of us in Pennsylvania are serving on them, and this

1 is in the areas of solid waste management planning and
2 hazardous wastes, resource recovery and funding, and
3 land fill technology.

4 They have staff people assigned that meet
5 with these task forces on a regular basis. Each one of
6 these task forces have a different timetable, so they
7 are getting input from there.

8 They are getting input from the other
9 national groups and agencies, they are getting input
10 from all these meetings that they are holding across
11 the Commonwealth -- or across the nation. And I am sure
12 they are getting -- they are soliciting from all other
13 avenues.

14 So I say it's a very sincere effort, because
15 there is a lot of, as was pointed out by the two
16 spokesmen, there is a lot of gaps, a lot of vagueness
17 and there has to be a lot of crystallizing of issues
18 and specificity has to be put into this Act before you
19 can begin to understand it. This is why they want this
20 to be this kind of a street, more than this kind
21 (indicating). Because they want to know what to do.

22 And I think that we ought to honestly support
23 that request. From the state's viewpoint -- and I will
24 quit after this -- from the state's viewpoint, we would
25 hope that the program would be supportive of the past

1 and present efforts that have occurred in Pennsylvania,
2 and not in any way be disruptive to that effort, because
3 there has been too much time and effort that has gone
4 down the past. If you do disrupt that, you are going
5 to set up back that much more. And the solid waste
6 program will not progress as we think it should progress
7 in Pennsylvania.

8 The other thing is that remember that there
9 is nothing mandatory about this Act on the part of the
10 state or local government. It is mandatory on the
11 federal government to develop a hazardous waste program,
12 and they will do that whether the state does it or not.
13 But what I am trying to get at is that they should
14 develop incentives for the states to assume the
15 responsibilities under this Act, and you wouldn't want
16 to develop the kinds of incentives -- you can't develop
17 incentives if you are going to be very restrictive in
18 your definitions or requirements or so on. Because
19 what the states will do, if it's going to be that much,
20 will say, "Come in and do it, we can't do it because we
21 can't live under those conditions."

22 So support and develop incentives. With
23 that, I will close.

24 MR. RAPIER: Thank you very much,
25 Bill. I just wanted to reinforce something that

1 Tom Williams said earlier.

2 One of the ladies in the audience asked
3 about more of a one-on-one type relationship between
4 federal officials and state and local people, and
5 citizens. We would really like to do that. We do,
6 however, have an extreme paucity of resources.

7 For instance in our regional office now,
8 we only have two professional people who are working
9 in the solid waste media. This means, obviously, that
10 we have to very carefully allocate the resources, and
11 we have to very carefully prioritize everything we do.

12 If you have thoughts and ideas on how we
13 can work better with states, counties, localities to
14 apply a multiplier to the kind of things that they can
15 do more in a one-on-one fashion, we would certainly like
16 to hear from you after the meeting, or whenever. But to
17 the extent we can, we are really trying to optimize
18 the way we do things in the solid waste program.

19 Okay, the next speaker is going to talk about
20 something that I think is extremely important and one
21 of the major thrusts of the Act, and that is the
22 management of hazardous waste materials, subtitle C
23 of the Act has a broad and very comprehensive set of
24 initiatives for that hazardous waste management program.

25 So at this time, I would like to introduce

1 Fred Lindsey, Chief, Implementation Branch, Hazardous
2 Waste Management Division, Office of Solid Waste
3 ~~Management~~ in Washington to talk about hazardous wastes.

4 Fred?

5 MR. LINDSEY: Thank you, Gordon.

6 May I also say, as I think the others have said so far,
7 that we certainly do appreciate your turning out here
8 to give us the benefit of your suggestions and comments
9 relative to how we should carry out our mandates under
10 this Act.

11 I am going to present here briefly a summary
12 of the Act's requirements relative to the hazardous
13 waste provisions, and also touch upon some of the issues
14 which we would like to have your comments and suggestions
15 on.

16 As Gordon indicated, this is subtitle C of
17 the Act, the hazardous waste provisions. And subtitle
18 C mandates that a regulatory program^{be} established, the
19 purpose of which is to control hazardous wastes from the
20 point of generation, usually in an industrial operation,
21 to the point of the ultimate disposal at a permitted
22 facility. Now this is a very clear mandate, there is
23 a fair amount of latitude as to how we carry it out,
24 but the mandate, what it is we are supposed to do is
25 clear.

1 First of all, the first thing we have to
2 do is to identify criteria or characteristics of wastes
3 which make them hazardous or non-hazardous. And we
4 are to include, according to the mandate from Congress,
5 toxicity, persistence in the environment, degradability,
6 bioaccumulation in tissue, flammability, cor^or~~r~~sivity
7 and perhaps other criteria.

8 Once having done that, we will use those
9 criteria to determine what is and what is not a hazardous
10 waste, and then issue a listing of examples of hazardous
11 wastes. As with most of the regulatory provisions in
12 the hazardous waste area, we are given, by Congress, 18
13 months in which to do this. That is 18 months from the
14 passage of the Act, which was October 21, 1976, which
15 brings us to April the 21st, 1978 when this is supposed
16 to be completed.

17 Gordon already mentioned some of the issues,
18 in the very beginning of his presentation, that we are
19 struggling with under how to identify hazardous wastes.
20 One of the problems is how do you identify a waste?
21 That is the first thing you have to do, when is a waste
22 a waste, and when is it a product?

23 If we follow that through a little bit, we
24 may be able to consider that certain materials, which
25 may be hazardous, are occasionally sold for very small

1 amounts of money, to be used for such things as keeping
2 dust down at baseball parks and horse rings, and perhaps
3 on roads and things of that nature. Now are they wastes
4 or products? And how do we identify them?

5 In addition, what toxic and non-toxic
6 parameters other than the ones that Congress mandated,
7 should we include in our definition?

8 Toxicity is a broad subject; there is acute
9 toxicity and chronic toxicity, carcinogenicity,
10 teratogenicity and mutagenicity, and so forth. How do
11 we deal with them?

12 Wastes are not pure substances, as we are
13 talking about here when we are dealing with air and
14 water pollution problems, we are talking about an
15 emittant of chemical species, or water is the same thing,
16 its cyanide or arsenic or something of that nature. And
17 it is that particular material that causes the problem.

18 Where we are talking about hazardous wastes,
19 we typically are talking about brown goo and red gunk,
20 and various materials of that genre, which may contain
21 more than one, maybe a number of potentially hazardous
22 materials in various concentrations. And it is this
23 combination that, through synergism or antagonism and
24 actual concentration, may release these materials into
25 the environment in some fashion.

1 How do we deal with that problem, the fact
2 that we are not dealing with a pure substance? How can
3 we test wastes, for example, to determine whether or
4 not that waste is hazardous in the real sense?

5 These are some of the issues that we are
6 facing over the next few months.

7 Section 3002 of the Act requires that we put
8 together some standards for generators of waste, those
9 people who are responsible for the wastes in the be
10 beginning. And in so doing, we must come up with
11 record keeping and reporting requirements. This would
12 mean keeping track of quantities, constituents of the
13 waste and the manner in which they are disposed.

14 There will also be standards for the labeling
15 of containers which will also be developed, and perhaps
16 the standards for what is a suitable container and what
17 is not. And probably more importantly is the
18 requirement that a manifest system be developed.

19 Now the manifest system is designed to track
20 the waste from point of generation through the
21 transportation function, to the point of treatment or
22 disposal, so-called "cradle to grave" control. And
23 the manifest system will also give pertinent information
24 on the characteristics of the waste to the transporter
25 and to the disposer, which he requires to carry out his

1 function.

2 The manifest systems already exist in some
3 states, and where they do, they take the trip ticket
4 form of approach initiated by the generator, carried by
5 the transporter and finalized by the disposer or
6 treater.

7 Some of the problems which we face here is:
8 How can record-keeping and reporting burdens be
9 minimized, and yet provide adequate control of hazardous
10 waste management problems and their solutions? Should
11 transport manifests be a uniform system nationwide?

12 It doesn't say that they must be in the
13 Act, it simply says that there will be a manifest system
14 set up. It doesn't say that it must be uniform.

15 Similar standards are required for transporters,
16 again including record keeping, keeping track of the
17 sources of waste which are picked up, and where the
18 wastes are delivered. Labeling requirements again for
19 containers, compliance with that manifest section of
20 the system which deals with transportation, and they must
21 be consistent, according to the Act, with any
22 requirements that the Department of Transportation may
23 have.

24 One of the more important sections of the Act
25 is section 3004, because it is here that we will be

1 generating standards for treatment, storage and disposal
2 facilities. And it is by such standards that improper
3 disposal will be made illegal. So this is a very
4 important section of the Act.

5 Congress has mandated that within these
6 regulations, we must come up again with record keeping
7 and reporting provisions, how much material has been
8 received and how is it disposed of or treated? And the
9 disposers must also comply with the manifest system.

10 We must also set up minimum standards and
11 requirements for monitoring and inspection to determine
12 if a site is in fact polluting. And we must have
13 standards for location, design and construction, that is,
14 to identify where facilities can be place, what design
15 options may be restricted or otherwise controlled, and
16 so forth. Maintenance and operating standards contingency
17 plans must be set up identifying what to do if something
18 goes wrong.

19 Then there is the broad classification of
20 ownership requirements, which might include standards
21 for performance bonds, requirements for performance bonds,
22 long-term care funds, training requirements and site
23 closure requirements, things of that nature. In addition,
24 there is a broad mandate which says something to the
25 effect that other standards may be developed, as necessary,

1 to protect public health and the environment. So it's
2 a broad field.

3 Some of the questions we are facing here,
4 and there are a great many, some of the more interesting
5 ones are: What are the main problems which a treatment
6 disposal firm may have which are associated with
7 integrating hazardous waste facility standards with other
8 health and environmentally related standards, such as
9 the air, water and OSHA types of standards? How can
10 these be integrated? How can they be worked out? What
11 kinds of problems exist?

12 Should performance standards for hazardous
13 waste storage and treatment facilities apply only at
14 the fence line, or perhaps elsewhere? Should the
15 standards developed take the form of performance standards,
16 for example, some limit on pollution of ground water,
17 "Thou shalt not pollute the ground water beyond some
18 acceptable level," whatever that is? Or, on the other
19 hand, should they take perhaps the different approach,
20 that being what we may call equipment standards, if you
21 are going to burn chlorinated hydrocarbons you must
22 have a scrubber with such and such a pressure drop,
23 that sort of approach? And what problems exist if one
24 approach or another is taken?

25 Should hazardous waste facility standards be

1 uniform nationally, or recognize differences in climatology
2 and hydrogeology?

3 Another problem which we feel will become
4 extant, as we go forward, is that many citizens
5 automatically oppose the siting of hazardous waste
6 facilities around their near term locale. They may be
7 all for the concept, but when it comes time to put it
8 down the street or across town, they are totally opposed
9 to it.

10 We see this, even if we do an extremely good
11 job of putting together standards and setting up programs
12 to control this, we see siting of hazardous waste
13 management facilities, good, solid, well located
14 hazardous waste facilities as still being a major problem.
15 And we are wondering, and interested in any comments
16 you may have as to how this problem may be overcome in
17 the future?

18 For example, would very stringent facility
19 standards have any appreciable influence on this issue?
20 What about training and education programs, things of
21 that nature? Would that be likely to have any impact
22 on this type of problem?

23 Should regulations published by EPA require
24 certification of employees working at hazardous waste
25 facilities? We have certification programs for boiler

1 water operators; should we have them for waste management
2 operators? And if so, who within those facilities and
3 which people, and how should that be carried out, or
4 should it be carried out at all?

5 Should EPA require bonding and insurance for
6 hazardous waste treatment and storage facilities? Is
7 insurance readily available for such facilities?

8 What routine monitoring should be required
9 at hazardous waste facilities, and who should do it?
10 What testing techniques, how often, what sort of
11 monitoring equipment should be used?

12 Those are just a few of the problems which
13 we are facing, and questions which we are facing at
14 the present time on which we would like to have your
15 opinions and suggestions.

16 Section 3005 of the Act sets up a permit
17 system which will be, in essence, a mechanism for
18 bringing facilities into compliance, then, with the
19 standards which are set up under section 3004, that we
20 just discussed.

21 Six months after we promulgate the standards
22 for treatment, storage and disposal, and for criteria
23 as to what is and what is not a hazardous waste, six
24 months after that time, it will be illegal to dispose
25 of hazardous wastes in a facility that does not have a

1 permit. Assuming the 18 months time period is met for
2 the generation of the standards for facilities, that
3 would bring this to approximately October the 21st, 1978.

4 In order to receive a permit, a facility must
5 convince the regulatory agency, the state or the
6 federal government, whoever is carrying out the problem,
7 that they do in fact comply, or are expected to comply
8 in the case of a new facility, with the standards which
9 have been developed.

10 Congress also mandates certain requirements
11 for permit application, including information on the
12 manner of treatment, storage and disposal, information on
13 the types and amounts of wastes which are expected to
14 be handled, information on the frequency of treatment
15 and the rate of application in the case of disposal,
16 and information on the site itself. I suspect hydrogeology,
17 climatology, things of that nature.

18 There is also a provision for granting
19 interim permits. That is, for those facilities which
20 were in business as of the passage of the Act, who have
21 notified the state or EPA in accordance with section
22 3010 of the Act that I will talk about in a minute, and
23 who have applied for a permit, those people will be
24 granted an interim permit which will be good until such
25 time as the paper work for the actual permit has cleared.

1 The idea here is to allow these particular facilities
2 to operate.

3 One of the questions we are facing in this
4 particular area is: Should there be different classes
5 of hazardous waste permits, depending on the types and
6 amounts, et cetera, of the wastes which are handled?
7 Is there any reason for doing that?

8 Section 3006 of the Act authorized the states
9 to undertake the permitting and enforcement parts of
10 this Act. It's very clear that Congress intends
11 or hopes that the states will undertake this
12 responsibility.

13 In order to be authorized, a state will have
14 to have a program which is equivalent to the federal
15 program consistent with other state programs that have
16 been authorized, and must contain adequate enforcement
17 provisions. Unfortunately, Congress didn't say what
18 "equivalent", "consistent" and "adequate" are. And they
19 seldom do, so we will be facing definitions of those
20 particular requirements as we go forth here.

21 We must come up with guidelines to assist
22 the states in setting up these programs, and we are
23 beginning work on that now.

24 Section 3010 of the Act requires that within
25 three months after we have identified what is and what is

1 not a hazardous waste, that is the criteria for
2 hazardous wastes, within three months after that time,
3 anyone who generates, transports, treats, stores or
4 disposes of hazardous wastes, under that definition,
5 must notify EPA of the fact that they do. It's a one
6 time provision, and it occurs three months after the
7 promulgation of standards under 3001, "Hazardous Waste
8 Identification".

9 Section 3011 of the Act provides assistance
10 to the states. In this case, \$25 million has been
11 authorized for each of two years to get this underway.
12 But "authorized" is not the same as "appropriated", and
13 at this point how much money will actually be appropriated
14 for this work is certainly not clear.

15 I think it's safe to say that it won't be
16 \$25 million, but just what level that will be, as I say,
17 unclear.

18 In any event, we will be devising a formula
19 for allocating whatever amounts of money are available,
20 which will be based on the amounts of hazardous wastes
21 which are generated in a given state, and the extent of
22 public exposure to those wastes.

23 In brief, that summarizes the requirements
24 that we are faced with in developing a hazardous waste
25 program at the national level. And we really are

1 interested in your thoughts on some of these issues
2 that I have discussed, and I believe there is a
3 publication out there, which many of you may have
4 picked up, called, "Issues for Discussion", which contain
5 the same ones that I have discussed here, and perhaps
6 some more that we would sincerely like to have your
7 suggestions and so forth on today, or at a later time,
8 if you can.

9 In the interim, I am here to take any
10 suggestions you might have, comments you might have or
11 questions, as the case may be. Does someone want to
12 lead it off?

13 MR. WILLIAMS: Frank Williams from
14 DER. You have mentioned that after the regulations are
15 passed, you have six months in which to have permits
16 issued. Do you plan simply to take applications and
17 issue the permits, or is there going to be a review?
18 And if so, can you realistically expect to be able to
19 issue those permits within that time?

20 MR. LINDSEY: That is a very good
21 question. Certainly there will be a review. But that,
22 I think, is the reason for the interim permit provision
23 that Congress put directly in the Act.

24 As I think I pointed out, it will be illegal
25 to dispose without a permit within six months after that

1 period of time. However, as I say, for those facilities
2 which are in existence and which have notified us under
3 section 3010, and who have made applications, they will
4 be granted forthwith an interim permit to continue
5 operating until the review, as you point out and the
6 other parts of the Act, or the other parts of the
7 permit have been studied and reviewed.

8 Yes, in the back?

9 MR. ^{RA}~~BER~~HOSKY: Jim ^{RA}~~Ber~~hosky, DER.

10 That sounds like a loophole, any operator of a dump
11 can submit an application and continue to operate his
12 dump for five years with no intent of complying anyway.

13 MR. LINDSEY: I don't want to
14 speculate whether it's a loophole or not. It's in the
15 Act anyhow.

16 There are also other ways in which the Act
17 can be enforced. For example, the standards under
18 section 3004 apply, notwithstanding whether a permit
19 section is ever set up.

20 And there is -- I can't remember what section
21 of the Act there is -- but there is a direct enforcement
22 mechanism which carries fines, et cetera, for bringing
23 action against a given facility. And I think I would
24 have to look that up to be sure of what section that is,
25 I think it's 3007 or 3008, something of that nature.

1 3008, under subtitle C under "Compliance
2 Orders." Those facilities which are grossly not meeting
3 the requirements of the Act, could be addressed under
4 that.

5 There are citizen suit provisions under the
6 Act as well, which a citizen could bring suit on a
7 facility for not meeting the standards, under section
8 3004.

9 Yes, sir, over here?

10 MR. BANCROFT: Robert Bancroft,
11 Allegheny County Health Department.

12 How will your activities mandated to you
13 under subsection C, be coordinated and integrated into
14 activities also mandated under the Toxic Substances
15 Control Act? Will there be a duplication, or how will
16 this work?

17 MR. LINDSEY: Let me say first of
18 all, there will not be a duplication. The Toxic Substances
19 Control Act is oriented towards front end control of
20 hazardous materials, products and things of that nature,
21 not specifically toward waste as respects it, although
22 there are parts of the Toxic Substances Control Act
23 which could be laid to waste. This act really relates
24 directly to waste control.

25 Now in the sense that the two acts were passed

1 roughly at the same time, it gives EPA the extraordinary
2 ability, for once, to coordinate things as we go.

3 Let me say something about how this occurs,
4 setting standards and regulations in the federal
5 government.

6 When we began to develop regulations, the
7 agency sets up a work group. The agency work group
8 will be led by the Office of Solid Waste, which we
9 represent; in the case of toxic substances, by the
10 ~~Agency~~^{Office} of Toxic Substances. But in each of these work
11 groups, there are the air pollution control, water
12 pollution, toxic substances and our own work group,
13 solid waste on there. And there is the method by which
14 we attempt to assure coordination and prevent overlap.

15 Also on those parts, for example, of the
16 Toxic Substances^{CONTROL} Act which relate to solid waste, and
17 where they have been going forward in developing
18 regulations along those lines, technically our people
19 have been heavily involved in working on those
20 regulations directly, and as a matter of fact doing some
21 of the initiating work in those senses. So we hope
22 definitely there will not be any overlap.

23 MR. BANCROFT: Well, in both the
24 Acts, is there not a mandate concerning standards for
25 disposal?

1 MR. LINDSEY: There can be. I am
2 not as familiar personally with the Toxic Substances
3 Act as perhaps you are. There can be requirements under
4 the Toxic Substances Act, and I am not certain there is
5 a mandate that certain disposal criteria be set up.

6 Maybe Gordon can speak to that better than
7 I can.

8 MR. RAPIER: There is one explicit
9 mandate, and that is for a disposal method to be defined
10 for PVC's, and I believe some of your people are going
11 to be writing those standards.

12 MR. LINDSEY: They are working on
13 that now. But I think PVC's is the only one, if I am
14 not mistaken.

15 Yes, sir?

16 MR. ATKINS: George Atkins,
17 Northwest Engineering. You mentioned problems with
18 siting disposal facilities and processing facilities.
19 I think if the experience so far to date on sanitary
20 land fills is any criteria, that you are probably going
21 to have to consider some sort of a "last resort"
22 mechanism, where when a given region or area has exhausted
23 their capability to locate a site, some larger,
24 probably state or federal type of agency is going to have
25 to assume that responsibility. Because I think that you

1 are going to be at a point on these where you are not
2 going to be able to do it with local mechanisms.

3 MR. LINDSEY: We have been hearing
4 that, sir, from other people as well. And that is why
5 I brought up, I guess, the issue.

6 There is no authority within this Act that
7 Congress has given us, to kind of, if you will, take
8 over and say, "This is where we are going to put this,"
9 or, "This is where we are going to put that." There is
10 no authority along those lines to do that?

11 So I am wondering what impact the federal
12 government could have or should have in that whole
13 process relative to trying to help identify where sites
14 would be.

15 MR. ATKINS: The alternative to
16 that may be to stop generating that type of waste for
17 which you can't find a home, which of course then would
18 give you a constituency to get the things done you need
19 done.

20 MR. LINDSEY: Possibly, In other
21 words, in some cases that might lead to stopping making
22 or using products that generated this particular types
23 of wastes, because most of these wastes come about as
24 a direct result of manufacturing operations for given
25 products. And that would be a very drastic approach.

1 I think that sort of thing could be addressed under the
2 Toxic Substances Act. It can't be addressed under our
3 Act, as such.

4 MS. KEFFER: I wonder if the
5 Act has any provisions at all, or mechanisms for waste
6 reduction? For instance, is there a mechanism in the
7 Act to establish a waste exchange, which has been done
8 in Central Europe to some extent, it has been started,
9 I don't know how extensive it is, but at least it has
10 been started? There is no such thing here.

11 MR. LINDSEY: In Europe, you are
12 quite correct, there are a number of exchanges handled
13 by either a chamber of commerce, various trade associations,
14 or in one or two cases, I believe directly by the
15 government, the idea being for those of you who may not
16 be familiar with it, that one man's waste may be another
17 man's feed stock.

18 Now in this particular country there are
19 several fledgling waste exchanges at this point. One of
20 the more well known ones is in St. Louis, the St. Louis
21 Regional Council -- I have forgotten exactly what the
22 organization is -- has set up a waste exchange within
23 the past year, which has been initially quite successful
24 in effecting exchanges of waste for one plant to be used
25 as raw materials for another.

1 I suspect that this will be perhaps a help,
2 certainly will be a help in helping to solve these
3 problems. Because it's a beautiful solution if you
4 can exchange a waste and use it as a feed stock, why,
5 then, you no longer have the waste, obviously, to deal
6 with.

7 But it's probably not going to be a panacea.
8 There are probably going to be many, many ways which
9 have such a low value or concentration of materials, so
10 as to make them unusable. But it is an idea we would
11 like to foster, if we can. But there is no provision
12 in the Act which allows us to either set up such a
13 thing or requires us to either study it or try and do
14 that sort of thing, although as a problematic approach,
15 we have performed some studies.

16 MR. LOWE: Fred, couldn't we do
17 it under the demonstration provisions?

18 MR. LINDSEY: I suppose it could
19 be done if there were funds available under the
20 demonstration program, yes.

21 MR. GRANEY: Tom Graney, Lawrence
22 County. When can we expect, you know, there is
23 obviously a mechanism here in the Act to allow the
24 state, which is already in the solid waste business, to
25 enforce certain provisions. I am a little fuzzy on when

1 that decision might be coming down.

2 When will the state have the opportunity to
3 say yes or no, "We want to enforce this Act"?

4 MR. LINDSEY: That will be done
5 when we have come forward with the identification for
6 what is "equivalent, consistent and adequate" enforcement
7 under section 3006. We will be putting out guidelines
8 to the state saying, "This is what it's going to take
9 to be equivalent," and so forth.

10 And in generating these, we are dealing
11 directly with a number of states, as a matter of fact,
12 as advisors on that work group that is dealing with
13 that particular thing. We have five states directly
14 involved in giving us their thinking. These are states
15 who have been down this road and granting permits and
16 so forth before, and setting up hazardous waste programs.
17 And we have been in contact, and will be in more future
18 contact with people like Bill over here, and representatives
19 of other state agencies as to what their problems are
20 with regard to assuming the program.

21 I suspect that one of our biggest problems
22 is going to be a lack of all of the funds for grants to
23 the states that we would like to have, because certainly
24 in funding a program of this type, the states would like
25 to have as much funding from the federal government as

1 possibly be achieved. But when will this occur? We
2 have 18 months in which to do that.

3 I hope that we will be coming forward with
4 drafts of these things well before that time. I can't
5 give you an exact date, however.

6 In the back over there?

7 MR. LEWIS: Ken Lewis, Public
8 Works Director, Sharon. I have been reading about it
9 for quite some time now, that they are going to cut out
10 a lot of this paper work. But I was wondering, is there
11 any truth to that? Because every time you make an
12 application, you have to write a whole book.

13 MR. LINDSEY: The gentleman up
14 here says would you mind submitting that question in
15 writing in triplicate?

16 (Laughter.)

17 MR. LINDSEY: It's a common complaint,
18 and there is no way, I don't think, that we can undertake
19 the provisions of this Act, which require permit
20 applications, manifest systems and things of that
21 nature, without generating some paper work.

22 May I say that we would like to, if it's
23 possible, and we have talked with some of the transporters,
24 for example, on the manifest system, we would like to
25 see if we can't organize the paper work in such a way

1 that it can achieve several purposes so that there
2 aren't at least separate forms for everything that has
3 to be done. Maybe we can combine some of the forms into
4 a slightly longer form, or something of that nature.
5 And in any event, you people who would have to deal with
6 these things, we would like to have your ideas.

7 We have already received from some of the
8 transporters in California who have already been using
9 the manifest system, examples on how trip ticket criteria
10 and things of that nature can be hooked into the
11 manifest system to cut down the volume of paper work.
12 But I don't see any way we are going to do it without
13 generating some paper work. But we will try to keep it
14 to a minimum.

15 MR. LECORCHICK: Bill Lecorchick,
16 Division of Solid Waste Management for DER. My question
17 is: Does EPA consider that the people in the treating
18 industry are sufficient, or there is enough companies
19 available today to handle the hazardous wastes that
20 we see, or is there intentions to promote possible state
21 treating facilities or national depositories, or sites
22 under the Act?

23 MR. LINDSEY: That is a many
24 faceted question. The first question is: Are there
25 enough facilities in existence now to environmentally

1 and physically handle these wastes? And I think the
2 answer to that is: No, at the present time there are
3 not.

4 That was the reason for the generation of
5 my question as to how we are going to try to, in the
6 future, help to see to it that there are existing
7 facilities, particularly when we are faced with, as I
8 say, the local opposition question virtually anyplace
9 we think one of these places should be placed.

10 And the second part of your question was
11 whether or not under the Act, we would be espousing
12 state run or federally run national or state disposal
13 sites, or facilities for these operations? And there
14 is no authority under the Act to do that, number 1.

15 Number 2, the policy has always been, both
16 I think from the Congress and from our own agency, that
17 these particular wastes tend to be, or normally are the
18 by-product of manufacturing operations, and the costs
19 should be borne there, and the responsibility for the
20 waste should be borne there. So there is no real
21 thought being pushed for doing that, setting up national
22 disposal sites or encouraging states to do it, although
23 I suspect if the state feels strongly in that area, they
24 would go ahead and do it.

25 For example, in Minnesota we have a grant right

1 now with the State of Minnesota to develop and implement
2 a hazardous waste facility in that state. And the state
3 has taken the lead on doing that because of interests,
4 they don't have facilities which they feel are suitable,
5 so they have taken the lead in that case through a
6 demonstration grant of a technique. We are supporting
7 that.

8 I might add, we are also running into the
9 same siting problems there that has been a problem
10 elsewhere.

11 Yes, sir?

12 MR. HARRIS: Ted Harris, Allied
13 Chemical.

14 Do you anticipate a problem which is a
15 corrolary, if you will, to people not wishing disposal
16 sites adjacent to their homes in that state, would
17 tend to close their borders to wastes generated in
18 other states? And what would you intend to do about this?
19 How could the program handle it?

20 MR. LINDSEY: That is an interesting
21 question. It's the whole question of what we call
22 "non-importation clauses" within state regulations and
23 standards. As you know, that particular question has
24 been before the Supreme Court as a result of New Jersey's
25 non-importation clause, for some number of months. And

1 I understand just last week the Court remanded it back
2 to, I don't know if it was a state court or local court,
3 saying, "You ought to look at it again as to whether or
4 not non-importation clauses were legal under the
5 constitution."

6 But it has been our policy that wastes should
7 be handled where they can be handled best from the
8 standpoint of environmental adequacy, and including
9 costs in part of that formula. If that means moving
10 from one town to the next, or moving across state lines,
11 it's our policy that that be done.

12 Relative to how that might fit in with
13 determining what is and what is not an equivalent
14 state program, we would be interested in your views on
15 that issue. We haven't taken any stand on that.

16 MR. HARRIS: Do you think you
17 might need legislation in order to gain this point?

18 MR. LINDSEY: From the federal
19 government?

20 MR. HARRIS: Yes. Or do you think
21 you can do it within the scope of the Act, for instance,
22 you would not certify a state program or not permit
23 them to take control if they had a non-importation clause?

24 MR. LINDSEY: A lot of that would
25 have to do, I think, with what the courts say on this

1 matter, since it's in the courts right now.

2 MR. HARRIS: You may have to, then.

3 MR. LINDSEY: Anything would be
4 possible. I don't want to take a stand on it, as long
5 as the courts are still dealing with it.

6 MR. SPAULING: Bliss Spauling,
7 Mercer County Regional Planning.

8 Do I understand that there is a follow-up
9 to this siting question, the local officials will pretty
10 much have the deciding matter as to where or if a
11 particular waste facility is going to be sited in
12 their community, irrespective of what they need for
13 permit requirements under the Act, if that is the case,
14 then that is where perhaps the first gentleman who
15 was worried about citizen involvement will get in,
16 because that is sure as heck where it's going to come
17 from.

18 That means to me that you are having a
19 terrible impasse in siting some pretty important needed
20 facilities eventually that there is no provision in
21 the state or federal act to handle, and it probably
22 will be an impasse, despite the fact that they could
23 meet all the permit requirements. And along with that,
24 I wondered if there is going to be -- or what is going
25 to happen in the case of the interim permit that is

1 pending while this process is going on, in addition to
2 the question of the new facilities, which may very well
3 be turned down in a local area.

4 Is there any provision in the Act as to what
5 happens at that point? If you don't have the new
6 site, does your interim permit continue to run
7 indefinitely in willful opposition?

8 MR. LINDSEY: No, there is no
9 direct provision for that sort of thing. I think you
10 succinctly summarized the problem better than I did.

11 There is no, as you pointed out, there is no
12 authority under the Act for the federal government or
13 the state, really, directly as a result of assuming the
14 federal program, at least, to pre-empt local decision
15 making authority. That would require some additional
16 legislation, either at the federal level or state level,
17 which I don't see as forthcoming.

18 So while we may grant a permit to a facility
19 because it's in the right area and has the right design
20 features, et cetera, it may be stymied as a result of
21 zoning restrictions or other local controls.

22 The second part of your question had to do
23 with -- well, suppose I am disposing of my waste at a
24 local land fill, or I am hiring "Midnight Joe" to haul
25 it away, or whatever, and that then is closed off to me

1 because that facility either does not want a permit or
2 is not able to get a permit. What happens unless I can
3 find another permit?

4 There is no provision in the Act which says
5 that that interim authority to operate a sub-par land
6 fill will go on forever. It's only supposed to go on
7 until we have had time to take a look at the application
8 for the full permit, and evaluate it, et cetera.

9 Now there will undoubtedly be provisions
10 in our procedure which would allow for implementation
11 procedures, upgrading, compliance schedules, I think they
12 call them in the water program. Things of that type will
13 be permitted.

14 There will be a number of facilities which
15 exist already which will be permissible. The problem is
16 they may not be in a locality, there may not be one
17 in Pittsburgh, for example, or you may have to haul it
18 to Cleveland or something like that, and this is done
19 already.

20 Many of these wastes move across half the
21 country to find appropriate treatment sites or disposal
22 sites, so it's not uncommon. But we do expect a short
23 fall for a period of time in the capacity that will be
24 available of permitted facilities. And just how we are
25 going to deal with that is one of the questions I have.

1 If anyone has any good suggestions, I want to hear them.

2 I think the gentleman in green has had his
3 hand up.

4 MR. JONES: Tom Jones, Union
5 Carbide again.

6 I would like to address enforcement under
7 the Act. Historically I looked back at the Clean Air
8 Act and probably more so the Federal Water Pollution
9 Control Act, and there seems to be a disparity in
10 enforcement actions of industry versus municipalities.

11 Do you see an effective enforcement provision
12 in the Act, or when you develop the guidelines for the
13 states to implement, that will allow for an effective
14 enforcement mechanism against municipalities. This seems
15 to be somewhat deficient, it's difficult to enforce
16 against a municipality presently, say under the NPDS
17 program.

18 It's easy to enforce against industry; it's
19 more difficult to enforce against a municipality.

20 ^{TOM}MR. WILLIAMS: I would like to say
21 I don't think there is anything comparable in this
22 Act, or any problem comparable to what you have in the
23 water pollution area. Municipalities don't generate
24 hazardous wastes, generally speaking.

25 MR. JONES: But they do, oftentimes,

1 have open dumps.

2 MR. LINDSEY: They do dispose, is
3 the point.

4 ^{TOM}MR. WILLIAMS: Yes. That will be
5 taken care of through other provisions of the Act.
6 But I don't think there will be any comparable hazardous
7 waste enforcement efforts as it will with industry.

8 MR. GRANEY: I have just a comment
9 on the siting. There almost seems to be a belief that
10 certain land use controls are purely within the
11 province of local government, however, other
12 Pennsylvania zoning laws and other laws present a
13 mechanism for exempting of land use which is public
14 utilities, and it's built into the Pennsylvania Planning
15 Code.

16 For example, a procedure appeal to the PUC
17 to set aside local regulations, I would like to offer
18 that as a suggestion, as a last resort in line with
19 some of the other comments on siting that might possibly
20 be felt.

21 MR. LINDSEY: Bill, you have that
22 kind of authority now, do you, in the state?

23 That is a good suggestion, though, as a
24 possible way of getting around it.

25 MR. GRANEY: It's indigenous to

1 public utilities, because they had excellent Lobbies
2 when this law was passed.

3 MR. SPAULING: That is only peculiar
4 to public utilities, now. Even the state is not exempt
5 from local regulations unless there is something in this
6 particular statute that says they are exempt. So that
7 may have to still be amended at the state level to give
8 some kind of ability to handle critical situations if
9 you really reach an impasse.

10 MR. LINDSEY: I have time for
11 two more, then they tell me they are going to get the
12 hook out.

13 MR. ATKINS: The gentleman just
14 made the comment that municipalities do not create
15 hazardous wastes. I think my question is moot, but
16 in Pennsylvania under Act 241, municipalities have the
17 responsibility for hazardous wastes? Is that not right?

18 MR. BUCCIARELLI: George, you didn't
19 have to ask that question.

20 We have gone through this many times. The
21 Act holds municipalities responsible to see that they
22 are handled right, not necessarily that they have to
23 handle them. That is the way we interpret the requirement.

24 They have the responsibility to see that it's
25 handled.

1 MR. ATKINS: But the crunch to
2 shutting down an industry if they can't find a site,
3 may well fall on the local municipality under Act 241.

4 MR. BUCCIARELLI: If you want to take
5 it that far, it has to be tested. But as far as I am
6 concerned, this is the way we are looking at it right
7 now.

8 And to speak to this issue of giving the
9 state or the federal government to put in a new site --

10 MR. LINDSEY: Pre-empt.

11 MR. BUCCIARELLI: Yes, I think that is
12 fine, except you are still not speaking to the question
13 of the baby carriages, because no matter how much power
14 you have got, if you have got those baby carriages
15 out there, that overrides almost everything.

16 A VOICE: That is a political
17 cop-out.

18 MR. BUCCIARELLI: The question has been
19 too that we start using some state land and federal land
20 to put this stuff on.

21 MR. LINDSEY: I am not even sure
22 that would solve the problem.

23 MR. BUCCIARELLI: It didn't. And as
24 far as being a cop-out is concerned, you know, we did
25 use up in one of the counties, a federal national park,

1 Allegheny National Park as a site for the county's solid
2 waste facility.

3 But, you know, we still had a lot of static
4 about that.

5 MR. LINDSEY: I can take maybe one
6 more question. This lady over here hasn't said anything.

7 MS. KERR: Virginia Kerr, I
8 am from the organization called GRIP. I wonder in your
9 Act, does it specifically state there should be no
10 dumping in the ocean?

11 MR. LINDSEY: That is handled under
12 the Marine Protection and Sanctuaries Act directly.

13 MS. KERR: Is it illegal,
14 supposedly?

15 MR. LINDSEY: It's illegal to
16 dump in the ocean without a permit given by the regional
17 office. And this gentleman can expound at what length
18 on what ground they grant a permit for that.

19 I think I am safe in saying that with the
20 exception of the Maryland, New York and New Jersey coast
21 areas, most of the ocean dumping under that Act has
22 pretty well ceased. I don't think there is any great
23 amount of it, except right in the New York-New Jersey-
24 Maryland area where they still have quite a bit of
25 problem with the sewage sludge, or some industrial waste.
But that is not in the purview of this Act, and I am not

1 really versed in this area. I suggest you contact the
2 regional office if you have an interest in that area.

3 Thank you very much. If there are others
4 who have questions or comments they would like to give
5 me, I will be here until the end of this and I would be
6 interested in talking with you. Thank you.

7 MR. RAPIER: Thank you, Fred.

8 As you can see subtitle C is a very
9 comprehensive, complex problem. And we don't have all the
10 answers and we are still in the process of thinking
11 about how we are going to write guidelines and regulations
12 and standards and so forth. So your thoughts and comments
13 certainly would be useful to us.

14 If you want to submit anything in writing,
15 either to the regional office or to Washington, I would
16 encourage you to do so.

17 Fred just discussed the general hazardous
18 management concepts or initiatives in the Act.
19 Subtitle D talks about the major thrusts on disposal
20 land.

21 That and other sections of the Act will be
22 highlighted now by Mr. Truett DeGeare, who is Chief
23 of the Land Protection Branch, Systems Management
24 Division, Office of Solid Waste Management in Washington.
25 Truett?

1 Would anyone like to take a break?

2 (Recess taken.)

3 MR. DeGEARE: Could I have your
4 attention for a few minutes, please? I will try to make
5 a few brief remarks, and then we can have some more
6 interchange.

7 With regard to land pollution of land
8 disposal of non-hazardous solid wastes, some of the
9 important features of this law are significant new
10 definition requirements for the Administrator of EPA
11 to promulgate regulations containing criteria for
12 classification of disposal facilities as sanitary land
13 fills or as dumps; requirement that the Administrator
14 publish an inventory of all disposal facilities in the
15 country which are open dumps, and a requirement that
16 the Administrator publish suggested guidelines, including
17 a description of level of performance to protect ground
18 water from leachate. The implications and requirements
19 for state and local government will be discussed later
20 under state and local government program provisions.

21 RCRA, our new law recognizes open dumps
22 and sanitary land fills as the only two types of solid
23 waste disposal facilities. They will be distinguished
24 by criteria to be developed under the provisions of
25 section 4004.

//

1 RCRA adds clarity by defining disposal and
2 solid waste. These two definitions are especially
3 significant in the breadth of their scope. "Disposal"
4 means the discharge, deposit, injection, dumping,
5 spilling, leaking or placing of any solid waste or
6 hazardous waste into or on any land or water, so that
7 such solid waste or hazardous waste, or any constituent
8 thereof, may enter the environment or be emitted into
9 the air, or discharged into any water, including ground
10 water.

11 The term "solid waste" is also defined in a
12 very comprehensive manner, in that it means any garbage,
13 refuse, sludge from a waste treatment plant, water
14 supply treatment plant or air pollution control facility
15 and other discarded material, including solid, liquid,
16 semi-solid or contained gaseous material resulting from
17 industrial, commercial, mining and agricultural operations,
18 and from community activities.

19 But it does not include solid or dissolved
20 material in domestic sewage, or solid or dissolved
21 material in irrigation return flows or industrial
22 discharges which are point sources subject to permit
23 under Section 402 of the Federal Water Pollution Control
24 Act, or source special nuclear or by-product materials
25 as defined by the Atomic Energy Act of 1954 as amended.

1 So by Congressional mandate, we are now dealing
2 with a solid waste which is, by definition, solid,
3 liquid or gaseous.

4 As I said earlier, the statutory definition
5 of sanitary land fill and open dump refer specifically
6 to section 4004 of the Act, which is entitled, "Criteria
7 for Sanitary Land Fills; Sanitary Land Fills Required
8 for all Disposal." This section requires the Administrator
9 to promulgate regulations containing criteria for
10 determining which land disposal facility shall be
11 classified as open dumps, and which shall be classified
12 as sanitary land fills.

13 At a minimum, the criteria must provide that
14 a facility may be classified as a sanitary land fill and
15 not an open dump, only if there is no reasonable
16 probability of adverse effect on public health or the
17 environment.

18 An important aspect of implementing the
19 Act, then, is further interpretation of what constitutes
20 "no reasonable probability" and what constitutes
21 "adverse effect on health or the environment".

22 Development of this criteria will be
23 particularly difficult for ground water protection
24 because of technological uncertainties, and a general
25 lack of ground water protection policy. This regulation

1 is due by October 21 of this year, that is one year
2 after enactment of the law.

3 The intent of developing this criteria is
4 not to provide a federal regulatory system for sanitary
5 land fills, but to provide a tool for use by state
6 solid waste management agencies.

7 Section 4004(b) requires each state plan to
8 prohibit the establishment of open dumps and to contain
9 a requirement that all solid waste within the state
10 be disposed of in sanitary land fills, unless it is
11 utilized for resource recovery.

12 Finally, section 4004(c) indicates that the
13 state prohibition on open dumping shall take effect
14 six months after the date of promulgation of the criteria,
15 or on the date of approval of the state plan, whichever
16 is later.

17 There is a second provision in the law for
18 prohibition of open dumping. Not later than one year
19 after promulgation of the criteria for sanitary land
20 fills and open dumps, the Administrator shall publish
21 an inventory of all disposal facilities in the country
22 which are open dumps.

23 Section 4005 also prohibits open dumping
24 when usable alternatives are available. If such
25 alternatives are not available, the state plan shall

1 establish a timetable or schedule for compliance, which
2 specifies remedial measures, including an enforcement
3 sequence of action or leading to compliance, of open
4 dumping of solid waste within a reasonable time which
5 may not exceed five years from date of publication of
6 the inventory.

7 If a state plan is not undertaken, the
8 citizen suit provisions of section 7002 provide recourse
9 to grieved parties. Such recourse is in federal, as
10 opposed to other courts.

11 Section 1008, "Solid Waste Management
12 Information and Guidelines" requires the Administrator
13 to publish in one year, guidelines which provide a
14 technical and economic description of the level of
15 performance that can be attained by various available
16 solid waste management practices. The law does not
17 specify specific solid waste management practices for
18 which guidelines will be developed, but there are areas
19 specified which the guidelines are intended to address.

20 These include appropriate methods and degrees
21 of control that provide, at a minimum, for protection of
22 public health and welfare; protection of the quality
23 of ground water and surface water from leachate;
24 protection of the quality of surface water from runoff,
25 through compliance with effluent limitations of the

1 Federal Water Pollution Control Act; protection of
2 ambient air quality through compliance with new source
3 performance standards, or requirements of air quality
4 implementation plans under the Clean Air Act, disease
5 and vector control, safety and aesthetics.

6 Guidelines are intended to be descriptive
7 as opposed to prescriptive, and to suggest alternatives
8 for dealing with the concerns and issues raised in the
9 criteria.

10 Section 1008(c) requires minimum criteria
11 to be used by the state in defining and controlling open
12 dumping of solid waste, as prohibited under subtitle D.

13 In response to the mandate of section 1008,
14 the agency intends to deal first with the predominant
15 means of solid waste disposal by updating or current
16 land disposal guidelines, and also initiating sludge
17 disposal guidelines.

18 In order to determine what priorities should
19 be placed on development of guidelines to address other
20 practices, we are soliciting your viewpoints and we will
21 be carrying out a process for assessing needs for
22 additional guidelines.

23 I would be happy to hear your viewpoints on
24 these various provisions of the law.

25 Yes, sir?

1 MR. ^{RA}BERHOSKY: Jim ^{RA}Berhosky with
2 the Division of Solid Waste Management, DER.

3 Your definition of solid waste does not
4 exclude animal manures, as I read it, from the list of
5 solid wastes, which may come under regulation.

6 Was this intentional, or what ramifications
7 could this have?

8 MR. DeGEARE: It is not excluded,
9 and our impression is that it is intentionally not
10 included. Ramifications are potential guidelines for
11 dealing with animal manure.

12 Do you see that as a problem area?

13 THE ^{RA}BERHOSKY: The agricultural
14 community might, if they feel that they might have to
15 submit applications for permits to use animal manure
16 on their property.

17 MR. DeGEARE: So you are concerned
18 with any potential action we might take inhibiting the
19 use of land spreading of animal manure?

20 MR. ^{RA}BERHOSKY: Right.

21 MR. DeGEARE: Well, we are not trying
22 to inhibit such use of wastes, but another area we
23 are concerned with is land spreading of sewage sludge.
24 We wouldn't want to inhibit that where it's appropriate
25 as a practice, but again it can't be done improperly so

1 as to cause damage. That is the intent of the law.

2 So it would be appropriate that the criteria
3 may provide for such practices, but specify the manner
4 in which it may be done without causing adverse effect.

5 MR. ATKINS: You mentioned in the
6 interim period, the prohibition of open dumping if there
7 was an availability of an alternative. I think if you
8 are going to address that in regulations, you are going
9 to have to clearly specify what is the availability of
10 an alternative, at least economically, because one of
11 the major arguments are at what economic point is it
12 not available anymore?

13 And I think you are going to have to address
14 that in the regulations, or it's going to be a major
15 point of controversy.

16 MR. DeGEARE: All right, that is
17 a very good point. I guess I have no other comment on
18 that.

19 Are there any other comments or suggestions?

20 MR. GRANEY: From what I read,
21 the federal government will, in essence, be laying down
22 the definition of a sanitary land fill, which will
23 eventually, from the way I interpret it, supersede
24 state -- in other words, it will get into the whole idea
25 of licensing sanitary land fills, thought it might be

1 done by the state, it's going to be done through
2 federal definition of what a sanitary land fill is?

3 MR. DeGEARE: It will be done, it
4 could be done only through the state, but you are correct,
5 there is no provision for federal enforcement except
6 through citizens' suits, the Administrator suing as a
7 citizen.

8 MR. GRANEY: But you are obligating
9 the state to adopt a plan, and you are going to define
10 what a sanitary land fill is so you are going to pretty
11 well tell the state what they will license, I am
12 assuming.

13 MR. DeGEARE: Yes, that's correct.
14 Do you see that as a problem?

15 MR. GRANEY: Well, I just symphathize
16 a little bit with Bill. I hate to see untoward confusion
17 come into a program that has already been started and has
18 had its own birth pains, and, yes, I see it could be a
19 problem if your definition significantly differs from
20 what the Pennsylvania DER states a sanitary land fill
21 is, definitely.

22 MR. DeGEARE: We realize that
23 Pennsylvania and other states have taken significant
24 strides in developing this criteria, which I again say
25 is not going to be an easy task. We are working with

1 the states and seeking their guidance and input, because
2 we recognize the potential impact on their programs
3 and on the states.

4 We have had some different suggestions on
5 what the criteria -- what form the criteria could take.
6 One suggestion is that they be very broad criteria, and
7 allow interpretation by the various states in
8 application of the criteria.

9 MR. SCHREMP: Bill Schremp, Region
10 III of the EPA. I would like to point out that the
11 states' definition of sanitary land fills could be
12 tougher, but whichever one is more restrictive would
13 apply.

14 MR. ATKINS: Even if you assumed
15 that your definition of a land fill is to be considered
16 as a minimum standard for a state to adopt as a land
17 fill, we are going to have the same problems we have
18 now, and that is the state can encourage or discourage
19 land fills merely by how they handle regulations in
20 the border areas and that is the major problem we seem
21 to be facing right now. It isn't going to disappear
22 any under this if your minimal standards are very
23 minimal, as they probably will be.

24 It's just a comment, I don't know what you
25 can do about it. But they can still encourage or

1 discourage interstate flow of rubbish by virtue of
2 what individual states do with their regulations, and
3 this is not going to change the picture at all.

4 MR. DeGEARE: This is a trade-off
5 we would have to weigh in going with a very minimal
6 criteria.

7 MR. ATKINS: Or a very maximum
8 criteria. That is one reason maybe you don't want to be
9 too minimal.

10 MR. DeGEARE: Any other questions?

11 MR. SMITH: George Smith, Jones
12 & Laughlin Steel.

13 I understand the Act provides that a study
14 is to be made of the disposal of mining waste, and that
15 the promulgation of regulations relative to mining wastes
16 would then follow completion of that study. Could you
17 comment on the timing you have in mind for that?

18 MR. DeGEARE: There is a specified
19 deadline for that study in the Act, it's in subtitle H,
20 I can't remember what the date is. We are not jumping
21 right into that because of limitations on resources so
22 I really can't answer your question. We haven't formulated
23 any plans on completing that study.

24 The Congressional intent or history on this
25 law is a little confused in that there was no conference

1 committee report. One of the legislative committee
2 reports on one of the three bills that was combined into
3 this law indicated that mining and agricultural wastes
4 should take a lower priority on our scale.

5 Any other comments or suggestions, questions?

6 Okay, thank you.

7 MR. RAPIER: Thank you very much,
8 Truett.

9 So far we have talked about public
10 information, public participation and training and
11 some of the major initiatives of the Act to control and
12 minimize environmental degradation resulting from
13 hazardous materials and disposal of both hazardous and
14 non-hazardous materials, yet there is no other strong
15 initiative I think is very important to discuss relating
16 to environmental degradation. And that is the whole
17 question of more efficient uses and management of
18 our resources through resource conservation and resource
19 recovery.

20 Mr. Robert Lowe of the Office of Solid Waste
21 in Washington is going to discuss some of those answers.
22 Let me get Bob's title for you. He is the Chief of
23 the Technical Assistance Branch, Resource Recovery
24 Division. He is going to talk about resource recovery
25 and resource conservation.

1 MR. LOWE: Good morning. Before
2 you turn that on, Bill, just wait one second.

3 One of the objectives of the law, and therefore
4 the objective of our office, is to reduce the amount of
5 waste that requires disposal. And this is approached
6 through two avenues:

7 One is waste reduction, which is the term
8 we give to reducing waste before it's generated,
9 producing less waste in the first place by such means
10 as re-using products, extending the life of products
11 so that new replacement products don't have to be used
12 at all, and similar measures.

13 The second way to reduce the amount of waste
14 requiring disposal is through recycling. So with these
15 two measures, we have been given a number of provisions
16 in this law to attempt to achieve these things.

17 Before I go through the provisions of the
18 law that address recycling and waste reduction, I must
19 say one thing first: These provisions sound very good,
20 and a lot of them -- we do have a lot of authority to
21 do a lot of good things, however, we don't have the
22 funding or the staffing to do these things. The agency
23 has a limited amount of resources right now, and does
24 not have prospects for many more, and most of the
25 emphasis within our office is being given to the areas

1 of the law that have specific mandates and guidelines,
2 primarily in the area of hazardous waste regulation and
3 management, and land disposal and open dumping criteria.

4 So what I am going to read to you, some of
5 these are empty criteria because they don't have
6 resources to back them up. We are making requests for
7 resources, and we hope we get them. And there are
8 things you can do to get that.

9 Now, having said that, I will go into the
10 first.

11 Resource conservation and resource recovery
12 is included in a variety of sections in the Act. The
13 guideline section which was mentioned earlier, requires
14 the guidelines be developed to explain recommended
15 practices in resource conservation and resource
16 recovery. We have already issued certain guidelines
17 under our earlier regulations, and will be re-issuing
18 them under this law.

19 The Act calls for the establishment of
20 resource recovery and conservation panels to provide
21 technical assistance to state and local governments.
22 And I will go into this in a little more detail in a
23 moment.

24 In subtitle D, the Act requires that state
25 plans, state and local plans consider and include to the

1 greatest extent practicable, resource recovery and
2 resource conservation. And Truett will say more
3 about this when I am finished.

4 We have already discussed the information
5 development and dissemination plan, and resource recovery
6 is a big part of that effort. And all of subtitle H,
7 the 8000 series, sections 8002, 4, 5 and 8, call for
8 certain studies and demonstrations and evaluations of
9 certain issues and technologies and other areas.

10 One area that is not on this slide, that I
11 would like to mention, is a requirement under section
12 6002 relating to federal procurement in an attempt to
13 increase the demand for recycled materials. Congress
14 would like the federal government to require greater
15 use of secondary materials in the products that it buys,
16 and we are required to issue regulations -- excuse me,
17 issue guidelines to help federal agencies determine
18 what is practicable, and they will be required to review
19 their purchase specifications to eliminate any
20 restrictions about the use of secondary materials, and
21 to require the maximum amount of secondary materials
22 content.

23 This, of course, won't have a great impact
24 unless it's imitated by state governments, local
25 governments and industry. It's our intent to have that

1 ripple effect.

2 Just as an example, under section 8004 and
3 related sections, just as an example of some of the
4 issues, some of the areas that are studied, they are
5 listed here, I would like to point out that special
6 emphasis is being given to small scale low technologies
7 and front end separation, and another term for this
8 area is source separation where certain recyclable
9 wastes are segregated from the rest of the waste stream
10 by the person throwing those wastes away, be it a
11 household or office or industry or commercial establishment.

12 Then those wastes are kept separate from the
13 rest of the waste stream and collected separately, and
14 eventually get to a user of secondary materials.

15 One very important area in section 8002 is the
16 establishment of a resource conservation committee to
17 investigate and report to Congress on the issues that
18 are listed here, incentives and disincentives existing
19 public policies and other topics concerning our use of
20 materials, and the resulting wastefulness as a result of
21 the use of the materials, and which mechanism might be
22 useful and practicable and politically acceptable to
23 achieve waste reductions.

24 This is a cabinet level committee, meaning that
25 the members of the committee include such people as the

1 Secretary of Commerce, the Secretary of Labor, the
2 Administrator of EPA, the Chairman of the Council on
3 Environmental Quality, and others. And a representative
4 from the Office of Management and Budget, which is
5 indicative of the status of the Office of Management
6 and Budget in that a mere representative of that office
7 is equivalent to the Secretaries of other cabinet
8 departments.

9 The formation of this committee is both
10 good news and bad news. It's bad news in the sense
11 that since it calls for more study and not action, not
12 reversal of certain practices and laws that encourage
13 use of virgin materials, since it calls for more study,
14 it's not likely we are going to have any legislation
15 to implement new measures for another two or three years
16 until the studies are complete, because it's politically
17 just not possible.

18 On the other hand, Congress did take a step
19 forward in expressing its intent for the critical
20 examination of some of these laws and policies, and I
21 think it's significant that it designated a cabinet
22 level to do so. There have been studies of materials
23 utilization and wastefulness over the past 25 years,
24 there have been about four or five separate study groups,
25 most of whom were functioning as special commissions

1 to the President.

2 This is the first time that this kind of
3 study ever has been brought into the administration
4 itself and given this is a brand new administration
5 which will be in business for longer than it will take
6 to the studying, it's likely that at least the doors
7 are open for implementing the recommendations of these
8 studies.

9 I would like to talk to you for a couple of
10 moments about the resource recovery and conservation
11 panels. I guess the first thing that strikes me is that
12 this title is misleading for two reasons:

13 First of all, the panels are created to
14 provide technical assistance, which is government talk
15 for providing information and advice to state and local
16 officials on how to improve their waste management
17 practices, how to accomplish effective land disposal
18 and how to accomplish alternatives to land disposal.

19 The title is misleading because the function
20 of these technical assistance groups will not be limited
21 to resource recovery and resource conservation, they
22 will also address all the areas of solid waste
23 management, including land disposal, hazardous waste
24 regulation and collection, injury reduction, that kind
25 of thing.

1 I will just give you an example of some of
2 the things that this program, technical assistance
3 program will try to do is help states design and
4 implement regulatory programs which we believe, in many
5 cases, would fail or be ineffective without such help.
6 Because merely writing regulations will not implement
7 a program.

8 We also will attempt to help state and local
9 governments to implement alternatives to land disposal,
10 such as resource conservation programs and recycling
11 projects. These teams will include expertise in the
12 following areas:

13 Technical, marketing, financial and
14 institutional.

15 What is significant here is the specific
16 inclusion of marketing, financial and institutional,
17 recognizing that engineering alone does not solve all
18 problems. Engineering is necessary, but not sufficient.

19 The teams will be composed of EPA staff,
20 consultants under contract to EPA and state and local
21 officials, whom we will include in the program under a
22 label called "peer matching" where we will send a local
23 official from one community to consult with his peer
24 who has the same kind of a problem in another community.

25 The reason I mention that the title of this

1 program is misleading, the word "panels", when most
2 people think of the word "panels" they think of a fixed
3 unit of individuals, say four individuals who travel as
4 a unit, meet as a unit, and would go as a group to a
5 particular community. I don't interpret it that way,
6 and in general our office does not interpret it that
7 way.

8 We see it more as a pool of resources, a
9 stable, is the term that some people use; essentially a
10 list of people with known expertise and for any given
11 situation, the EPA technical assistance people will say,
12 "Well, we need an engineer in this case," or, "We need
13 a financial adviser," or "lawyer" or whatever is needed.
14 The EPA staff person responsible for that will call on
15 that degree of expertise.

16 The law requires that 20 percent of the general
17 authorization for the solid waste program be dedicated
18 to technical assistance. That is an indication that
19 Congress intends for this program to be a viable program,
20 and there are very few ways to assure that. One which
21 they tried was to make this funding requirement. At the
22 moment, this is going to be 20 percent of a very small
23 number, and it's going to have a very small staff and
24 it's even possible, through some creative accounting,
25 the amount of money easily identifiable as technical

1 assistance will be even smaller. And we are somewhat
2 concerned about that.

3 But we will do the best we can with the
4 resources we have, and we will prioritize, in some
5 fashion, the requests that we get. And we will handle
6 them as best we can.

7 There are a couple of other issues, questions,
8 really, that we have in dealing with our program, which
9 I will ask in a moment. But I think first I will open
10 the floor to any suggestions that you may have about
11 how we should conduct this program, and any questions,
12 also.

13 MR. ATKINS: On your guidelines
14 on procurement --

15 MR. RAPIER: Would you give your
16 name again, please?

17 MR. ATKINS: George Atkins,
18 Northwest Engineering.

19 On your guidelines on procurement, do you
20 anticipate that you are going to be able to extend those
21 to follow federal funds, in other words to grantees,
22 assistance programs and so forth, so the people can use
23 federal money in addition to direct federal procurement?

24 MR. LOWE: Did everybody hear
25 that question? I assume you did.

1 I am not clear on that. I think the law
2 implies that, although as a practical matter I don't
3 think we can achieve that.

4 MR. ATKINS: Well, to some extent
5 you are doing that in other things, like your 92-500
6 program right now, you are imposing all kinds of
7 regulations on grantees -- of grants. Now this would
8 just be another apple in the same barrel, but I just
9 wondered if that is it, or if that hasn't been really
10 addressed yet?

11 MR. LOWE: I don't think it has
12 been addressed yet.

13 MR. ATKINS: That would make a
14 tremendous difference on the magnitude of that program.

15 MR. LOWE: It would if it could
16 be effected, although the amount of money we are talking
17 about doesn't have the political clout that the water
18 pollution construction grant program does, for example.

19 MR. ATKINS: I am not talking
20 about that, I am talking about essentially the whole
21 federal budget would come under guidelines on procurement,
22 as would the matching money that goes into programs
23 where federal budget money is involved. Then you are
24 talking about probably 70 percent of the gross national
25 product.

1 MR. LOWE: I see what you mean.
2 I will take that comment back and give it to the people
3 who are designing these guidelines.

4 Yes, sir?

5 MR. GILL: Max Gill again, Erie
6 County Solid Waste.

7 When might we, on a local level, we able to
8 draw upon these panels?

9 MR. LOWE: Right now. We have
10 been conducting technical assistance for years in some
11 form or another, and we have a program underway right
12 now which is a carryover from previous legislation, and
13 includes some of the elements of what we expect will be
14 the program under the new regulation. I might say we
15 are prepared to make any changes that seem necessary or
16 desirable that we get out of the meetings like this,
17 and a number of other meetings that we are having.

18 I might mention what some of those meetings
19 are. We are meeting next week with three groups of
20 representatives, we are meeting Tuesday with representatives
21 of industry, those companies that sell design services
22 or products, or complete systems. We are meeting
23 Wednesday morning with representatives of government
24 organizations, National Governors' Council, National
25 Association of Counties, National League of Cities and

1 so on. And in the afternoon we are meeting with
2 environmental and civic groups, like Environmental Action
3 and League of Women Voters, and so on.

4 We are sending these people a copy of our
5 program plans as they exist in draft form right now, and
6 we are going to ask them for comments.

7 So if any of you are represented in Washington,
8 the American Consulting Engineers' Council, or National
9 Association of Counties or any of these people, that is
10 the way to plug in right there.

11 We are also going to have, in late April and
12 early May, we are going to have three meetings just on
13 the technical assistance program alone. And those
14 meetings will be one in the east, one in the midwest
15 and one in the west. We haven't picked a place for them.

16 Getting back to the gentleman from Erie
17 County's question about our current technical assistance
18 program, we have under contract now, consultants,
19 consulting teams consisting of management expertise,
20 engineering expertise, legal and financial expertise
21 that we can make available to states and local
22 governments now.

23 This is kind of a prototype for the program
24 under the new law. If it's successful, we will repeat
25 it. If it's not, we will modify it or just scrap it.

1 Yes, sir, in the back?

2 MR. KELSEY: Ward Kelsey with

3 DER. Just a very simple follow-up question on that.

4 At this point in time, how would one go about making
5 contact if you wanted to request that assistance? Is there
6 a name or phone number, address that we can contact?

7 MR. LOWE: You can contact

8 either Gordon's staff, which I guess would be
9 Bill Schremp, that is 215-957-0982, or you can contact
10 me. My name is Bob Lowe, L-o-w-e, and my phone number
11 is 202-755-9150. And I will see that your request gets
12 to the proper place.

13 My own field is resource recovery. If your
14 request involves other areas, I will have to direct it.

15 Keep in mind, though, one requirement we
16 make of people requesting technical assistance is that
17 the request come from elected officials. We can work
18 out the plan in advance at our staff level, but we want,
19 in order to assure success of whatever is going to happen,
20 we want to make sure that the elected officials know
21 of what is going on, know why we are involved, so we
22 don't get trapped in some way.

23 MR. BOUSQUET: Woody Bousquet from

24 McKeever Environmental Learning Center. At the beginning
25 of your presentation, you outlined two areas of concern

1 under resource conservation and recovery. You said we
2 were concerned with waste reduction and recycling, and
3 under waste reduction you are concerned with re-using
4 products and developing products that would have a longer
5 life.

6 Does the Act mandate, or have you given any
7 consideration to developing programs that would encourage
8 people to consume less? That seems to be another area
9 that ought to be considered when you are trying to
10 conserve resources.

11 MR. LOWE: Yes, we have. I am
12 trying to think of some good examples.

13 A good deal of our literature points out the
14 fact that our consumption habits, our purchasing habits
15 and our living habits result in higher consumption than
16 it used to be. And we point out ways in which people
17 can consume less.

18 We have, I believe some of our grants that
19 come out of Tom's office to public interest groups and
20 environmental groups, have resulted in information getting
21 out to the public on ways to do this. And some of the
22 studies will be oriented in that direction.

23 This is a monumental task, though, to really
24 achieve something when you think about where you go and
25 what you do during the day, what you buy. And when I

1 think of where I go, what I buy, and everything else,
2 it requires a major change in lifestyle to make anything
3 but a very small dent.

4 Some things I personally have done and some
5 things I can recommend for everybody to do. But there
6 are other things that I can recommend, but when you get
7 into the point of governmental regulations, it's a
8 very difficult area.

9 MR. BOUSQUET: Does any section of
10 the Act specifically mandate that?

11 MR. LOWE: It mandates studies.

12 MR. BOUSQUET: To reduce consumption?

13 MR. LOWE: It's all oriented
14 towards reducing consumption.

15 MR. BOUSQUET: I haven't seen that
16 in the Act anywhere. In other words, it seems to be
17 re-using material that has already been consumed, not
18 reducing the consumption of that material in the first
19 place.

20 MR. LOWE: Well, I am not
21 familiar with the exact language. Tom, do you want to
22 comment on that? Maybe I will follow you.

23 ^{Tom}
MR. WILLIAMS: At the risk of -- I
24 hope not -- being as much undesired by the new
25 administration as I was by the old, I would simply say

1 that the Congress is very, very wary about suggesting
2 anything very specific that would reduce consumption
3 habits.

4 So when Bob says there is a study provision
5 in there, that is exactly what there is. There are
6 certain senators and representatives who advocate
7 reduced consumption in various areas, but the majority
8 certainly do not. If you look at the history of the
9 development of this legislation, at one time there was
10 tremendous concern that expressed itself at one of the
11 early drafts in a virtual prohibition of EPA to be
12 very specific in dealing with states and local
13 governments.

14 Some of the congressmen felt that we had
15 overstepped the bounds of our previous Act by helping,
16 particularly in the beverage container area, by giving
17 testimony on requests to states, counties and cities
18 suggesting what we thought, or what our studies
19 indicated would be the result nationally of a re-usable
20 beverage container system, or recycling system. And
21 there is still a shadow of that concern in the Act.

22 There is a small paragraph somewhere which
23 says that any representative of EPA, when dealing with
24 the state or local government, must not advocate one
25 resource conservation method over another, but must

1 instead give the full story, which is not really very
2 hard to live with. Because we always try to give the
3 full story anyway.

4 In other words, they don't want us to go out
5 and advocate to communities that they should cut down
6 on the consumption of resources as the sole avenue for
7 their solid waste management costs and problems.

8 I might say, if you had to do it, and you
9 would stop, sit down and think just what kind of
10 legislation would you enact to make Americans cut down
11 on consumption, you would find it extremely difficult.

12 I think, personally again, we are moving
13 painfully and maybe more slowly than some people might
14 like, into a way of life that is somewhat different from
15 what it once was, without specific legislation. We are
16 buying smaller cars on the whole, we are insulating our
17 homes, we are more concerned about those things for
18 economic reasons. And I think that the guys who
19 masterminded this Act felt those procedures are going
20 on, they couldn't think of anything specific they wanted
21 to suggest.

22 But notice how they really tried to grapple
23 with it. As Bob pointed out on one of his slides, there
24 is a very high level, cabinet level and this is the first
25 time we have had this, a cabinet level committee to

1 grapple with these things.

2 I don't mean to be an apologist for either
3 wing of the political spectrum, but it would be very
4 difficult to put an act together for EPA to implement,
5 that would mandate certain things that would mess up
6 what the Department of State is trying to do or
7 responsible for, the Department of Commerce is working
8 in, the Department of Interior is working in, the
9 Department of Labor is concerned about, et cetera.

10 So they established this very high cabinet
11 level committee where a bunch of big shots will get
12 together and try to determine what in the devil can be
13 done, to see that we don't inordinately waste materials
14 and energy in solid waste management. It's a pretty good
15 attempt to deal with it in a responsible way, I think.

16 MR. LOWE: Reduction in consumption
17 is mentioned explicitly in the definition of resource
18 conservation, which is mentioned explicitly throughout
19 the law. So when you read resource conservation, you
20 should read -- I mean, it should mean to you reduction
21 of overall resource consumption.

22 Mr. Jones had his hand up before.

23 MR. JONES: Yes, Tom Jones,
24 Union Carbide.

25 In your resource reduction program, do you

1 foresee the development of a program that is similar
2 to like NPDS, effluent guidelines which would dictate
3 so many pounds of waste allowable per pound of product
4 for specific kinds of industries and so forth? Is that
5 authority in there, or could there be an interpretation
6 such as that upon, say a party from the environmental
7 group, you would be forced to do that?

8 MR. LOWE: The authority exists
9 to study that, the authority exists to fund demonstrations
10 of something like that. If a state wanted to do something
11 like that and we evaluated that program and decided it
12 was worth funding, we could fund the demonstration of
13 something like that. There is no authority for federal
14 action in that regard. That is where Congress drew the
15 line.

16 Is there a question in the back, ma'am?

17 MS. KEFFER: I wondered, how come
18 the National Disposal Tax Provision got shot down? Where
19 did the opposition come from, or what was the decision
20 to leave it out? Because it was in the draft originally.

21 MR. LOWE: I don't know what the
22 discussion was on the National Disposal Tax. I do know
23 that our office has been studying for about a year --
24 by studying, I mean doing analyses -- to be able to
25 predict what the affect of given types of measures would

1 be. And in order to have data to present to people and
2 say, "This is what the result will be if we do take
3 certain specific measures," the specific measures that
4 have been under consideration so far, that will be in
5 the resource conservation committee as the study of
6 what we refer to as a product charge, which would be
7 actually two parts:

8 The first part would be an immediate charge
9 on the use of -- well, it would be an immediate credit
10 for the use of recycled materials, which would be phased
11 out over a period of years, and a charge on the use of
12 virgin materials that would be phased in over a period
13 of years. So after a period of years, say ten years,
14 the relative economics of using virgin materials versus
15 secondary materials, would tend to be equalized.

16 It would be equalized in the first place
17 by a credit on the recycling side, and eventually by a
18 charge or tax on the virgin materials side. That is
19 being evaluated by our office now, and we don't feel
20 our data is complete enough to make the case, yet.

21 In the back?

22 MR. KONSAVAGE: Greg Konsavage,
23 Department of Environmental Resources, City of Pittsburgh.
24 What about the differing costs associated with the
25 hauling or transporting of virgin materials versus

1 secondary materials? What type of action is being
2 taken in this area?

3 MR. LOWE: The Railroad
4 Revitalization Act of whenever, required the Interstate
5 Commerce Commission to study those rates and to report
6 what we found, and to make necessary changes. And they
7 required the ICC to consult with EPA to review what
8 they are doing. So we are looking over their shoulder
9 now.

10 The catch word for what your question
11 addressed is "freight rates." And I would like to say,
12 I think the freight rate issue is one that has been
13 blown out of proportion. I don't think it's as important
14 as most people think.

15 For one thing, freight rates discriminate in
16 favor of recycled materials of certain products, certain
17 commodities, and they discriminate against secondary
18 materials in other areas.

19 So it's not really clear what the impact is.
20 The rates for common carriers have to be one of the most
21 complicated things ever attempted by anybody.

22 Yes, sir?

23 MR. HODGETTS: Graham Hodgetts from
24 RAD Services. You started off by saying, according to
25 my notes, I summarized it as underfunded and undermanned

1 for the task in front of you, in which case you are
2 going to have to establish some pretty critical priorities.

3 I am wondering how you set up those priorities,
4 and how those priorities may interface with the "imminent
5 hazard" provisions of the Act?

6 MR. LOWE: Okay, the "imminent
7 hazard" provisions are a little outside of my line, but --

8 MR. HODGETTS: The reason I asked
9 that is because there are, I think, pretty well known
10 practices in industry whereby carcinogenic materials
11 are going to sanitary land fills, or even lower category
12 land fills. I would consider that to be an imminent
13 hazard, and yet such carcinogenic materials can be
14 reclaimed with the right technology. The technology at
15 the moment is marginal, but with funding and assistance,
16 or with implementation of this Act, to the extent that
17 disposal costs become prohibitive, then those technological
18 economics and marginal economics disappear and it starts
19 becoming a paying proposition to recover.

20 MR. LOWE: The thing I thought
21 you were referring to were incidents of imminent danger.
22 Now that I hear your explanation, I don't think that is
23 what you are referring to. But the degree of severity
24 of the environmental aspect of a problem could be one
25 of our criteria. Let me just give you some of the

1 issues that we are trying to deal with. The question is:
2 How should we, just for example, how should we prioritize
3 our technical assistance activities?

4 If we get ten requests in, whom do we answer
5 first? Should we answer the person in a town that has
6 the greatest tonnage, in which case we would take New
7 York first, Los Angeles second, and so on, and we would
8 probably never be able to help the small community?

9 Should we deal with those who have the most
10 serious environmental problems? Which is kind of what
11 you are getting at there, in which case we would never
12 help the City of Los Angeles, for example, because they
13 have, at least in the area of municipal wastes, they
14 have got one of the best land fills in the country.

15 And in a sense, we would be discriminating
16 against them if they wanted our help, we would say,
17 "No, you have done such a good job we can't help you,"
18 which maybe isn't fair.

19 We could give our assistance where there is
20 the greatest level of ignorance, in other words, where
21 we could have the greatest differential impact, bringing
22 somebody from 0 up to 10, although in order to be a
23 success, they may have to go to a hundred. We would
24 have a greater impact where there is a high level of
25 ignorance.

1 Or we could give our technical assistance
2 in cases where the county is most likely to succeed,
3 in which case it's going to be where they -- well, it
4 could be a variety of things. That is the way we have
5 been evaluating things primarily in the past, that has
6 been the final decision point. But it takes into
7 account the critical environmental problem, to some
8 extent the size and amount of tons.

9 While we are on the criteria issue, there is
10 a different set of criteria that would be used in
11 evaluating resource conservation options, in other
12 words, the options that resource conservation committee
13 would be studying. Just as an example of some of the
14 issues, some of the criteria that they could use in
15 deciding which products or which materials to look at,
16 they could look at total overall pollution, not
17 necessarily the pollution associated with disposal, but
18 the pollution associated with manufacturing, extracting
19 from the ground and manufacturing a given product.

20 Another criteria could be resource scarcity,
21 which means we would never try to reduce -- probably
22 never get to reducing glass. We would probably look
23 first at tin and other precious metals.

24 We could look at employment impact, in which
25 case if there is an employment problem in a particular

1 industry, we would look somewhere else. Or we would
2 look at the balance of payment issues. If we had
3 enough of the resources internally, like, let's say
4 coal, we have got the resources here, and it's just an
5 environmental, aesthetic and political question as to
6 whether we want to get to them.

7 We must not look at that, and look instead
8 at some product that we have to go abroad to get. Those
9 are the kind of issues that we have to look at, and if
10 anybody has any opinions on which ones we should look
11 at, I would really like to hear them because otherwise,
12 we will have to make the decision ourselves, and we run
13 a greater risk of being wrong.

14 MR. HODGETTS: Another question that
15 I have, is there still a tax on reclaimed oil?

16 MR. LOWE: I am not aware there
17 ever was one, so if you say there is one, I don't know.

18 MR. HODGETTS: I think there is one
19 which most reclaimers are getting around by a variety
20 of means. But I would be surprised if the Resource
21 Conservation^{and} Recovery Act did not promulgate guidelines
22 which said, "If there is a tax on oil, strike it," on
23 reclaimed oil.

24 MR. LOWE: We already have a
25 program underway in the area of waste oil recycling.

1 We have been working with the Defense Supply Agency,
2 which is the government organization that writes all
3 the procurement specifications for oil for the entire
4 government. We have given -- imagine this -- we have
5 given money to the Department of Defense, we have given
6 \$150,000 to conduct a test of using recycled oil in
7 automobile engines.

8 And if the Department of Defense is satisfied,
9 Defense Supply Agency is satisfied with the results,
10 then they will change their purchase specifications.
11 And that program is about six months old, and it's about
12 a year away from knowing what the results of the tests
13 are. And who knows how far away from whether or not
14 the specs will be changed.

15 We are trying to subsidize the Department of
16 Defense.

17 Other questions?

18 Thank you very much.

19 MR. RAPIER: Thank you, Bob.

20 Well, we are coming down to the wire, now.

21 We have one more prepared presentation for you,
22 Truett DeGeare is going to talk a little about state
23 program development, and then we will have general
24 comments.

25 MR. DeGEARE: The Resource

1 Conservation and Recovery Act recognizes that the major
2 roles in solid waste management lie with state and local
3 governments. This is especially evident in subtitle D
4 the state may play a hero in eliminating open dumps and
5 also administering a hazardous waste program. The
6 governor, working with elected local officials, can
7 structure a mechanism for preparing and implementing a
8 solid waste plan that builds on existing efforts at the
9 state and local levels. At the federal level, the
10 Administrator must ^{set} public guidelines for identification
11 of planning regions, development of state plans and
12 state hazardous waste programs.

13 Section 4002(a) of RCRA, gives the
14 Administrator six months to publish guidelines for the
15 identification of those areas which have common solid
16 waste management programs, and are appropriate units
17 for planning regional solid waste services. This is
18 a kickoff step of a three phase process involving 18
19 months.

20 With six months after publication of these
21 guidelines, the governor of each state, after consultation
22 with local elected officials, must promulgate regulations
23 identifying the boundaries of each area within the
24 state which, as a result of urban concentrations,
25 geographic conditions, market and other factors, is

1 appropriate for carrying out regional solid waste
2 management.

3 The state then has another six months to
4 jointly, with appropriate elected officials of local
5 government, identify an agency to develop the state
6 plan and identify one or more agencies to implement
7 the plan, and identify which solid waste functions will,
8 under the plan, be planned for and carried out by the
9 state, regional or local authorities, or a combination
10 thereof.

11 Where feasible, agencies designated under
12 Section 208 of the Federal Water Pollution Control Act,
13 shall be considered for designation.

14 So in summary, the three immediate steps are:
15 First, our publication of guidelines on identification
16 of planning areas.

17 Secondly, governors, in conjunction with local
18 officials, will identify planning areas.

19 And thirdly, the governors and local officials
20 will identify the respective roles of the entities
21 involved.

22 Section 4002(b) requires the Administrator,
23 after consultation with federal, state and local
24 authorities, to promulgate regulations containing
25 guidelines to assist in the development and implementation

1 of state solid waste plans. This is due in April of
2 1978.

3 The Act provides minimum requirements for
4 approval of state plans, which include the identification
5 of responsibilities and implementing the state plan,
6 distribution of federal funds to the authorities
7 responsible for development and implementation of the
8 plan, and the means for coordinating regional planning
9 and implementation under the plan.

10 The prohibition of the establishment of new
11 open dumps within the state, and requirements that all
12 solid waste, including solid waste originating in other
13 states, be utilized for resource recovery or disposed
14 of in sanitary land fill; provision for the closing,
15 or upgrading of all existing open dumps within the
16 state as required by section 4005; provision for the
17 establishment of state regulatory powers as may be
18 necessary to implement the plan; provision that no
19 local government within the state shall be prohibited,
20 under state or local law, from entering into long-term
21 contracts for supply of solid waste to resource recovery
22 facility; provision for such resource conservation or
23 recovery and disposal and sanitary land fills, or any
24 combination of practices which might be necessary to
25 use or dispose of the solid waste in an environmentally

1 sound manner.

2 So in essence, the planning provisions of
3 subtitle D call for a workable plan involving both
4 states and local governments.

5 RCRA authorizes assistance to state and local
6 governments in a number of places.

7 I want to preface my comments from here on
8 out by making it clear that I am going to be talking
9 about authorized levels of funding which are provided
10 directly in this law. And I want to point out that they
11 don't necessarily relate to funds which may become
12 available in the future, no one knows what level of
13 funding might be provided, if any, under these various
14 provisions.

15 Section 4008(a)(1) authorizes \$30 million
16 for 1978 and \$40 million for 1979 for grants to be
17 distributed to state, local, regional and interstate
18 authorities carrying out the functions as described in
19 the approved state plan. These funds would be distributed
20 on a population basis among the various states, except
21 that each state would receive one-half of one percent
22 of any funds that would be available.

23 Section 4008(a)(2) authorizes \$15 million
24 for each of fiscal years '78 and '79 for states,
25 counties, municipalities and inter-municipal agencies,

1 and state and local public solid waste management
2 authorities, for implementation of programs to provide
3 solid waste management resource recovery and resource
4 conservation facilities, and hazardous wastes.

5 The assistance available under this provision
6 can include assistance for facility planning and
7 feasibility studies, expert consultations, surveys and
8 analyses of market needs, marketing of recovered
9 resources, technological assessments, legal expenses,
10 construction feasibility studies, source separation
11 projects and economic investigations or studies. But
12 the assistance cannot be used for any other element of
13 construction or acquisition of land or interest in land,
14 or for any subsidy for the price of recovered resources.

15 There is a provision in subtitle D for
16 assistance to what are called special communities. One
17 such community is allowed to be established for each
18 state, and there is allowed one project per state. And
19 the project must be consistent with the state plan.

20 The funding level for this is relatively low,
21 two and a half million dollars.

22 Congress recognized special problems with
23 rural communities are going to face in meeting the
24 open dump closure requirements of section 4005, so there
25 is authorized \$25 million for each of two fiscal years

1 to provide grants to the states. These funds could be
2 used for construction, and that is a little different
3 from the other funds that are authorized under the
4 Act. But again, they cannot be used for land acquisition.

5 There are specific criteria and allotment
6 formulae provided under the law for any funds which might
7 become available under this provision.

8 I think it's important to advise you not to
9 hold up any work that you presently have in mind pending
10 any federal subsidies through grants, because as I
11 mentioned, we have no idea as to whether any or what level
12 of funding will be appropriated.

13 Okay, do you have any suggestions or questions
14 about this area?

15 Yes, sir?

16 MR. ATKINS: On your state minimum
17 requirements for state management plans, you mentioned
18 regulations that would ensure contractual freedom for
19 municipalities. That is not very practical, is it?

20 MR. DeGEARE: I am sorry, would you
21 state that again, please? I couldn't hear you.

22 MR. ATKINS: In your minimum
23 regulations that would be acceptable to state plans,
24 you mentioned one element was the assurance of contractual
25 freedom to municipalities, which I would doubt very much

1 that regulatory agencies would be able to handle. I
2 think that is a statutory matter in municipal codes, in
3 most instances.

4 MR. DeGEARE: Yes, that is a problem
5 in implementation in many areas, and it was directly
6 mandated in the Act that that be provided against by
7 the state plans. And you are right again, it's going to
8 be something that is going to have to be dealt with at
9 the local level, as well as state.

10 Any other comments or suggestions?

11 Thank you.

12 MR. RAPIER: Thank you, Truett.

13 I would like to remind everybody that we
14 have extra copies of the Act, and if any of you would
15 like to have additional copies, you will find them on
16 the desk. As a matter of fact, please take them, we
17 don't want to have to carry them back to Philadelphia.

18 All right, I stated at the beginning of the
19 meeting that we would ask for 3 by 5 cards to be filled
20 out for anybody who wanted to make a statement. And it
21 was my understanding a few moments ago that nobody filled
22 out a 3 by 5 card. If anybody, at this point, would like
23 to make a brief statement, would they please raise
24 their hands?

25 If there is anybody that would like to submit

1 any comments, anything for the record, you can mail them
2 to our office to Mr. Robert Allen, Chief, Hazardous
3 Waste Branch, EPA, Region III, Sixth and Walnut Street,
4 Philadelphia, Pennsylvania, 19106, I think it is. Or
5 can they mail them to you, Thomas?

6 MR. WILLIAMS: Yes, sir.

7 MR. RAPIER: Mr. Thomas Williams.

8 Would you give the rest of your name, rank and air speed
9 for them, please?

10 MR. WILLIAMS: If I only knew it.

11 Tom Williams, Office of Solid Waste, United
12 States Environmental Protection Agency and there is a
13 magic formula you have to use, in parens after you
14 put down the "Office of Solid Waste" put AW-462. No
15 matter what else you do wrong, it will get to me then,
16 allegedly, Washington, D.C. 20460.

17 MR. RAPIER: Thank you, Tom.

18 We want to thank you all for coming out today.
19 We hope that the meeting was useful and meaningful to
20 you. It was to us.

21 Thank you very much.

22 (Thereupon, at 12:20 o'clock p.m., the
23 hearing was adjourned.)

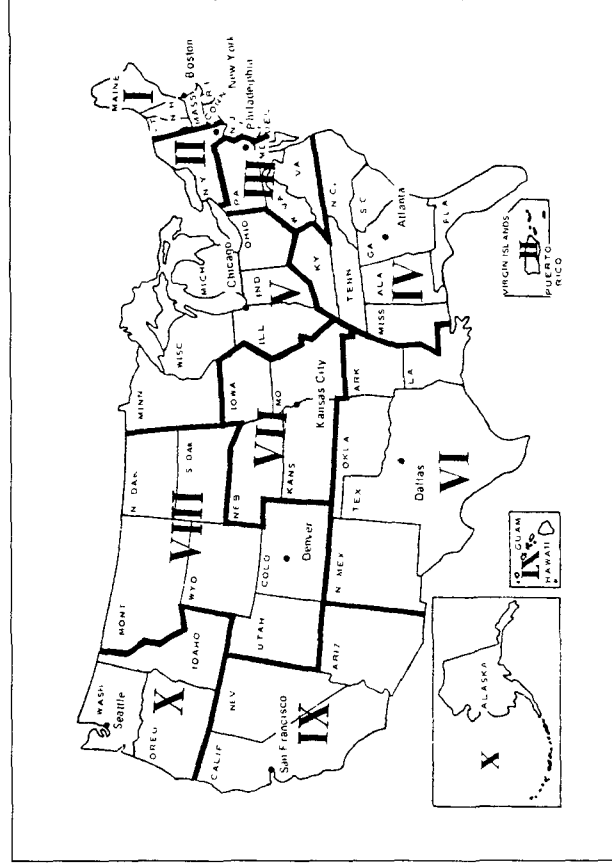
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REGIONAL PUBLIC MEETINGS ON RCRA

<u>Meeting Date</u>	<u>Meeting Place</u>	<u>Facility</u>	<u>Time</u>	<u>Sponsoring EPA Office</u>
Feb 15,16	Kansas City, Missouri	Hilton Inn Plaza 45th & Main	Evening Feb 15, morning Feb 16	Region VII (Kansas City)
Feb 17,18	Richmond,	Colony House	Evening Feb 17,	Region III
Feb 23	New York, City	American City Squire, 52nd & 7th Av	Day, 9 am-3 pm evening 4-7 pm	Region II (New York City)
Feb 23,24	Atlanta, Georgia	Sheraton-Biltmore Hotel, 817 W. Peachtree N.E.	Evening Feb 23, 8:30 am Feb 24	Region IV (Atlanta)
Feb 25	Worcester, Massachusetts	Sheraton-Lincoln Inn	1 pm	Region I (Boston)
Feb 26	Concord, New Hampshire	Ramada Inn	1 pm	Region I (Boston)
Feb 28, March 1	Pittsburgh, Pennsylvania	William Penn Hotel	Evening Feb 28, morning Mar 1	Region III (Philadelphia)
March 3	Denver, Colorado	Main Library 1357 Broadway	8:30 am- 12:30 noon	Region VIII (Denver)
March 4	Salt Lake City, Utah	Hilton Hotel 150 W. South Fifth Street	8:30 am- 12:30 noon	Region VIII (Denver)
Mar 8,9	Dallas, Texas	First Int'l Bldg (29th Floor) 1201 Elm St	Evening Mar 8, morning Mar 9	Region VI (Dallas)
Mar 10,11	San Francisco, California	Holiday Inn Union Square 480 Sutter	Evening Mar 10, 8 am Mar 11,	Region IX (San Francisco)
Mar 17,18	Seattle, Washington	Seattle Center	Evening Mar 17, All day Mar 18	Region X (Seattle)
Mar 21,22	Chicago, Illinois	O'Hare Holiday Inn (Kennedy Expressway)	Evening Mar 21, all day Mar 22	Region V (Chicago)

Region I	John F. Kennedy Bldg Boston, MA 02203 (617) 223-7210
Region II	26 Federal Plaza New York, NY 10007 (212) 264-2515
Region III	6th & Walnut Sts Philadelphia, PA 19106 (215) 597-9814
Region IV	345 Courtland St., N E Atlanta, GA 30308 (404) 881-4727
Region V	230 South Dearborn St Chicago, IL 60604 (312) 353-2000
Region VI	1201 Elm St., First International Bldg Dallas, TX 75270 (214) 749-1962
Region VII	1735 Baltimore Ave Kansas City, MO 64108 (816) 374-5493
Region VIII	1860 Lincoln St Denver, CO 80203 (303) 837-3895
Region IX	100 California St San Francisco, CA 94111 (415) 556-2320
Region X	1200 6th Ave Seattle, WA 98101 (206) 442-5810



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