

T R A N S C R I P T

REGIONAL PUBLIC MEETINGS ON THE
RESOURCE CONSERVATION AND RECOVERY ACT of 1976
March 3 and 4, 1977, Denver, Colo. and Salt Lake City, Utah

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1 APPEARANCES: (Continued)

2 BRUCE WEDDLE

Chief, Special Wastes Branch,
Systems Management Division,
Office of Solid Waste,
Environmental Protection Agency.

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FEDERAL REPORTING SERVICE
DENVER, COLORADO

I N D E X

SPEAKERS:

PAGE NO.

James Lehr

4

Val Grey

9

Alfred Lindsey

19

Bruce Weddle

49

91

Robert A. Lowe

62

Anice C. Swift

71

Frank Rozich

98

E X H I B I T S

NUMBER:

PAGE NO.

1 and 2

106

P R O C E E D I N G S

1
2 MR. JAMES LEHR: Good morning, Ladies and Gentlemen.
3 I'm Jim Lehr from the Regional Office of the EPA, Deputy
4 Director of the Air and Hazardous Materials Division, and I'm
5 here on behalf of John Green and Roger Williams of the
6 Regional Office of the EPA to welcome you to this public
7 meeting discussing the new legislation in solid waste and
8 resource recovery.

9 Before we get started, maybe in the interest of
10 hearing better and participating more directly with the
11 dialogue today, some of you in the back would move up. This
12 is a friendly crowd, I think, so feel free to come up front a
13 little closer.

14 (Pause.)

15 MR. LEHR: This is the first of two public meetings
16 that EPA, Region VIII, is having to discuss the early
17 implementation plans and characteristics of this new
18 legislation. We will be meeting tomorrow in Salt Lake City
19 to have a similar type meeting to provide an opportunity for
20 everyone to have some input in the early stages of the Agency
21 plans for implementing this Act. Some 60 similar meetings
22 are going on in the country providing this kind of a public
23 forum or public discussion on what RCRA, as the Resource
24 Conservation and Recovery Act is often called.

25 This Act has been long needed to assist EPA and the

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1 Nation in the closing of the loop on environmental protection
2 programs. As many of you know, the Agency has had air
3 pollution control, water quality legislation, drinking water
4 quality legislation, and this year legislation regulating the
5 toxic materials and, of course, the Resource Conservation and
6 Recovery Act, helping us to prevent the further deterioration
7 of our land use in terms of disposal of discarded material.

8 We have prepared for you a summary discussion of key
9 aspects of this new legislation and these short discussions are
10 on your program, described on your program, and they are to be
11 about ten minutes in length and they are to be followed by a
12 30-minute discussion period where we invite you to participate
13 in a dialogue on that aspect of the Act. We welcome any
14 questions and opinions and any concerns that you might have on
15 each of those four key aspects that we will be talking about.
16 At the end of the presentations, there will be an open period
17 to invite any miscellaneous kinds of comments that you might
18 have on the rest of the Act that wasn't covered on the
19 presentations.

20 The panelists that are going to summarize for you
21 the key aspects of the legislation I'd like to introduce right
22 now. On my far left is Bruce Weddle. He's Chief of the
23 Special Wastes Branch in our EPA offices in Washington, the
24 Office of Solid Waste, and he will talk about the land use
25 aspect.

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1 Fred Lindsey will summarize for you ^{SUBTITLE C} ~~Section 3~~ of the
2 Act, the hazardous waste portion. He's Chief of the
3 Implementation Branch, again of the Office of Solid Waste in
4 Washington.

5 And then there's Jon Yeagley on my immediate left.
6 Jon is from the EPA Office in Denver. He is heading off the
7 solid waste management program in the Air and Hazardous Materials
8 Division. He will act as moderator of the program today.

9 As I said, I'm Jim Lehr from Region VIII and to my
10 immediate right ^{is} Val Grey who is the Chief of Program
11 Management and Support Services, again of the Office of Solid
12 Waste in Washington, and to his right is Bob Lowe who is the
13 Chief of the Technical Assistance Branch ⁱⁿ and the Resource
14 Recovery Division in our offices in Washington.

15 Any of these gentlemen will be most pleased to answer
16 any questions you might have and the intention of this meeting
17 is to have a full and open dialogue on all aspects of this
18 legislation and its implementation.

19 Before we start, I'd like to take a couple of minutes
20 to summarize some of the major provisions of the Act and some
21 of the major purposes of this new legislation. The Nation
22 faces enormous problems in terms of dealing with its discarded
23 materials. Some three to four billion tons of such material
24 --- solid, liquid or gaseous --- are disposed of every year.
25 That's something on the order of ten million tons per day of

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1 materials that have to be contended with in some fashion in
2 this country. That includes some 30 to 40 million tons each
3 year of material that is hazardous, directly hazardous to the
4 health and safety of the people of this country, material that
5 can get into the water supply and could get into the air and
6 into the food chain and can constitute a direct health hazard.
7 Particularly, hazardous materials are addressed in this new
8 legislation.

9 It's an enormous problem, one which we have coped
10 with in the previous years and one which Congress is dealing
11 with directly in this legislation. Congress took quite a bit
12 of time to update the 1965 and 1970 Acts and develop new
13 legislation and received input from the public and industry
14 and from Governmental Agencies in how best to address this
15 serious problem and benefited from the input of several major
16 committees in Congress and as of late October of 1976, this
17 new legislation was passed.

18 It generally does three or four major kinds of
19 things. It establishes for the first time a vigorous hazardous
20 waste management program. It encourages, and in fact requires,
21 that Government, State, local, Regional and Federal, must move
22 toward full comprehensive waste management programs for dealing
23 with discarded materials. It does that through grants, through
24 funding special studies, through providing money for State and
25 local agency implementation, does that through major efforts

1 in providing technical expertise and assistance in moving from
2 an open dump kind of method of disposal of discarded materials
3 to a full waste management system.

4 The major of the commitment that Congress made to
5 this is not only in the body of the legislation, but in the
6 sum \$180 million authorized to do the job in fiscal year '78
7 and something over that authorized by Congress for fiscal
8 year '79.

9 Congress was serious about it; EPA is given the
10 major responsibility of it is serious about it; State agencies
11 who will develop programs to implement these requirements are
12 serious about it and I know that you all for being here today
13 are serious about grappling with this problem in a sound and
14 workable way.

15 Let me introduce Jon now, if you have any opening
16 remarks as moderator.

17 MR. YEAGLEY: Thank you, Jim. Let me just make a
18 couple of opening comments. We do have registration forms on
19 the table in the hallway in the back for those of you who were
20 here earlier than I was and may not have gotten a chance to
21 register.

22 We will be issuing a transcript of this meeting and if
23 you wish to get a copy of it, be sure that we have your name
24 and address on the registration form.

25 Also, if you wish to make a statement that is over and

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1 above just a general question, I would ask that you indicate
2 that on the registration form, also. We do have several
3 hand-outs, including copies of the Act, which we encourage you
4 to pick up out on the table in the hallway.

5 At the end of each short presentation, if you have a
6 question or a statement, if it's one that you think you might
7 have difficulty having your voice heard, we do have a podium
8 down here by the stage with a speaker and we ask that you come
9 down here and make any statement and questions if you would
10 like to.

11 We are transcribing the entire session so that we
12 can take full benefit of everything that is said. I want to
13 just emphasize the point that Jim said that our purpose in
14 being here is to gather information. Hopefully, you can gain
15 some knowledge of what the Act is about and how we are
16 directing ourselves to this point, but keep in mind our first
17 purpose is to hear from you. I'm going to ask all the speakers
18 to keep that in mind in keeping your time short.

19 I think that's all I need to say at this point. I'll
20 introduce Val Grey at this time.

21 MR. GREY: The Resource Conservation and Recovery
22 Act of 1976, RCRA, as we have affectionately started to call
23 it, contains an unusually complete array of provisions which
24 could bring about a high degree of public understanding and
25 participation. Taken together, these various provisions make

1 it clear that the Congress understood that it is impossible for
2 the public to participate meaningfully unless the Government
3 first produces valid scientific and technical data, and then
4 processes and publishes the information in such a way that
5 everyone may have access to it. Only in this way can you, the
6 public, have a reasonable chance of influencing the social,
7 the economic, and political changes which the Law is designed
8 to bring about.

9 (Slide.)

10 In Section 8003, the Administrator of EPA is
11 required to develop, collect, evaluate and coordinate
12 information on nine key elements which are crucial to the
13 Act's purposes. The Administrator is not only to implement
14 a program for the rapid dissemination of this information; he
15 is also to develop and implement educational programs to
16 promote citizen understanding.

17 This makes it quite clear that the information
18 called for is not to be developed for the exclusive use of
19 those who, for one reason or another, may be considered
20 "experts" in the field, but for everyone. Moreover, the
21 Administrator is asked to coordinate his actions, and to
22 cooperate to the maximum extent possible with State and local
23 authorities and to establish and maintain a central reference
24 library for virtually all kinds of information involved in
25 solid waste management, for the use of State and local

1 governments, industry, and the public.

2 (Slide.)

3 Now, who is the public? To insure that the public
4 participation process does not become lopsided, we felt it
5 was necessary to identify major categories of interest groups
6 who represent the public at large. Under RCRA, we regard
7 these groups to include consumer, environmental and neighborhood
8 groups; trade, manufacturing and labor representatives; public
9 health, scientific and professional societies; and governmental
10 and university associations. This spectrum of categories of
11 representative groups will be altered and supplemented as
12 necessary, if in the course of implementing the Act it appears
13 purposeful to do so.

14 (Slide.)

15 What does the law say about public participation?
16 Section 7004(a) of the Act states that any person may petition
17 the Administrator for the promulgation, amendment or repeal
18 of any regulation under this Act.

19 Section 7004(b) deals with public participation.
20 It states that public participation in the development,
21 revision and enforcement of any regulation, guideline,
22 information, or program under this Act shall be provided for,
23 encouraged, and assisted by the Administrator and the States
24 and further, that the Administrator in cooperation with the
25 States (Slide) shall develop and publish minimum guidelines

1 for public participation in such processes.

2 Section 7002(a) states that any person may commence
3 a civil action on his own behalf against any other person ---
4 and person in this case includes the United States --- who is
5 alleged to be in violation of this Act, or against the
6 Administrator if there is an alleged failure by him to perform
7 any act or duty under the Act.

8 What are some of the available public participation
9 techniques? The many techniques which can be used to involve
10 the public in Government actions fall into three major
11 categories.

12 One, the use of appropriate public meetings, hearings,
13 conferences, work shops, and the like, throughout the country,
14 which EPA intends to plan and hold in consonance with the
15 Act's key provisions. This meeting today is one of these
16 actions.

17 (Slide.)

18 Two, the use of advisory committees and review
19 groups, which may meet periodically but which will also be
20 called upon to review and comment upon major programs,
21 regulations and plans, no matter when these occur and no
22 matter whether a specific meeting is convened or not.

23 And three, the development of educational programs
24 so that the public has an opportunity to become aware of the
25 significance of the technical data base and the issues which

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1 emerge from it. Effective public education programs depend
2 on the use of all appropriate communication tools, techniques,
3 and media. These include publications, slides, films,
4 exhibits, and other graphics; media programs including public
5 service television and radio announcements and releases to the
6 daily and professional press; and public education projects
7 carried out by service and civic organizations with EPA
8 technical and financial assistance.

9 (Slide.)

10 What does the law say about manpower development?
11 Sections 7007(a) and (b) authorize the Administrator of the
12 EPA to make grants or offer contracts with any eligible
13 organization for training persons for occupations involving
14 the management, supervision, design, operation, or maintenance
15 of solid waste disposal and resource recovery equipment and
16 facilities, or to train instructors. "Eligible organization"
17 is defined to mean a State or any State Agency, a municipality
18 or educational institution capable of effectively carrying out
19 such a project.

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

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1 and occupational advancement in the solid waste disposal and
2 resource recovery fields. The Administrator is required to
3 report the results of such investigation and study to the
4 President and the Congress.

5 I'll entertain any questions now on this area.

6 (Pause.)

7 MR. YEAGLEY: Any questions?

8 MR. GREY: It must be pretty clear.

9 MR. YEAGLEY: Any comments?

10 MS. LAWRENCE: How much of this money, of this
11 \$180 million, is allocated for studies?

12 MR. GREY: Allocated?

13 MS. LAWRENCE: I mean, how much is going for
14 management studies and so forth?

15 MR. GREY: You're talking about the 8007? The amount
16 that's authorized is \$35 million for 1978.

17 MS. LAWRENCE: This will come out of the \$180 million?

18 MR. GREY: Let me define or at least make clear
19 the terms authorized and allocation. Authorized is in the law
20 --- whatever the Congress said. We can go that high.
21 Obviously, we seldom do in any law and we aren't likely to
22 in this law. Our budget for '78 is considerably less than
23 \$180 million. It's roughly at \$40 million as of this moment.
24 It keeps changing and it's being reviewed this week between
25 ^{OMB}
~~0~~-and ~~B~~ and Congress. Only a small portion of that will go to

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1 the studies and I can give you that figure, if you like, that
2 we have requested.

3 (Pause.)

4 MR. GREY: Let me look it up later and get it to you
5 later. It's in my records, but for that section alone, it's a
6 very small amount. It isn't very much.

7 MS. LAWRENCE: I'm glad to hear that.

8 MR. GREY: I'm glad to hear that.

9 Would you identify yourself, please?

10 MS. LAWRENCE: Judy Lawrence.

11 MR. GREY: If you'll see me during the break or
12 something, I'll give you those figures.

13 MR. YEAGLEY: Let me just make a point. Any others
14 of you that have a question, if you will give us your name so
15 that we can record that in the transcript and organization if
16 you're with a particular group.

17 Any other questions?

18 Yes, sir?

19 MR. EDEEN: Erik Edeen, Eagle County. You made
20 reference to a dissemination library or central reference
21 library. Where will this library be? Will it be branch
22 libraries for quick reference to local Government officials?

23 MR. GREY: Well, I would estimate that would be an
24 expansion of our current library. EPA has a large library in
25 Washington. The solid waste portion of that library, however,

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1 is not contingent or located in the same place as the EPA
2 library. Our library is being maintained by private contract.
3 It's being maintained in conjunction with the solid waste ^{INFORMATION}
4 ^{RETRIEVAL} treatment system. It will be an expansion of that system
5 under the current law that would fulfill that requirement.

6 MR. EDEEN: Is there a place in Denver where we can
7 get this ---

8 MR. LEHR: I might add that we also have a library
9 and an expansion of this library might be planned. But, there
10 is a library at EPA Headquarters in Denver.

11 MR. GREY: Does it have a solid waste identified
12 section?

13 MR. YEAGLEY: Yes.

14 MR. GREY: They probably have the same in each
15 Region. Now, in addition to that, we publish from Washington
16 a list of available materials. This is not the total library,
17 but it is material produced within our office, under the
18 auspices of our office, and available to everyone under one of
19 several systems, either directly through GPO, directly through
20 us, in Cincinnati, or through the National Technical Information
21 System which is run by the Department of Commerce.

22 MR. YEAGLEY: I might just throw a pitch in there for
23 the Regional Office. We have a fairly extensive inventory of
24 the solid waste publications. If we don't have the particular
25 publication on hand that you wish, we can order it for you.

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1 Yes, sir?

2 MR. ALFERS: I'm Stephen Alferts, an attorney with
3 Dawson, Nagel, Sherman and Howard, in Denver. You mentioned
4 something about review groups that were going to assist you in
5 this public participation. Would you expand on the composition
6 of these groups?

7 MR. GREY: The first group we're calling an ad hoc
8 group because according to the Federal Regulations, we are
9 allowed to have an ad hoc group for almost any purpose.
10 Because it takes some time and approval by the Office of
11 Management and Budget for a permanent advisory group, rather
12 than wait nine months or a year for the approvals, we're
13 going ahead with an ad hoc group.

14 The ad hoc group will be meeting in late April or
15 May, I think it's scheduled right now. The number of members
16 or invitations going out is about 30. This is a composite
17 list of our best estimate of who has a primary interest and
18 the capability to help us. They are involved in the same kind
19 of groups that I read to you --- environmental groups, labor,
20 public interest groups, educational groups, or specific
21 individuals that we know are prominent in the field of solid
22 waste. I don't have a list of those people, but that is
23 roughly the number.

24 Now, from the ad hoc groups they themselves will
25 select from among themselves representatives of each area and

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1 we hope to reduce that number to a permanent group of about
2 15 people. That is, if we can get it approved. Currently,
3 advisory groups say in Washington are not very popular and
4 are undergoing some critical review and probably rightfully so,
5 and it's doubtful at the moment whether we could get official
6 approval of an advisory group. But in the meantime, we can
7 legally proceed with an ad hoc group. Next year we can have
8 another ad hoc group for a different purpose, however, to keep
9 it legal. Does that answer your question?

10 MR. ALFERS: Yes.

11 MR. YEAGLEY: Yes, sir?

12 MR. LEFFLEN: Dick Lefflen with Western Technical
13 Services.

14 When are the grants under Section 7007, when will
15 they be available?

16 MR. GREY: I expected that question to be the first
17 one. They are not available yet. The resources that we are
18 getting now are so meager compared to what we are authorized,
19 we are going to have a difficult time prioritizing our work.
20 The Sub-title C and D are our primary targets right now; The
21 sections in the 3000 and 4000 series. Most of the money that
22 we have allocated to us in the current '77 budget and what we
23 expect to get in the '78 budget will probably go mostly for
24 implementing both sections and it's not even sufficient for
25 those. Some token amount will be given to 7007, but I can't

1 tell you at this time how much. I can tell you it's not
2 going to be very much. We are not going to be able to implement
3 this as fully as we would like to.

4 If you can get your Congressman to support more
5 funds, it's fine with us.

6 Any other questions?

7 (Pause.)

8 MR. YEAGLEY: Okay. I don't want to cut off any
9 discussion here if you're interested in asking more questions
10 on the subject.

11 Let me get this point, then we'll proceed on with
12 Fred Lindsey's discussion on hazardous waste.

13 MR. LINDSEY: Good morning. May I say at the outset
14 that we are pleased and we appreciate the interest you have
15 shown by coming in here this morning to give us the benefit
16 of your thoughts and suggestions on this whole matter of
17 implementing this Act. Let me assure you that we are
18 interested in receiving your suggestions and we will be
19 considering each and every one of them.

20 I'm here to talk about the hazardous waste provisions
21 and what I'd like to do is again summarize the requirements
22 under the hazardous waste part of the Act and also to discuss
23 some of the issues which we are facing, some of the questions
24 we are facing as we attempt to deal with this area. Sub-title
25 C, which is in the 3000 series, mandates a regulatory program

1 to be defined to control hazardous wastes from the point of
2 generation --- usually as an industrial waste, although not
3 always --- to ultimate disposal at a permitted facility. This
4 is a very clear mandate --- there's a lot of latitude as to
5 how we are to carry it out, but the mandate as to what we are
6 supposed to do is pretty clear.

7 (Slide.)

8 The first thing we have to do is come up with
9 criteria by which we can identify what is and what is not
10 a hazardous waste. Congress has mandated in setting up these
11 criteria that we consider such things as toxicity, persistence
12 in the environment, degradability, bioaccumulation of
13 material, flammability and corrosiveness. Once having
14 determined what the criteria are to be, we are to develop a
15 listing of typical materials which fit or fail those criteria
16 and thus are hazardous waste.

17 Now, as with most of the hazardous waste regulatory
18 provisions of the Act, we have 18 months within which to do
19 this, to promulgate these standards or criteria. This is
20 18 months from the passage of the Act and for those of you
21 who don't know when that was, it was October 21, 1976, which
22 brings us to a deadline then of April 21, 1978.

23 In terms of identifying the criteria, some of the
24 problems are not only what level of toxicity and what type of
25 toxicity should we include, but also, simply, when is a waste

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1 a waste? This may seem clear to most people, but when you
2 think about it there are now some industrial chemicals which
3 may fit the category of hazardous waste which are sold for
4 some small price and used for some low grade purpose such as
5 perhaps wetting down dusty roads or horse arenas and things of
6 that nature, so we have to be very careful in defining when a
7 waste is a waste as well as when it's hazardous.

8 One of the other questions we have involves the fact
9 that wastes are typically not pure substances. When we are
10 dealing with air pollution or water pollution, typically we
11 are dealing with a material like lead or asbestos or some
12 specific chemical which is the pollutant and which we can
13 deal with directly. When we are dealing with hazardous
14 wastes, we are dealing with brown goo and red gunk and this
15 type of thing which is a mixture of a variety of things, any
16 or all of which can be hazardous and these mixtures of the
17 various materials can be either ^{SYNERGISTIC} ~~sybiotic~~ or antagonistic
18 in their relationship from one to another.

19 So, we have a problem in first of all, trying to
20 figure out how to test for toxicity or how to test for any
21 of these characteristics, for that matter? Do we test the
22 material or set our criteria on so many parts per million of a
23 substance that is in the material, or do we test the entire
24 material for toxicity? These are some of the questions we are
25 wrestling with and we would like to have any thoughts that you

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1 may have, either now or later, on this issue.

2 (Slide.)

3 Under Section 3002 of the Act, we are required to
4 come up with certain standards which relate to generators of
5 hazardous waste. These standards require record keeping and
6 reporting provisions to include such things as quantities of
7 waste, constituents of the waste, disposition --- where the
8 material was sent and how it was handled --- requirements for
9 the labeling of containers or the use of certain types of
10 containers and construction requirements of containers may be
11 involved and probably more importantly is the initiation of a
12 manifest system which is to be designed to track the waste ---
13 to track the waste from cradle to grave. That is, from the
14 point of generation to the point of disposal, to make sure
15 they get from Point A to Point B.

16 This manifest system is also to include, according
17 to Congress, pertinent information on the waste material which
18 may be needed by the transporter and the disposer --- again,
19 characteristics and quantities and things of that nature.

20 Now, on those states that already have a manifest
21 system under their current State programs, this has
22 specifically taken the form of a trip ticket approach.
23 For those of you that may be familiar with the California
24 system, that is a manifest system which will probably be
25 somewhat similar to that which the Federal system will be.

1 Some of the questions we are facing here is how can
2 the record keeping and reporting burdens for the generators
3 and the other parts of the hazardous waste industry be
4 minimized and yet provide an adequate control of the hazardous
5 waste management problem? How can we minimize that record-
6 keeping and reporting provision, perhaps integrated with other
7 provisions, that these facilities and these concerns have to
8 deal with and they're still not effectively controlled?
9 Another question, should transport manifests of the type which
10 I have just discussed be uniform nation-wide or should they
11 have variation for flexibility?

12 (Slide.)

13 There are similar provisions or requirements for
14 transporters of hazardous waste --- trucks or people who
15 otherwise move hazardous waste from one point to another and
16 this will also include record-keeping requirements and the
17 source of the material and where the materials were delivered,
18 labeling requirements. Again, compliance with that section of
19 the manifest system which deals with the transportation.

20 There is a requirement within the Act that whatever
21 we come up with relative to regulations on transporters that
22 they be consistent with applicable Department of Transportation
23 regulations.

24 (Slide.)

25 Section 3004 of the Act is probably one of the most

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DENVER, COLORADO

1 important and one of the most difficult along with the 3001
2 section that we have to deal with because it's here that owners
3 and operators of treatment, storage, and disposal facilities
4 will have to meet regulations that we are setting up for these
5 types of facilities and it is by such standards that improper
6 disposal will be made illegal. It's a very important part of
7 the Act, I think.

8 Congress does require again that we come up with
9 certain specific types of regulations including requirements
10 for record-keeping and reporting, including how much material
11 was received, what type, and how it was handled and how it
12 was disposed and of course, compliance, again with that part
13 of the manifest system relates to feeders, storers and
14 disposers and we have to set up minimum requirements for
15 monitoring so that we can determine whether a site is or is
16 not polluting and minimum inspection requirements.

17 There will be criteria for the design, location
18 and construction of such facilities, including such things
19 as where facilities can and cannot be placed, what design
20 options may be restricted or required.

21 Maintenance and operating standards are also
22 required. Contingency plans. What to do if something goes
23 wrong. What will be done.

24 And then there is a class of regulations called for
25 which we refer to as ownership requirements. This might

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 include such things as performance bonds, long term care funds,
2 requirements for training programs, site closure plans, things
3 of that nature.

4 If that wasn't all inclusive enough, Congress has
5 said there is a provision in there that says such other
6 provisions as may be necessary to protect the public health
7 and environment. It's a very broad mandate and we can
8 set those regulations pretty much as we see fit although, as
9 I say, there are a number of mandatory requirements. Some of
10 the questions that we are facing here are kind of tricky. We
11 would like to know, for example, what problems would a treatment
12 facility or disposer face in trying to integrate the standards
13 which we may come up with with those they already have to
14 comply with relative to air, water and OSHA standards. Again,
15 we do not want to be deplicative or unnecessarily bureaucratic
16 with all of this and we would like to be able to integrate
17 them as far as we can.

18 Should the performance standards of the hazardous
19 waste sewage treatment or disposal facility apply only at the
20 fenceline of the facility? What form should the standards
21 take? For example, they might take the form of what we call
22 performance standards which says you can't degrade the
23 groundwater beyond such and such and such a limit from any
24 disposal site. Or, on the other hand, you can take the form
25 of what we would call an equipment standard which would say

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 such things as if you're going to burn chlorinated hydrocarbons
2 you must have a scrubber with such-and-such a pressure drop.
3 Two totally different ways of regulating. We're interested in
4 your thoughts as to how you would like to see this go.

5 Should hazardous waste facilities be uniform
6 nationally or should there be some difference in provision for
7 climatology or hydrogeology or density of population or
8 whatever? Another major problem we can see being faced is
9 many citizens automatically oppose the siting of a hazardous
10 waste material facility --- even a well designed, good
11 operating hazardous waste material facility --- in their
12 locality. They may be all for the principle, but they don't
13 want it here. Now, this is common, not only with hazardous
14 waste materials, but with many other types of facilities and
15 it's understandable. Nevertheless, it's going to be necessary
16 to site these facilities and to site good facilities and we're
17 interested in any thoughts you may have as to how this type of
18 opposition can be dealt with or how we are, in fact, going to
19 be able to go forward and site adequate facilities. How can
20 we proceed with that? With training of the local people around
21 one of the sites in terms of public meetings of this type and
22 training programs and educational lectures ? On the other
23 hand, would very stringent facility standards have any
24 appreciable influence on that? We would like to have your
25 thoughts on that.

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 Should the regulations published by EPA require
2 certification of employees that work at these facilities?
3 We certify boiler watcher operators and maybe we could certify
4 waste facility operators. It's a question we would like to
5 have some input on.

6 Should it require bonding and insurance of hazardous
7 waste facilities and even if we were to require it, are there
8 insurance companies who would consider undertaking the long
9 term, almost open-ended insurance requirements that might be
10 needed?

11 What type of monitoring should be required? How
12 often should testing be done? Who should run the tests?
13 Should the facility itself; should the applicable State or
14 Federal agency --- us, or should the State undertake this
15 type of testing? These are just some of the problems with
16 which we are faced and the questions which we are going to
17 have to fact^e and we would appreciate your comments on them.

18 (Slide.)

19 It's under Section 3005 of the Act where a permit
20 system is required for the facility. By this mechanism then,
21 that facility would be brought into compliance with the
22 standards that would be developed under Section 3004. The
23 Act says within six months after we have identified what is
24 and what is not a hazardous waste and have promulgated the
25 standards under 3004, that it would be illegal then to dispose

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 of any hazardous waste as defined in the Act or as defined
2 under our regulations in any site that does not have a permit.
3 It will be illegal. Now, given the 18 months that are in the
4 Act for developing those standards and then six months beyond
5 that, that brings us somewhere in the neighborhood of
6 October 21, 1978, assuming all time requirements are met on
7 the date that is required.

8 Now, a permit will be granted based on whether or
9 not the regulatory agency feels the site is or is expected to
10 be in compliance with those standards we just talked about.
11 They have also set up certain requirements that are to be on
12 the application such as the manner of disposal or treatment,
13 the types and amounts of waste which they expect to receive,
14 the frequency of treatment or rate of application of disposal
15 and information on the site --- I assume such things as
16 climatology and hydrogeology and things of that nature.

17 There is also a provision in here which is of
18 interest and for those facilities which are in business at
19 the time of the passage of the Act and who have notified
20 EPA or the appropriate State under 3010 and who have applied
21 for a permit, they will be granted an interim permit to
22 continue operation until such time as EPA or the State has
23 adequately reviewed and gone through the paperwork and so
24 forth of making a decision.

25 One of the questions that we are faced with in this

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 permitting area is should there be different classes of
2 hazardous materials, perhaps depending on the types of material
3 or amounts of material received or what. We'd be interested in
4 any thoughts you have on that.

5 (Slide.)

6 3006 of the Act authorizes states to undertake the
7 permitting and enforcement requirements of the Act. In order
8 to be authorized by EPA, the State program would have to be
9 equivalent with the Federal program, consistent with other
10 State programs and maintain adequate enforcement programs.
11 Unfortunately, Congress didn't tell us what equivalent,
12 consistent and adequate are. So, we are going to have to
13 wrestle with those definitions ourselves. We will be coming
14 up with guidelines to assist the states in setting up what
15 would be acceptable programs.

16 (Slide.)

17 Section 3010 of the Act requires that within three
18 months after we have identified the characteristics of a
19 hazardous waste under 3001, once we have identified what is
20 and what is not a hazardous waste, three months after that
21 each person who generates, transports, treats or stores, or
22 disposes of any material fitting these criteria will have to
23 notify EPA or the appropriate state. This is a one time
24 requirement that is in the Act and notification probably will
25 be a pretty simple operation.

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 (Slide.)

2 Section 3011 authorizes \$25 million for each two
3 years to assist the states in setting up hazardous waste
4 programs. This is authorization, not appropriation and as
5 Val Grey --- the fellow that spoke immediately before me ---
6 mentioned, we don't expect an authorization will be anywhere
7 near that high. In any event, we will be devising a formula
8 based on the amounts of hazardous material and on expected
9 public exposure to hazardous waste for deciding how much money
10 to give to what state.

11 That's it, in brief. That's the requirements of the
12 Act as we see them and you may have received, or you should
13 try to get ahold of, because I think they're available, this
14 small leaflet called "Issues for Discussion" and under the
15 hazardous waste parts of this we are most interested. Some of
16 the issues came out in this and we are most interested in any
17 thoughts you might have on this. As you get a chance later to
18 read through it, if you want to write to us at the Regional
19 Office or directly, we would very much appreciate any comments
20 you might have and I'm here today to take any suggestions or
21 comments or thoughts that you might have.

22 MR. HEMINGTON: My name is John Hemington. I'm with
23 the 3R Corporation. I wonder what you mean by facility? Will
24 landfills, small landfills of various types be considered a
25 facility?

1 MR. LINDSEY: I would suggest --- I'm not going to
2 read this. There are three types of facilities, treatment,
3 storage, and disposal, and the definition of those are in
4 Section 1004 of the Act and I think that will give you a fair
5 idea. Let me say that such things as landfills will be
6 included.

7 MR. HEMINGTON: Any landfill?

8 MR. LINDSEY: Any landfill that receives hazardous
9 waste under the definition of the Act will come under that.

10 MR. HEMINGTON: There are numerous small disposal
11 facilities that receive small amounts of hazardous material
12 in small sites and you have to have a permit to do that? I
13 think there's a possibility that enormous numbers of
14 facilities will be hurt by that.

15 MR. LINDSEY: I think there's a possibility that a
16 good number of places that would have to be permitted. One
17 of the things that I indicated was should there be different
18 classes of permits for different types of wastes as received.
19 Are you suggesting that you feel that would be something we
20 should consider?

21 MR. HEMINGTON: Well, yes. I think you ought to
22 consider the magnitude of disposal problems. For example,
23 that each mine that is out in the country, there are solid
24 wastes that are disposed of locally rather than transported
25 and because of the complexity, mix of waste, it's reasonable

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DENVER, COLORADO

1 that some of them will fall into categories called hazardous
2 waste. To some degree there should be an additional permit
3 requirement above and beyond the permitting required now. I'm
4 not sure ---

5 MR. LINDSEY: I think maybe I can take that point
6 one step further. For example, most fluorescent lights
7 contain a ballast, a small ballast in them and that ballast
8 is PCB. Trying to control this disposal of those little bits
9 of ballast that come from homes and so forth would be a pretty
10 near impossible test as far as enforcement. This is one of
11 the problems we have, one of the questions we have, is how
12 can we control them and should we even try to control them
13 from the enforcement standpoint. Does anyone else have any
14 points on this?

15 MR. TURK: Donald Turk, Tri-County District Health
16 Department.'

17 I think they're throwing you a real bag of worms
18 ^{IN} and trying to define a hazardous waste/period. Number one is,
19 that if the Act was adopted to protect the public health by
20 the disposal of solid wastes and if solid wastes in and by
21 themselves are or do offer a public health problem, then all
22 of the solid waste is a hazardous material to be disposed of.

23 Number two is that the Act is designated as a solid
24 waste disposal, how do you intend to handle liquid industrial
25 "hazardous waste?"

1 MR. LINDSEY: If you look under the definition of
2 the Act --- I can't speak for it verbatim --- solid waste
3 also includes liquids, gases, that contain the gases --- .
4 Includes solids, liquids, semi-solids that contain gaseous
5 materials that result from industrial, commercial, mining,
6 and agriculture.

7 MR. TURK: Then it would seem that reasonable
8 persons would have defined the Act as waste disposal period,
9 and left out the solid.

10 MR. LINDSEY: It's really called the Resource
11 Conservation and Recovery Act. It doesn't say anything at
12 all about solids in the title.

13 MR. TURK: Title II, Solid Waste Disposal.

14 MR. LINDSEY: You may be right. Sub-title C is the
15 hazardous waste disposal and you're right. It does contain
16 some inconsistencies between the title of the Act and what
17 the Act addresses.

18 MR. TURK: I'm not trying to be facetious. You
19 really do have a problem because even solid waste, domestic
20 solid waste, in sanitary landfills, if there are any leachates
21 from this material, these leachates in and by themselves are
22 hazardous and toxic material. Therefore, are you going to
23 permit all disposal sites?

24 MR. LINDSEY: I think the intention of Congress is
25 probably not to go that far. The criteria which we are given,

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DENVER, COLORADO

1 however, we have some latitude as to where we set the limits
2 as to what is and what is not hazardous. I guess that's why
3 I threw out the problem of where do we set those limits. Are
4 you saying, sir, that you think that all solid waste should
5 be considered hazardous?

6 MR. TURK: I'm saying that if the Act was adopted
7 because that waste is hazardous and that was the reason for
8 the adoption of the Act, then you have some special wastes
9 which are more hazardous than the general run, then I think it
10 was unfortunate that they used the word "hazardous" because all
11 of them are hazardous and they should have been entitled
12 "special waste" or something of this nature.

13 MR. LINDSEY: Thank you.

14 MR. MIHLAN: Gary Mihlan, Colorado Pesticide Studies
15 Center. I was wondering under Section 3002, you're talking
16 about hazardous waste generators. How far down the line are
17 you going in defining who a hazardous waste generator is?
18 Is it someone who procudes pesticide containers? That is
19 considered a hazardous waste under the guidelines of the
20 Federal Registry, I think in 1974.

21 MR. LINDSEY: That's under the Federal Insecticide
22 and Pesticide Act.

23 MR. MIHLAN: Would you consider someone like an
24 agricultural operator? Would they have to keep reports and
25 go through all the other regulations?

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 MR. LINDSEY: It's too early to say one way or
2 another. We haven't gotten to that. So, I can't answer your
3 question on whether we will or not because we haven't addressed
4 the issue. We'd be interested in any facts or problems you
5 might see if we are to adopt that approach or on the other
6 hand, any environmental problems we might encourage if we
7 didn't take that approach. Do you have anything you might
8 like to say on that matter? I can't answer your question,
9 because we haven't gotten that far. But, we will have to
10 wrestle with that problem.

11 MR. MIHLAN: I was wondering if the Act would cover
12 only mainly large generators or include smaller type
13 generators because if it would include a small agricultural
14 operator or even just an applicator, he would be located in
15 such a far part of the United States, like eastern Colorado,
16 someplace where there might not be a hazardous waste facility.

17 MR. LINDSEY: You're saying it's impractical as you
18 see it?

19 MR. MIHLAN: I'm not saying it's impractical, I'm
20 just wondering what you're going to do ---

21 MR. LINDSEY: I don't think it's clear in the Act.
22 It doesn't say or not say, as I read it, anything in there
23 that would say yes or no, you include or don't include that.
24 That then leaves us some latitude to consider that. I'd be
25 interested in any impacts, economically or from a practical

1 standpoint or environmentally going one way or the other.

2 MR. FOSTER: Al Foster, Denver Regional Council of
3 Governments.

4 I'm interested in the schedule which you would
5 anticipate for the guidelines and regulations and what have you
6 for public comment and finalization and secondly, if you were
7 considering issuing those piecemeal or as one integrated
8 package. I think we have a number of sections of the Act that
9 relate to hazardous waste there and they relate very much to
10 one another.

11 MR. LINDSEY: Yes, they do.

12 MR. FOSTER: And it might make sense, rather than
13 piecemeal then, to wait and put together an integrated package

14 ---

15 MR. LINDSEY: That's a lot of questions --- a lot of
16 issues there. I suspect we will try to issue the ones that
17 clearly impact one upon the other together or very close
18 together so that the whole issue can be seen at once. Probably
19 two of the sections which impact one upon the other are 3001,
20 how do we identify what is a hazardous waste? If we're very
21 tight on that and we have a relatively small number of wastes
22 that fall into that category, then perhaps treatment standards
23 under 3004 would be much more strict.

24 On the other hand, if we have a very broad number,
25 very large number of waste materials, extremely broad

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 categories of waste materials, it might be economically
2 unfeasible to have a tight control or standards for treatment,
3 storage, that kind of trade off issue.

4 Relative then to the scheduling of how we will move
5 forward from here, we are now conducting, ^{AND} ~~as~~ this is one of the
6 meetings, a lot of public contact work at this point, what we
7 would call front and public contact work where we go to the
8 public and say okay, here's what we have to do. We are
9 interested in your telling us how you see doing it, number one,
10 and what kind of product do you see ending up out of all of
11 this. Once we have done this, both in large meetings like
12 this and smaller group meetings discussing certain issues or
13 certain questions, then we will come up with a draft. That
14 draft will have citizen commentators on these drafts --- people
15 that we will send these to on what's what and we'll publish
16 them as a notice of proposed rule making and that will be an
17 official publication saying this is what we are proposing and
18 giving an opportunity for hearings and written comments on
19 those. That will be down the road some piece, some time in the
20 fall or winter, something along those lines. And then, it will
21 come back and we will revise it based on hearings and comments,
22 but there will be additional meetings like this later on also
23 in the schedule.

24 MR. FOSTER: Taking you back to the water quality
25 and the problems that EPA had in getting all the legislation

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 and guidelines together, do you think you have the resources
2 available and the manpower available to meet the 18 months,
3 April 21, 1978, deadline?

4 MR. LINDSEY: Being a good bureaucrat, we never have
5 enough people.

6 MR. FOSTER: I know, I'm one, too.

7 MR. LINDSEY: Okay, all I can say, it's too soon to
8 say. We are doing our best. We have schedules set up to allow
9 us to meet that if everything goes well and we are going to
10 try.

11 MR. CHEN: Phil Chen with Stone and Webster
12 Engineering.

13 Two questions. Will the permit system under 3005
14 trigger a NEPA review?

15 Second, you have provided for interim permits for
16 facilities in business as of 10/21/76. What positions do you
17 have for facilities that begin operations between 10/21/76
18 and 4/21/78?

19 MR. LINDSEY: Let me answer the later question first
20 and then I'll ask Mr. Grey to answer the former.

21 The later question --- what was it again?

22 MR. CHEN: What positions do you have for people
23 that will be putting a facility into operation in the interim?

24 MR. LINDSEY: The Act does not grant any special
25 provisions for that. It only has provisions for those

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 facilities in operation as of the time the Act was passed.
2 So, as I would interpret it, they would require permits from
3 the outset which is within six months, I believe. It will
4 be illegal to dispose of a waste without a permit within six
5 months after we have identified the criteria unless you were
6 in business, as I pointed out, as of 10/21. That's what the
7 Act calls for. Are you saying that there should be some kind
8 of special provision for those people going into business
9 now?

10 MR. CHEN: I would think so because you pose a
11 dilemma to any operator who might put a facility into
12 operation in conjunction with any other type of industry
13 where he might not be able to dispose six months after you
14 put the date in. Perhaps he might be able to put it in
15 operation today and whenever you promulgate your identification
16 of hazardous wastes, he would have to shut down his facility
17 until April of 1978 when your permitting goes into operation.

18 MR. LINDSEY: I think there is a little confusion.
19 Within 18 months, which as I translate it is a final deadline
20 of April 21, 1978, we have to come up with standards for what
21 is a treatment, storage and disposal facility, for what
22 standards they have to meet and then within six months after
23 that it will become illegal to dispose without a permit. So,
24 presumably people that go into business now after the Act has
25 been passed, would have to meet those requirements within

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 those six months. Between the six months. Between the
2 identification of the standards. They would have to meet
3 those requirements within those six months. Whereas, people
4 who have been in business for some period of time could get an
5 interim permit until the EPA paperwork clears for the permit
6 applications which might be some longer period of time.

7 MR. CHEN: To summarize, if I understand what you're
8 saying, if someone was going to put a facility into operation
9 which is passed 10/21/76, he may do so on the premise that six
10 months after April 21, 1978, he can obtain one of the permits.

11 MR. LINDSEY: He would have to have a permit to
12 operate. He would not be eligible for an interim permit. I
13 can't say anything more about it than that.

14 MR. GREY: What was the question about the NEPA?

15 MR. CHEN: Under 3005, you're establishing a
16 Federal permit system. Under the National Environmental
17 Policy Act of 1969, any Federal action that might have a
18 substantial effect, et cetera, will require a NEPA review.
19 Will this require a NEPA review?

20 MR. GREY: The Agency has never recognized that
21 regulatory actions required a NEPA EIS --- Environmental
22 Impact Statement. However, Mr. Train, before he left, has
23 voluntarily agreed to do so by a statement of policy. In fact,
24 he issued a policy exclusive of the old Solid Waste Disposal
25 Act of October, '73, I believe, or '74. But, he has since

1 expanded it in a letter to the CG and voluntarily has agreed
2 to do so for this particular Act or for solid waste management.

3 Not all Federal actions are major nor do they have
4 a significant impact on the environment. We are reviewing all
5 actions to determine whether or not they are major or whether
6 they have a significant impact on the environment. Those will
7 get an EIS. This program would be a major program and very
8 likely would have an Environmental Impact Statement.

9 MR. LINDSEY: I think maybe the question went a little
10 further than that. Are you relating when a permit is granted
11 whether or not that would require an Environmental Impact
12 Statement?

13 MR. CHEN: Yes, the individual permit.

14 MR. GREY: Probably not, because the major action is
15 the program itself. Every agency has a decision to make on
16 any EIS action, what level of action do we write in the EIS.
17 Do we write it for that section of the law or do we write it
18 for all of the Sub-title C? I would say probably that program,
19 the permit program, would get a separate EIS, not each permit.

20 MR. CHEN: You're talking about a programatic EIS?

21 MR. GREY: Yes, and that would be an umbrella for
22 every permit. Remember that every permit would not be a
23 Federal permit, obviously.

24 MR. YEAGLEY: Let me get one back here. Yes, sir?

25 LT. PETERSON: Lieutenant Peterson, United States

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 Army Environmental and Hygiene Agency.

2 I'm curious to find out what sort of regulation you
3 might anticipate as far as this getting a permit six months
4 after your program is promulgated with respect to Federal
5 facilities, particularly with sites that are now located that
6 will contain potentially hazardous materials and it's locating
7 a new site on the Federal installation? Is that going to
8 require a permit six months after or is that going to be able
9 to get an interim permit?

10 MR. LINDSEY: A new facility at the same site?

11 LT. PETERSON: My question is, if you have a
12 disposal site now and if it's at its capacity and you are now
13 in the process of finding a new location for a disposal
14 facility, does that constitute a new business under your
15 rules?

16 MR. LINDSEY: At the same site?

17 LT. PETERSON: At the same installation.

18 MR. LINDSEY: I don't know; we haven't addressed
19 that. I guess it's up to us to determine and we haven't
20 addressed, for example, if there's a land disposal site whether
21 it's military or Federal agency or private, if he opens up a
22 new section, does that constitute a new facility. We haven't
23 addressed that and I can't give you an answer yet.

24 I should point out that you're familiar with the
25 provisions of the Act to Federal facilities relative to

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 complying with the State?

2 LT. PETERSON: Is that going to be discussed, that
3 particular section?

4 MR. LINDSEY: Am I going to discuss it?

5 LT. PETERSON: Yes.

6 MR. LINDSEY: Not specifically. If you like, I
7 could mention that.

8 There is a requirement in this Act which says that
9 Federal facilities, whatever they be, whether to treat, store,
10 dispose or otherwise generate, et cetera, hazardous waste will
11 have to comply with the provisions of the Act which is not
12 unusual in the sense that NEPA guidelines apply to Federal.
13 On the other hand, it also mandates that such facilities would
14 have to comply with the State programs if the State is
15 authorized to take over the program and the facility will
16 follow that program.

17 LT. PETERSON: With respect to that, I have a
18 question about when the Federal facility has to comply with
19 the State program. Were you interpreting or EPA in general,
20 interpret that as stating we at the present time must comply
21 with any State program or does a ---

22 MR. LINDSEY: There are not any authorized State
23 programs at the present time. It would have to be a program
24 authorized by EPA under the guidelines and standards for what
25 is equivalent and adequate. These haven't been developed yet

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 so there wouldn't be any State programs until they are.

2 LT. PETERSON: It's only authorized State programs?

3 MR. LINDSEY: I'm not a lawyer, but as I read the Act
4 anyway, it seems to me that the intent of Congress is that the
5 Federal facilities be treated in the same fashion as any other
6 type of facility. As I read it, but I'm not a lawyer.

7 MR. GREY: Can I add a little bit to that? We
8 recognize that there is a little bit of conflict about when a
9 Federal facility must comply with the Federal guidelines or
10 the State guidelines or regulations and programs. We're
11 grappling with that right now. We don't have a resolution yet.
12 We realize that the Federal facilities are in the middle and
13 there will be many cases where it would be impossible to comply
14 with two different authorities and still be effective. We are
15 not sure how we are going to handle this. There really isn't
16 an answer to your question because this is under discussion
17 and we are going to try to perhaps issue the guidelines in
18 such a way that they will be written in such a way that it will
19 make it clear what a Federal facility must do.

20 MR. YEAGLEY: I might make this further point on
21 that. Past environmental laws have, as Fred mentioned, required
22 that Federal facilities comply with substantive State
23 regulations, guidelines, or whatever. I think the significant
24 point with this Act is that it requires adherence to procedural
25 aspects as well as the substantive aspects. That is, if the

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 State is authorized to run the permit program, the Federal
2 facility will have to obtain its permit from the State, wherein
3 the past that would not have been the case.

4 Yes, sir?

5 MR. ROZICH: Frank Rozich, Colorado Department of
6 Health.

7 As I read the Act, all through it, it's encouraging
8 the State and local agencies to assume various portions of the
9 Act that they feel they can handle themselves. I wonder,
10 especially from the State's standpoint, we're considering of
11 course the permit program and the enforcement program, what
12 can we expect in the way of technical and monetary assistance
13 to handle this program the way you feel we should handle it?

14 The reason I bring this up, I know our State
15 legislature and I feel others in the Region are getting to the
16 point where they are not willing to take any more of these
17 grants from the Federal Government and then have to throw in
18 so many dollars of State money and say eventually the Federal
19 share keeps dwindling and the State's share keeps going up.
20 In fact, there is a bill before our Legislature that would
21 require a Legislative review of all such grant programs.

22 MR. LINDSEY: Bruce Weddle to my left is going to
23 address that in some detail. I just might mention that there
24 is \$25 million authorized but not appropriated, so funding-wise
25 there will probably be somewhat less than that. We would be

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DENVER, COLORADO

1 interested, and I would like to talk to you or someone else
2 about your concerns that you would have, whatever problems you
3 would have in taking over this program in our writing or
4 putting together the standards or criteria for what is
5 equivalent or you might have some comments that might help us
6 in that regard.

7 We do have several states that we are working with
8 in that regard in helping us develop this. We are getting some
9 input, but certainly not all we need.

10 MR. YEAGLEY: Yes, in back?

11 MR. HALLA: Mike Halla, Fort Carson.

12 I'd like to get back to the question immediately
13 preceeding this last one about Federal facilities. You
14 mentioned Section 601 differs from past environmental
15 legislation because it submits Federal facilities to procedural
16 requirements as well as the standing requirements of State
17 programs. How do you feel that that will be affected by the
18 most recent Supreme Court decision on Ruckleshouse vs. Kentucky
19 which indicated that Federal facilities or Federal agencies
20 are not subject to procedural requirements?

21 MR. LINDSEY: That was under a different Act, the
22 Ruckleshouse vs. Kentucky.

23 It's my understanding, at least, that this is the
24 first Act which specifically states that Federal facilities
25 must comply with the procedural requirements as well. How the

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DENVER, COLORADO

1 courts will interpret it, who can say, but it's a different
2 Act and the Act is written differently and therefore one would
3 wonder, at least, whether or not the previous decision would
4 have any effect on the requirements of this Act.

5 MR. HALLA: Have there been any internal changes in
6 the EPA relative to this?

7 MR. WEDDLE: After the Congress passed this
8 legislation, the President debated whether to sign it or not.
9 The Department of Defense expressed its concern about this
10 section of the Act and we gave them a lot of assurances that
11 Federal facilities would be treated no differently than
12 cities or municipalities or states. We are not going to have
13 more stringent regulations for them than for cities or states.
14 What that means and how it will be interpreted in the long run
15 is hard to say. One thing it does mean is we are knowledgeable
16 of the problem and we are concerned about the problem, but
17 beyond that, there's very little we can say today but that we
18 are concerned about the problem.

19 MR. HALLA: I would like to state one other thing
20 with respect to compliance with State programs, that there is
21 an existing Executive Order 11752, I believe, that requires
22 all Federal facilities to voluntarily comply with the State
23 programs.

24 MR. GREY: 11752 applies specifically to the solid
25 waste disposal Act. We know we are going to have to revise

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DENVER, COLORADO

1 11752 and the problem is not with 11752. The problem is in
2 the implementing of the guidelines and instructions that EPA
3 puts out on implementing Federal guidelines. We have, as you
4 know, a data system which your requirements to meet EPA
5 regulations are included in that. Are you aware what I'm
6 talking about?

7 MR. HALLA: Yes.

8 MR. GREY: If a Federal facility cannot meet the
9 requirements, it's required to request under the A-106 process
10 a request for additional funds so that they can comply and
11 EPA manages that system.

12 MR. YEAGLEY: Any other questions on hazardous
13 waste?

14 UNIDENTIFIED SPEAKER: Can you see the definition
15 of hazardous waste definitely including all mine dumps?

16 MR. LINDSEY: In the legislative history --- I guess
17 it was the House version of the Act --- it was made clear that
18 EPA was not to single out mine wastes specifically except that
19 we are supposed to undertake a study of mine wastes which is
20 required under 8002(f) which we will be undertaking at some
21 point.

22 On the other hand, if a mine dump or waste from a
23 mine dump is considered to meet the criteria of being
24 hazardous under the Act, it would be covered.

25 MR. WEDDLE: I don't want to contradict what you

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DENVER, COLORADO

1 just said, but under the 8002(f) study, we just decided this
2 week that a major portion of the funds we allocate in that
3 study would be to look at the regulability of the mining
4 industry and whether they can be included on the hazardous
5 materials provisions, for example, and I don't think we are
6 going to require a man that is producing several million tons
7 of waste containing lead above what would be considered
8 hazardous to carry it to a hazardous disposal facility someplace.
9 I think I'm saying that is a problem that we are going to be
10 addressing under 8002(f).

11 MR. LINDSEY: Well, I've been out of town for a
12 week.

13 MR. YEAGLEY: Any other questions now?
14 I might just mention that we will be having a
15 summary discussion at the end so if an additional question
16 comes up on a subject we've passed, we'll pick it up then.

17 At this point, let's move on to Bruce Weddle for a
18 discussion on land disposal.

19 MR. WEDDLE: We're here to talk about some of the
20 provisions of the legislation and some of the directions that
21 we are taking and more importantly, to listen to some of the
22 things that you have to say.

23 Before I start, before I left Washington yesterday,
24 it's my understanding that we would have the Senate Confirmation
25 Hearings yesterday and today. I haven't seen the paper yet,

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DENVER, COLORADO

1 so I don't know if they were a disaster or a success. Under
2 the assumption that they did go successfully, it's quite
3 likely that we will have an administrator and deputy
4 administrator by early next week.

5 After hearing about the Act's hazardous waste
6 provisions, I'd like to shift gears a little bit and talk
7 about the non-hazardous or land disposal problems of RCRA.
8 In the land disposal area, RCRA contains important new
9 requirements for the Administrator of EPA. He must promulgate
10 regulations containing criteria for determining which facilities
11 shall be classified as sanitary landfills and which shall be
12 classified as open dumps. He is required to publish an inventory
13 of all disposal facilities or sites in the United States which
14 are dumps. He is required to publish solid waste management
15 guidelines, including a description of levels of performance
16 required to protect groundwater from leachate. The
17 implications and requirements for State and local governments
18 will be the subject for our presentation which I will be
19 giving a little bit later today. I'm sure some of the
20 questions will overlap and I will try to determine which ones
21 will be handled better in my presentation now and which will
22 be handled a little bit later.

23 RCRA offers broad new definitions for traditional
24 terms. Solid waste is one of those. I presume in answering
25 the questions from the gentleman from Tri-County Health that

1 the word "solid" is just used for convenience. Disposal also
2 has a new definition. It now means the discharge, deposit,
3 injection, dumping, spilling, leaking or placing of any solid
4 waste or hazardous waste into or on --- those are the key
5 words --- any land or water so that such solid waste or
6 hazardous waste or any constituent thereof may enter the
7 environment. What that simply means that any waste placed on
8 land or on the surface of the land or into the land that
9 results in any contamination of the environment, will be
10 considered disposal.

11 The term "solid waste" now means any garbage,
12 refuse, sludge from a municipal waste water treatment plant,
13 water supply treatment plant, or air pollution control
14 facility. What that simply means is that municipal sewage
15 sludge is specifically included in the definition of solid
16 waste. However, the definition specifically excludes solid
17 or dissolved materials in irrigation return flows or industrial
18 discharges which are point sources subject to permits under
19 Section 402 of the FWPCA. It also excludes nuclear material.

20 (Slide.)

21 As I said earlier, the definitions of sanitary
22 landfill and open dump refer to Section 4004 of this
23 legislation. This section requires the Administrator to
24 promulgate regulations containing criteria for determining
25 which sites are sanitary landfills and which are open dumps.

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DENVER, COLORADO

1 At a minimum, these criteria shall provide that a facility
2 may be classified as a sanitary landfill and therefore not an
3 open dump only if there is no reasonable probability of adverse
4 effects on health or the environment from disposal of waste at
5 such a facility. These criteria are due in one year from the
6 passage of the Act, in October of this year. These criteria
7 will state what is an open dump, everything else can be a
8 sanitary landfill. It will state that we, as the Federal EPA
9 will be saying what we will allow. I'm sorry, we will not say
10 what we will allow, we will say what will be banned.

11 It was the intent of Congress for us not to tell
12 State and local governments what they should do, but rather
13 what they should not do. It may seem like a subtle difference,
14 but it's a major difference.

15 Section 4004(b) requires each State ~~plant~~ to
16 prohibit open dumps and require all disposals within a State
17 to be sanitary landfills.

18 (Slide.)

19 Using the criteria developed in Section 4004, the
20 states under the authority of 4005 will conduct an inventory
21 of all open dumps. This inventory should be conducted in
22 fiscal '78, meaning this October through September of '78.
23 Following the completion of that inventory EPA will publish a
24 list of all open dumps in the country. Any facility on that
25 list must be closed or converted to a sanitary landfill within

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DENVER, COLORADO

1 five years.

2 Section 4005 also has an interesting provision as
3 does Section 7002 ^{and} in that is citizen ^{participation.} ~~supervision.~~ A citizen
4 may take any site that is not included in the inventory and not
5 included in the State plan for closure within five years or
6 upgraded to a sanitary landfill within five years, a citizen
7 or public interest group may take that disposal site operator
8 or open dump operator to the Federal courts. And that is
9 significant because I suspect that the Federal courts would be
10 less sympathetic than the local courts.

11 This provision would be particularly interesting
12 because it will put a lot of pressure on State governments to
13 follow our guidelines and obtain an EPA acceptable state plan.
14 If a state does not have an acceptable approved EPA approved
15 state plan, any open dump in that state is, therefore, liable
16 to citizen suit. If a state has an approved plan and that
17 dump is listed, it's not subject to citizen suits under this
18 plan.

19 (Slide.)

20 I'd like to move on to Section 1008 which requires
21 the Administrator to publish within one year guidelines which
22 provide a technical and economic description of the level of
23 performance that can be attained by various available --- and
24 I underline the word available --- solid waste management
25 programs. In two years, these guidelines will describe levels

1 of performance, including appropriate methods and degrees of
2 control, that provide a minimum for protection of public health
3 and welfare. These guidelines must also provide for the
4 protection of the quality of the groundwaters and surface
5 waters from leachates, protection of the quality of service
6 waters from run off from the sites and protection of ambient
7 air quality. They must also provide for aesthetics such as
8 vector control and safety.

9 In response to Section 1008, the current thinking of
10 the Agency is the updating of the existing land disposal
11 guidelines and initiate municipal sewer sludge disposal and
12 land utilization guidelines.

13 In summary, Section 4004 establishes criteria for
14 establishing what an open dump would be and what a sanitary
15 landfill will be. This raises many questions. It raises
16 questions of discharge, raises questions of classification of
17 groundwater, where we would permit the degradation of some
18 groundwater from leachates and other groundwater must be
19 protected. It raises questions of lining and treating at all
20 sites. It raises questions about the types of wastes that
21 should be included --- should they be limited just to municipal
22 solid waste, should they include municipal sludge, agricultural
23 waste, cess ponds and lagoons. These are questions we are
24 wrestling with.

25 Section 1008 in its relationship to Section 1004 is

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DENVER, COLORADO

1 another issue. The current thinking is that 1008 would
2 provide the state and local governments on environmentally
3 acceptable methods to achieve sanitary landfills as defined
4 in Section 4004. It would be technical advice on how to do
5 it properly. Section 1008 will be mandatory and for local
6 implementation grantees under Section 4008(a)(2)(a) and
7 simply be an advisory to the state and local government.

8 That was a quick, brief overview of the land
9 disposal portions of the Act.

10 I'd like to entertain any questions that we have at
11 the present time.

12 MR. SHRUM: Daryl Shrum with the Oblinger-Smith
13 Corporation.

14 Under Sub-title B, Section 4, Part C, you're saying
15 that all open dumps have to be eliminated by 1983. I agree
16 totally with your objective, but what about out in rural
17 communities where the problem is they don't have the
18 funds to do this. They don't have the means; they don't have
19 the equipment; they don't have the necessary finances to make
20 the changes. Are there going to be appropriated Federal and
21 State funds to make sure this Act is implemented?

22 MR. WEDDLE: It's two questions there. The first one
23 is, is it stated that all open dumps would be banned by
24 1983. That would be an optimistic statement. They will be
25 banned five years after the publication of the inventory.

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DENVER, COLORADO

1 I hope that the inventory is completed on time, but it would
2 be likely, it could happen that would be late and that 1983
3 date would be eliminated.

4 In answer to your second question, it refers really
5 to Section 4008(b). The rule permits \$25 million, as I will
6 state later. Under the current Carter budget and the likely
7 appropriation of Congress, there will probably be no money in
8 that area. So, I would urge any rural community to begin
9 planning now to upgrade the facility to a sanitary landfill.
10 There is another source of relief in that area and that would
11 be various classifications of criteria to 4004. Perhaps rural
12 criteria could be developed. That is an issue we are
13 wrestling with. The size of the facility, the area it serves,
14 may affect the criteria of 4004.

15 MS. QUAIL: Beverly Quail, Welk, Dufford, Cook and
16 Brown.

17 I have a couple of short questions. The first one,
18 is that Act also aimed at open dumps on private property?

19 MR. WEDDLE: Yes.

20 MS. QUAIL: Secondly, I didn't quite understand how
21 --- you published the list and the State has it. How does that
22 affect the private citizens to bring public suit ---

23 MR. WEDDLE: Okay. For a plan to be approved by
24 EPA, you will have to have a list of all the open dumps within
25 that state. That list is made up by the state. The

1 legislation provides immunity to those facilities that are in
2 the state that are open dumps that are in a state plan, that
3 have a closure schedule or upgrading schedule. If there is no
4 state plan or the facility is not listed in the state plan,
5 there is no immunity under this legislation.

6 MS. QUAIL: My last question is, have you got any
7 idea as to what exactly will constitute an open dump at this
8 time?

9 MR. WEDDLE: That's a very good question. We are
10 wrestling with that. I don't really think I can answer that.
11 There are a number of approaches, one will be clearly aesthetics,
12 visual factors will characterize the site as a sanitary
13 landfill.

14 MS. QUAIL: How about a tailing pond?

15 MR. WEDDLE: Cess ponds or lagoons are an issue of
16 that. Within the Agency, there are several pieces of
17 legislation on how we should control cess ponds and lagoons.
18 The Agency ^{has} ~~is~~ not decided as to how to proceed in that area
19 and whether the initial set of criteria --- whether the
20 criteria can be phased so that the initial criteria can
21 address anything but ponds or lagoons.

22 In response to your earlier question, beyond
23 aesthetics, groundwater becomes a serious question. One
24 approach could be to classify groundwaters and say that
25 Class A groundwater, drinking water, must be protected,

1 therefore, any site must collect and treat leachates generated
2 or would have to have a sensitive monitoring system to detect
3 any contamination.

4 Class B groundwater could be something that the State
5 could write off because it's naturally unpotable, has been for
6 years, and forever will be.

7 They're very difficult questions and I don't know how
8 we are going to proceed. If you have any suggestions, I'd
9 be happy to hear them.

10 MS. QUAIL: How about things like piles of silica,
11 material just sitting on top of the earth?

12 MR. WEDDLE: How did it get there?

13 MS. QUAIL: Say you're making steel. You have got
14 this residue that is deposited on the site of the plant. Do
15 you think that would come under this?

16 MR. WEDDLE: It's possible, but I can't answer that
17 question. One of the approaches of the criteria, which will
18 come up at least six months before the hazardous waste
19 definitions, would be to include all wastes with the criteria
20 for hazardous wastes and set a baseline for environmental
21 disposal of everything, all waste, and any additional criteria
22 would be developed under Sub-title C or perhaps on the 1008
23 facility. That may or not be the case. It's a good one and
24 we're going to have to try to focus our own minds and raise
25 these questions in public forums like this.

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 If no one else has a question and I have a minute, I
2 have a question that wasn't raised earlier and may or may not be
3 an issue in this region. That is an inclusion of municipal
4 sewer sludges as hazardous waste. There may not be any
5 operators here that will come home to, but I thought it might
6 help those of you here to know where we stand or would like to
7 stand on the cess ponds and lagoons in EPA. Current thinking
8 is that the Agency would have difficulty excluding municipal
9 sludge under the definition of hazardous waste. Industrial
10 sludges have the exact same or similar characteristics to
11 municipal sewage sludge. It's my estimation that a percentage
12 of the municipal sewer sludge will indeed be a hazardous
13 waste. For example, a number of communities have a number of
14 PCB concentrations up to 200 parts per million. Certainly I
15 think that would fit any definition that we may develop on
16 hazardous waste but on the other hand, I think that the vast
17 majority of sewage sludge will not be classed as hazardous
18 waste but will be addressed in the criteria of 4004.

19 MR. TURK: Don Turk, Tri-County Health Department.

20 The last Colorado State Legislature --- let me go
21 back. The State solid waste Act did include sewage sludge as
22 being solid waste. This last State Legislature did amend this
23 Act to say that if the sludge met the standards adopted by the
24 State Board of Health for use as a fertilizer for beneficial
25 use, then it would be excluded from the terminology as being a

1 solid waste. How would this fit into the Federal requirement
2 provided that the sewage treatment facility does put out a
3 quality of sewage sludge that would meet the fertilizer
4 standards?

5 MR. WEDDLE: We are wrestling with the same issue.
6 It could go either of two ways. One, that EPA would
7 establish such levels that could be acceptable for use on
8 agricultural lands and that any sludge meeting those levels
9 would be a resource and handled like a resource recovery would
10 be. On the other hand, it could be that it's a solid waste
11 but the beneficial use of solid waste, not just ^{age}sewer sludge,
12 but compost and other waste utilization could come in on that
13 and criteria on those would be different than for a sanitary
14 landfill or ---

15 MR. TURK: Do you have any target dates for
16 addressing this?

17 MR. WEDDLE: Well, the criteria are due in final
18 form in October next year. I suspect that we will have to go
19 forward in draft form sometime early this summer, but we will
20 be wrestling with that issue probably over the next three
21 months and we shall solidify our thinking on that at least
22 for the draft purpose by June.

23 MR. ROZICH: The reason Don brings this up, both he
24 and I have been working on a task force to come up with criteria
25 as to what is acceptable sludge for agrinomical use and we are

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DENVER, COLORADO

1 just down to the last draft now, we hope, and if there is
2 going to be a change we would like to know it as soon as
3 possible.

4 MR. WEDDLE: You just said something near and dear
5 to my heart because sewer^{ge} sludge is my area of expertise.
6 I'd be delighted to look at what you are drawing up, both from
7 the professional standpoint and from a bureaucratic standpoint
8 on how this fits into the Agency thinking.

9 MR. TURK: Can we get your name and mailing address
10 from Jon later?

11 MR. WEDDLE: Yes.

12 MR. LEMR: Maybe you could contact Jon Yeagley or
13 myself and we'll get involved next week.

14 MR. WEDDLE: I have some cards if anyone wants those.
15 That's open for anybody in the room that would like me to take
16 a look at something dealing with municipal sewer^e sludge.

17 MR. YEAGLEY: I think in general I'll expand on what
18 Jim is trying to get to that anytime you have need for a
19 review of standards, or regulations, or whatever, we'd be
20 more than willing to do that through the Regional Office and
21 in those areas where we don't have those capabilities such as
22 the one that Bruce just mentioned, we'll certainly tap the
23 Washington office.

24 I think at this point we need to take a short break,
25 if for nothing but to give this gal down front here a chance

1 to revive her fingers. Let's take a ten-minute break and then
2 we'll commence with resource conservation ^{and} recovery.

3 (Whereupon, a short recess was taken.)

4 MR. YEAGLEY: At this point, I'd like to continue so
5 we can maintain some schedule. I'd like to introduce to you
6 now, Mr. Bob Lowe, who will speak on resource conservation ^{and}
7 recovery.

8 MR. LOWE: Good morning. I'm going to talk about
9 the sections of the Act that deal with resource conservation
10 and resource recovery. The Act provides authorization to do a
11 lot of good things, we think, but before I discuss the sections
12 of the Act and raise your hopes about what might happen and
13 what someday might flow from this, I want to reiterate the
14 budget constraints that have been mentioned earlier. As you
15 know, we have a relatively low level of funds and staff to
16 implement this Act. The Act gives us much greater
17 responsibilities than we have ever had before, but we haven't
18 had a budget increase or a commensurate increase in staff.

19 The aspect of this that affects us directly is what
20 priority within our Agency will be given to resource
21 conservation and resource recovery. In general, the priority
22 seems to be going in the direction of hazardous waste
23 management and land disposal guidelines and primarily because
24 those sections of the Act have specific mandates and specific
25 deadlines and the resource conservation and resource recovery

1 sections of the Act do not have such requirements, so it's
2 natural that people who are responsible for administering and
3 managing this Act would lean in that direction.

4 There's also the issue of what is the traditional
5 orientation of our Agency which has typically been a pollution
6 control agency and not an environmental protection agency.
7 The resource conservation and recovery is more in the line of
8 environmental protection as opposed to the pollution control.

9 Having said that, I'd like to review those sections
10 of the Act that address resource conservation and recovery.

11 (Slide.)

12 Resource conservation and recovery is specifically
13 addressed in these sections shown on this slide. The guide-
14 line section that was mentioned, I believe first by Bruce,
15 calls for guidelines in the area of improved solid waste
16 management. We have already written some guidelines under
17 previous legislation and we are going to reissue those
18 guidelines. It's unlikely that we are going to issue any new
19 guidelines, or at least not for some time, primarily because
20 of resource constraints.

21 The next item on here is the resource recovery and
22 conservation panels. I would like to go into that in a little
23 more detail in a moment. The section of the Act, Sub-title D
24 --- for those of you who are bureaucratically inclined and
25 would rather talk in terms of letters and numbers and not in

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 concepts. That section of the Act which Bruce will discuss
2 after I'm finished, requires that State and local governments
3 consider resource conservation and recovery programs.

4 The Section 8003, information development and
5 dissemination, which Val talked about earlier, also calls for
6 publication of information on resource conservation and
7 recovery. I might add that we already have in existence an
8 inventory of publications about these topics which are
9 available to you through the Regional Office or through us.

10 The slide mentions demonstrations under Section 8004.
11 I'd like to broaden that to include all of this 8000 section,
12 8002, 4, 5 and 6, which calls for a variety of studies
13 stressing resource conservation and recovery opportunities and
14 it involves a variety of areas. Then I will have a slide in a
15 moment that will identify some of those areas.

16 We have the authorization to evaluate and gather
17 data to increase public understanding about a variety of
18 existing programs and projects such as resource recovery
19 projects and we are planning some of them with the money we
20 have. It's not likely now that we will have enough money to
21 do any demonstrations other than continue the ones we are
22 already working on.

23 One area that is not listed on this slide that I'd
24 like to mention is Section 6002. The law requires that
25 Federal procurement agencies review their purchase specifications

1 to increase the market for secondary materials. Their review
2 should, we are hoping, they will remove any restrictions on the
3 use of secondary materials and they will increase the
4 requirements for use of secondary materials and hopefully this
5 action by the Federal level will be imitated by State and local
6 governments and hopefully even by industry and create a demand
7 for secondary materials.

8 (Slide.)

9 This will give you an idea of some of the study
10 areas that are called for under one section, 8002. As you can
11 see, mining wastes and sludge are included on here and that's
12 Bruce's area and he's already mentioned that.

13 One thing I'd like to mention is what is referred to
14 ^{/N} on here as small-scale low technology recycling processes and
15 product separation. These refer to source separation and
16 collection and for those of you who are not familiar with that
17 terminology that is a recycling system in which the generator
18 of the waste, the householder or the people in office buildings
19 or commercial establishments, segregate recyclable material
20 such as newsprint and office paper and keep them separate from
21 other materials and they are collected and handled separately
22 on their way to a user such as a paper plant. These things,
23 having been specifically included in the Act, show an emphasis
24 on this area.

25 (Slide.)

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 One of the most significant areas in the Act was the
2 creation of a resource conservation committee whose charge is
3 to study certain methods and approaches to resource
4 conservation, ways of reducing the amount of material that is
5 produced or used in the first place in an attempt to reduce the
6 amount of waste that will require disposal.

7 In this list of items, there is a study for incentives
8 and disincentives such as taxes and penalties, public policies
9 such as depletion allowances and some other things.

10 This provision is both good news and bad news. The
11 bad news is, by requiring more studies as an alternative to
12 passing the kind of provisions, laws, and so on, effectively
13 Congress has delayed the implementation of those programs for
14 at least three more years because it's not feasible for the
15 Congress to pass such laws and regulations while it's being
16 studied. On the good side now, it does at least include in the
17 law specifically a requirement to address these issues. But
18 most importantly, the studies are now being done by a
19 cabinet committee, a committee composed of the Secretary of
20 Labor, the Secretary of Commerce, the Chairman of the Council
21 of Environmental Quality, the Administrator of the EPA is the
22 Chairman. It also includes a representative from the
23 President's Office of Management and Budget which I might add
24 that a mere representative of that office is equivalent to a
25 secretary of one of the Cabinet departments. But, that will

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DENVER, COLORADO

1 give you an idea of how things work in Washington.

2 The significance of this being a Cabinet level
3 committee is this, this is about the fifth time that such a
4 study of material utilization and waste impacts have been
5 studied since about 1950, but prior to this, all the studies
6 have been outside the Administration. They were done by
7 special commissions. This is the first time that the study is
8 being done within the Administration, and therefore, the
9 likelihood of any recommendations being implemented is that
10 much greater. I think it's fortunate that this has started
11 taking place at the beginning of a new Administration because
12 it's likely that the people who do the study and sit on the
13 committee will be around later to recommend legislation and
14 implement and recommend programs.

15 (Slide.)

16 Section 2003, which calls for the creation of resource
17 and recovery and conservation panels to provide technical
18 assistance and governmental terminology and provide information
19 and advice and guidance to State and local government
20 officials and to the private sector and to anyone else who is
21 willing to listen for all these purposes that are listed up
22 here. As an example of some of the things they would be
23 doing under this program would be to help states design and
24 implement regulatory programs, to help them design and to
25 help them plan and develop alternatives to land disposals such

1 as the separation system or the resource recovery facility.

2 (Slide.)

3 These panels will be composed of people who have
4 expertise in the following areas: technical, marketing,
5 financial, and institutional. They will be composed of EPA
6 staff, consultants under contract to EPA, and other State and
7 local public officials who will be brought into the program
8 under the concept which we call peer matching where we bring
9 together public officials who have had experience in a certain
10 area and they will be sent to other communities where they are
11 facing that problem.

12 I should mention that the title of this program or
13 the resource and conservation panel is somewhat misleading in
14 two respects. First of all, it's not limited to just resource
15 conservation and recovery, but the technical assistance program
16 is being planned to address all areas of solid waste management
17 including hazardous waste management. This is appropriate
18 because if we are going to do an effective job of protecting
19 the environment, the technical assistance is going to be
20 required to make any regulatory program effective and the
21 administrators of this law should have at their disposal both
22 regulatory tools and technical assistance so they can bring
23 to bear whichever is appropriate in that circumstance.

24 The other misleading of this title is that the word
25 "panel" normally brings to mind the idea of a fixed unit of

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DENVER, COLORADO

1 individuals, let's say four people which will convene as a
2 unit and travel as a unit. But, that's not the way we are
3 interpreting this. We are interpreting this to mean something
4 on the order of a stable or a pool of resources, a list of
5 individuals or firms with known expertise who would be called
6 on one at a time or in groups, whatever is appropriate, in the
7 particular circumstances, to address particular problems.

8 The law requires that 20 percent of the general
9 authorization for this Act, 20 percent of \$35 million or
10 \$7 million, be spent on the resource conservation and recovery
11 panels. At the moment, that's 20 percent of a fairly small
12 number, so we don't really know what it's going to be.

13 I have some questions I'd like to ask the audience
14 and get feedback to help us in our planning of this program,
15 but before I do that, I'd like to open the floor to hear any
16 comments you have, suggestions you have, on what I have already
17 said. Are there any such comments or suggestions or questions?
18 I'd be happy to take them now.

19 MR. FOSTER: Al Foster, Denver Regional Council of
20 Governments.

21 To raise an age old bugaboo in the resource and
22 recovery laws, is there any provision in the Act to study
23 freight rates or try to do something about that problem?

24 MR. LOWE: No, there is not; but, the Railroad
25 Revitalization Act of 1975, I think it was, required the

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DENVER, COLORADO

1 Interstate Commerce Commission to review and I guess, modify
2 --- at least to review --- its rate structure as it relates
3 to the transportation of secondary materials in comparison to
4 virgin material and it required that the Interstate Commerce
5 Commission allow EPA to review what it's doing and we are
6 doing that. We are reviewing the Interstate Commerce Commission's
7 activities.

8 MR. FOSTER: May I suggest that you encompass that
9 in your incentive-disincentive study you have on the list for
10 the Cabinet study?

11 MR. LOWE: Yes, I'm sure it is, but I will make sure
12 that gets back to Washington. We have looked at this issue
13 before and we have found that freight rates do discriminate
14 against secondary materials on certain commodities. But,
15 freight rates also discriminate in favor of secondary materials
16 of other types, so it's not altogether clear and I'm not sure
17 the freight rates really do mean that much, anyway. It's
18 an idea that's easy to label and easy to conceptualize and
19 therefore, it has become very popular and talked about. I
20 think it's a problem, but I think the amount of attention to
21 be given to ^{it} is larger than it deserves in relation to some
22 other problems.

23 MR. YEAGLEY: Before we go on to other specific
24 questions, I'd like to introduce Mrs. Anice Swift from the
25 League of Women Voters, who has a prepared statement to give.

1 MS. SWIFT: I'm Chairman of Solid Waste for the
2 League of Women Voters for Boulder.

3 As the League State Chairman of Solid Waste has
4 stated a written opinion which has been given to you, we are
5 encouraged to find how many of the League's national state and
6 local positions on the management of solid waste have been
7 taken into consideration in this law. One of our special
8 interests has to do with the recovery of usable materials
9 before they get into the waste stream to be buried in landfills
10 or compacted under high technology disposal systems.

11 We are concerned that under the implementation law
12 too much attention and money has been given to the highly
13 technical logical plans for solid waste management and not
14 enough emphasis given to low technology plans which encourage
15 the recovery and conservation of solid waste materials
16 for programs focused on the beginning of waste treatment.

17 These fears are well grounded in the Denver
18 metropolitan area. The Denver Regional Council of Governments
19 spent a great deal of time and money in the past several years
20 studying the feasibility of high technological resource
21 recovery plans. Finally, last July, that proposal was
22 shelved as not being a feasible solution at the present time
23 for the Denver metro area.

24 On the other hand, without help from governmental
25 agencies, several low technology plans for retrieval of reusable

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DENVER, COLORADO

1 materials at the front of the solid waste stream, notably
2 Eco-cycle in Boulder, have demonstrated that they have made a
3 real contribution toward cutting down the amount of solid
4 waste to be disposed of and toward conserving many valuable
5 materials for reuse.

6 We are glad to see the many ways which the new
7 Solid Waste Disposal Act can give support and assistance to
8 such programs, in particular by many of the ways that
9 Mr. Canfield emphasized, by making grants available to purchase
10 equipment, tire shredders, for example, to aid in the reuse of
11 discarded materials by providing Federal assistance and
12 obtaining information on the marketing of recovered materials,
13 by encouraging through the Secretary of Commerce the greater
14 use of recovered materials, by removing the present economical
15 and technical barriers for their use.

16 Thank you for this opportunity to take part in this
17 discussion.

18 MR. YEAGLEY: Thank you. Are there any other
19 specific questions on the subject of resource conservation
20 recovery?

21 (Pause.)

22 MR. LOWE: I'd like to thank Mrs. Swift for her
23 comments. We have heard those comments everywhere we have
24 gone and we are glad to hear them here.

25 You might be interested to know what we are doing

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DENVER, COLORADO

1 with respect to the Denver area. We gave the Denver Regional
2 Council of Governments a grant for the project that ended last
3 July and they were prudent enough not to spend very much of our
4 money and so there's a good amount left. We are now trying to
5 work out an arrangement with Eco-cycle to implement a source
6 separation system, and we're still trying to work that out.

7 When we gave the grant to the Denver Regional
8 Council of Governments, we gave similar grants to a number of
9 other communities and we are working with a few of them to do
10 the same thing even where some of the original projects, the
11 large-scale projects, are being still planned. We think a
12 source separation and resource recovery facility can co-exist
13 and we'd probably be better off than either one of them alone.
14 We're working with some of them on that.

15 Are there any other questions before I go into mine?

16 (Pause.)

17 MR. LOWE: I'd like to give you some idea of the kinds
18 of issues that we are trying to deal with and if you have any
19 comments on these either now or later, I'd appreciate hearing
20 them.

21 Given that we have fewer people and less money than
22 we need to answer all the requests for technical assistance, we
23 are going to have to prioritize our efforts. The question is,
24 to whom shall we give our technical assistance? How do we
25 select communities to be recipients of technical assistance?

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DENVER, COLORADO

1 Do we do it on the basis of the most tonnage of waste, in which
2 case we will give our technical assistance to New York City
3 first, Los Angeles second, Chicago third, and so on, and we
4 probably would not give any assistance to smaller communities.

5 Should we give our technical assistance on the basis
6 of who has the most critical environmental problems, in which
7 case we would not give it to a place like Los Angeles which has
8 a very good landfill. In that respect, we may be discriminating
9 against them, even though they deserve something for doing a
10 good job in the past.

11 Should we give our assistance where there is the
12 greatest level of ignorance? This was not on my original
13 list. This was suggested in our public participation meeting
14 in Pittsburg on Monday night. My immediate reaction was I
15 could just picture myself reading off the list of people that
16 we decided to give our assistance to --- the following people
17 are judged to have the highest level of ignorance.

18 One problem there is, if the ignorance level is so
19 high, we might not ever achieve any successes. If we can
20 bring somebody from 90 on a scale of 100 --- 90 to 100 ---
21 we may be achieving more than bringing somebody from zero to
22 70. That's one of the problems of using that criteria.

23 Another criteria is giving technical assistance on
24 the basis of most likely to succeed. In that case, we could
25 address all sized communities whether they have a serious

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DENVER, COLORADO

1 problem or not and our current thinking is that this is the
2 one we prefer. Our overall objective is to recycle and conserve
3 the greatest amount of waste and to solve the most critical
4 environmental problems and we will take into account all of
5 these factors. But, our thinking is if we work with the
6 communities most likely to succeed, we will be helping to
7 create models which other communities can follow and they can
8 do on their own later and in that respect, we can budget our
9 resources. I'd like to hear comments on that.

10 Another issue is, should we give technical assistance
11 to only a few states, cities, counties, but do it in a very
12 in-depth way --- give them as much help as we can? Or, should
13 we hit as many communities as we can in a shallow manner ---
14 the inch deep, mile wide approach? That is a big question and
15 we don't really have an answer there.

16 When our Resource Conservation Committee and our own
17 administration are considering the resource conservation
18 options, what criteria should they use; what subjects should
19 they study; what material should they concentrate on? Should
20 they look at total overall pollution, meaning even if the
21 material doesn't get into the waste stream because it's
22 reused or has a long lifetime, but in the course of producing
23 it or extracting it from the earth and manufacturing it it
24 generates a lot of air and water pollution and let's say a lot
25 of toxic wastes in the particular production cycle, should that

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DENVER, COLORADO

1 be our first priority, or should we look at those materials
2 that are most scarce, such as tin, something like that. In
3 which case, we wouldn't look at glass at all and something
4 like a beverage container legislation would have a much lower
5 priority.

6 Should we look at employment impacts? Look at the
7 balance of payments? In that case, we could say, well, we
8 have a lot of energy here in the United States, even though
9 it might not be politically and environmentally acceptable to
10 get, such as coal. Therefore, let's not worry about conserving
11 energy, let's devote all of these programs and options towards
12 things like chromium or tin which we get from other countries.
13 Chromium comes from Rhodesia and the Soviet Union and there's
14 a pretty critical situation over there.

15 Or should we say, look strictly at the impact on the
16 municipal waste stream and therefore, ignore commodities or
17 products that don't get into the municipal waste stream, for
18 example, that would end up in the demolition waste stream?
19 We could look at building codes and use less materials in
20 building. That would conserve materials and energy, but the
21 impact on the municipal waste stream would be negligible
22 because demolished buildings don't get into the municipal waste
23 stream.

24 Those are some of the questions we're dealing with
25 and if anybody has any comments, I'd sure like to hear them.

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DENVER, COLORADO

1 (Pause.)

2 MR. HALLA: Mike Halla from Fort Carson.

3 With regard to demonstration projects and pilot
4 plans, it seems to be a perception that I have that the only
5 way the regional communities or large cities will ever have
6 resource recovery programs is if they each have their own
7 demonstration project. There have been many instances where
8 a demonstration project being successful and being duplicated
9 in other cities. Is this what the intent of these projects
10 were in the beginning?

11 MR. LOWE: The answer is yes.

12 I take issue with your statement that demonstration
13 facilities are the only way to establish projects in a city
14 because there are a number of communities already that have
15 plants in operation or signed contracts and plants under
16 construction. There are two notable examples of demonstration
17 projects, both of which are Federal demonstration projects
18 which resulted in plants being built elsewhere. One is the
19 system in St. Louis, Missouri. It's called "trash^{to} kilowatts"
20 where garbage was shredded and burned in a lake or utility
21 boiler to supplement the coal. There is already a facility
22 operating in Ames, Iowa, and there are facilities under
23 construction in Milwaukee, Chicago, Bridgeport and Rochester,
24 New York, using that concept. The demonstration project in
25 Franklin, Ohio, is being imitated in Dade County, Florida,

1 which is where Miami is and also in Hempstead, New York.

2 There are several examples of other technologies
3 that we didn't feel needed demonstration because they had
4 been demonstrated in Europe and systems like that are being
5 built in this country. One is now operating in Saugus,
6 Massachusetts, and another is operating somewhat unacceptably
7 in Nashville, Tennessee, but it's unacceptable for management
8 reasons, not technical reasons.

9 MR. HALLA: If there are several demonstration
10 projects, how does the Agency see a continued need for additional
11 demonstrations?

12 MR. LOWE: That is a good question and we hear all
13 opinions on that and I'd like to hear your opinion unless your
14 statement implies one. One justification for doing more
15 demonstrations is by having more demonstrations, we increase
16 the number of technical options that communities would have to
17 choose from. Some of the available technologies are not
18 applicable in every situation because the markets for the
19 recovered products do not exist, so if we wanted to develop
20 the number of alternatives, demonstrating would be the way to
21 go.

22 Should the Federal Government be demonstrating at
23 all or should we allow the private sectors to do that? That
24 is a good question, also. We are tossing that over and we look
25 at the private sector and we see some research and development

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DENVER, COLORADO

1 going on, but the public sector as a customer for these
2 systems is a very difficult customer to deal with. For private
3 companies who think whether or not they want to develop
4 these technologies, they sometimes say, well, we're not going
5 to bother developing this technology because it's so difficult
6 to deal with municipalities, so difficult to sell them the
7 product, it takes two, three, four, five, six years to make a
8 sale, it's just not worth it, so we won't do it. When we
9 hear signals like that, we think the Federal Government ought
10 to be involved in it. On the other hand, there are some
11 systems being marketed by the private sector. We are looking
12 for feedback on whether you think the existing arrays of
13 technology are satisfactory.

14 Do you have an opinion on that or not? You don't
15 have to answer now if you don't want to.

16 MR. HALIA: I don't wish to state an opinion now.
17 I just wondered if there was any framework to stop demonstration
18 projects once success is achieved.

19 MR. LOWE: Well, we will not demonstrate the
20 St. Louis system again, even though that system was a very
21 early prototype and the systems that have followed that in
22 other cities are significantly different from the one we did.
23 We feel we have planted the seed and whether or not we need to
24 do others is being evaluated now.

25 Do you have a question, in the back?

1 MR. HERMAN: Russ Herman. You use the term
2 successful projects. How do you define "successful?"

3 MR. LOWE: Good question. We define successful in a
4 number of ways depending on who we are talking to and how much
5 jeopardy our program is in. The main criteria for success is
6 does the project meet its original objectives and that can be
7 defined in a lot of ways. The main objective of our projects
8 is to increase the amount of information so that municipal and
9 state officials can make good decisions, hopefully the project
10 will result in something worth doing and it will be imitated.
11 But, we also consider a project successful if it teaches
12 somebody not to do something. I think we consider the St. Louis
13 project a success even though as a piece of hardware it didn't
14 work very well, it demonstrated a concept and it is now being
15 imitated. Our facility in Baltimore is somewhere between the
16 viewing and the unveiling. It's essentially over and as a
17 technical process it probably will not be imitated. It's
18 unfortunate that that method which we had so much hope for,
19 unfortunately, we no longer have that as an option. But, on
20 the bright side, we learned some things about a variety of
21 things. We learned something about the procurement process,
22 how to negotiate a contract with a private company and we
23 learned about shredding and receiving and those kinds of
24 things. Materials handling and those kinds of things that could
25 be used elsewhere, so I think that is very valuable, so I think

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DENVER, COLORADO

1 in some respects that project was a failure, but in other
2 respects it was successful.

3 MR. STOCKWELL: Will you just take this and maybe
4 just a little recitation on that. It looks like it involves
5 just what we're talking about now.

6 MR. LOWE: What Mr. Stockwell has handed me is a
7 newspaper clipping reporting on a demonstration facility
8 funded by the United States Energy Research and Development
9 Administration, known as ERDA. They invested, I think,
10 \$30 million into building a facility in Florida. I don't know
11 what the amount was, but it was to build a facility to process
12 all waste and produce methane gas. I don't know the latest
13 status on that, but the legislation that ERDA operates under
14 is similar to ours. They have a program similar to ours and
15 we are working mostly with them --- sometimes against them ---
16 on these and other projects. We would not attempt a project
17 like this because they have done it.

18 Are there any other questions on any aspect of this?

19 MR. STOCKWELL: Only that further into the article
20 there it says, it seems to be progressing and the possibility
21 of success --- if it doesn't say it there, it's in the later
22 part of the writing.

23 MR. LOWE: Naturally, we're hopeful about something
24 like this. It's kind of early to tell. I have some fears
25 about this only because the prototype of this facility, which

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DENVER, COLORADO

1 I think is 50 tons per day, is very, very small. Once you go
2 in very small steps. If you have something of one scale then
3 the next step should be something you could fit into your
4 garage and the next step something you could fit into your
5 house and then you start getting bigger and bigger.

6 One of the problems that we had in Baltimore was we
7 went from a 30-ton per day pilot facility to 1,000 tons per
8 day demonstration and that was a factor of 33 times and it was
9 just too much. The problems that we had were directly related
10 to that.

11 MR. GERDOM: Joe Gerdome, Laramie-Albany County
12 Planning Office.

13 The allocation of technical assistance, I would hope
14 that, of course, realizing the time limits and so forth, rather
15 than using those communities and regions that would be most
16 likely to succeed that perhaps it would be simpler for a
17 demonstration process to use prototypical communities that could
18 be identified which would --- although they may not have the
19 capability of most likely succeeding, they would in their
20 example show the greatest number of community pitfalls as well
21 as potential points for success in demonstrations and through
22 some identification and operationalizations of your objectives
23 in the Act that you could do this. You could accomplish this
24 identification in such a way as to stratify various communities
25 to which you would apply this technology.

FEDERAL REPORTING SERVICE
DENVER, COLORADO

1 MR. LOWE: In other words, what you're saying is we
2 should give importance, priority, to the demonstration value of
3 a given project?

4 MR. GENDOM: Not only from success, but from possible
5 shortcomings that might be encountered and through that provide
6 both a positive and negative demonstration.

7 MR. LOWE: That's a good point. I might say that we
8 have taken that into account in the past. One reason we found
9 the Denver Regional Council of Governments an attractive
10 candidate was it was a regional council of governments and it
11 had a good reputation nationally for being able to achieve
12 things. We thought that would be a good model.

13 UNIDENTIFIED SPEAKER: In this resource recovery,
14 getting back to Russell's question, would you expect that these
15 projects would become self-supporting or do you always expect
16 some Governmental support?

17 MR. LOWE: Would the demonstration projects ---

18 UNIDENTIFIED SPEAKER: No, no. If in fact these
19 projects work, is part of their feasibility the fact that they
20 should be self-supporting?

21 MR. LOWE: Definitely, yes. Self-supporting, I must
22 qualify that. There are two sources of revenue. One is
23 product revenue received from energy and material and the other
24 is revenue from the service of providing disposal for the waste.
25 At this point in time and for the foreseeable future, the revenue

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DENVER, COLORADO

1 from the sale of products will not be high enough to offset
2 the costs of their disposal. There will always be a problem.

3 UNIDENTIFIED SPEAKER: Going one step further, as I
4 understand Eco-cycle in Boulder, they will pick up, free of
5 charge, recyclable materials from private people; is that not
6 correct?

7 MR. LOWE: I don't know yet. I'll know after lunch.

8 UNIDENTIFIED SPEAKER: Okay; if you decided upon
9 them, or Governmental agencies in general did this kind of
10 thing, how do you expect then for the public ever to assume
11 they're going to be charged because they pick something like
12 that for a resource recovery area or a sanitary landfill? In
13 other words, I think you might be starting something here that
14 is going to snowball in a sense that it appears that the
15 Government then is willing to give free of charge this kind of
16 service to the public or ---

17 MR. LOWE: Can you respond to that, Al?

18 MR. FOSTER: Al Foster.

19 What we hope will happen is that we can pick up and
20 separate material from homes and businesses to a very large
21 degree and the sale of materials in that instance, we would
22 expect then eventually to cover all costs and it would operate
23 in a non-profit type of mode so you're not requiring subsidies
24 from the Governmental agencies.

25 UNIDENTIFIED SPEAKER: In other words, it's something

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DENVER, COLORADO

1 that could be withdrawn over a period of time?

2 MR. FOSTER: That's correct. However, I know that
3 many of us anticipate that not 100 percent of all the wastes
4 are going to be recovered from that route and you will always
5 have somewhere between 30 to 50 percent of all types of waste
6 including concrete and so on, that will go into landfills.
7 In that instance, we are going to have a service charge just
8 like you pay now for garbage pick up.

9 In addition to that, once we get to the level where
10 we know how much material people will voluntarily separate,
11 there will be a certain amount left of people who will not
12 separate on their own and for that you will have to have a
13 mechanical type system to separate those types of waste. At
14 the present time, those types of systems, we still have a
15 charge, probably a service charge rather than a governmental
16 subsidy, but it's the same thing.

17 UNIDENTIFIED SPEAKER: Wouldn't it then be more
18 reasonable to fund them only to a certain extent and charge
19 them a certain amount so that the public, in fact, does not
20 become induced to believe that they may well be going to get
21 this free?

22 MR. FOSTER: I overlooked saying something and that
23 is, people in Boulder, for example, and in the region of my
24 business, will continue to pay for garbage and trash pick up
25 for material not separated. All this does is take some of that

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DENVER, COLORADO

1 to the recycling operation.

2 UNIDENTIFIED SPEAKER: In other words, you would not
3 fund anything other than materials for recycling?

4 MR. FOSTER: That's correct. We are looking only
5 for recyclable materials.

6 UNIDENTIFIED SPEAKER: When household garbage becomes
7 recyclable or an energy producing source, do you intend then
8 to fund that pick up?

9 MR. FOSTER: Perhaps ---

10 UNIDENTIFIED SPEAKER: I'm just pointing out the
11 general idea that there may be something the matter with the
12 concept of picking any of this up totally free because sooner
13 or later the public is going to have to come around to the
14 fact that the Government didn't mean to provide free service
15 in this area.

16 MR. FOSTER: I'm taking over for the EPA here and I'm
17 sorry. What we're talking about here is kind of a demonstrated
18 guess on these concepts and as they become economically
19 feasible then I think the Government will adopt that kind of
20 approach. It's kind of a start-up system which I think will
21 limit ---

22 MR. LOWE: I think it's important to understand what
23 the Federal money is used for and it's used for different
24 things in different projects. Frequently, it's used for
25 preconstruction and pre-operation activities such as the public

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DENVER, COLORADO

1 relations in advertising work necessary to make the household
2 understand how to participate in the program or to pay to
3 somebody for negotiating with the paper company that's going to
4 buy the paper or if a special kind of truck is required, it's
5 not likely that a truck manufacturer will invest the money in
6 a new type of truck unless it's had some kind of assurance that
7 the truck will be bought. If the Federal Government says well,
8 we'll buy the truck for this purpose, then they have that
9 assurance and they will go ahead and make that truck.

10 There's always the question of, okay, let's say we
11 use a new kind of truck. Is that new kind of truck going to be
12 financially successful? Is the system in which it is used
13 going to be financially successful? That's a major question
14 and that's the reason why we invest the money initially. So
15 far, we haven't had the problem with having a free of charge
16 system and raising the public's expectations.

17 UNIDENTIFIED SPEAKER: In other word, the public
18 has always been willing to pick up the costs later after it's
19 no longer funded?

20 MR. LOWE: Yes, they have. Or, what we've been
21 funding was something that was new and additional to what they
22 were paying before. Generally, we fund one small segment of
23 the total operation of the local government and the public
24 doesn't always perceive the change because it's usually so
25 small.

1 UNIDENTIFIED SPEAKER: Under this section of the
2 bill, would there be similar educational processes whether it
3 be literature or otherwise? I think what bothers me more
4 about the resource recovery is nobody ever talks about the bad
5 things that can happen and a lot of people get into it before
6 they realize all the other alternatives that they didn't
7 realize when they started.

8 MR. LOWE: That has been a problem and we, ourselves,
9 were guilty of that up until about three years ago. I think
10 if you read our literature, I think we have earned the
11 reputation that we tell both sides of the story. We will not
12 enter into a demonstration or evaluation project unless there
13 is built into the project some mechanism for gathering data
14 and analyzing and reporting it in some meaningful fashion. In
15 our list of available information are a number of reports. We
16 will not enter into a demonstration project unless we are
17 provided in advance for the preparation of reports.

18 Just to give you an example of how important that is
19 to us, it used to be that we would have the grantee write
20 the reports. Well, grantees are not report writers necessarily.
21 They are public works directors who are responsible for making
22 machines work, not necessarily engineering investigators.
23 So, what we have done is hired research firms and consulting
24 firms to gather this kind of data and write these reports and
25 these reports are available and if you'll write to us, we'll

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DENVER, COLORADO

1 send you a list of what things are available.

2 MR. McCLURE: Tim McClure with the Colorado Open
3 Space Council on Solid Waste Recycling Workshop.

4 Our main obstacle --- we're sort of a coalition on
5 recycling projects across the state. I'd like to mention some
6 of the problems we have in trying to organize and continue
7 operating recycling projects. The main one is transportation.
8 There is just not sufficient and cheap enough transportation to
9 haul the materials.

10 Another is processing machinery and storage facilities.
11 We desperately need a bigger storage facility so we can
12 economically ship things in the Denver area or somewhere in
13 Colorado, anyway.

14 Another thing we would like to see is some kind of
15 motivation for private enterprise to start using the
16 recyclable products. For instance, a big problem here is the
17 facilities for recycling glass are very limited here and try to
18 ship it clear to Oklahoma City --- it's hardly worth it for the
19 price of glass. So, if we could get private enterprise
20 interested in making glass jars or what not made from cullet
21 here in Colorado, that would solve that problem.

22 I think if those things can be addressed when you're
23 implementing this Act, rather than just all the studies, we
24 will have a pretty good situation.

25 MR. LOWE: Thank you. Let me make two comments in

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DENVER, COLORADO

1 response. One is, most of the equipment used in solid waste
2 processing has been borrowed from other industry, food
3 processing, mining, that kind of thing, lumber and paper
4 machines and some of it needs refinement and in some cases that
5 refinement is taking place in demonstration projects and in
6 other cases it's taking place on its own and over time that will
7 improve, but you're right. At the time, it's a problem.

8 Also, you mentioned the incentives for using
9 recycled materials. These studies that I mentioned that the
10 Resource Conservation Committee will undertake will address
11 that. Some of the studies we have been doing in house will
12 address things like that. By studies, I mean, we have a
13 gutt feeling that certain things will work and we have one
14 concept that we're working on now that we think will be
15 effective and politically acceptable. But, before we can
16 persuade other people that it will be, we have to do analyses
17 to see what the results will be to give people an idea what
18 will happen with this, to give people some idea what would
19 happen if this kind of a measure would be passed. We have to
20 explain it to them in terms that they will understand and
21 using data sources that they will believe and that takes
22 a lot of time and persuasion going to this guy and that guy
23 and when we say studying, that's a lot of the time.

24 MR. YEAGLEY: Are there any other questions on this
25 subject?

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1 (Pause.)

2 MR. YEAGLEY: Okay, let me make a comment that we
3 are right at about 12 noon. We only have one more section.
4 So, if you'll bear with us, we'll proceed with that and pick
5 up a couple of presentations that we will have from the
6 audience and then we'll adjourn, hopefully somewhere close to
7 the time that we can all get something to eat.

8 I'll present Bruce Weddle to you to speak on state
9 and local program development.

10 MR. WEDDLE: One of the clear messages of the
11 Resource Conservation and Recovery Act is that states should
12 play a dominant role in solid waste management. By that, I
13 don't mean to minimize the local role and you'll see why as
14 we progress. But, the states will be responsible for
15 administering both the hazardous waste provisions of the Act
16 as well as eliminating open dumps. The Governor, in
17 consultation with local elected officials, is given the
18 flexibility to structure a mechanism for preparing and
19 implementing solid waste plans which build on existing
20 efforts. At the Federal level, the EPA will publish
21 guidelines for the identification of regions, state plans,
22 and state hazardous waste programs. I'd like to focus on the
23 non-hazardous waste aspects for the rest of my talk.

24 Essentially, Sub-title B requires EPA to publish
25 two sets of guidelines: 4002(a) and 4002(b). The first set

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1 identifies regions and the second set identifies what should
2 be an acceptable state plan. The first step for the 4002(a)
3 guidelines are really a three step process on which EPA has
4 one part. The first part is that EPA by this April will
5 publish guidelines for the identification of those areas which
6 have common solid waste problems and are appropriate units
7 for planning regional solid waste services. After the
8 publication of those guidelines, the Governors of each state
9 have six months to work with local communities and local
10 elected officials to identify boundaries of areas within each
11 state which will then be used for regional and local planning.

12 Following the designation of those boundaries, the
13 Governor then has another six months, working again with local
14 elected officials to identify an agency or agencies within each
15 of those regions to implement the state plan. The Governor
16 also has to identify an agency to oversee that state plan.

17 In doing so, it's important for the Government to
18 consider existing multi-functional agencies having authority
19 for solid waste planning and management. An example of one of
20 these agencies could be the 208 agencies, created under
21 Public Law 8200. Certainly a minimum of linkage should be
22 established between the state solid waste planners and the
23 208 planners. In some cases, the 208 agency may be the
24 designated agency for solid waste planning.

25 The second set of guidelines which will be developed

1 concurrently and published in April 1978, 18 months after the
2 passage of the Act. Section 4002(b) requires the Administrator,
3 again after consultation with Federal, State and local
4 authorities, to promulgate guidelines to assist in the
5 development and implementation of state plans.

6 These guidelines must, at a minimum, prohibit the
7 establishment of open dumps within the State and require that
8 all state plans require either resource recovery or disposal in
9 sanitary landfills. Again, it's either open dump or sanitary
10 landfills for resource recovery.

11 State plans must have a provision for the closing or
12 upgrading of all existing open dumps within the state. It
13 must also have a provision for the establishment of such state
14 regulatory powers as they may be necessary to implement the
15 plan. It must also have a provision that no local government
16 shall be prohibited under State or local law from entering into
17 long-term contracts for the supply of solid waste to resource
18 recovery facilities.

19 (Slide.)

20 I'd like to step back from my planned presentation
21 and ask a favor from each of you in the audience. What you're
22 saying is being duly recorded and will be assimilated by the
23 EPA. I think another way that you can have an even stronger
24 impact in the way of guidelines and rules and regulations and
25 that would be to express your concerns in writing to the

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1 Regional Office on whatever matter is of concern to you. For
2 example, throughout the day we have talked about appropriation
3 levels versus authorization levels and there is quite a
4 difference. In some cases, I think we have to face reality,
5 sufficient funds won't be available to do all the things that
6 this legislation suggests or requires and there may be other
7 ways to get around some of your concerns. For example, one
8 gentleman mentioned the isolated rural areas north of here and
9 he was concerned about funding for local communities to pay for
10 equipment and funding to upgrade dumps in his area to sanitary
11 landfills. If that funding isn't available --- and it probably
12 won't be --- maybe there's another approach to the problem of
13 rural communities. Perhaps the criteria under 4004 could be
14 made into several classifications. Maybe one could be a
15 classification for rural areas and one could be for communities
16 of less than 10,000 or counties with less than 10 people per
17 square mile.

18 We in Washington have often been ^{intended}intended by
19 environmental groups who say that groundwater should be
20 protected at all costs; There will be industry lobbyists
21 who will have their own views; There will be the National
22 League of Cities with their own views. I think the best way
23 for your views to be heard is through direct form of
24 communication with your Regional Office or through your lobby
25 groups.

1 This slide shows the authorization of FY 78 and FY 79.
2 This money will be allocated according to population formula
3 with no state receiving less than one half of one percent.
4 Local funds will be distributed under the state's own criteria
5 although we would suggest some alternatives in the disbursement
6 policies.

7 The FY 77 budget has been changed by the Carter
8 Administration. Rather than tell you what the changes are,
9 the Carter budget which will be submitted to Congress, I think
10 this week, includes \$12 million in FY 77 funds currently under
11 the general authorization for both Sub-title D and Sub-title C
12 planning and an additional \$5 million which will be allocated
13 through the 208 planning agencies for residual planning by the
14 agencies.

15 (Slide.)

16 Section 4008(a)(2) authorizes \$15 million for fiscal
17 '78 and fiscal '79 to state and local governments for
18 implementation of programs to provide for resource recovery and
19 hazardous and non-hazardous waste management and studies.
20 This assistance includes facilities planning and feasibility
21 studies, consulting fees, surveys and analyses of marketing of
22 recovered resources, technology assessments, legal expenses,
23 construction feasibility studies, and on and on and on and on.

24 It specifically excludes construction funds or the
25 acquisition of land. Unfortunately, under the current budget

1 submitted to Congress, that is the \$12 million Carter budget;
2 it's not likely that there will even be sufficient resources
3 to fund this section.

4 The first priority as we see it, is to establish
5 state programs for both hazardous waste and for land disposal.
6 The second priority would be the local funding and I would like
7 to hear your thoughts and comments on that statement after I
8 finish.

9 What I just said is our current thinking and it
10 certainly can be swayed by your comments and the comments
11 received by the other regions.

12 (Slide.)

13 The last slide I have discusses rural communities
14 assistance. Again, \$25 million is authorized in FY 78 and
15 79. These will be used for grants to states for assisting
16 communities with populations of less than 5,000, and counties
17 with populations of less than 10,000 or less than 20 people
18 per square mile. This does include equipment purchase but
19 excludes land acquisition.

20 I would urge communities that fall into this
21 classification not to plan on any funding under this section
22 in the near future. I seriously doubt whether Congress will
23 appropriate sufficient funds for this section to be adequately
24 implemented. Indeed, it's my own thinking that we as an
25 office would be better off not funding this section at all

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1 ^{RATHER} than funding at a minimal level. The reason I say that is, if
2 there was only one or two million dollars available under this
3 section, many communities would wait in the hopes of getting
4 this money, rather than taking the steps they will have to
5 take anyway to comply with the 4004 criteria. So, unless the
6 Congress or the Administration decides to fund this somewhere
7 near the full level, we, as a nation, are probably better off
8 with no funding at all. Again, we encourage your comments.
9 That statement is my own opinion, not the opinion of the
10 office.

11 Rather than elaborate on this, I'd like to entertain
12 any comments you have now.

13 (Pause.)

14 MR. WEDDLE: No comments about what I just said about
15 local governments and priorities?

16 (Pause.)

17 MR. WEDDLE: Can I assume then that you all agree
18 with what I said?

19 (Pause.)

20 MR. WEDDLE: Again, it's my opinion that state
21 planning is probably the most important thing we can do with
22 the initial funds we receive and local grants and special
23 grants and other grants are of a secondary priority.

24 MR. YEAGLEY: I might make the general comment that
25 if you don't agree with this type of approach, it might be

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1 appropriate to shoot a letter off to your Congressman or
2 Senator and suggest to him that additional money might aid us
3 in meeting some of the situations that don't come right out
4 on the top priority.

5 MR. WEDDLE: I might add that it would be very
6 useful to send a letter to the Regional Office or to us
7 because what I have stated today is current thinking and
8 certainly not concrete. A case could be made for the
9 implementation of those state plans or a minimal funding of
10 other sections of the legislation. We'd be glad to take a
11 look at your comments.

12 MR. YEAGLEY: With that in mind, I would suggest
13 that if you have a comment that you'd like to put in writing
14 to the Regional Office, you can send it to me. Our address is
15 1860 Lincoln Street, Suite 900, Denver, Colorado, 80203.

16 At this time, I'd like to call on Frank Rozich.
17 Frank has a prepared statement he'd like to give to us.

18 While Frank is coming up, for those of you who don't
19 know him, he's the Director of the Water Quality Control
20 Division of the Colorado Department of Health.

21 MR. ROZICH: That was it until October 1 and at that
22 time we had a reorganization and now it's the Water Quality
23 Control and Public Health Engineering Division which includes
24 water supplies, water pollution controls, solid waste and
25 swimming pools and anything else they can throw at us.

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1 I might point out that this statement which we'll
2 turn in, incidentally, was prepared by Orville Stoddard who
3 heads up our solid waste program and he did plan to be here
4 but unfortunately, he didn't plan too well since he also has
5 a training session down in Southeast Colorado today so he
6 asked me to at least point out some of the highlights of it
7 and that's about all I'll do.

8 We do, I think, after listening to today's discussion,
9 we'll probably submit another letter later on. Of course, not
10 knowing what was going to come out of this discussion, we
11 didn't address it at that time. This is very general in
12 nature and more or less tells what we are doing in Colorado.

13 The Colorado Solid Waste Disposal Act was enacted in
14 1967, amended in 1971 and again in 1976, the latest being the
15 change to allow for agrinomic use of sludges. This State Act
16 provides for regulatory control of land disposal sites and
17 facilities. The location, design and operation of new sites
18 and facilities have improved considerably as a result of the
19 requirements for engineering reports and operational plans
20 and of course, minimum standards which we developed. County and
21 regional solid waste management planning projects were
22 encouraged and have initiated cooperative approaches to improve
23 solid waste management practices. The use of transfer systems,
24 improved landfill technology, and conversion of substandard
25 sites to sanitary landfills are results of planning and

1 implementation by local governments and private entities.

2 Presently there are no designated sites and facilities
3 in Colorado for storage, processing and disposal of non-
4 radioactive hazardous wastes nor specific requirements for
5 generators and transporters of hazardous waste. Incidents
6 of environmental damage and property damage have occurred as a
7 result of uncontrolled disposal of chemicals in landfill
8 sites. Some hazardous wastes are presently being shipped
9 regularly out of state to hazardous waste sites in Idaho and
10 Nevada.

11 There are some resource conservation recycling
12 projects in operation in Colorado. They rely heavily on
13 volunteer help for separation of reusable materials such as
14 ferrous, non-ferrous metals, paper, corrugated paper and
15 glass. The feasibility of using shredded refuse as a fuel
16 supplement to generate electricity was investigated by the
17 Denver Regional Council of Governments. Even though available
18 technology indicates this can be done, various constraints
19 prohibited its implementation.

20 The objectives of this Act are consistent with those
21 of our Department. The cooperative development of regulations,
22 standards and guidelines with provisions for technical and
23 financial assistance in planning and implementation can improve
24 solid waste management practices throughout Colorado.

25 Our department supports this Act and encourages funding

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1 of authorized amounts for planning, implementation, and
2 construction of improved solid waste management systems to
3 protect public health and the environment in Colorado and
4 the nation as a whole.

5 Thank you.

6 MR. YEAGLEY: Thank you, Frank.

7 MR. LEHR: One question. I'm assuming that by your
8 support of the Act and the purposes of the Act, when the time
9 comes for the State's assumption of some of the responsibilities
10 you, at this point anyway, intend to proceed to that end; is
11 that correct?

12 MR. ROZICH: We are presently proceeding there.
13 One of our first acts was to set up a committee consisting of
14 environmentalists, local officials, industry people in the
15 refuse collection and disposal area and this committee has
16 been meeting once a month. We're presently working on the
17 work plan to be submitted to EPA. Our next procedure will be
18 to look at our Act and compare it to the Federal Act to see
19 what changes need to be made and of course, we're looking
20 for the guidelines to come out of EPA so that we can
21 manipulate ours accordingly.

22 However, as I pointed out earlier, we are going to
23 be looking very closely as to what we intend to assume if
24 there isn't the funding to carry out or implement whatever we
25 do assume like the permit plan and so forth. Our present

1 thoughts are --- and I was talking during the break to the
2 gentleman from EPA here. I think we're pretty much in accord
3 in that we are looking to have the program implemented on as
4 low a local level as is possible with the State acting only as
5 an overseer and of course stepping in wherever the locals
6 can't handle it.

7 MR. YEAGLEY: Any other questions on this State
8 situation?

9 MR. EDEEM: Eric Edeen, Eagle County.

10 Getting back to Bruce Weddle's comment on rural
11 community assistance, I don't believe that they should be
12 across the board excluded. If there are some opportune
13 situations where this situation would prove to be a
14 worthwhile project, I think this should be pursued.

15 MR. WEDDLE: I guess in concept I agree with you, but
16 our experience has been that with the limited amount of money
17 for local governments, you and 5,000 other local communities
18 stop working on everything they are doing and wait until they
19 find out if they are going to get Federal monies to do it.
20 And perhaps we can only fund 1 or 2 percent of that 5,000 and
21 as a result the net environmental effect is a loss because
22 this money has hindered progress rather than assisted in
23 progress. So, my point was if we are going to fund under this
24 section, we ought to have enough money to do it right so that
25 we don't hinder the progress of the community.

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1 MR. LEHR: Let me expand on that. I want to make
2 sure everybody understands completely that EPA policy on any
3 of these items has not been defined. I want to make it clear
4 that on any of these items that we've addressed today, that
5 EPA policy and implementation of this Act has not been defined.
6 These public meetings are for the purpose of assisting in
7 defining those policy calls that are going to have to be made.
8 Issues of who gets the funding are nowhere near being defined
9 at this point. This is why we are getting your input and your
10 comments and thoughts are being solicited and are appreciated.

11 Any budget issues, since the budget has not been
12 defined, is also up for considerable speculation. I urge you
13 to keep that in mind as you consider the fact that priorities
14 have to be set in implementing a lot of these things in this
15 new ^{gis} legislation. How many dollars will be available EPA
16 doesn't know yet. Clearly, everything can't be done and there
17 never is enough money to do everything, but decisions have not
18 been made for how much money will be given to various portions
19 or the implementation of this Act.

20 When you write your comments down --- and I urge you
21 to give this some more thought as you reflect back over the
22 meeting today --- as you put your comments down, if you would
23 keep in mind that the options are wide open in terms of policy
24 and budget questions in the implementation of this Act.

25 MR. EDEEN: It seems like in the past your emphasis

1 has been on the larger communities and that there is a need
2 for some work in communities of less than 5,000 population or
3 if you have examples of those. All of the examples that you
4 cited were from larger municipalities.

5 MR. LEHR: That's where the demonstrations were
6 because that's where the applications came from and because
7 that's where the matching funds are.

8 MR. GREY: I think essentially your comment is correct
9 that the focus has been on large technologies, large
10 communities and so forth, but that's why we have a new law that
11 specifically addresses itself to smaller communities and
12 smaller technologies. Now, what we need are the funds to
13 pursue that.

14 MR. WEDDLE: We have done a very limited amount of
15 local community work. Some in western Colorado a year ago with
16 a technical assistance program of about \$20,000. I forget
17 which area it was, but you're right. I think the reason for
18 that is the problem faced by a larger community is that
19 absolute magnitude sways the Agency to push resources into that
20 area. I think the environmental impact for a community of
21 5,000 is probably minimal compared to that of suburban Denver
22 and so forth. I think that's why Congress put this section in.

23 Congress can appropriate money under that section and
24 require EPA to spend it. It's not totally under our own perview
25 to say yes we will spend it or no we won't. It's FY 78 funds

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1 and it's up to both EPA and Congress to request funds in this
2 area.

3 My only point was that it ought to be funded at an
4 adequate level and we urge you in your correspondence to
5 whomever you write to to make that point because that's
6 something that we would intensify on in the progression of the
7 budget hearings. We certainly support funding at the rural
8 level and I think especially the Federal money that's in this
9 Act which includes purchase of equipment would be very
10 beneficial. So, I'm not trying to be adamant about my position,
11 just trying to see if you understand my point.

12 MR. YEAGLEY: Any other comments?

13 (No response.)

14 MR. YEAGLEY: Any comments in general about any of
15 the subjects we have dealt with today?

16 UNIDENTIFIED SPEAKER: What is your name?

17 MR. YEAGLEY: Jon Yeagley, Y-e-a-g-l-e-y.

18 MR. LEHR: Jon is listed in the program and the
19 address of our office is also listed on that yellow pamphlet
20 as a return address. Use that or anybody you can find down
21 there.

22 UNIDENTIFIED SPEAKER: Can we use the same address to
23 get the report on the 8002 study?

24 MR. YEAGLEY: Yes.

25 MR. WEDDLE: That study probably won't be complete

1 for 18 months. It's FY 78 funds and it started on FY 77 funds,
2 but the report to Congress isn't due until October of '78,
3 so you are going to have to wait awhile, unfortunately.

4 MR. LEHR: Perhaps if you have general queries and
5 you're not sure who to write to then use John Green. He is
6 also listed on the program. He is the Administrator and the
7 right person will get your letter.

8 MR. YEAGLEY: Anything else before we close this up?

9 MRS. SWIFT: Thank you for such an interesting and
10 clear explanation of this difficult-to-explain Act.

11 MR. LEHR: We appreciate your being here today.
12 There has been a big time commitment for you, but it has been
13 very helpful.

14 MR. YEAGLEY: Thank you, very much.

15 (Exhibits Nos. 1 and 2 were
16 received into the record.)

17 (Whereupon, at 12:20 o'clock p.m., the hearing in
18 the above-entitled matter was adjourned.)
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25

REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before the Environmental Protection Agency in the matter of: Public Hearing on the Resource Conservation and Recovery Act, Public Law 94-580, at Denver, Colorado, Thursday, March 3, 1977, was held as herein appears, and that this is the original transcript thereof.

FEDERAL REPORTING SERVICE
DENVER, COLORADO

Donna L. Gioia
Donna L. Gioia
Official Reporter
FEDERAL REPORTING SERVICE
980 Ursula Street
Aurora, Colorado 80011



COLORADO DEPARTMENT OF HEALTH

4210 EAST 11TH AVENUE • DENVER, COLORADO 80220 • PHONE 388-6111

Anthony Robbins, M.D., M.P.A. Executive Director

March 2, 1977

Mr. John A. Green
Regional Administrator Region VI
1860 Lincoln Street
Denver, Colorado 80203

Dear Mr. Green:

Landfills are used universally throughout Colorado for the disposal of solid wastes. Historically ravines and arroyos have been filled and some marginal land reclaimed for beneficial use. Constraints that keep sites and facilities from maintaining compliance with minimum state standards for sanitary landfills include economic, hydrological, geological, topographic, climatic and soils conditions. Increasing amounts of solid and liquid wastes, sludge and slurries add to operating problems and costs. Public acceptance of landfill sites and facilities is not readily obtainable within municipalities, suburban and developing areas, mountainous and agricultural areas.

The Colorado Solid Waste Disposal Act was enacted in 1967, amended in 1971 and 1976. This State Act provides for regulatory control of land disposal sites and facilities. The location, design and operation of new sites and facilities have improved considerably as a result of requirements for engineering reports and operation plans, and compliance with minimum standards. County and regional solid waste management planning projects were encouraged and have initiated cooperative approaches to improve solid waste management practices. The use of transfer systems, improved landfill technology, and conversion of substandard sites to sanitary landfills are results of planning and implementation by local governments and private entities.

Presently there are no designated sites and facilities in Colorado for storage, processing and disposal of non radioactive hazardous wastes nor specific requirements for generators and transporters of hazardous waste. Incidents of environmental and property damage have occurred as a result of uncontrolled disposal of chemicals in landfill sites. Some hazardous wastes are shipped regularly out of state to hazardous waste sites in Idaho and Nevada. This R.C.R. Act provides for regulatory control of hazardous waste from generation sources to final disposal by the Environmental Protection Agency or by a State Agency. The control measures must be as stringent as E.P.A. requirements.

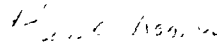
There are some resource conservation and recycling projects in operation in Colorado. They rely heavily on volunteer help for separation of reusable materials such as ferrous, non-ferrous metals, paper, corrugated and glass. The feasibility of using shredded refuse as a fuel supplement to generate electricity was investigated by the Denver Regional Council of Governments. Even though available technology indicates this can be done, various constraints prohibited implementation.

Coordinated planning efforts can favorably effect the feasibility of resource conservation and recovery alternatives. The Federal Resource Conservation and Recovery Act of 1976 has objectives to provide for regulatory control of hazardous wastes from its source to final disposal by the E.P.A. Administrator or State Agency. This Act provides technical assistance and funds to State, regional and local entities for solid waste management planning and implementation. This Act broadens the roles of the public and private sectors in solid waste management including land disposal, hazardous waste management, resource conservation and recovery.

The objectives of this Act are consistent with those of this Department, as indicated above. The cooperative development of regulations, standards and guidelines with provisions for technical and financial assistance in planning and implementation can improve solid waste management practices through out Colorado.

This Department supports this Act and encourages funding of authorized amounts for planning, implementation and construction of improved solid waste management systems to protect public health and the environment in Colorado.

Sincerely yours,



Frank Rozich P.E., Director
Water Quality Control Division

FR/OS/jj



The League of Women Voters of Colorado
1600 Race Street
Denver, CO. 80206
303 - 320-8493

STATEMENT

to the

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF SOLID WASTE

March 3, 1977

Since I am unable to attend the meeting, I wish to submit this prepared statement for the official transcript of the Public Discussion Session on the Resource Conservation and Recovery Act (PL94-580) in Denver, Colorado on March 3, 1977.

We believe that democratic government depends upon the informed and active participation of its citizens and requires that governmental bodies protect the citizens' right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. In order to facilitate informed and active participation, we suggest the following:

1. Since many citizen groups depend on monthly newsletters to dispense information to their membership, it would be helpful if notices of public meetings, plan changes, hearings, etc. could be received at least 30 days prior to the date of the meeting.

2. The right of the public to know the results of research projects, pilot systems and demonstration projects should be interpreted to include measures for immediate release of the information, perhaps within 60 days of completion.

The League of Women Voters was involved in an EPA project in June and July of 1975,

but the results were not made public until October of 1976. This time-lag should not be considered to satisfy "Right to Know" requirements.

We commend those responsible for creating and implementing the Resource Conservation and Recovery Act. As a result of our nationwide study of solid waste practices, the League of Women Voters has recommended since 1972 that the federal government should establish policies and programs to increase the demand for secondary materials. We suggest that the Department of Commerce include in its studies methods to:

- . Equalize tax treatment for virgin and secondary materials by such methods as reduction of tax exemptions for extractive industries and increase of tax exemptions for secondary materials industries.
- . Equalize transportation costs for virgin and secondary materials.
- . Increase changes for federal land uses which yield virgin materials.
- . Reduce subsidies for the use of inorganic fertilizers and/or offer subsidies for the use of compost and sewage sludge.
- . Offer tax benefits to companies which install equipment that allows use of recyclable materials.
- . Revise federal specifications for products made of reclaimed materials.
- . Increase federal government purchase orders for products made of reclaimed materials.

As the staff at E.P.A. are well aware, the League of Women Voters believes the federal government should establish policies and programs to encourage recycling of post-industrial and post-consumer wastes and to reduce the generation of solid wastes. We would emphasize the importance of subtitle H, "Research, Development, Demonstration, and Training" for the planning, implementation, and operation of resource recovery and resource conservation systems, including the marketing of recovered resources..the production of useable forms of recovered resources,

including fuel, from solid waste, the reduction of the amount of such waste and unsalvageable waste materials. Studies in the Denver area indicate we should be able to process our waste and recover materials and energy, but the technology suggested for our specific needs is still beyond what most local governmental officials consider a reasonable cost.

Even before high technology systems there is an immediate need for small scale and low technology solid waste management systems, including, but not limited to, resource source separation systems. Need we remind you of our work in many states on "Bottle Bills" to effect source separation of a specific material? We would like to see funding patterns that reflect the energy and financial savings in source reduction or source separation more than in the high technology systems. Most counties in Colorado are much more concerned with rural systems and source separation than with waste conversion or high technology systems.

Finally, a comment on the state Program Development. The League of Women Voters supports measures to improve the coordination, effectiveness, and efficiency of governmental units within the state of Colorado toward furthering integrated planning for environmental management. We would suggest that planning be coordinated with, or done by, the 208 Water Quality Management planning areas, where practical. Areas which are already planning for energy impact, growth management or the provision of other services. We do not support the proliferation of planning agencies. The programs should take into account the quality of life and provide the greatest benefit to the greatest number of citizens, present and future.

We again ask that the public be involved early in the decision-making process and that alternative solutions be considered. Public hearings on the state plan should be held throughout the state. This public meeting is evidence of E.P.A.'s interest in public involvement. We can only underscore the importance of public

awareness and involvement if we are all to succeed in promoting the protection of health and the environment and conserving valuable material and energy resources.

Clara Lou Humphrey
Clara Lou Humphrey
League of Women Voters of Colorado
Solid Waste Chairman

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 OFFICE OF SOLID WASTE
3 WASHINGTON, D. C.

4 and
5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
6 REGION VIII
7 1860 LINCOLN STREET
8 DENVER, COLORADO
9

10
11 PUBLIC DISCUSSION SESSION
12 ON THE
13 RESOURCE CONSERVATION AND RECOVERY ACT
14 "PUBLIC LAW 94-580"
15

16 Friday, March 4, 1977
17 Hilton Hotel
18 150 West 5th South Street
19 Salt Lake City, Utah
20

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22
23
24 Reported by:
25 Barbara G. Andersen, CSR

I N D E X

<u>SPEAKERS</u>	<u>QUESTIONS OR REMARKS BY</u>	<u>PAGE</u>
<u>Introduction and Overview of Resource Conservation and Recovery Act:</u>		
JIM LEHR, Deputy, Air and Hazardous Material Division, United States Environmental Protection Agency Region VIII, Denver, Colorado		3
<u>Opening Comments:</u>		
MODERATOR - JON P. YEAGLEY, Chief, Solid Waste Section, United States Environmental Protection Agency, Region VIII, Denver, Colorado		8
<u>Manpower Development, Public Information, Public Participation:</u>		
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Mr. Yukus Y. Inouye		23
Mr. Randall S. Isham, Wildlife Biologist Utah Department of Transportation Room 408, State Office Building Salt Lake City, Utah		25

2			
1	<u>I N D E X</u> (Continued)		
2	<u>SPEAKERS</u>	<u>QUESTIONS OR REMARKS BY</u>	<u>PAGE</u>
3	<u>Hazardous Wastes:</u>		
4	ALFRED W. LINDSEY, Designate Chief, Implementation		
5	Branch, Hazardous Waste Management Division,		
6	Office of Solid Waste,		
7	United States Environmental Protection Agency,		
8	Washington, D.C.		25
9	Mr. LeGrand O. Jones, Assistant Manager		
10	Utah Motor Transport Association		
11	P.O. Box 686		
12	Salt Lake City, Utah		37
13	Mr. Lawrence Mills, General Manager,		
14	W. S. Hatch Company		
15	643 South 800 West		
16	Woods Cross, Utah		39
17	Ms. June Wickham		44
18	Mr. John Weber, Environmental Control Engineer		
19	Stauffer Chemical Company		
20	P.O. Box 25893		
21	Salt Lake City, Utah		46
22	Mr. Duane Whiting, Senior Hydrogeologist		
23	Ford, Bacon & Davis Utah, Inc.		
24	P.O. Box 8009		
25	Salt Lake City, Utah		48
	Mr. Yukus Y. Inouye		51
	Mr. Peter Poletto, Executive Director		
	Sweetwater County Priority Board		
	P.O. Box 632		
	Green River, Wyoming		53
	Mr. Alton Huffaker		
	Environmental Control Supervisor		
	Kennecott Copper Corporation		
	Box 11299		
	Salt Lake City, Utah		54
	Ms. Emily Hall		55
	<u>Land Disposal:</u>		
	BRUCE R. WEDDLE, Chief, Special Wastes Branch,		
	Systems Management Division, Office of Solid Waste,		
	United States Environmental Protection Agency,		
	Washington, D.C.		57

2			
1	<u>I N D E X (Continued)</u>		
2	<u>SPEAKERS</u>	<u>QUESTIONS OR REMARKS BY</u>	<u>PAGE</u>
3	Mr. J. Dewell, Environmental Control Engineer		
4	Phillips Petroleum Company		
5	Woods Cross Refinery		
6	Woods Cross, Utah		63
7	Mr. John Weber		64
8	Mr. Roger Stead, Chief		
9	Air and Solid Waste Program		
10	South Dakota Department of		
11	Environmental Protection		
12	Foss Building		
13	Pierre, South Dakota		65
14	<u>Resource Conservation and Recovery and Overall</u>		
15	<u>Technical Assistance:</u>		
16	ROBERT A. LOWE, Chief, Technical Assistance Branch		
17	Resource Recovery Division		
18	Office of Solid Waste Management Programs		
19	United States Environmental Protection Agency,		
20	Washington, D.C.		69
21	Mr. Yukus Y. Inouye		79
22	Mr. W. Robert Richards		
23	Kaiser Steel		
24	Box 452		
25	East Carbon, Utah		81
26	Mr. William F. Christoffersen,		
27	Regional Representative		
28	United States Brewers Association		
29	3027 East Bonnie Brae Avenue		
30	Salt Lake City, Utah		88
31	Mr. Randall Isham		93
32	Mr. John Weber		94
33	Ms. Joyce Hunt		95
34	<u>State Program Development:</u>		
35	BRUCE R. WEDDLE, Chief Special Wastes Branch,		
36	Systems Management Division, Office of Solid Waste,		
37	United States Environmental Protection Agency,		
38	Washington, D. C.		97
39	Mr. Robert A. Lowe on behalf of Utah Department		
40	of Transportation Representative		103

2

1

I N D E X (Continued)

2

<u>SPEAKERS</u>	<u>QUESTIONS OR REMARKS</u>	<u>PAGE</u>
-----------------	-----------------------------	-------------

3

W. Robert Richards		104
--------------------	--	-----

4

Mr. Roger Stead		110
-----------------	--	-----

5

Ms. Joan H. Ogden, Chairperson West Valley Multi-Community Committee 3454 South 7580 West Magna, Utah		114
--	--	-----

7

James Dean Maxwell, Environmental Specialist, United States Department of Agriculture Soil Conservation Service 125 South State Street, Room 4012 Salt Lake City, Utah		120
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9

10

11

12

13

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16

17

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19

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23

24

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E X H I B I T

General Report No. SWC - 174

Defenders of the Outdoor Heritage

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1 SALT LAKE CITY, UTAH, FRIDAY, MARCH 4, 1977: 9:00 A.M.

2 ---o0o---

3 MR. LEHR: It's time. We can begin, ladies and
4 gentlemen. My name is Jim Lehr, L-e-h-r. I am not on the
5 program or your agenda today. I am here on behalf of Jack
6 Green, Administrator from the EPA office in Denver, which
7 includes Utah in its area of activity. I am very pleased
8 that so many of you came out today to participate with us
9 in some dialogue on this new legislation.

10 Are you able to hear well enough? I won't be
11 the only one speaking today. The gentlemen on the panel
12 will also be discussing aspects of this legislation with
13 you, and so will you, I hope. The purpose of this meeting
14 is to get your input, your thoughts, your ideas, your
15 recommendations, your complaints, if you will, on this
16 legislation and how we might best go about implementing it.

17 EPA is having a series of these discussions
18 all across the country. In Region ^{VII} we're having our
19 second today. We had a meeting yesterday in Denver and
20 got many, many good suggestions, and ideas, and recommenda-
21 tions as to how we might best go about developing implemen-
22 tation plans for this legislation. That's the kind of
23 feedback we want from you today. Participate freely and
24 openly, please, and throughout the session. This legis-
25 lation is a major loop-closer in programs the federal

1 government, state governments have for protection of
2 environmental quality. You are aware of the Clean Air Act,
3 Drinking Water Act, and other water quality protection
4 legislation that EPA and other agencies have been working
5 with the last few years in developing environmental
6 protection programs. This new legislation closes that
7 loop, I think, in providing for full waste management
8 programs for those materials that are discarded, for those
9 materials that result from air pollution control activities,
10 water pollution control activities, and just plain discarded
11 materials. This is a very important piece of legislation
12 we'll see evolving over the next few years. We have
13 arranged for you today a series of four presentations that
14 cover the major points in that legislation, and at this time
15 I'd like to introduce those that will make the presentations,
16 and they'll be introduced again later on. The panelists,
17 starting from the far left, are Mr. Fred Lindsey, who is
18 Chief of the Implementation Branch, Hazardous Waste Manage-
19 ment Division in our office in Washington and Office of Solid
20 Waste. To his right is Bruce Weddle, who comes to us also
21 from the office in Washington, the Office of Solid Waste,
22 who is Chief of the Special Waste Branch. To his right is
23 Val Grey, who is also from our office in Washington and
24 is the Chief of the Program Management and Support Service.
25 And at this table on the left is Bob Lowe, L-o-w-e. He's

1 not on the program, either. He's here in place of Tom
2 Canfield and Bob will give you his title. He's Chief,
3 I think, of the Hazardous Waste --

4 MR. LOWE: Resource Recovery and Technical
5 Assistance Branch.

6 MR. LEHR: -- Resource Recovery and Technical
7 Assistance Branch in our Washington office.

8 And then Jon Yeagley, the Moderator today, is from
9 our office in Denver. He's Chief of the Solid Waste
10 Section ~~and~~ ^{in the} Hazardous Materials Division.

11 Before we begin with the panel presentations,
12 I wanted to call your attention to a couple of things
13 and provide you a little summary of my perspective of the
14 major thrust of this legislation. As you came in, I
15 think most of you got copies, not only of the program
16 today, but also of an issue paper of the legislation itself
17 and a summary sheet of the legislation. EPA has been trying
18 to cope with the many, many issues that have to be resolved
19 in deciding how best to implement this legislation. Many
20 of those issues are in that paper that you received when
21 you came in. We're here to get input from you on those
22 issues, some additional thoughts from you either here or
23 later. And I'll make clear on the record we'll be open for
24 some time for your thoughts following the meeting today.
25 And for mailing addresses, you might use the address that's

1 on this yellow program; that's the address of the office of
2 the EPA in Denver, and we would appreciate hearing from you
3 and we will transmit to whomever is necessary whatever your
4 input might be. John Green is the Regional Administrator.
5 Address your communication to him or to Jon Yeagley, who
6 is going to compile all this input.

7 The nation has faced an enormous problem, as
8 you know; a problem of some three to four billion tons
9 of discarded material generated and material that needs
10 to be disposed of each year, some ten million tons each day
11 of solids and liquid and contained gaseous kind of material.
12 This legislation deals with that material. It's not simply
13 a Solid Waste Act; it's a piece of legislation that tries
14 to cope as best as possible with disposal of this enormous
15 amount of waste. Included in this three to four billion
16 tons each year is some thirty million tons of an enormous
17 and unbelievable number of truly hazardous material;
18 material that can blind and can maim and can harm public
19 health, yours and mine; material that needs special handling;
20 material that enters our water and our air and can enter
21 our food chain. And in the interest of public health and
22 in coping with this enormous amount of waste, Congress has
23 enacted this legislation. In October this last year, after
24 many, many years of coping with the two old acts, the 1965
25 and 1970 acts, many meetings involving public industry and

1 government agencies and several Congressional committees,
2 this act does several major things in grappling with the
3 problem. One is to establish a hazardous waste regulatory
4 and control program, which you'll hear about later this
5 morning in great detail, but a program that will truly man-
6 age these toxic materials, these hazardous materials with
7 an enforceable regulatory program for the first time. This
8 act also establishes waste management programs that are to
9 be the result of the best thinking industry; state, regional
10 and local governments; along with whatever support the
11 federal government can give, in establishing more than
12 sanitary landfills and establishing more than dumps, in
13 establishing as best as possible full waste management
14 systems. The act also puts major emphasis for the first
15 time on reducing volumes or reusing them or reusing
16 the discarded material, recycling it, and putting it back
17 into the system. Those three, I think, are the primary
18 thrust of the legislation.

19 The slide on the screen gives some of the
20 legislative objectives I mentioned in the protection of
21 public health as the primary objective; protecting environ-
22 ment, visual environment as well as health environment;
23 conservation for natural resources and for energy resources.

24 And these objectives will be achieved through a
25 variety of techniques with major emphasis on technical and

1 financial assistance to the state and local governments
2 which the act calls for doing the job. It's not a federal
3 program. The action for this kind of program has to be
4 with state and local and regional governments, and EPA's
5 intent is to encourage that: manpower development,
6 training kinds of things, prohibition of open dumping, the
7 future of this act, conversion or closing of existing
8 open dumps. You'll hear more about it. It's another
9 feature in this act, and, of course, the regulation of
10 hazardous wastes.

11 Jon, if you want to begin to give some last
12 minute instructions?

13 CHAIRMAN YEAGLEY: Let me just make a couple of
14 comments about what we are going to be doing here, how
15 we'd like to have you participate. Just to emphasize the
16 point that Jim has already made, our purpose in being here
17 this morning is to gather your input on how we can best
18 implement this Resource Conservation Recovery Act.

19 Somewhat differently than previous federal acts,
20 we are seeking out your input prior to having made major
21 decisions that will be required as a result of this act, and
22 we're hopeful that going about public participation in this
23 manner will not only allow you to have more timely input
24 but will also allow us to have the benefit of some of the
25 grass-roots experience. Obviously we get a little distant

1 from the problem, as I'm sure you are well aware, and I
2 think it's important that we seek your help and your input.
3 So therein lies our purpose. We hope you'll take advantage
4 of this opportunity to give us your concerns, your comments,
5 whatever. We would be glad to hear from you as we go on.
6 I will just mention: If you'll refer to the program, you'll
7 note on there that we have four speakers -- actually five
8 speaking slots. Each speaker will speak for ten minutes --
9 ten minutes or less, let's put it that way -- and I'll
10 encourage the speakers to stay with that. After ^{each} ~~teach~~ topic,
11 then, we'll have approximately thirty minutes of just public
12 input: your comments, questions, statements, whatever. I
13 will ask when you ask a question or make a statement, please
14 state your name and your association -- who you're with --
15 for the benefit of the reporter. We are transcribing the
16 entire meeting, which will help us as we go back and try to
17 formulate this information into regulations and standards
18 and criteria. Please give your name and your association.
19 Those of you who have filled out a registration form and
20 indicated that you'd like to make a prepared statement, I
21 will call on you for your statement based on which of these
22 blocks at the bottom you have marked as it appears in that
23 section of the program. Now, let me just make one comment
24 on that: If for some reason you have to leave earlier than
25 that section comes up, just let me know, and we'll try and

1 be very informal here and we'll get you in ahead of time.
2 I'm interested in hearing all of the statements and all of
3 the questions. And if you feel that you have to leave
4 earlier than that time, when we get to that point, let us
5 know and we'll squeeze you in.

6 For the benefit of the gal doing the transcrib-
7 ing I'll suggest that we try to talk one at a time -- and
8 I'll make every effort to insure that we do -- and also talk
9 hopefully, at a decent place.

10 If you have trouble keeping up with us, just
11 holler. We'll try to adjust to that. Okay.

12 Jim mentioned some handouts that you all picked
13 up at the door. Unfortunately they weren't at the door
14 when you came in, so I'm sure that most of you don't have
15 them; however, they are there now. Correct? Okay. Some-
16 time during the meeting, if you happen to be back at the
17 table in the back, we do have about four handouts; we have
18 copies of the act, we have copies of the overview that Jim
19 was mentioning of the special issues, and we have some other
20 associated literature with the ~~New Resources~~ Conservation and
21 Recovery Act. They're available to you, and we encourage
22 you to pick them up.

23 I think that's about all the comments that I
24 need to make at this time, and with that in mind, we'll
25 proceed right on into the program. Again, I encourage you

1 to be informal. If you do have a prepared statement
2 and if you have it written down, it will be very helpful
3 to us if you could give us a copy of it. If it turns out
4 to be your only copy, put your name and address on it and
5 we'll send it back to you next week. But it would be very
6 helpful to the gal that's doing the transcribing to have
7 that to insure that what you say is actually what gets
8 printed.

9 At this point, then, we'll move head, and I'll
10 introduce Val Grey, who will be talking on the plans
11 for development of public information and public partici-
12 pation sections.

13 MR. VAL GREY: I think Jim was trying to say
14 that the spelling of some of the more technical terms
15 would be corrected by your submitting a copy of your
16 prepared statement.

17 The Resource Conservation and Recovery Act
18 of 1976, which we have started to term "RCRA" -- you'll
19 be hearing that all morning -- contains an unusually
20 complete array of provisions which could bring about a high
21 degree of public understanding and participation. Taken
22 together, these various provisions make it clear that the
23 Congress understood that it was impossible for the public
24 to participate meaningfully unless the government first
25 produced valid scientific and technical data and then

1 processed and published the information in such a way that
2 everyone may have access to it. Only in this way can you,
3 the public, have a reasonable chance of influencing the
4 social, economic, and political changes which the law is
5 designed to bring out.

6 Now, in Section 8003 the Administrator of EPA is
7 required to develop, collect, evaluate, and coordinate
8 the information on nine key elements which are crucial to
9 the Act's purposes. The Administrator is not only to
10 implement a program for the rapid dissemination of this
11 information; he is also to develop and implement educational
12 programs to promote citizen understanding. This makes it
13 quite clear that the information called for is not to be
14 developed for the exclusive use of those who, for one reason
15 or another, may be considered "experts" in the field, but
16 for everyone. Moreover, the Administrator is asked to
17 coordinate his actions and to cooperate to the maximum
18 extent possible with state and local authorities and to
19 establish and maintain a central reference library for
20 virtually all kinds of information involved in solid waste
21 management for the use of state and local governments,
22 industry, and again, you, the public.

23 Now, who is the public? To insure the public
24 participation process does not become lopsided, we felt it
25 was necessary to identify major categories of interest

1 groups who represent the public at large. Under RCRA we
2 regard these to include the consumer; environmental and
3 neighborhood groups; trade, manufacturing, and labor
4 representatives; public health, scientific, and professional
5 societies; and governmental and university associations.
6 This spectrum of categories of representative groups will
7 be altered and supplemented as necessary if, in the course
8 of implementing the Act, it appears purposeful to do so.

9 What does the law say about public participation?

10 Section 7004(a) of the Act states that any
11 person may petition the Administrator of EPA for the
12 promulgation, amendment, or repeal of any regulation under
13 this Act.

14 Section 7004(b) deals with public participation.
15 It states that public participation in the development,
16 revision, and enforcement of any regulation, guideline,
17 information, or program under this Act shall be provided
18 for, encourage, and assisted by the Administrator and the
19 States, and further, that the Administrator in cooperation
20 with the States shall develop and publish minimum guidelines
21 for participation in such processes.

22 Section 7002(a) states that public participation
23 in development, revision, and enforcement of any regulation
24 guideline information or program under this Act shall be
25 provided for, encouraged, and assisted by the Administrator

1 and the States and, further, that the Administrator
2 in cooperation with the States shall develop and publish
3 minimum guidelines for public participation. Section 7002(a)
4 states that any person may commence a civil action on his
5 own behalf against any person and "person" defined to include
6 the United States Government, who is alleged to be in
7 violation of this Act or against the Administrator if
8 there is an alleged failure by him to perform any act or
9 duty under this Act.

10 What are some of the available public participa-
11 tion techniques? The many techniques which can be used
12 to develop the public on governmental actions fall into
13 three major categories: (1) the use of appropriate public
14 meetings, hearings, conferences, workshops, and the like,
15 throughout the country, which EPA intends to plan and to
16 hold in consonance with the unfolding of the Act's key
17 provisions -- this meeting here this morning is one of those
18 actions. (2) the use of Advisory Committees and Review
19 Groups, which may meet periodically, but which will also
20 be called upon to review and comment upon major programs,
21 regulations, and plans, no matter when they occur and no
22 matter whether a specific meeting is convened or not. And
23 (3) the development of educational programs so that the
24 public has an opportunity to become aware of the significance
25 of the technical data base and the issues which emerge from it.

1 Effective public education programs depend on the
2 use of all appropriate communication tools, techniques, and
3 media. These include publications, slides, films, exhibits
4 and other graphics, media programs, including public service
5 television and radio announcements and releases to the daily
6 and professional press and public education projects
7 carried out by service and civic organizations with EPA
8 technical and financial assistance.

9 What does the law say about manpower development?
10 Sections 7007(a) and (b) authorize the Administrator of
11 EPA to make grants or offer contracts with any eligible
12 organization for training purposes for occupations
13 involving the management, supervision, design, operation,
14 or maintenance of solid waste disposal and resource recovery
15 equipment and facilities, or to train instructors.

16 "Eligible organization" is defined to mean a
17 State or any State agency, a municipality, or educational
18 institution capable of effectively carrying out such a
19 program.

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

1 obstacles to employment and occupational advancement in the
2 solid waste disposal and resource recovery fields. The
3 Administrator is required to report the results of such
4 investigation and study to the President and to the Congress.

5 That's my 10 minutes, and I will entertain any
6 questions at this time.

7 Yes, sir.

8 MR. YUKUS INOUE: My name is Yukus Inouye, and
9 I'm a County Commissioner of Utah County.

10 One question I have is that we do not wait in
11 Utah County to proceed. We have some problems now. What
12 about getting funding for the projects that's going on
13 now?

14 MR. GREY: Which projects are you talking about,
15 training projects?

16 MR. INOUE: Training and the gambit of resource
17 recovery.

18 MR. GREY: All right. I'm the first speaker
19 up here, but you will hear this probably all morning, but
20 funding is one of our major problems in implementing the
21 law. Currently we are under a fiscal '77 budget which was
22 budgeted, planned for, and appropriated under the old
23 Congress and under a previous administration for a previous
24 law. We have reprioritized our program and tried to
25 divert as many of the resources that we currently have for

1 all programs under the new legislation under RCRA. It's
2 far, far from being sufficient. Now, some programs are
3 not going to be funded at all. Our manpower and training
4 programs are not going to be funded. Our public partici-
5 pation program will be funded to some degree -- as you can
6 see, we're here this morning -- so we funded something. We
7 do have a library which is in embry^yonic form but can be
8 expanded for full use under the RCRA. We intend to have
9 public hearings with all of our regulations and guideline
10 development. We intend to have an Advisory Committee, as
11 I have indicated in here. We are funding an ~~Ad Hoc~~ Commit-
12 tee to begin with. This is '77 I'm talking about, and so
13 we are to some degree able to divert current resources.
14 Our first new budget under a new administration and a new
15 Act, RCRA, is under discussion this very week. We have
16 made it known through several means what our requirements
17 are to fully implement RCRA. Our total authorizations for
18 '78 ~~76~~ up to \$181 million. Currently it looks like we'll
19 have at the most around 45 or 46 million counting everything
20 I can count into that pot. Still we do not have sufficient
21 funds for manpower training developments. We may wind up
22 with a study, at best, on the manpower needs, but not much
23 more than that. On other special studies which involve
24 public participation programs, we'll have somewhat more funds.
25 I would say somewhere up to \$1 million of grant moneys for
the various sections of the law. But when we have 56 entities

1 in the United States -- 56 States because it includes
2 Puerto Rico and Guam and others, the District -- we're not
3 going to go very far with \$1 million. I don't know if that
4 answers your question, but I wanted to give you sort of a
5 broad base of the answer that you'll be hearing constantly
6 this morning.

7 MR. LOWE: I'd like to respond to Mr. Inouye's
8 question.

9 As a general rule we will not fund a project
10 to reimburse you for money that you've spent prior to
11 our approving an application for grant money. One reason
12 for this is that one of our purposes in giving money is
13 to induce recipients to do something. If you've already
14 done it, then that purpose no longer applies. In a sense,
15 that discriminates against communities and other organiza-
16 tions like yourself who have taken the initiative without
17 federal assistance. We applaud that, but the inequality still
18 exists. I would say, though, that if you were to apply for
19 continued funding for the same kind of project, then the
20 fact that you've already spent money for that kind of
21 project would count in your favor and you would probably
22 be more likely to get a grant awarded than someone else
23 who had not already had a program underway; therefore, it
24 demonstrates your commitment.

25 MR. GREY: Yes, ma'am.

MS. JOYCE HUNT: My name is Joyce Hunt, J. E.
Hunt and Associates. I would like to ask you, clarifying

1 what you are saying, is there a technical data to
2 substantiate a complete total resource recovery system
3 now; is there funding with EPA rather than for all of
4 these studies? I'm familiar with Utah County's problem.
5 And with the project being to do total resource recovery
6 now, rather than wait -- people don't stop making garbage
7 for studies.

8 MR. LOWE: There is no money now. And I'd like
9 to get into that in more detail when my turn comes up.

10 CHAIRMAN YEAGLEY: We will come back to that
11 issue.

12 Are there other question of this speaker?

13 Yes, ma'am.

14 MS. JUNE WICKHAM: June Wickham of the Sierra
15 Club.

16 CHAIRMAN YEAGLEY: Could we have the spelling
17 of that?

18 MS. WICKHAM: W-i-c-k-h-a-m. I would like to
19 have him back up and tell me what funds are being
20 appropriated for committees, rather than for delegating
21 funds for technical assistance with the different groups.
22 Can you tell me what committees you're funding for?

23 MR. GREY: You mean the Advisory Committee?

24 MS. WICKHAM: Yes.

25 MR. GREY: We have about \$300,000 for public

1 participation right now set aside this current fiscal year.
2 I am not sure how much of that will be spent on the Ad Hoc
3 Committee.

4 Now, let me explain the Advisory Committee. We
5 are taking steps to get a formal Advisory Committee for the
6 implementation of RCRA which would meet periodically,
7 roughly speaking, twice a year. In order to do that, we
8 have to have OMB -- Office of Management and Budget --
9 approval for such a committee. We are in the process of
10 getting that approval; in fact, the document is on the new
11 Administrator's desk this week for signature. In the
12 meantime -- and that takes some time, though, another
13 several months before we can get it approved, and by the time
14 we get it organized, it would be to function this fiscal
15 year. In the meantime, we are organizing an Ad Hoc Com-
16 mittee. It is being called an Ad Hoc Advisory Committee --
17 excise me, Review Committee, rather than Advisory Committee --
18 and it is scheduled currently, I think, for late April or
19 May. Someone else in my office is handling that; I cannot
20 give you all the participants in that group. But they will
21 spend a substantial amount of money to bring those people in
22 and to operate that Ad Hoc Committee for the number of
23 sessions needed to start this advisory process.

24 MS. WICKHAM: Could you tell me what groups of
25 people are going to be on this Advisory Committee?

MR. GREY: Just about everyone I mentioned.

1 Now, if you ask me whether the Sierra Club is on it or not,
2 I can't answer it, but my guess is, it is, because you're
3 considered one of our major environmental groups that we
4 would solicit or invite to the meeting. If you'd like to
5 know more about it, I suggest you write to Tom Williams of
6 our office.

7 MS. WICKHAM: Washington or Denver?

8 MR. GREY: In Washington. Tom Williams is the
9 Director -- not the Director, but the Chief of the
10 Technical Information and Communication Branch. And the
11 rough number of groups that will be represented is upwards
12 of 30 now, and I would almost bet that you're on it. We
13 will have to, however, for the permanent Advisory Committee,
14 reduce this number to a maximum of 15 because that is the
15 way our charter has been written up for the permanent
16 Advisory Group and the way we're going ahead with OMB.
17 That may not be sufficient, but we are going to allow each
18 major category of groups, like environmental groups, to
19 select from amongst themselves the two or three that would
20 represent that area of interest.

21 MS. WICKHAM: That really isn't my question. My
22 main question was why are all the funds going to the Advisory
23 Committee instead of some of it being diverted for technical
24 assistance to some of the communities that presently have
25 problems with landfill operations?

1 MR. GREY: All the funds are not going to the
2 Advisory Committee, only a small portion of that which has
3 been set aside for public participation. The technical
4 assistance fund is another area, another pocket of funds,
5 and we will be covering that later, and you will be able
6 to ask exactly how much for which type of technical
7 assistance. The technical assistance will come under
8 the group that handles discussion of the panels, the resource
9 and conservation panels.

10 CHAIRMAN YEAGLEY: Yes, ma'am.

11 MS. EMILY HALL: Emily Hall, League of Women
12 Voters of Utah. How will you prioritize? What group will
13 actually make the final decision? In other words, I'm
14 curious to know how much actual public participation will
15 be used in the final decision-making for which technical
16 assistance will be used? It seems to me that in many of
17 these projects, you take lots of public input, but the final
18 decisions are made not by the public, but by two or three
19 people.

20 MR. GREY: Could I ask that we withhold that
21 question until we get to the technical -- the resource
22 conservation panel, because Mr. Lowe here will be discussing
23 that, and that is one of the issues of how we prioritize
24 or how do we select our main thrust of technical assistance,
25 and he has a number of alternatives which he'll present to

1 you and maybe we'll ask you that question instead of you
2 asking us.

3 CHAIRMAN YEAGLEY: Yes.

4 MR. YUKUS INOUE: I have another question:
5 Generally the implementation is the responsibility of the
6 local government, and I find as a County Commissioner we
7 get guidelines, and when it comes to the point of imple-
8 mentation of all the regulatory requirements that the
9 local government has, it becomes very awkward financially,
10 as well as technically, to meet the requirements, and I
11 think that throughout the meeting here I'd like to hear
12 how the local government is going to implement these
13 regulations, funding and otherwise.

14 MR. GREY: I guess again we're off the subject
15 of public participation and into local funding, and
16 Mr. Bruce Weddle will be covering the state programs and
17 local programs and how we fund which particular types.
18 So I hope I don't sound like I'm putting everyone off,
19 but we are covering that, and I know that is of prime
20 interest to everybody, since we have been to several of
21 these meetings already and that seems to be the tenor of
22 the interest, and we are prepared to talk about it, but if
23 I may ask we put that off.

24 CHAIRMAN YEAGLEY: Yes, sir.

25 MR. RANDALL ISHAM: Randall Isham, I-s-h-a-m,

1 Utah Department of Transportation.

2 You indicate you would be having a limited
3 library set up with the program. Will you be continuing
4 to supply pamphlets and booklets as you have in the past
5 in the Office of Solid Waste?

6 MR. GREY: Yes. Very definitely so. Those of
7 you who have dealt with our distribution of materials know
8 that we put out a publication called "Available
9 Information ~~in~~ Materials", which is getting rather thick,
10 and we have probably within EPA the best source, the
11 largest distribution, the largest selection of technical
12 and specialized literature on solid waste management that
13 is available to the public free. That is not quite the
14 library. The library means essentially that there is a
15 library of books to which you can refer, get extracts, and
16 so forth. But this would be, let's say, an additional
17 service in addition to the library, the distribution of
18 those documents which are generated through the auspices
19 of the Office of Solid Wastes.

20 MR. ISHAM: Will this be continued?

21 MR. GREY: Yes, it definitely will be. Now,
22 somebody asked about priorities of different expenditures.
23 We are always taking off the top a certain amount for
24 the production of publications of different documents and
25 the distribution of those documents, because, after all,

1 any other study that we fund or any work that we do results
2 in a document that must be made available, and since one
3 of the major thrusts of this legislation is to make this
4 information available to everybody, we're taking off the
5 top of our budget those funds which deal with the distribu-
6 tion of those documents.

7 CHAIRMAN YEAGLEY: Any other questions on this
8 particular part of our meeting?

9 (No response)

10 CHAIRMAN YEAGLEY: Okay. At this point, then,
11 we will proceed on into a discussion of hazardous waste,
12 and I'll introduce to you Fred Lindsey, and with that I'll
13 ask Fred to come up.

14 MR. ALFRED LINDSEY: Can you all hear me? I'd
15 like before I get started to add my words of appreciation
16 to those that have already been made to all of you for
17 coming out and joining with us to discuss with us this
18 whole issue of this new Act and to give us the benefit of
19 your suggestions and comments. May I assure you that
20 we are interested in what you have to say and in any sug-
21 gestions you have, and we will consider them fully. This
22 is perhaps the seventh or eighth of these sessions that
23 have been held so far, and the comments and suggestions which
24 we have received so far have been very helpful, and I
25 expect that they will continue to come in.

1 As is indicated, I am here to discuss the
2 hazardous waste management provisions of the Act, and what
3 I expect to do here, briefly, is to summarize the require-
4 ments as we see them of the Act and to develop some of the
5 issues and questions which we're facing now and will
6 continue to face for the next period of time. Subtitle C
7 of the Act, the Hazardous Waste Management Provision,
8 mandates that a regulatory program be put together, the
9 purpose of which is to control hazardous wastes from the
10 point of generation, usually an industrial concern, to
11 the ultimate disposal at a permitted facility. Now, this
12 is a very clear mandate. There is quite a bit of latitude
13 as to how we carry it out, but the mandate as to what it
14 is we're supposed to do is pretty clear.

15 Now, the first thing that comes up in one of those
16 difficult parts of this particular requirement is that we
17 identify characteristics of wastes which makes them hazardous
18 or not hazardous. That is, criteria for what makes a waste
19 hazardous or not hazardous. Now, Congress has mandated that
20 we consider, in doing this, such properties as toxicity,
21 persistence in the environment, degradability, bio-accumulation
22 in tissue, flammability, and corrosiveness, as well as
23 perhaps others. Once having done this, we're to use these
24 criteria to develop a list of typical examples of wastes
25 which then are hazardous under this set of criteria.

1 As with most of the hazardous waste provisions
2 of the Act, we are given 18 months in which to do this.
3 Now, that's 18 months from passage of the Act, which --
4 to those of you who are not familiar -- was October 21st,
5 so our deadline, then, for most of these sessions is the
6 21st of April, 1978.

7 A couple of the questions which we face rela-
8 tive to this criteria, obviously -- some of the questions
9 are fairly obvious -- such as How do we test toxicity?
10 What levels of toxicity do we choose as being hazardous
11 or being the limit for hazardous? and things of that
12 nature. In addition, we face the question of when is a
13 waste a waste? Now, that might seem ludicrous at first
14 glance, but think of it this way: Some materials are sold
15 for a very low price and then used for such things as
16 wetting down roads, horse arenas, and things of that nature,
17 and some of these materials can be and have been in the
18 past hazardous and have created problems. So our defini-
19 tion of what is a waste is also an important thing. How
20 do we devise such a definition?

21 We'll be interested in any comments you might
22 have relative to that.

23 Another problem: Wastes are typically mixtures
24 of many different materials. When we're considering air
25 pollution and water pollution control, we typically think

1 in terms of lead or some phenol or some specific material
2 in the water or air, which is then the pollutant. However,
3 when we're talking about hazardous waste, we're usually
4 talking about red gunk or green slime or this sludge or
5 that combination of liquids, and they're not pure
6 substances. The interaction of the many materials which
7 may be in that waste can be antagonistic or synergistic in
8 creating more problems or fewer problems for that waste
9 than what the sum of the parts might indicate. So the
10 problem becomes: How do we determine -- in other words,
11 how do we test a waste material to determine whether or not
12 it is hazardous. Do we do it by in some manner trying to
13 determine what the components are and what the combination
14 of components are likely to cause in terms of hazard or
15 do we set up standard tests for the wastes themselves by
16 which the actual wastes can be tested and is that practical
17 and is that possible and what tests might exist?

18 So if any of you have any knowledge in these
19 areas, why, we would very much like to have your opinions
20 and your suggestions and your data, if you have some on
21 these issues.

22 Section 3002 of the Act requires that we come
23 up with some standards for generators, those people who --
24 those organizations and firms, et cetera, that generate
25 the waste to start with. And these include requirements

1 for recordkeeping and recording, keeping track of such
2 things as quantities, constituents of waste and the manner
3 in which they were disposed; requirements for the labeling
4 of containers and for perhaps the use of certain types
5 of containers, perhaps construction provisions for
6 containers; and, probably more importantly, the setting up
7 of a manifest system. Now, the manifest system is to be
8 designed to track wastes from cradle to grave, as we say;
9 that is, from point of generation to point of disposal,
10 to insure that they do move from generation to an
11 acceptable disposal site. The Congress has mandated that
12 the manifest system also include pertinent information
13 to be added by the generator for use by the transporter
14 and disposer in carrying out his part of the mission.
15 Where manifest systems exist today, they have typically
16 taken the form of a trip ticket which accompanies a waste
17 load.

18 Now, some of the questions we face in this area
19 are: How can recordkeeping and reporting firms be minimized
20 and yet provide adequate control of hazardous waste manage-
21 ment problems in their movement? How can we minimize the
22 paperwork and the reporting work so as to do that. How can
23 we integrate it, perhaps, with the other requirements that
24 various firms have to comply with, with other environmental
25 programs or other government systems? Should transport

1 manifests be uniform nationwide or should there be some
2 leeway allowed for differences in the way local or state
3 or area economies work?

4 Similar requirements are mandated under
5 Section 3003 for those people who transport waste from
6 one point to another. Again, recordkeeping requirements
7 will have to be set up which will include such things as
8 the source of the waste and the delivery point of the waste.
9 There will be labeling requirements, again, for the
10 containers; compliance with the manifest system or that
11 part of the manifest system that deals with transportation;
12 and then there is a requirement that whatever we come up
13 with under the transportation section must be consistent
14 with the Department of Transportation regulations.

15 Section 3004 of the Act is really a very
16 important part of the Act because it is here that we set
17 up standards for treatment, storage, disposal facilities
18 for those people who own or operate them. And it is by
19 such standards, then, that improper disposal will be made
20 illegal. So this is a very important section of the Act.
21 Congress has mandated certain standards, that we provide
22 certain standards, including requirements for recordkeeping
23 and reporting, again, which would include information on
24 how much material was received and how it was treated or
25 disposed; of course, compliance with that section of the

1 manifest system that deals with the treatment, storage,
2 and disposal facility. We must set up minimum requirements
3 for monitoring and for inspection, so as to insure that
4 adequate information is collected to determine if a site
5 is in fact polluting or not. There will be location,
6 design, and construction standards which will include such
7 things as where facilities can or can't be placed; what
8 design options may be restricted, required, or otherwise
9 controlled. Maintenance and operating standards are
10 required. Contingency plans are required, setting up
11 plans as to what course of action will be followed if
12 something goes wrong at the facility.

13 Then there's a broad classification of require-
14 ments which are called "ownership standards", what we call
15 "ownership standards", which might include such things as
16 requirements for performance bonding for long-term care
17 funds, for having training programs, for setting up site
18 closure plans. Any or all of those could be considered
19 under this section. Then there's also a statement in there
20 which in effect says that such other standards as necessary
21 to protect public health and the environment might be set.
22 So it's a very broad mandate in this section, and how we
23 carry that out is going to be a matter of some concern to
24 us for the next period of time, and we'd like your thoughts
25 on how we should implement the various parts of this section.

1 I'm not going to read off large numbers of
2 questions here, but in order to stimulate your thinking,
3 I would like to throw out a couple of the problems which
4 we face; For example, should performance standards at a
5 hazardous waste facility of this nature apply a defense
6 line at a facility or someplace else? Alternatively, what
7 form should such standards take? Should they be what we
8 call performance standards in the sense that we perhaps
9 set some limit on, you know, "Thou shalt not degrade
10 groundwork" beyond some certain limit as a result of
11 really hazardous waste facilities?

12 Or should they take a different form which we
13 might call equipment standards, such as, "You're going to
14 burn chlorinated hydrocarbons; you must have a scrubber
15 with a pressure drop of such and such."

16 What form should they take? Or should there be
17 some combination? Difficult question?

18 Should regulations published by EPA under this
19 section require certification of employees working at
20 hazardous waste facilities? We certify boiler operators.
21 Should we certify the operators of hazardous waste
22 facilities? Should we require bonding or insurance for
23 hazardous waste facilities? If so, is the insurance
24 industry ready to undertake this sort of thing. These are
25 just a couple of the questions.

1 I would like to point out that one of the hand-
2 outs which was mentioned earlier is called "Issues for
3 Discussion". It's like maybe a 5- or 6-page -- 10-page,
4 take it back -- white publication here or list here, mimeo-
5 graph list, which you can pick up at some point, and it
6 contains a variety of questions of this nature for
7 which we're really looking for input and suggestions, and
8 we would appreciate having them, if not today, in writing
9 at some later point.

10 Section 3005 is the provision for setting up a
11 permit system or the requirement, really, for setting up a
12 permit system. And it's by this permit system, then, that
13 we would bring treatment, storage, and disposal facilities
14 into compliance with the requirements under Section 3004,
15 with the standards under Section 3004. Now, the permit
16 system applies not to generators or to transporters but,
17 rather, to treatment and storage and disposal facilities.
18 And in order to obtain a permit or to receive a permit, a
19 facility would have to convince EPA or the appropriate State
20 agency -- permitting agency -- that they are in fact
21 meeting the requirements of a facility as outlined or
22 as developed under Section 3004.

23 Now, within six months after we promulgate the
24 standards for treatment, storage, and disposal facilities
25 under 3004, it will become illegal to dispose of hazardous

1 waste without a permit. Now, assuming we have 18 months --
2 we do have 18 months to come up with the standards under
3 3004, and assuming we meet that deadline -- why, that would
4 bring us, then, to approximately October 21st, 1978.

5 Now, Congress also sets up some of the
6 requirements which would be included in a permit applica-
7 tion. In making an application, one would have to give
8 us adequate information on the waste itself, including
9 the manner of treatment or disposal, the types and amounts
10 of waste which are to be received, the frequency of
11 treatment or the rate of application in the case of
12 disposal. It would also require that there be information
13 on the site, including such thing as hydrogeology and
14 climatology and things of that nature.

15 There is also a provision in here for the
16 granting of interim permits. Now, this applies only to
17 those facilities which were in business as of the passage
18 of the Act and who have notified the State or EPA under
19 Section 3010, which I'll get to in a minute, and who have
20 applied for a permit.

21 Now, because there is a rush, or there will be
22 a rush of permit applications at that point, Congress saw
23 fit to say that anyone who has done all of these three
24 things and has an ongoing operation will be granted an
25 interim permit until EPA can process and go through the

1 paperwork, et cetera, to either grant or deny a regular
2 permit. Congress is clear in its intent that it would
3 like to have the States take over the permitting and
4 enforcement parts of the Act or requirements of the Act
5 from EPA. There is no requirement that the States do this.
6 But Congress indicated very strongly that it provide this
7 method. If the State did not do it -- the permitting and
8 enforcement part -- then the EPA must, in order to fulfill
9 the State Program. The program would have to be equivalent
10 to the federal program , consistent with other State
11 programs which have been authorized, and must contain
12 adequate enforcement provisions. Unfortunately, Congress
13 never told us what "equivalent", "consistent", and
14 "adequate" were. So these are definitions which we'll be
15 wrestling with over the next few months on which we'd like
16 to have your opinions. We must set up guidelines to assist
17 the State in setting up acceptable programs.

18 Section 3010: Within three months after we have
19 identified the criteria for what is and what is not a
20 hazardous waste, there is a requirement in the Act that all
21 generators, transporters, treaters, storers, or disposers
22 must notify EPA or the appropriate State that they do
23 handle hazardous wastes in some fashion. This is a one-time
24 requirement. It's likely to be a very simple requirement
25 in terms of the paperwork, and so forth, that will be

1 necessary.

2 Congress has authorized \$25 million for each
3 of two years to assist the States in setting up hazardous
4 waste and management programs. They have not appropriated
5 that amount, and as you heard before, we're not quite
6 sure how much money will be appropriated for this. There
7 will almost certainly be some, but what the total amount
8 will be is unclear at this point. We will be devising a
9 formula which will be based on the amounts of hazardous
10 waste and on our estimates as to the extent of public
11 exposure in the various States to these wastes and that
12 formula then will be used to decide how much each State
13 gets or what percentage.

14 That's it in brief.

15 As I say, we would be very much interested in
16 having you comment to us on these issues or any others
17 that you may have as time goes along. We really want your
18 thoughts, and we will take every one of them to heart
19 and consider them. I am here, then, to receive any
20 inputs, any suggestions, any comments, or any questions
21 you may have. I see you've got some slips of paper.

22 CHAIRMAN YEAGLEY: Before we open up to general
23 questions, I would like to indicate that we do have a
24 couple of individuals that indicate they would like to
25 make a statement at this point on hazardous waste.

1 I will ask you to come up to the microphone
2 to make the statements so that we can all hear well and
3 the gal can catch everything that you have to say.

4 First of all, I'd like to call on LeGrand Jones.

5 MR. LeGRAND JONES: LeGrand Jones with the
6 Utah Motor Transport Association.

7 I guess like a lot of people here, in filling
8 out that form I checked everything to make sure I'd
9 covered or protected myself, and I really did not intend
10 to make a formal statement. But let me comment to a
11 couple of items that Mr. Lindsey has stated here.

12 In regard to the storage and the packaging --
13 or you alluded to specification of containers in the
14 transportation process, the manifesting, and so on. You
15 made the statement that you must be consistent with the
16 Transportation Act. And I would like to add our amens to
17 that statement.

18 As you know, we have many agencies that we must
19 deal with in the area of transportation and storage, and
20 we have a proliferation of regulations to contend with, and
21 we certainly hope that you will keep true to your statement,
22 and in fact be consistent with the Transportation Act in
23 that regard. And I would just ask one other question in
24 closing: For clarification I ask that you restate your
25 position to make sure that I clearly understand. Are we

1 in fact dealing only with commodities that are defined as
2 waste? Or do you see the possibility, Mr. Lindsey, that
3 a corrosive liquid, as an example, that is being
4 transported or stored to be used in an end product
5 or in a manufacturing process, that we could twist this
6 definition and in fact imply that it comes under the Act,
7 when it is not really or is not clearly in my opinion
8 defined as a waste product. Are we clearly dealing only
9 with waste products of hazardous commodities?

10 Thank you.

11 MR. LINDSEY: Should I answer that now or do
12 you want to wait?

13 CHAIRMAN YEAGLEY: Yes. Go ahead and respond
14 to that, Fred.

15 MR. LINDSEY: Fine. As I say, the Act is -- I
16 think I may have alluded toward it, but not clearly -- the
17 Act clearly deals with wastes. Okay? Now, we have to
18 define, as I think I pointed out it's one of the problem
19 areas, when is a waste a waste? Now, we're not talking about
20 intermediate products, intermediates that are shipped from
21 one plant to another to be used as a product. But there
22 is a gray area in there where materials which are truly
23 wastes are occasionally used for some minimal purpose, and
24 I think I used the example of perhaps using hazardous
25 chemicals, which has been done. I have known examples of

1 this as a way of wetting down roads -- dirt roads -- or
2 horse arenas or dusty areas, parking lots, and things like
3 that, which have then caused serious problems. So we have
4 to consider, then, that there is this area where a product
5 may have or a waste material may have some very minimal
6 use or value and decide to come to some decision on this
7 matter. We haven't as yet tried to identify or come up
8 with a definition of what is a waste. Okay? So we have to
9 try and address that.

10 If you have some suggestions on how we're going
11 to work that -- we haven't gotten to that yet. We're
12 thinking about it. We would be interested in your
13 suggestions -- write to us and let us know. But clearly
14 I think we are not talking about chemicals which are
15 intermediates for other products and things of that nature.

16 CHAIRMAN YEAGLEY: Okay. I'd also now like to
17 call on Lawrence Mills.

18 MR. LAWRENCE MILLS: My name is Lawrence Mills.
19 I am General Manager of the W. S. Hatch Company.

20 We are a trucking company, a common carrier of
21 bulk commodities and tank trucks and using all other types
22 of units. I also serve on the Executive Committee of
23 the Utah Motor Transport Association and the National Tank
24 Truckers Association in Washington, D.C.

25 Well, our concern, of course companies like

1 ourselves, and of course ourselves, we'll be transporters
2 of these hazardous wastes as soon as they are set up
3 to transport to recycling plants or disposal areas or
4 whatever. And of course we're concerned primarily in that
5 area today, although we have other concerns in residuals
6 disposal of the material remaining in our tank after
7 unloading, but that's not the problem I want to address
8 right now.

9 In the area of transportation, though, I might
10 point out in your hazardous materials management issues we
11 are concerned with -- at least I'll be talking on Subjects
12 8, 9, 10, and 13 -- as Mr. LeGrand Jones of the Utah Motor
13 Transport suggested, we're currently regulated in the
14 movement of hazardous materials and almost all products
15 that we transport or companies like us transport by both
16 the Interstate Commerce Commission and the Federal Depart-
17 ment of Transportation, as well as by almost every State
18 regulatory agency we operate in throughout these United
19 States. We would not like to have additional transportation
20 regulations from the Environmental Protection Agency if
21 current ICC or DOT regulations can be applied or modified
22 to apply to your requirements under this Act. We, there-
23 fore, would like to encourage you to work with these
24 transportation regulatory agencies to see if something can't
25 be worked out to perhaps modify their regulations instead of

1 imposing an additional set of regulations on us through
2 EPA. And two examples of this in the area of No. 9
3 on record, counting first, you mentioned trip tickets and
4 transport manifests. As a common carrier now, all
5 common carriers are regulated through a bill of lading
6 system. We are required to have a bill of lading for
7 everything we move under common carriage. We would
8 encourage the EPA to review these bill of lading require-
9 ments under ICC and DOT regulations and see if this system
10 cannot be adopted for transportation of hazardous wastes.

11 The second under No. 8 on the reporting
12 requirements and recordkeeping, we now have to make
13 numerous records and reports to both the ICC, Federal
14 Department of Transportation, and various State regulatory
15 agencies, and we have to maintain records in accordance
16 with these regulations, and we are wondering, also, if
17 it isn't possible to work within this framework instead of
18 requiring an additional set of recordkeeping through EPA.
19 We hope that you would work with the Interstate Commerce
20 Commission and the Department of Transportation and the
21 various State regulatory agencies to develop procedures and
22 guidelines in transporting of these wastes.

23 On Item No. 10 concerning container and labeling
24 requirements: drums, cargo tanks, and other specified
25 containers are now regulated by the Federal Department of

1 Transportation. They have a very detailed set of specifica-
2 tions and design requirements on what they consider hazard-
3 ous materials. I realize all hazardous wastes are not
4 considered hazardous materials, but still, it would seem
5 that that would be a good starting point, and if you could
6 work with those regulations and specifications, I think
7 you'd find the drums and cargo tanks and other containers
8 can be fit within that framework or at least modified to
9 fit within the framework. The same thing with labeling.
10 A very extensive labeling system has been interstate for
11 years now and will go into effect July 1 of this year
12 on regulating all transportation of hazardous materials
13 such as flammables, corrosives, poisons, gases, and so on,
14 and we think that that is an area that you can work with
15 DOT on.

16 And finally, on No. 13, the insurance require-
17 ments area: In the transportation of hazardous substances
18 we find that we're facing a higher and higher premium cost
19 in order to transport these. And even that doesn't cover
20 all situations. There are certain commodities that we now
21 transport that require even extra premium coverage due to
22 the nature of the risk involved in some of the products
23 moved; currently such things as LP gases, propane, butane,
24 hydroxylamine, and crude oil categories, to name just a few
25 of them. Now, it's conceivable, of course, when we get to

1 waste mixtures that are now being disposed of perhaps
2 in a different manner than hauling to a treatment facility,
3 or these wastes as you mentioned, sludges or some other
4 mixture, could require an additional higher risk and,
5 therefore, your insurance would require a higher premium.
6 So we would request consideration -- of EPA considering
7 assuming part of this risk on these extra types of
8 hazardous wastes, because we are not sure that truckers
9 or common carriers can afford to move this, and you would
10 have a problem there for getting transportation if the
11 insurance was not available or of prohibitive cost.

12 One last comment: Mr. Jones brought up a
13 question on the movement of corrosive materials as a
14 hazardous waste. There is a product that come to mind, that
15 being the one of spunacid, which is sulfuric acid run
16 through a petroleum refinery and that, of course, is a used
17 product, the spunacid moved by our company and others
18 to other manufacturing facilities, and while it's moved
19 in that course, we would hope it would not be defined as
20 a waste substance, but only being moved to a treatment or
21 disposal facility.

22 Thank you very much.

23 CHAIRMAN YEAGLEY: Thank you, Mr. Mills.

24 Fred, would you come back now. We'll open to
25 general comments and questions and, hopefully, answers.

1 MR. LINDSEY: I'd just like to thank Mr. Mills
2 for that statement. Some of those comments can be helpful
3 to us, and we will consider them fully.

4 Are there any other questions or comments or
5 suggestions that you might have, anyone?

6 Yes, ma'am.

7 MS. JUNE WICKHAM: June Wickham. Will
8 hazardous waste still be permitted at sanitary landfill
9 sites? And the second question: What enforcement powers do
10 you have under this law for hazardous waste?

11 MR. LINDSEY: Okay. Question No. 1: Will
12 hazardous waste still be permitted in routine disposal
13 at sanitary landfill sites? The answer to that is yes,
14 if the facility obtains a permit and if it then complies
15 with all the requirements that we have as yet to set up under
16 Section 3004, that is, all the standards for such facilities;
17 otherwise, the answer is no.

18 The second part of your question was -- I'm
19 sorry?

20 MS. WICKHAM: Enforcement.

21 MR. LINDSEY: What kind of enforcement authority
22 exists under the Act? There's really three ways enforcement
23 can be carried out under the hazardous wastes provisions
24 of the Act. And one of the provisions is that EPA or the
25 authorized State has the authority to inspect, take samples,

1 and otherwise analyze whether a facility is meeting the
2 requirements of its permit. If it is not meeting the
3 requirements of its permit, then there is a procedure
4 within the Act which includes public hearings, et cetera,
5 by which the permit can be revoked. And without a permit,
6 a facility cannot operate.

7 Further, there is provision within the Act
8 whereas the Government can take direct action against a --
9 either criminal or a civil action -- It's under Section
10 3008, I believe. We have copies of the Act here, and you
11 can look it up and read the actual wording for yourself --
12 under Section 3008 where we can proceed with direct court
13 action in court to stop some specific problem from being
14 perpetuated. That's on a case-by-case basis.

15 Thirdly, there's the citizen's suit provision
16 which provides that any citizen can go to court to force
17 the compliance with the provisions of the Act, including
18 the standards under Section 3004, the standards for those
19 facilities.

20 That's the three ways.

21 MR. GREY: There's also the imminent hazard.

22 MR. LINDSEY: Oh, yeah. There's also the
23 imminent hazard provision. For those actions or those
24 situations where a hazard is imminent, a hazard to human
25 health is imminent, why, there are provisions to get a

1 direct injunction to prevent that happening.

2 Val, what section is that? Seven thousand --

3 MR. GREY: 7003.

4 MR. LINDSEY: 7003 of the Act.

5 Any other questions, please?

6 Yes?

7 MR. JOHN WEBER: Yes. John Weber, Stauffer
8 Chemical.

9 You have a very short time in which you have
10 to publish these regulations. What are your plans for
11 public review of the criteria you set up before they are
12 promulgated?

13 MR. LINDSEY: Okay. Let me address that whole
14 procedure, if I might, because that may be of interest
15 to a lot of people. As was pointed out a little earlier,
16 we decided to go about the regulation writing procedure
17 a little differently this time, and we decided to come to
18 the public first and say, "Okay. Here's what we have to
19 do. How do you see us carrying this out and what do you
20 see the final product including or consisting of?" That's
21 what we're about now. There are, as was pointed out, a
22 number of meetings such as this being held around the country
23 to explain the Act and try and generate interest to the
24 point of receiving that kind of information. We're also
25 holding different types of meetings, including one-on-one

1 meetings with public interest groups, with various firms,
2 with trade organizations, with college professors, and
3 with anybody we know that has a specific expertise that
4 we're interested in, in order to gain data, identify
5 alternatives, and things of this nature. Then there have
6 been a few and will be a great many more what we call
7 round-table discussions or small group meetings to which
8 we invite people representing all different interests
9 relative to hazardous waste, including public interest
10 groups, including industrial organizations, and including
11 probably unions and other interested groups and people
12 that we know, again, who have experience or have expertise
13 in a given area, and we will invite them to sit down with
14 us to discuss a specific problem, perhaps, how can we get
15 control air pollution from such facilities, for example?
16 We'll have those people in and we'll sit down and discuss
17 all the alternatives. Once having received, then, all this
18 public input, public suggestions from the various publics, we
19 will then put it all together, weigh it, and analyze it,
20 using contractors to assist us in some cases, and we will
21 then come up with a draft. That draft will be submitted
22 throughout our agency for comment by other parts of the
23 agency who have interest and experience in this area, and
24 it will be submitted to groups of outside reviewers -- again
25 those same types of people who have expertise and interests

1 in these areas, for comment, and then we'll review it and
2 we'll go forward ultimately with the notice of proposed
3 rule-making. Now, the notice of proposed rule-making is
4 a draft set of regulations. And there'll be a formal
5 comment period and there'll be public hearings on that,
6 at which time there'll be again more time for the public
7 to input into this whole thing. And then after that's all
8 done, then we'll revise it again, based on the input, and
9 go on with the final regulations.

10 There is one other thing I might mention, and
11 that is something called Advance Notice of Proposed
12 Rule-Making, which is typically a notice that EPA is
13 starting work on certain areas, and in this case, we're
14 going to be including -- they're not yet issued -- but we
15 will be including in the hazardous wastes area, at least,
16 a significant list of issues, perhaps some of the ones
17 which are on these sheets which you have already seen.
18 Again, these will be published, and there will be an open
19 period in the hopes, again, of gaining public input, and
20 this will be done rather soon.

21 That's basically it.

22 Yes, sir. Next, please.

23 MR. DUANE WHITING: Duane Whiting, Ford Bacon &
24 Davis Utah, Inc. W-h-i-t-i-n-g.

25 Along the same lines that Mr. Mills was

1 discussing on this proposal from the storage point of view,
2 what attempt is your agency making to coordinate the
3 effect of the regulations that you're proposing or that
4 you will be setting, based on several other laws which
5 are already in existence or are now being proposed. To
6 my knowledge there are about six that would have some
7 conflict. The Guidelines for Mining and Milling, Toxic
8 Substances Act, Toxic Guidelines under 301 and 304, Safe
9 Drinking Water Act, Sections 208 and 404 of the Federal
10 Water Pollution Control Act. All of these have provisions
11 in them for either ground water or surface water control.

12 MR. LINDSEY: Yeah. You're addressing the whole
13 question of whether there's overlap between various Acts,
14 and to some extent there is some overlap; it's almost
15 unavoidable in the sense that Congress passes these things
16 piecemeal. However, the overlap is not, as we see it,
17 great. But there is the definite need for coordination, and
18 I'll be interested in turning over to the people who are
19 dealing with the storage provisions of the Act your comments
20 as to where you saw the conflict being, to make sure we
21 do in fact address that.

22 MR. LEHR: If I may comment here a little bit
23 before you leave that point. We are very concerned that
24 there be as little overlaps as possible and can benefit
25 from anybody's regulations, like those of the ICC. I

1 found Mr. Mills' comments very helpful. But in the copy of
2 the Act that you picked up in the back, Section 1006
3 specifically instructs EPA to make sure that it doesn't
4 overlap and that it uses all of the authorities in the
5 other Acts wherever possible and uses authorities and
6 procedures and what not from other agencies that may
7 have regulations that pertain. It very clearly instructs
8 EPA to keep its Act out of anybody else's wherever possible.
9 So I think that concern will be taken care of. It certainly
10 is our intent to do so. That is an excellent point.

11 MR. LINDSEY: Let me say how that is carried out
12 in the way in which we put together regulations. When we
13 first sit down to put together regulations, the agency forms
14 what is called a work group. That work group, then, is
15 made up of not only people from the lead office -- in our
16 case the Office of Solid Waste -- but also people from all
17 of the other major offices in EPA -- which in this case
18 includes the Office of Toxic Substances, the Air Pollution
19 Guidelines Division, the Office of Water Planning Standards,
20 the Office of Air Quality Planning Standards, and all of
21 the others whose area of concern or whose expertise in terms
22 of having put together a permanent Act like this before
23 can be brought to bear so that we do two things: No. 1,
24 insure that there is no overlap with other EPA type
25 environmental regulations, and (2) that we get the benefit

1 of their experience, things not to do as well as to do,
2 in proceeding down this path. I might also point out
3 in reference to Mr. Mills' questions that the Department
4 of Transportation -- I can't remember the name of the
5 division -- but the division that deals with hazardous
6 materials transport is serving as an advisory on the
7 work group for the Transportation Committee. So this has
8 been a big help to us in the early stages of this whole thing.

9 Yes, sir.

10 MR. YUKUS INOUE: Mr, Inouye again. What
11 happens with the input that you give when the attorneys
12 get ahold of it and make the law, what happens? I under-
13 stand that when the attorneys get ahold of it, a lot of
14 the information that is given, they say it's unconstitu-
15 tional, it's this, and it's that, and it's changed quite
16 a bit.

17 MR. LEHR: Sometimes that happens.

18 MR. LINDSEY: Attorneys do have a whack at this,
19 because we don't write -- as engineers and economists and
20 all -- apparently well enough to suit them or whatever the
21 reason may be. But there are attorneys on the working
22 groups -- the working groups that I mentioned -- so we
23 try to minimize the amount of that as we go along by having
24 input from the attorneys -- in our case, the Office of
25 General Counsel -- as we proceed. But in the end, once the

1 language is written, the decisions are made, and then the
2 language is written by us and approved by the working
3 group, then the attorneys will add their input to that.
4 I hope that we -- we will certainly insist that insofar
5 as possible the intent or meaning of what it is we're
6 trying to do will not be altered substantially unless, as
7 pointed out, it becomes clear from the attorneys in the
8 Office of General Counsel that it's not legal or not
9 possible to do it that way.

10 Do you have any comments in addition to that?

11 MR. LOWE: I've heard a number of comments just
12 like that, that EPA's regulations which are written -- the
13 final writing that is done by lawyers -- are written
14 partially to keep EPA out of Court and to make it easier
15 for the EPA lawyers, and that sometimes makes it more
16 difficult for those who are trying to implement those
17 regulations. That's a systemic problem within EPA, and
18 your bringing it to Fred's attention I think will help
19 at least to make us aware of that problem. I don't know if
20 we can change it, though. If you're concerned about that,
21 which I hope you are, it would be worthwhile bringing that
22 to the attention of the proper people through the proper
23 channels. The proper people would be the top administration
24 of EPA, and the proper channels would be your representatives
25 in Washington, the National Association of Counties, your

1 Congressional delegation, that kind of people.

2 MR. LEHR: The lawyers try to make things as
3 clear as possible, but all of the panel members, since
4 none of us are lawyers, can commiserate with them. They
5 have something to worry about.

6 CHAIRMAN YEAGLEY: Nor is it particularly
7 necessary to come to their defense.

8 Are there other questions?

9 MR. PETER POLETTTO: Peter Poletto with the
10 Syoming Sweetwater County Priority Board.

11 And the question I have is one thing I guess
12 you'll be doing under this Act is defining exactly what is
13 a hazardous waste. I don't know if this has been done in
14 all cases. But once you define what are hazardous wastes,
15 will this be recognized by all other federal agencies?

16 The reason I bring up this point is because up
17 in Sweetwater County, the County, together with some other
18 local governments, has leased land from the BLM, Bureau of
19 Land Management, for a sanitary landfill site, and I guess
20 one of the provisions of the lease -- the lease² agreement
21 is for 25 years -- is that the site will handle no hazardous
22 wastes. Now, I don't know. It's not clear to me what is the
23 whole scope or spectrum of hazardous waste, and if EPA
24 defines a thing as a hazardous waste or not a hazardous
25 waste, will the BLM recognize this?

1 MR. LINDSEY: The answer to the question is, yes,
2 this is a federal law set up by Congress that we do identify
3 what is a hazardous waste, so that in the sense that we
4 are talking about it here -- the treatment, storage, and
5 disposal of these wastes -- that will carry the weight of
6 law, and all parts of the federal government will have to
7 accept that.

8 MR. POLETTTO: There won't be any haggling between
9 you and the Bureau of Land Management?

10 MR. LINDSEY: Not after we have promulgated
11 the standards. There may be some haggling, but --

12 MR. LEHR: Not any more than usual.

13 MR. LINDSEY: -- it should be relatively easy
14 to square away. It's pretty plain. It's pretty clear.
15 There is not a lot of ambiguity in the Act.

16 MR. POLETTTO: Okay.

17 MR. LINDSEY: Are there any other questions?

18 Yes, sir.

19 MR. ALTON HUFFAKER: Alton Huffaker from
20 Kennecott Copper.

21 Does the Act provide an avenue for recourse in
22 the event that a permit is denied?

23 MR. LINDSEY: Yes. There would always be -- You
24 mean if somebody comes in for a permit to dispose and
25 a permit is not granted, would they have avenue of recourse?

1 Yes. They could take it to the courts. There would be no
2 reason why they could not take it to the courts. I would
3 assume the plea could be made on many grounds: that we did
4 not meet the requirements of the Act, that we had been
5 arbitrary or capricious, or whatever. As I say, I am not
6 a lawyer, so the enforcement end of it is a little out of
7 my line, but there would always be that recourse. Of
8 course, there would be the recourse of petitioning the EPA
9 for a review and things of that nature, as well. There
10 will probably be the provision set up for compliance
11 schedules. Okay. So if a permit is denied or if it is
12 granted with certain stipulations, that might include a
13 compliance schedule approach.

14 MR. LEHR: Section 7006 touches on that a little
15 bit. But I am sure there will be adequate review provisions.

16 CHAIRMAN YEAGLEY: Yes, ma'am.

17 MS. EMILY HALL: Emily Hall. Is there anything
18 new in this Act which will help us cope with long-standing
19 pollution problems of hazardous nature, such as vitriol
20 tailings. We can't seem to get any action. We feel it's
21 a federal problem to be shared with the State, but nothing
22 is going.

23 MR. LINDSEY: There is a provision in the Act.
24 There is no provision for a grandfather clause. We're
25 talking about action which exists from here on. The example

1 disposal facility which does not meet the standards, for
2 example, that we come up with, that disposal facility will
3 have to be closed, but there is no requirement in there or
4 no provision in there that we are able to make anyone do
5 anything about that. It's not clear to me, however,
6 under the imminent hazard provision, whether or not that
7 might apply. I just don't know.

8 CHAIRMAN YEAGLEY: I might just make the comment
9 relative to the vitriol tailings problem, I am sure you are
10 aware that there is a study going on now that the EPA and
11 the Energy Research and Development Administration are
12 jointly working on through Ford Bacon & Davis Utah. It's
13 our hope that with the results of this study, which is
14 one of the noxious piles being studied -- one of eighteen,
15 something like that -- is vitriol pile. We're hopeful that
16 Congress will see fit to appropriate dollars to actually
17 carry out the recommendations of those studies. So in that
18 particular case there is some action, albeit a slow moving
19 in the direction of control of that problem.

20 Okay. At this point I'd like to suggest we take
21 a short break. I'd like to suggest that it be very short,
22 however, say five or ten minutes. I'll encourage you not
23 go off too far away, and we will call you back in a short
24 time.

25 (Short recess.)

1 CHAIRMAN YEAGLEY: At this point we'll move into
2 the land disposal area, and I'll introduce Bruce Weddle to
3 you.

4 MR. BRUCE R. WEDDLE: Before starting today, I'd
5 like to express my appreciation for the good turnout today
6 and to say that I've been delighted with the questions that
7 we've been receiving. They're some of the better questions
8 that we've received in any of the public meetings. I hope
9 it continues through the rest of the morning.

10 I'd also like to mention about the Administrator
11 and the Deputy Administrator of EPA to those of you who
12 may not be aware, Doug Costle and Barbara Blum passed
13 through the Senate confirmation hearings with flying
14 colors Wednesday and a vote of nine to nothing in their
15 favor took place on that date. The expectations are that
16 the full Senate will act on their confirmations either
17 Monday or Tuesday of next week. Hopefully that is the case.

18 After hearing about the hazardous waste provisions
19 I'd like to shift gears and talk about the land disposal
20 provisions of that legislation, particularly in the
21 nonhazardous waste area. In this area the Act contains
22 important new requirements for the Administrator of EPA.
23 He must promulgate regulations containing criteria
24 for determining which facilities shall be classified as
25 sanitary landfills and which shall be classified as open

1 dumps. I'd like to note right here that there'll be two
2 types of disposal which especially serve the public, and
3 these are an open dump or a sanitary landfill. The
4 Administrator is required to publish an inventory of all
5 disposal facilities or sites in the United States which
6 are open dumps, and he is also required to publish solid
7 waste management guidelines, including resource recovery,
8 and a description of the levels of performance required to
9 protect ground water from land disposal. The implications
10 of these guidelines and the criteria to State and local
11 government will be the discussion of my later presentation.

12 During this half hour I'd like to focus on
13 Sections 4004 of the Act and 1008 of the Act. This legis-
14 lation offers broader definitions to traditional terms such
15 as "open dumps" and "sanitary landfills". These will be
16 distinguished by the criteria promulgated under Section 4004,
17 which I'll talk about shortly. There are several new
18 definitions that I'd like to emphasize. The first of these
19 is definition of "disposal". "Disposal" now means the
20 discharge, deposit, injection, dumping, spilling, leaking,
21 or placing of any solid waste or hazardous waste into or
22 on -- let's underline those words "into or on" because it
23 means both surface disposal as well as subsurface disposal
24 on land or water, so that such solid waste or hazardous
25 waste or any constituent thereof may enter the environment.

1 The term "solid waste" has also been signifi-
2 cantly broadened. "Solid waste" means any garbage, refuse,
3 sludge from a municipal waste water treatment plant, a
4 water supply treatment plant, an industrial treatment plant,
5 an air pollution control facility, et cetera. This includes
6 both solid, liquid, semisolid, or containing gaseous
7 materials resulting from industrial, commercial, mining,
8 and agricultural operations. However, it specifically ex-
9 cludes dissolved materials in domestic sewage, or solid or
10 dissolved materials in irrigation return flows, or indus-
11 trial discharges which are subject to the permit system of
12 Section 4002 in the Federal Water Pollution Control Act.
13 It also excludes special nuclear waste or by-product material
14 as defined by the Atomic Energy Act of 1954.

15 As I said earlier, the definitions of "sanitary
16 landfill" and "open dumps" refer to Section 4004 of the
17 legislation. This section requires the Administrator to
18 promulgate regulations containing criteria for determining
19 which facility shall be classified as "open dumps" and which
20 shall be classified as "sanitary landfills". These criteria
21 are due within one year, or October 1977. Again, these
22 criteria will state what is an open dump. Everything else
23 will be a sanitary landfill. I'd like to clarify that a
24 bit. It is not our intention to tell you what you can do.
25 We will tell you, rather, what you cannot do. It is

1 important in the intent of Congress that we should not
2 tell you how to manage your waste, but, rather, to tell you
3 what you can't do. It may seem like a play on words, but
4 it is a significant difference at the local level.

5 State plans are required under Section 4004(b)
6 to prohibit open dumps and require all disposal to be a
7 sanitary landfill. Using criteria developed in 4004, the
8 State will conduct an inventory of all open dumps. This
9 inventory will begin in October of this year and end in
10 September of 1978. EPA will then publish a list of all
11 sites in the country that are open dumps. Any site
12 contained on this list must either be closed or converted
13 to sanitary landfill within five years. This section
14 also contains another interesting provision which gives
15 the local citizen groups and other interested parties
16 quite a bit of leverage on State planning. And that is
17 the citizen suite provision. Any site that is an open dump
18 that is not contained in the State plan is liable to citizen
19 suit for closure. The expenses of such litigation will be
20 born by the operator of that site. However, that site can
21 obtain immunity from prosecution if it has two things:
22 (1) it must be listed on the inventory of open dumps and
23 (2) it must be listed in an EPA approved State Plan. So
24 there will be a lot of pressure upon the State to obtain EPA
25 approval of their plans, for without that approval of the

1 site that is an open dump within that State is subject
2 to prosecution under federal law in federal court for
3 closure. That's important; it's the federal court, and I
4 suspect that federal judges will be somewhat less sympa-
5 thetic to local problems than State or local courts have
6 been in the past. So this citizen supervision is a strong
7 provision and will have great impact on State planning.

8 In the State plan, every site that is an open
9 dump must either have a closure plan or a plan to upgrade
10 to a sanitary landfill within five years.

11 I would like to move now quickly to Section 1008
12 of the legislation. This section requires the Administra-
13 tor to publish within one year guidelines that provide a
14 technical and economic description of the level of
15 performance that can be obtained by available solid waste
16 management practices. And I'd like to underline the word
17 "available".

18 In two years those guidelines shall describe
19 levels of performance, including appropriate methods and
20 degrees of control that provide at a minimum for protection
21 of public health and welfare. These guidelines must also
22 provide for the protection of the quality of ground waters
23 and surface waters from leachates and protection of
24 quality surface waters from runoff and protection of ambient
25 air quality. They must also provide for disease and vector

1 control and safety control and esthetics.

2 Under this section the agency currently intends
3 to update its existing sanitary landfill guidelines and
4 to implement municipal sewage sludge disposal and utiliza-
5 tion guidelines.

6 To summarize what I have said, Section 4004
7 establishes criteria for determining if a site is an open
8 dump or a sanitary landfill. This raises several key
9 questions, particularly in the groundwater area. Since
10 we're talking about protection of public health, does this
11 section require zero discharge to all groundwater? In
12 other words, would all sites have to be lined, or only
13 these that have to be collected and treated? Does the
14 agency have the latitude to classify aquifers or do the
15 States have the latitude to classify groundwater. By that I
16 mean can we classify some groundwater that must be protected
17 at all cost or should we allow contamination of existing
18 groundwater that perhaps is already contaminated from natural
19 sources?

20 The scope of these guidelines is another issue
21 we're facing. Should these guidelines include agricultural
22 waste, municipal sludge; should it just be limited to muni-
23 cipal solid waste?

24 I encourage any questions or comments you have on
25 the scope of these criteria.

1 Section 1008 is tied directly to the criteria
2 in that they will provide the advice on how communities
3 can implement alternatives and environmentally acceptable
4 methods for waste management.

5 Essentially, 4004 will tell you what you can't
6 do and 1008 will tell you alternative ways on how you can
7 do it. These guidelines will be mandatory on a federal
8 facility and on local implementation grantees under
9 Section 4008(a)(2)(A) and they will simply be advisory
10 to State and local governments.

11 I would like to entertain any questions at this
12 time.

13 MR. J. DEWELL: I'm J. Dewell, Phillips Petroleum
14 Company. One technique used for disposing of sludge oils
15 is a thing that's called land farming sometimes. If you're
16 familiar with it, I won't go on from there. How would this
17 definition of an open dump take into account these land
18 farms where they are well run. I think there are some
19 problems with some people's operation of land farms, but there
20 are some well run ones that I know of. How would that be
21 rectified with fuel sludge dumpers and landfill?

22 MR. WEDDLE: Okay. If you'll permit me I
23 could draw a parallel to municipal sludge in farming. It's
24 the same thing. It's a different material and it may be
25 known to more people in the room. Both land farming tech-
niques can have a beneficial use, depending upon the quality

1 of the material being spread on agricultural land or
2 on land, even. The question you raise brings the issue
3 to the forefront. Can certain practices be excluded from
4 the criteria? For example, if you place waste oil or
5 municipal sludge on agricultural land in agronomic rates
6 in such a way that you will not detrimentally affect the
7 environment, that shouldn't be called disposal and perhaps
8 could be excluded from the definition. If that is the
9 case, EPA in all likelihood would probably define what
10 is acceptable practice. If your practice would happen to
11 meet those criteria, it would be excluded. On the other
12 hand, if you did not meet those criteria, you would fall
13 underneath the 4004 criteria. You would either have to
14 upgrade or close such practice. I don't know if I
15 answered your question or not. We're certainly going to
16 address it. But it's much too early for me to indicate
17 which way we'd go.

18 CHAIRMAN YEAGLEY: Any other questions?

19 MR. JOHN WEBER: John Weber, Stauffer Chemical.
20 What do you do with an existing dump once you close it?
21 Do you have certain protections that you have to provide
22 that facility or do you just close it and forget about it?

23 MR. WEDDLE: Unfortunately there is less
24 contained in the Act for nonhazardous waste disposal sites
25 than there is for hazardous waste disposal sites. Federal

1 Control over land disposal of nonhazardous wastes is
2 minimal at best. The Congress intended for the State
3 programs to assume nonhazardous waste enforcement permitting
4 capabilities, so retrofitting of old sites, prevention of
5 continued damage from old sites that have been closed,
6 really aren't at rest, other than perhaps the imminent
7 hazard section of the legislation. That's an issue that
8 the States are going to have to wrestle with, and I am not
9 sure what we will do about it or what we will recommend.
10 It's possible we may promulgate guidelines under 1008 that
11 suggest alternative ways to close old dumps to minimize any
12 further environmental degradation.

13 CHAIRMAN YEAGLEY: Any further questions or
14 comments?

15 MR. ROGER STEAD: Roger Stead, Department of
16 Environmental Protection, South Dakota. I was just wonder-
17 ing, is there any chance that communities or people would be
18 exempted from this Act or there is a possibility that
19 burning for volume reduction would be allowed in smaller
20 communities?

21 MR. WEDDLE: There are two questions. Let me
22 handle the latter one first. Would open burning, say, in
23 small communities be exempted? My best guess is that they
24 would not be exempted from the criteria.

25 MR. STEAD: Why I ask that, there are two bills
in the legislature right now addressing this issue, and I

1 think both of them will pass, allowing for open burning
2 in South Dakota.

3 MR. WEDDLE: If the Governor doesn't veto it as
4 he has in the past.

5 MR. STEAD: He vetoed it last year, but it
6 looks like we're going to be able to override him this
7 year.

8 MR. WEDDLE: Okay. I have visions of several
9 scenarios: One could be a legal battle with EPA within
10 the State. One of the problems that would raise is that
11 it is possible that the Regional Administrator of EPA
12 in Washington would not approve a State plan that permitted
13 open burning. If it did not approve such a State plan,
14 every site within the State that was an open dump would
15 then be subject to citizen suit.

16 I'm not sure that the site operators in the
17 State of South Dakota wouldn't apply enough political
18 pressure upon the legislature to overturn such an
19 eventuality.

20 That's a scenario that may or may not happen, but
21 it's possible under this legislation.

22 Jon, would you like to add anything to that.
23 You're much more familiar with South Dakota than I am. I
24 may have been totally off base. I am not sure.

25 CHAIRMAN YEAGLEY: No, I think your comment,

1 Bruce is right. I don't really have a whole lot to add.
2 This has been a recurring problem in South Dakota, as
3 Roger mentioned. I will make the point a little differently
4 that you made: The definition of "sanitary landfill" for
5 rural communities is to be made and there's not a firm
6 decision made yet. However, in the past, historically,
7 sanitary landfilling has not included open burning, it's
8 very adamantly prohibited, and I think it's reasonable to
9 assume that will continue. On the other hand, I will say
10 that with caution in that that decision has not yet been
11 cast in bronze, if you want to put it that way. Hopefully
12 we won't have to sue you, though, Roger.

13 MR. STEAD: Is it reasonable to assume that
14 there will be different classes of landfills, perhaps, for
15 cover daily, for example --

16 MR. WEDDLE: That's a hard question.

17 MR. STEAD: -- for smaller communities?

18 MR. WEDDLE: I can't say it's reasonable to
19 assume. That's one of the questions that came up in
20 Denver yesterday, and we will give serious consideration to
21 varying operational procedures based on the size of the
22 community. We fully recognize and Jack Green in Region 8
23 recognizes the cost of sanitary landfill in rural communi-
24 ties, isolated communities, may be beyond what the citizenry
25 can or should have to bear. So I can't say. It's likely

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1 there will be classifications, but it's something we will
2 be wrestling with and giving serious consideration to.

3 CHAIRMAN YEAGLEY: Let me make a further comment
4 on that, Roger, to you directly, and to everyone in the
5 room here. The definition of "sanitary landfill", as I
6 mentioned, is in the development stage. I would encourage
7 any and all of you to supply your input in writing,
8 particularly if you have an issue such as this one relating
9 to rural communities and the financial burden on a rural
10 community to come up with a system that allows for daily
11 cover and no burning and et cetera, et cetera, making very
12 sure that you point out these kinds of issues and reinforce
13 them so that we can consider that sort of a thing and have
14 the benefit of your comments to do that.

15 Having said that, I will repeat that I would
16 appreciate receiving those comments. My return address is
17 on the program. My name is Jon Yeagley. Keep those cards
18 and letters coming. I'd be very much interested in hearing
19 from you in writing to emphasize the comments that we are
20 hearing now.

21 MR. WEDDLE: Did we answer all your questions?

22 MR. STEAD: Are we going to get into the planning
23 at all?

24 MR. WEDDLE: That will be the subject of my
25 presentation to follow the resource recovery presentation.

1 CHAIRMAN YEAGLEY: Okay. Thank you very much.

2 We will proceed into resource and recovery and
3 I will call Bob Lowe. We will be getting back to Bruce for
4 those of you who do have concerns on the State planning and
5 the scenarios involved there.

6 MR. ROBERT A. LOWE: I am going to deal with the
7 sections of the Act that addresses ways to reduce the amount
8 of waste that has to go through disposal. There are two
9 approaches to this: one is waste reduction, and the other
10 is recycling or resource recovery.

11 Waste reduction, for those of you who are not
12 familiar with that term, means taking certain measures such
13 as reusing products or using less material per product or
14 using products for a longer period of time and not replacing
15 them indiscriminately. Those are methods of waste reduction.

16 Before I go into discussing the provisions of the
17 Act which are indicated on the slide that address resource
18 conservation and resource recovery, I am obligated to repeat
19 what's been mentioned earlier and that is the fact we have
20 very little funds and a small staff to implement these
21 sections of the Act, so a lot of these sections will either
22 go unimplemented or unfunded where others will be funded or
23 implemented at a very low level of effort. But we do have
24 certain authorities now that we didn't have before; certain
25 authorities we had before in general terms we now have in

1 specific terms, and therefore, the channel is open to
2 doing work that we couldn't do before, and all we need is
3 the money. I must also point out that the funding issue
4 and the staffing issue applies to the entire Solid Waste
5 Office and, therefore, priorities have to come into place.
6 At the time priorities were given primarily to Subtitles
7 C and B and the landfill criteria definitions, and so on.
8 The reason for this is that those sections of the Act have
9 definite and specific deadlines and the resource conserva-
10 tion and recovery sections of the Act do not have such
11 specific deadlines, and for that reason, when it comes time
12 to cut it, the decisions have been made to give greater
13 emphasis to the areas with specific mandates and deadlines.
14 I am not particularly happy with that, but it's a fact that
15 we all have to live with at the moment.

16 Now, my concern is that the resource conservation
17 and recovery portions of the Act are not weakened to the
18 point where they're so ineffective that they can't be
19 effective in the future. I don't think that any regulatory
20 program can be effective without providing for alternatives
21 to land disposal.

22 Well, having given a little philosophy beyond my
23 boundaries, maybe I'll go right into the text of my talk.

24 Resource recovery and resource conservation are
25 provided for in the following sections of the Act:

1 We are authorized to write guidelines under
2 Section 1008. We have already written some guidelines
3 under the previous legislation. Those will be reissued.
4 I don't contemplate writing additional ones now, at least
5 in the area of resource conservation and resource recovery.

6 The new Act creates resource recovery and
7 conservation panels to provide technical assistance
8 as the Government charted out for you in information and
9 advice. And I'll discuss those panels in a little more
10 detail in a moment.

11 Subtitle D which provides procedures and
12 authorization for funding of State programs and local
13 programs and projects requires that resource recovery and
14 resource conservation be considered. And I can go into
15 that in response to your questions, if you want, but
16 Bruce Weddle is going to discuss that in greater detail
17 when I am finished.

18 Section 8003 -- and I use these section numbers
19 for those of you who are bureaucratically inclined and not
20 used to dealing in concepts and ideas. A good bureaucrat
21 can go through an entire day speaking in numbers,
22 abbreviations, and acronyms, without saying a full word
23 of more than one syllable. We place great emphasis on
24 developing information and on disseminating it to people
25 who can use it. We put great emphasis on that in the past,

1 and, as Val indicated, we'll continue to put great emphasis
2 on that. The demonstrations up here mentioned under
3 Section 8004, I'd like to just briefly discuss all of the
4 sections under Subtitle H, which is all of the 8000 series.
5 Sections 8002, '4, '5, and '6 call for a wide variety of
6 studies and demonstrations and evaluations. We have done
7 such things in the past and we will continue to do such
8 things in the future as our resources allow.

9 One thing I might point out here under demonstra-
10 tions is, in the past we have been authorized to award
11 demonstration grants to State and local governments. Now
12 we're empowered to conduct demonstrations through a contract
13 mechanism where we can deal directly with a private company.
14 And that's where some of our demonstration projects have
15 failed or at least have been inadequate in the past. One
16 of the problems has been that we have been forced to deal
17 through a public sector body of the city, which is not
18 equipped and not set up to do research and development.
19 We think we can do it quicker and better in some situations
20 with a contract with a company. I am speaking primarily of
21 hardware demonstrations. There are other kinds of
22 demonstrations, demonstrations of innovative planning
23 procedures, human procedures, things like that, which of
24 course we have to do, and it would be preferable to do
25 through a public company.

1 Section 8002, just as an example of some of the
2 studies that are being more called for under the Act, I'd
3 like to emphasize a couple of them on here, and that is the
4 small scale, low technology, and front-end separation areas.
5 These refer to source separation and separation collection.
6 For those of you who are unfamiliar with that term, "source
7 separation" refers to a recycling procedure where the
8 generator of the waste, either the householder or office
9 building occupant, or commercial establishment segregates
10 recyclable materials, like paper, and keep it segregated
11 through separation collection all the way back to the
12 consumer, like the paper companies do. And we have been
13 placing additional emphasis on this, gradually increasing
14 emphasis over the last few years, and the emphasis will
15 continue to increase.

16 Section 8002(j) calls for the establishment
17 of a Resource Conservation Committee. The purpose of this
18 committee, which is a cabinet level committee, is to
19 investigate and report to the Congress on various incentives
20 or disincentives that could be applied to increased recycling
21 and to reduce consumption of materials; in other words,
22 to conserve resources, to examine existing public policies,
23 such as depletion allowances, and to do a few other things
24 that are listed on the slide.

25 The way Congress handled this issue is both good

1 and bad -- for those of you who would have liked to have seen
2 Congress take action and implement specific actions now
3 instead of by calling for a study that effectively delays
4 any action until the studies are complete, which could be
5 three years from now. On the other hand, it did specifi-
6 cally recognize and give priority to, some signifi-
7 cance to, these kinds of issues. And, more significantly, I think the
8 creation of a cabinet level committee is a very significant
9 thing. Waste utilization and materials utilization in
10 general has been studied for or five times since about 1950.
11 But previously it's been only through special study commis-
12 sions created outside of the administration. This is the
13 first time such a committee on such a study has been
14 authorized within the administration at the cabinet level.
15 And I think that because of that the recommendations that
16 this committee comes up with are more likely to be imple-
17 mented, especially because the administration is new and
18 will be in office when the studies are completed and will
19 therefore be in a position to recommend action where called
20 for.

21 I find it interesting and, for those of you who
22 are interested in how Washington politics works, the committee
23 is composed of many high level people: the Secretary of Labor,
24 the Secretary of Commerce, the Administrator of EPA, the
25 Chairman of the Council of Environmental Quality, a represen-
tative of the Office Of President's Management and Budget,

1 which should give you an indication of the relative power
2 in Washington, that the community representative of the
3 Office of Management and Budget is equal to the Secretary
4 of Labor or the Secretary of Commerce. That's a fact of
5 life that we have to deal with.

6 Now, getting on to the resource recovery panels.
7 The purpose of these panels is to provide technical assis-
8 tance to help meet the objectives of this Act, to help
9 States design and implement regulatory programs, both
10 for hazardous wastes and other wastes, and to help the
11 States and the local governments develop alternatives for
12 land disposal, such as resource recovery programs, source
13 separation programs, and resource conservation programs.
14 The term is misleading, the "resource recovery and
15 conservation panels" term is misleading, I believe, in two
16 ways: First of all, it's not limited to resource recovery
17 and resource conservation. It extends to all areas of
18 solid waste management, including hazardous waste management.
19 And the second point is that the word "panels" implies
20 something a little bit different from the way I interpret
21 this. "Panels" implies that a fixed unit of individuals,
22 let's say four people, who will meet as a unit and travel
23 as a unit and, when called by Salt Lake City, let's say, they
24 travel to Salt Lake City, four people sit down and provide
25 information and advice. I don't see it working that way.

1 I see the creation of a pool of resources -- a "stable" is
2 a term somebody has given to it -- essentially a list of
3 people, EPA staff, consultants under contract to EPA, and
4 State and local officials, who can be sent to a city or
5 state where help is needed, and those individuals would
6 be called on by the EPA staff as needed, as appropriate
7 under the circumstances, so that maybe only one goes to one
8 city and another person goes to another, or a whole team is
9 brought in. These teams will be required by law and will
10 have expertise in the following areas: technical, marketing,
11 financial, and institutional. The inclusion of the areas
12 other than technical represents new emphasis under this law
13 and recognizes that engineering alone will not solve the
14 problem. The teams will be composed of, as I mentioned,
15 EPA staff and sometimes contracted to EPA and State and
16 local officials, who will be provided through a program we
17 refer to as peer management. The program will also include
18 implementation grants which are authorized under Section
19 4008, which Bruce will mention a little later on.

20 If you are interested, I could get into the
21 method of selection that we have employed in the past and
22 might employ in the future. And in a moment I will ask for
23 comments and suggestions, and then after that I want to
24 raise a few questions that we have on fundamental policy
25 issues that we would like your input on. With respect to

1 what somebody asked earlier: What kind of public partici-
2 pation are we conducting ourselves? Who do we listen to,
3 in other words? Well, we listen to anybody who takes the
4 time to contact us, first of all. On a regular basis,
5 though, we listen to several organizations who do take the
6 time to deal with us and give us their opinions. And we
7 meet with these people one-on-one and from time to time.
8 But we're having special meetings next week. We're having
9 a series of three meetings, and these meetings are by
10 invitation only, and that is for the purpose of keeping the
11 group small so we can discuss details in a meaningful way.
12 And the thing we are going to be discussing is the draft
13 program plan for the technical assistance program.

14 Of the three meetings, one is with industry,
15 another is with representatives of government organizations,
16 and the third is with the environmental and civil groups.
17 And most of the organizations I have heard in here are
18 represented either directly or indirectly by the participants
19 of these meetings. I will be glad to tell you who they are,
20 although I don't have the list with me.

21 At this point I'd like to open the floor to any
22 comments, suggestions, criticisms, or questions that you
23 would have. And then I'll step back in a moment and we'll
24 answer any questions you have.

25 CHAIRMAN YEAGLEY: I'd like to call on a couple

1 of individuals who indicated they would like to make
2 statements at this time before we open to general questions.

3 Commissioner Inouye, would you like to make some
4 comments?

5 MR. YUKUS INOUE: The solid waste business has
6 been the most frustrating for me as a County Commissioner for
7 the past four years. I think that we had a private industry
8 contract with us to give us the service for a fixed fee.
9 They were so close in opening the project and yet so far,
10 because there is no track record. And the statement that
11 I made previously of rewarding or awarding for those that
12 are proceeding with a method of recycling, I think that if
13 they are encouraged and would be benefited by financial
14 help, it may solve some problems for the industry.

15 And I think that we have been an affluent nation;
16 we have been wasteful. I think the time is here when we
17 should mine, so to speak, our solid wastes or garbage. I
18 think there is a lot of dollars and a lot of good material
19 that we're just covering up, throwing away. And I think
20 that if there is ever a time that the federal government
21 could help of solving and conserving our natural resources,
22 it is through this effort of recycling. It has been most
23 confusing to me because, without the track record, you get
24 so many different organizations and methods thrown at you,
25 and they also are lacking in track record. And I think in

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80

1 recycling, whether it be of a gaseous nature, methane
2 and so forth, if there is a good track record, and I think
3 this is where we got to start, is to establish a track
4 record, and I think this is where the federal government
5 could help, because private industry or the local government
6 to tell the citizens that, "Yes, we have a method; we'd
7 like to try it," they'll say, "Well, let somebody else try
8 it. We can't afford to." And this is the frustration that
9 I have had.

10 And I think again I'd like to emphasize that I
11 was in the farming business. I mean -- to relate a story --
12 I was in the farming business, and I raised a group of
13 cattle. In order to sell breeding stock you have to
14 show an "it" cattle and win a few ribbons. And I got a
15 book that told me exactly how to catch that calf in the
16 corral, how to put the halter on it, and how to groom it,
17 but when I got into that corral, the calf hadn't read the
18 book. And I think this is where experience is the deal.

19 I want to congratulate you for what you're doing
20 here today, for coming out in the field to work with those
21 that have caught that calf in the corral. And I think it's
22 important because theory and where we implement, as we have
23 to as live professionals implement in the field, is a real
24 problem, as I mentioned before. Thank you.

25 MR. LEHR: Thank you very much.

1 CHAIRMAN YEAGLEY: Thank you very much,
2 Commissioner.
3 Is Mr. Jones still here? LeGrand Jones? He
4 mentioned that he thought he might like to make a statement
5 here also.
6 Okay. Let's open up to general questions.
7 Yes. You here in the foreground.
8 MR. W. ROBERT RICHARDS: My name is Bob
9 Richards.
10 So far this morning my concern is that the whole
11 program appears to be directed really at very large
12 standard metropolitan areas. These are the only areas
13 large enough to generate the amount of waste that can
14 really profit by a full-blown recycling program or the end
15 product that has some commercial value or by a large
16 compacting operation whereby you get sufficient reduction
17 or any of the other means that the smaller towns would
18 consider exotic operations. And I wonder if there has
19 been any concern given to the problem of the very small
20 town that has an open dump in most cases because they
21 can't afford much more, if any. The equipment to run a
22 sanitary landfill is pretty expensive and the outlook of
23 manpower is even more expensive. I would hope that in your
24 looking at these studies you would consider how can you
25 apply some of this technology to a little town like East

1 Carpenter or Sunnyside or Moab or Kanab where they don't
2 generate enough garbage to fill three trucks in a week,
3 and could never possibly justify some of the large
4 expenditures required for this more exotic recovery. I
5 also wonder how many people realize really there's an awful
6 lot of things you're talking about do take place in a very
7 small town.

8 I live in a very small town now and, really,
9 recycling takes place. A certain amount of recreation is
10 there; a certain amount of social intercourse takes place.
11 I'm referring to the kids who reduce the amount by shooting
12 at bottles with BB guns and pellet guns; a certain amount of
13 recycling in the sense there are people who have trees who
14 drag these to the dump who never have chain saws or fire-
15 places, so the dump becomes a place where you recycle the
16 wood. We're planning a new dump and there is provision for
17 the people to park the trees on one side so they won't wind
18 up in a sanitary landfill, and it will also provide an
19 opportunity for people to get some firewood at a relatively
20 low cost.

21 We have some other ingenious arrangements that
22 haven't been considered. People always bring their garbage
23 to the dump on Sunday morning, I've found, in a pickup truck.
24 And the trucks line up, and this is where a certain amount
25 of spiritual uplift on Sunday morning takes place. Many of

1 these trucks leave with more in them than when they came.
2 Therefore, we have not only recycling but constant cycling
3 back and forth.

4 What I'm pointing out, in a way, is there is a
5 kind of a point of operation that takes place out there.
6 I myself do welding and go out and gather up an angle iron
7 from time to time. I don't know where else I can get an
8 angle iron. Small dumps provide this kind of thing.

9 I really do seriously, though, think that an
10 awful lot of this is directed at only the very large cities
11 and in Utah we've only got one SMSA and all the rest of the
12 state has very, very small operators, and I just don't see
13 any application to that.

14 MR. LOWE: Thank you very much for that comment.
15 I'd like to respond to both your comment and that of
16 Commissioner Inouye.

17 The distance between here and Washington is
18 definitely a problem. This is my first trip here, personally,
19 and I have a different feeling about the place already. I'm
20 sorry we didn't meet two years ago. I think we might have
21 done some things differently.

22 In terms of encouragement and financial help, we
23 can provide the encouragement and advice and assistance,
24 without the financial help, if, indeed, that's not available.
25 In some places -- I don't mean to be facetious -- I think

1 that in some places we have been asked to come out just to
2 put our stamp of approval on a project to help persuade
3 those who are skeptical. In some places we have done that
4 and have been told that that was important in the success
5 of the project. Other places we've helped kill projects
6 because we put a stamp of disapproval on it, but we have to
7 do that to keep our credibility sometimes.

8 You're right that there is a need for a track
9 record. I think what you're saying is that without a track
10 record opportunities are difficult to evaluate and difficult
11 to justify making a commitment. To some extent we can help
12 you already by telling you what's going on in other parts
13 of the country, which is essentially where our expertise
14 comes from. We don't make it up. We're not that smart.
15 In another sense, though, the many, many aspects of this
16 field, with the technology and legal and procurement
17 aspects, are new and there is no track record, or very little
18 in the way of a track record, and this, we think, is the
19 justification for demonstration programs, demonstration of
20 both hardware and nonhardware products. That is all I can
21 respond to that at this point.

22 With reference to your comments about small
23 communities, we have not given enough emphasis to small
24 communities in the past and, depending upon the outcome of
25 these public participation meetings and one of the questions

1 I will ask shortly, I believe we will be giving more emphasis.
2 One thing we have been doing, though, is there are a couple
3 of communities principally in Arkansas which are using small
4 incinerators with heat recoveries to produce steam, and
5 therefore recover energy from their solid wastes. We are
6 entering into a contract with a private R & D firm of some
7 kind of consultants to evaluate this to provide information
8 to the public as to whether or not this is a worthwhile
9 approach and what the pros and cons are economically,
10 environmentally, and politically.

11 We also put a lot of emphasis into source separa-
12 tion programs which can be applied in small communities.

13 There are special problems, though, I know, in
14 small communities just in the management of a given project;
15 having the available staff, time, and expertise to do the
16 necessary planning that a larger community can do.

17 But this is the kind of problem that I think we
18 are going to be addressing, that we should be addressing
19 in the future.

20 Let me just raise a couple of these questions
21 that I have, and I will open back up for more discussion
22 if you want.

23 Given that we cannot give our technical assis-
24 tance or our financial assistance to every community, that
25 means we are going to have to prioritize the requests

1 that we do get. What should be the basis of this priority?
2 There are several criteria that could be applied: one is
3 most tonnage, second could be most critical environmental
4 problem, third could be most likely to succeed, fourth
5 could be the greatest level of ignorance -- in other words,
6 the largest need, fifth could be the demonstration value
7 of a particular project.

8 If we awarded technical assistance or a grant
9 on the basis of most tonnage, then we would be solving the
10 largest amount of the problem in terms of tonnage, but we
11 would have to ignore the small communities. If we awarded
12 money and help on the basis of serious environmental
13 problems, then we might discriminate against points like
14 Los Angeles which has a very good landfill; and if they
15 wanted help on resource recovery, for example, then we
16 would say, "We can't help you. You have done such a good
17 job in the past, we can't help you," and in a sense we'd
18 be discriminating against someone who has done a good job,
19 really, and in some sense deserves some kind of reward for
20 that.

21 Someone suggested that we award technical
22 assistance and money to those that have the greatest level
23 of ignorance. The thing that occurred to me when I heard
24 this was, I sort of pictured myself announcing the
25 recipients of our financial assistance, "With great pleasure

1 I can tell you who the most incompetent people in the
2 country are."

3 The most likely to succeed is one of the
4 criteria that we have given the greatest priority to in the
5 past. We'd like to recycle the most tonnage and clean up
6 the most problems, and we do take all of these factors
7 into account to some extent, but the most likely to succeed
8 criterion -- first of all, let us deal with any size city,
9 let us deal with any community whether it has a serious
10 environmental problem or not and, most of all, it provides
11 an example which other communities can follow later, even
12 if they don't get our financial and technical help. That's
13 the way our thinking is going right now. I'd be happy to
14 hear your comments in disagreement or in agreement with that.

15 Another issue is, with our limited capacity for
16 assistance, should we concentrate on a small number of
17 communities and give them all the help we can give them, or
18 should we give a limited amount of assistance to a large number
19 of communities?

20 One question I have concerning the studies that
21 the Resource Conservation Committee are going to be doing:
22 They're going to have to look at options that will focus
23 on one aspect of the material stream versus another.
24 And how do they decide which aspect to look at? Do they
25 do it on the basis of total overall pollution, meaning not

1 only that pollution that occurs in the land disposal site,
2 But also the pollution associated with mining the raw
3 material in the first place and then processing it and
4 manufacturing it, which is a problem, or should it be
5 concerned primarily with resource scarcity or employment
6 impact or balance of payment. If we dealt with resource
7 scarcity, for example, then we could forget anything that
8 had to do with glass because glass is made of many
9 abundant resources. If we deal on the basis of scarcity,
10 maybe we'd give our attention just to what materials are
11 very scarce; tin, for example. There are a number of other
12 questions that I could raise, but maybe I have talked too
13 much.

14 What comments do you have?

15 Sir?

16 MR. WILLIAM F. CHRISTOFFERSEN: I'm Bill
17 Christoffersen. I'm Regional Representative for the United
18 States Brewers Association.

19 I would like to ask what has the EPA done --
20 you said a lot of these things are in their infancy -- what
21 have you done as far as coordinating with the National
22 Center for Resource Recovery, which is financed mainly by
23 private industry, on some of the things that they have come
24 up with in technology? And, No. 2, you were talking about
25 what is happening in smaller cities. What has happened to

1 the pilot program in Franklin, Ohio, with a population of
2 about 11,000 that was started a few years ago; is that thing
3 working? And/or in what other cities are the particular
4 resource recovery programs working that are in existence
5 now? Another question I'd like to ask: Has anything been
6 done through our Congress or through EPA or anyone else about
7 the discrimination between raw materials and reusable
8 material on freight rates. Now, this is one thing that's
9 holding private industries from getting involved in
10 resource recovery; and another one, tax incentive on new
11 materials and reusable materials.

12 MR. LOWE: Thank you. The National Center for
13 Resource Recovery is a nonprofit organization created by
14 industry, mainly those industries and associated labor
15 organizations that make materials that end up in the waste
16 stream. The purpose of their organization is to advance
17 the state of the art of technology and the implementation
18 of technology to recover resources as a way of solving solid
19 waste disposal problems as opposed to waste reduction
20 measures. They are located in Washington, and we communi-
21 cate with them regularly, and we know about their projects
22 and they know about ours, and we try not to duplicate their
23 efforts. One project they have underway is to help plan
24 and finance a large-scale material separation system in
25 New Orleans. As a result of that project, we are not doing

1 one like that. We are waiting to see what the results of
2 that project are.

3 You asked what the status of Franklin and other
4 cities are. Franklin, Ohio was a project funded in part
5 by an EPA demonstration grant, and that project, as far
6 as its demonstration is concerned, is complete. The plan
7 is operating and taking care of all of the municipal waste
8 and sewage sludge in Franklin on a daily basis now. In
9 terms of a demonstration, we believe this is somewhat
10 successful because it's been imitated by at least two
11 communities that we know of: Dade County, Florida, which is
12 where Miami is, and Hempstead, New York, which are signed
13 contracts to build systems using similar equipment, although
14 they are producing a different product. In both cases
15 they're producing electricity.

16 Rather than going into what's happening in other
17 communities, I'd like to invite you to send for--if anybody
18 is interested, let me know, preferably in writing, it
19 would make it much easier for me -- and I can send you what
20 we call a Nationwide Survey of Resource Recovery Activities
21 which is a status report of what is happening in resource
22 recovery and waste reduction programs around the country.
23 We have that as one of our information materials and we'd
24 be glad to send that to you.

25 With respect to freight rates, since you asked

1 me the question, at the break I read the latest issue
2 and saw this report and found something I should have known
3 earlier in the week. The Railroad Revitalization Act of
4 1975 required the Interstate Commerce Commission to review
5 its rate structure, looking for discrimination against
6 secondary materials, and to take action on that, and
7 authorized EPA to review that process. I just read that
8 the Interstate Commerce Commission has completed its inves-
9 tigation and we already have a contractor in place to do
10 the review for us and that is going on now. So that's the
11 status of that. According to this report, which is always
12 reliable, the ICC, the Interstate Commerce Commission,
13 directed certain railroads to adjust their rates according
14 to certain percentages which were deemed to be percentages
15 of discrimination. I'd like to make one comment on freight
16 rates, though. Freight rates is a concept that a lot of
17 people have latched onto and that has been given a lot of
18 publicity. I don't want to minimize that as a problem,
19 but I think there are other problems that haven't got as
20 much publicity and there are other problems that don't have
21 handy labels like that and are much more significant. Those
22 are the kinds of problems that we are dealing with. They're
23 the kinds of problems that you, Commissioner Inouye, have
24 brought up.
25 Well, that's enough on that.

1 In terms of tax incentives, as I mentioned, tax
2 incentives are going to be looked at by the Resource
3 Conservation Committee. One incentive, this incentive
4 package that we have been working on over the last year and
5 a half, is called the product charge, and it's intended to
6 review the economic differential between the use of virgin
7 materials and the use of secondary materials by giving a
8 credit to those people who use secondary materials and
9 phasing that credit out over time and charging, putting a
10 tax, essentially, on those who use virgin materials,
11 phasing that in from zero the first day of implementation
12 and phasing that in over a 10-year period, so that the
13 difference between the charge and the credit would be con-
14 stant, and the purpose, then, would be to offset the
15 difference, the economic disadvantage now suffered by
16 secondary materials as a result of the way our materials
17 utilization system, economic system, has developed. Just
18 to give you an idea why this kind of thing takes so much
19 study: It's not just a bunch of people fumbling with each
20 other in an office. If a certain kind of measure is going
21 to be introduced, these people who are affected by it
22 want to know that they're going to be affected, and they
23 want to know how they are going to be affected, and it's
24 not always easy to tell. It sometimes requires a lot of
25 time and a lot of analyses: How is labor in the glass

1 industry going to be affected? How is transportation going
2 to be affected? What's going to be the effect on balance
3 of payments? There are all kinds of aspects that have to
4 be looked at. That's part of what we are doing. Another
5 part of it is taking that information to the people who are
6 going to be affected and saying, "Here is what we're think-
7 ing; what are your reactions?" and helping to introduce the
8 concept gradually and build public support for it where
9 that support is deserved and find out where the opposition is
10 where that exists, too. Well, that's where we have been.

11 Any other comments or questions?

12 MR. RANDALL ISHAM: Randall Isham, Department of
13 Transportation.

14 On this Resource Recovery and Conservation Panel,
15 you indicated State and local governments could receive
16 assistance. What about the private industry which might
17 be cooperating with the local government on solid waste
18 disposal and will they be included as people who could be
19 assisted?

20 MR. LOWE: The question is: Can private industry
21 be a recipient of technical assistance? If you read the
22 Act literally, the answer is no, because, at least in
23 Section 2003, it limits assistance only to State and local
24 governments. I am sure, though, that somewhere else in the
25 Act we could justify giving assistance to private industry.

1 We have to be careful, though, as a matter of policy, not
2 to give assistance to an individual company where it would
3 advance their -- would help their competitive advantage
4 and disadvantage their competitors. Do you follow me?

5 MR. ISHAM: Yeah.

6 MR. LOWE: What we try to do, therefore, is
7 work through the city, and the company that they're dealing
8 with, the particular company, may be helped in the process.
9 We also take steps ourselves to work through associations
10 representing an entire industry, representing various entire
11 industries, and that way we advance the cause of certain
12 industries without advancing the cause of any particular
13 member. Of course we do so only if we think that the general
14 good would be helped.

15 MR. JOHN WEBER: John Weber. Are any of your
16 programs aimed toward setting up recycling centers so that
17 people who are interested could bring their paper to one
18 place, their bottles to another, their cans to another, or
19 whatever, to another?

20 MR. LOWE: Yes, there are. We don't do this
21 directly. We encourage State and local governments to do
22 that. Mostly, we encourage them through our technical
23 assistance, but to some extent, we encourage them through
24 our financial assistance.

25 Jon and I met yesterday with people from Boulder,
Colorado, who are negotiating for the amount of money that's

1 left in a grant that we had given to the Denver Regional
2 Council of Governments, and that would be used to increase
3 the effectiveness and the coverage of a source separation
4 program in the Denver area. That's the kind of project
5 that we're working on. We also awarded demonstration
6 grants to two towns in Massachusetts to develop data on
7 source separation programs, recycling programs.

8 Yes, ma'am.

9 MS. JOYCE HUNT: Joyce Hunt, J. E. Hunt &
10 Associates. I'd like to point out one thing that I have
11 heard several people ask about, this particular thing about
12 having something to do with, take like paper, or just doing
13 partial resource recovery, and would completely alter the
14 financial structure, profit structure for private industry,
15 and if too much of it was done, it takes away from an
16 area that normally private industry would want to come in
17 and do total replacement. Like, for example, if the paper
18 were all taken out, it would change the structure.

19 MR. LOWE: Essentially, I think what your
20 question is: Can a source separation program which removes
21 paper, which recycles paper, can that source separation
22 program coexist with a mixed waste central processing
23 facility, which probably would involve energy recovery
24 that would want to burn the paper? Is that the question?

25 MS. HUNT: What I am saying, if anything were

1 started in an area or a law passed for a partial resource
2 recovery program in an area, then a private industry that
3 would want to come in and do a total resource recovery
4 would not be as apt to want to come into that area because
5 it would change the profit structure. Where you do this,
6 please be aware of that fact where this is going on this is
7 going to alter the attractiveness for private industry to
8 come into that area.

9 MR. LOWE: It is our opinion that source separa-
10 tion programs and central processing plants can exist
11 together. It's better if they're both planned simultaneous-
12 ly.

13 MS. HUNT: That is true.

14 MR. LOWE: So the caution that you advise is
15 well taken. But there are circumstances where -- I can't
16 think of any towns, offhand -- but there are places where
17 they have source separation of paper in the community, and
18 they're still pursuing mixed waste recycling facilities,
19 energy recovery facilities, and industry is interested.
20 We've done some analyses on the effect of removing paper
21 and the effect of that on the economics of an energy
22 recovery system, and we find that the two can coexist,
23 that an energy recovery system can be economical even if
24 the paper is removed, unless such a large amount of paper
25 is removed as to make it uneconomical, but that large an

1 amount is impractical; we don't see it happening. So as
2 a practical matter, the two can coexist.

3 MR. LOWE: Thank you very much.

4 CHAIRMAN YEAGLEY: Let's take another 10-minute
5 break and then we'll come back and complete our program.

6 (Brief recess)

7 CHAIRMAN YEAGLEY: Okay. Let's move ahead, then,
8 into the State program section, and I will call on Bruce
9 Weddle again.

10 MR. BRUCE WEDDLE: One of the clearer messages
11 of the Resource Recovery Conservation Act is that State and
12 local government should play a dominant role in solid waste
13 management. Each should play key roles in administering
14 both the hazardous waste portion of the legislation, as
15 well as in the elimination of open dumps. The Governor
16 in consultation with local elected officials is given the
17 flexibility to structure a mechanism for preparing and
18 implementing solid waste plans which should build on
19 existing efforts. At the federal level the Environmental
20 Protection Agency will publish guidelines for the identifi-
21 cation of Regions, State plans, and State hazardous waste
22 management programs. I'd like to concentrate on the
23 nonhazardous waste implications of Subtitle D, if I may,
24 for the rest of my talk, since Fred talked about the hazardous
25 waste planning provision.

1 Subtitle D requires two sets of guidelines to
2 be prepared by EPA. The first set identifies regions,
3 while the second identifies what should be in an
4 acceptable State plan. The first set, which were required
5 in Section 4002(a) in bureaucratic terminology, give the
6 Administrator six months or until April of this year to
7 publish guidelines for the identification of those areas
8 which have common solid waste problems and are appropriate
9 units for planning regional solid waste management services.

10 I might step back and state that these regional
11 identification guidelines really entail a three-step
12 process. The first step belongs to EPA, and that is
13 publishing guidelines for States or Governors to identify
14 regions. The second step is the actual identification of
15 regions by the Governor in concert with local governments.
16 The third step is the designation of agencies or an agency
17 in each of the identified regions in the second step. These
18 designated agencies shall be responsible for planning
19 and/or implementation. The Governor under this step must
20 also identify the State agency which will be responsible
21 for State planning and coordinating local planning and
22 implementation. During these steps existing multi-function-
23 ing agencies, such as the 208 agency that may exist in this
24 area, should be factored into the selection of both region
25 and the implementing agency. By that I don't mean to say

1 that the 208 agency should be the agency responsible for
2 solid waste planning. It may be. And minimum linkages
3 should be established between the designated solid waste
4 agency and the 208 agency that may exist in an area.

5 The second set of guidelines required in this
6 section shall spell out what shall be an acceptable State
7 plan. Again, these guidelines will be developed over the
8 next 18 months in concert with State and local officials.
9 Minimum requirements for the approval of State plans include
10 the identification of those agencies selected for regional
11 implementation and regional planning. Plans shall prohibit
12 the establishment of all new open dumps within the State
13 and require that all solid wastes shall be either utilized
14 for resource recovery or disposed of by sanitary landfilling.
15 The plans shall provide for closing or upgrading
16 of all existing dumps within the State within a period of
17 five years. The plan shall provide for the establishment
18 of such State regulatory powers as may be necessary to
19 implement that plan. And the State shall provide that no
20 local government shall be prohibited either under State or
21 local law from entering into long-term contracts for the
22 supply of solid waste resource recovery facilities.

23 I'd like to step back a minute in my prepared
24 talk and talk a little bit about budgets. We touched upon
25 it several times today, and I don't want to dwell on it.

1 The point I'd like to make here is the rest of my speech
2 will have some good news and some bad news, and it will be
3 different for those who view it. Some people will view
4 the funding levels that will be authorized or asked of
5 Congress as being too high, and others will see them as
6 being too low. I urge you to write the Regional
7 Administrator in Denver if you have any complaints or
8 suggestions on the funding levels or the content of any-
9 thing you've heard today. I think it's not enough to
10 stand up and make a comment today. We will consider those
11 comments. But the impact of a letter from anyone who feels
12 strongly about a certain issue will be far greater than
13 what you say when you stand today. So I urge each of you
14 to write the Regional Administrator. Or other channels
15 may be appropriate. You may decide to write the Adminis-
16 trator of EPA or perhaps even your local Congressmen.
17 I think that correspondence of this type should be
18 encouraged to the appropriate individuals. Okay.

19 As you can see, the authorized levels for
20 State planning and implementations for FY '78 are \$30 mil-
21 lion and for FY '79 are \$40 million. These moneys shall
22 be allocated using a population formula with no State
23 receiving less than one-half of one percent of the total
24 amount appropriated by Congress. The funds which may be
25 available for local use shall be distributed by the

1 Governor of each State. Okay.

2 To bring you up to date on the latest status of
3 potential funding under these sections, the Administration
4 budget submission for both Subtitle D and Subtitle C,
5 hazardous waste and nonhazardous waste, State planning
6 and local planning, and implementation is \$12 million.
7 This money, if appropriated at that level or a higher
8 level, will be distributed by the population formula which
9 will be established by our office. An additional \$5
10 million will be requested by the Administration under the
11 208 residual planning parts of the Federal Air Pollution
12 Control Act. So that there is a total of \$17 million in
13 return Administration submission to Congress. These
14 numbers may go up or down depending upon the Appropriation
15 Committee hearings.

16 Section 4008(a)(2) authorizes \$15 million for
17 fiscal years '78 and '79 for State and local government
18 implementation of programs to provide for resource recovery
19 planning, hazardous waste planning, and nonhazardous waste
20 planning at the local level. This assistance includes
21 facility planning and feasibility studies, consultant fees,
22 surveys and analyses of market needs, technology assessments,
23 legal expenses, construction feasibility studies, and on
24 and on and on. However, this assistance does not include
25 the construction or acquisition of any land.

1 Unfortunately, under the -- Well, maybe I should
2 step back again and state that the authorization level for
3 FY '78 is about \$180 million. I think it is clear that
4 neither Congress nor the Administration is going to
5 appropriate at that level. This will require the agency
6 to prioritize the spending of such funds. Such priority,
7 as we see it today -- and I encourage your comments to me
8 now on the priorities -- would place higher priority for
9 State planning for both hazardous waste and nonhazardous
10 waste and resource recovery than it would for local
11 planning. So that, based on the moneys appropriated, we
12 may or may not get to distributing funds to the local
13 levels identified in 4002(a) Regional Planning Guidelines.
14 In fact, I think under the current Administration request
15 there will be little funds available beyond State planning.
16 My final slide deals with Section 4009, which
17 is probably a subject that's near and dear to the heart
18 of each of you here. It includes money to rural communi-
19 ties in the amounts of \$25 million for FY '78 and another
20 twenty-five for FY '79 and shall take the form of grants
21 to States to assist communities with populations of 5,000
22 or less and counties with populations of 10,000 or less or
23 counties having less than 20 people per square mile. The
24 important part of this community systems program is that
25 it does include money for the purchase of equipment. And

1 that's something we've been hearing at many of the Regional
2 presentations is that equipment money is needed at the
3 local level.

4 I would be less than honest with you if I led
5 you down the path to think there would be much money in
6 this area. I think that communities should not plan on
7 receiving funding under this section in FY '78 and perhaps
8 not in FY '79, since there is little likelihood there will
9 be sufficient funds appropriated to get to this section of
10 the legislation. That's not good news, and I would
11 encourage any comments you have on that. Rather than
12 elaborate any further on this section of the law, I
13 would like to entertain any questions that you might have.

14 MR. LOWE: I was asked a question by the Utah
15 Department of Transportation representative concerning when
16 a highway is built and material is removed from the earth
17 to make way for the highway, is that material, is the
18 waste material from that exercise covered under this law?
19 I would consider it construction debris. He was afraid it
20 would be considered mining waste.

21 MR. WEDDLE: Well, I really can't answer that
22 question because I don't know.

23 MR. LOWE: The other aspect was when a highway is
24 being repaired and a layer of asphalt is removed and
25 stockpiled somewhere, does that come under the purview of the

1 Act? His concern was that if it does, then that's going
2 to place a hardship on his agency, and in terms of
3 protecting the environment, it is good to have that
4 hardship on that agency, but it also would be wise for
5 the federal government and the State Solid Waste agency to
6 recognize that hardship and to allow a sufficient amount of
7 time for that transportation department to deal with the
8 problem.

9 MR. WEDDLE: That's a good question. That's
10 something I'll bring back with me for consideration.

11 Val?

12 MR. GREY: Looking up the definition of "solid
13 wastes", it does include the type of material that is
14 generated from community activities. By that I don't know
15 whether you consider road building or street building a
16 community activity or not, but there's nothing specific
17 here about construction waste, though, and that's the area
18 generally that that type of waste would be categorized under.
19 But it is hard to say.

20 MR. WEDDLE: I would like to make another state-
21 ment before we get into the --

22 MR. LEHR: Wait a second. There is one more
23 question.

24 MR. W. ROBERT RICHARDS: Bob Richards again.
25 I accept your comment that 25 million isn't much. How much

1 do you expect to get appropriated and how will you spend
2 it?

3 MR. WEDDLE: Is that rural?

4 MR. RICHARDS: Yes, rural, right now.

5 MR. WEDDLE: That's a tough question. To be
6 honest with you, I would be surprised if there is anything
7 appropriated under that section. We, as an agency, will
8 probably testify to the need to develop strong State
9 programs as a first step in implementing this legislation,
10 both in the hazardous waste area and the nonhazardous waste
11 area. Further, I have a personal problem with authorizing
12 a minimum amount of money under this section, and that
13 would be -- let's assume we authorized or appropriated
14 \$2 million. \$2 million won't go far at all, and I would
15 suspect that many, many communities would wait and, rather
16 than implementing something today, would wait in hopes
17 of receiving some of the \$2 million. And that, taking a
18 look at the nation as a whole, we may be further behind
19 by appropriating a small amount of money under this section
20 than we would be if we appropriated none. Of course, I
21 guess, in my own opinion here, I would like to appropriate
22 more money under this section, but of course I am bound by
23 other persons, since it affects our program. This is
24 something that you should write your Regional Administrator
25 about your concerns.

1 I would like to raise another issue, and that is
2 that just because there is no money under this section
3 doesn't mean nothing can happen. We will be able to
4 provide some technical assistance in this area, which may
5 not solve your problems but can be helpful. But more
6 directly than that, I think the way the criteria are writ-
7 ten under Section 4004 will greatly impact the rural
8 communities' ability to comply with the legislation. If
9 different criteria were established for isolated communi-
10 ties for landfilling, I think it may make it easier for
11 those communities to comply with this legislation. And that
12 certainly would be an area that you could write Jack Green
13 in Denver about changing the criteria, having classifica-
14 tions of criteria based on the size of the community.

15 MR. LEHR: It's simply too early to tell anything
16 about how much money will be appropriated. We in Region VIII
17 will try to get as much, naturally, as possible. There are
18 Regional procedures, and we will keep you advised. We will
19 keep the States in Region VIII advised of what happens as
20 we learn about it. Right now nobody knows,

21 MR. WEDDLE: I didn't want to sound too negative,
22 but on the other hand, I didn't want to mislead you, either.
23 The purpose of this dialogue is to communicate what's going
24 on in Washington and to hear what's going on in the real
25 world. I would be less than honest if I led you down the

1 path that you could plan to get some of this money, because
2 I don't think the likelihood is all that bright for rural
3 communities at this time. Now that may change as soon as
4 the appropriation hearings are held, or it may change
5 next year, but currently it is not a part of the picture.

6 CHAIRMAN YEAGLEY: Let me ask you a question
7 relative to that: Who has made that decision that the
8 rural community program would not be funded?

9 MR. WEDDLE: I think it's a joint decision.
10 I think EPA has to bear part of the responsibility for that.
11 There's \$180 million authorized for the next fiscal year
12 and we had to prepare a prioritized list of how we would
13 spend that money. The legislature requires that we must
14 do certain things; it requires we must develop criteria
15 for hazardous waste; we must establish a permanent program;
16 we must define hazardous waste; we must develop criteria
17 for State planning; we must do a lot of things, and all of
18 those things cost quite a bit of money, and rural assistance
19 is something that is not a must. We're not mandated to do
20 it, so right at the top it's a lower priority because it's
21 not the law that we have to spend that money. Beyond that,
22 EPA headquarters, anyway, feels that the priorities of
23 this legislation are closing of open dumps and the estab-
24 lishment of a hazardous waste management program, and those
25 are State functions or State responsibilities to begin with.

1 And in prioritizing leftover money after the mandated
2 portions of the legislation, we had to give higher
3 priority to those things. Of course, that's our current
4 thinking and it can be swayed by comments from you to the
5 Regional Office, which will be passed, then, on to us.
6 That's why I am pleading with you, almost, to write to the
7 Regional Office. Because that's one of the main ways we
8 change our thinking if it is going to change.

9 CHAIRMAN YEAGLEY: I would like to place a
10 considerable amount of emphasis on that last point that this
11 is not a decision that's cast in bronze, and we would very
12 much appreciate hearing from you.

13 Bruce has mentioned that on the high priority
14 list is closing open dumps. One of the mechanisms built
15 into the Act to do that is rural assistance. So there is
16 some continuity that doesn't exactly follow there in my
17 mind. And I am sure for those of you who are rural
18 community representatives, you can appreciate that.

19 A VOICE: Say that again, please.

20 CHAIRMAN YEAGLEY: Well, my point there was that
21 the Act has as a major priority to close open dumps, and
22 one of the mechanisms to achieve closure in the rural
23 community is rural community assistance. We have not
24 stricken the requirement to close the dumps, only the
25 mechanism, if you want to think of it that way. There

1 are other mechanisms. I don't mean to make that real cut
2 and dried, black and white. On the other hand, I think
3 for a rural community it is a very serious issue to
4 eliminate the funding potential, at least initially.

5 MR. GREY: I'd like to add something more on
6 this budget process that nobody has mentioned, but it's
7 going to become a very important factor. President Carter
8 is committed to zero base budgeting. I don't know how
9 many of you realize what that really means, but zero base
10 budgeting essentially means that every program under RCRA
11 is competing with every other program within RCRA, and
12 RCRA as a program is competing with every other environ-
13 mental program, and every environmental program is
14 competing with every federal program. Zero base budgeting
15 means that every year we start from the zero base looking
16 at each and every program and the funding for that program
17 and comparing what our priorities are. Now, traditionally
18 within EPA the solid waste program has not enjoyed the
19 highest priorities. Rightfully or wrongfully, that's a
20 fact of life. I do not predict that it will remain quite
21 so low, but there are many programs that are now low within
22 RCRA itself that will probably remain low and very low
23 within the agency as a whole. Now, that's something to
24 bear in mind. Now, it's true that we may link up lesser
25 priority things with higher priority and maybe in our

1 program presentation work in the future we may be able to
2 raise priorities by manipulation or association. But
3 ultimately the test will have to be applied to every
4 program and the federal government is not going to be
5 able to support everything.

6 CHAIRMAN YEAGLEY: I think that is a point well
7 made.

8 MR. LEHR: There's never enough money to do
9 everything.

10 CHAIRMAN YEAGLEY: If it is a concern, let it
11 be known. That will add emphasis to priority listings.

12 Roger, you indicated that you wanted to make
13 a statement at this point. Do you?

14 MR. ROGER STEAD: Roger Stead. I think some of
15 the problems that South Dakota finds itself in is due to
16 the fact that the State took a leaf home and did not go
17 to the local communities as perhaps they should have for
18 comprehensive planning, and that's what our plaintiffs are
19 crying out for, that they want to have this money so that
20 they can plan for their communities and express their needs
21 and I think you really struck home; if they want to close
22 the dumps, you have to give the money to the local
23 communities. I don't know how you can get around it.

24 MR. WEDDLE: The comment was just made that the
25 States have a lot of latitude in how they use the money.
I guess I can emphasize that somewhat. South Dakota is

1 a fairly sparsely populated State. I suspect that in the
2 population allocation formula, they would end up with
3 somewhere between 60,000, 100,000 dollars if Congress
4 appropriated the 12 million. That's not a lot of money to
5 establish a hazardous waste management program, look at
6 resource recovery, close open dumps, or develop a State
7 plan. It doesn't go far.

8 MR. LOWE: I am not saying it goes very far. I
9 am saying you can decide how you want to spend it.

10 MR. WEDDLE: Right, within the guidelines
11 established under 4002(b). However, the previous slide
12 under 4002(b), I believe any of the grantees under that
13 section have to comply with the guidelines promulgated
14 under 1008. So --

15 MR. STEAD: If the guidelines say that the State
16 takes the lead role, I don't know how you can distribute
17 all the money all the same. On page 22 --

18 MR. WEDDLE: I don't really know what to say. I
19 recognize that the problems of rural states and rural
20 communities really aren't adequately addressed in this
21 legislation, although there is provision for them. I just
22 can't be that hopeful right now. I wish I could. And the
23 only way that's going to happen is if you write to EPA.
24 Perhaps, you know, the squeaky wheel gets the money.

25 MR. LOWE: The State can take the lead role

1 without doing all the work itself, I've heard the words
2 "lead role" just mean --

3 MR. LEHR: You sign off on it in the end.

4 MR. LOWE: Yes, just supervising and directing
5 what's going on. But you can use none of the money and
6 pass it all through the books if you want. I think that's
7 part of the guidelines, interpreted broadly. And the States
8 will be able to come back with their plan to do it any way
9 they want within the guidelines. I think our tendency
10 is going to be flexible and broad, rather than restrictive
11 and directive.

12 MR. LEHR: Absolutely.

13 MR. WEDDLE: My guidance to your State would be
14 you have to achieve an EPA approved State plan first,
15 because if you don't do that, you are subjecting every
16 open dump within your State to citizen suit. So, no matter
17 how you develop a State plan, whether it is done by your
18 office within the State or local level as Bob has suggested,
19 that should be highest priority immediately.

20 MR. STEAD: Okay. In developing your plans,
21 I assume the guidelines should be given a certain deadline
22 by which to have this plan in. And this, again, is where we
23 run into trouble when we hurry up and try and meet a
24 deadline, rather than sitting back and doing comprehensive
25 planning. I'd like to see it more flexible to allow for

1 differences within the State.

2 MR. WEDDLE: I suspect, in fact, I'm almost
3 positive there would be interim approval of those plans,
4 and the Regional office will be granting those interim
5 permits for the full State plan.

6 MR. LEHR: Bruce, doesn't the legislation
7 provide two years after the guidelines are out to develop
8 a State plan; isn't that the general time frame?

9 MR. WEDDLE: I think so.

10 Jon, do you --

11 CHAIRMAN YEAGLEY: I believe that's the case.
12 I can't really speak real confidently on that.

13 MR. LEHR: Before we leave the matter of State
14 and local waste management planning, there is a major
15 planning effort going on in all areas of the country now,
16 well funded under the Water Act, Section 208. Most of you,
17 I think, have heard of it or are aware of it. Major
18 dollars are going into water planning activities which
19 include closely enough growth-related activity to be
20 expected in the county and waste management, I think.
21 That is going to happen in the Regional planning area.
22 So I think there is a lot of piggybacking can go on in
23 solid waste planning along with the 208 planning
24 activities utilizing some of that money. If you have not
25 yet tapped that, I'd explore it.

1 MR. WEDDLE: We won't leave the State of South
2 Dakota unprotected with an unapproved plan until you have
3 developed such a plan. In a general way I mean there will
4 be interim approval.

5 CHAIRMAN YEAGLEY: Let me just comment on that.
6 One of the early discussions on the Act was that it says
7 that you can't receive funding until you've got an
8 approved plan, and yet we'll fund you to write the plan,
9 which is kind of an accounting. To get around that, we
10 are going to accept an interim plan from you, and we've
11 talked about what that interim plan will be, in order to
12 allow us to begin to flow money from the actual development
13 of the final plan. And we're to be continuing that dialogue
14 as to how we can get that interim plan, what our approval
15 requirements will be. This is the dialogue that we'll need
16 to be continuing. I am not sure how much it relates to
17 everyone else here in the room. But are there any other
18 questions on this particular area?

19 I have an indication, then, here from Joan Ogden.
20 I believe I am saying the name correctly. She'd like to
21 make a statement on this general subject.

22 MS. JOAN OGDEN: I am Joan Ogden and represent
23 the West Valley Multi-Community Committee. I'd like to
24 make a statement.

25 First of all, I think that it was a good idea

1 for Noah to start all over again. Things get very confusing,
2 don't they.

3 The Salt Lake County is proposing the establish-
4 ment of a sanitary landfill at one of seven proposed sites,
5 all of which are located adjacent to the east slopes of the
6 Oquirrh mountain range, from 5400 South to 11800 South.

7 WHEREAS, the West Valley Multi-Community
8 Committee has been formed representing the communities of
9 Magna, Kearns, Hunter, Copperton, Granger, Lark, and
10 Herriman to oppose the establishment of a sanitary
11 landfill at any point adjacent to the east side of the
12 Oquirrh Mountains from Herriman, north to and including
13 Magna, now and in the future.

14 WHEREAS, all of the seven sites are subject to
15 the watershed of the Oquirrh Mountains, and the rapidly
16 growing community of Magna is totally dependent on the
17 water flow coming from the Oquirrh Mountains with over
18 3,000 connections providing water for 12,000 users.
19 THEREFORE BE IT KNOWN THAT there can be no assurance that
20 contaminants from landfills will not leach into the water
21 supply and create serious health problems.

22 WHEREAS, the access routes to any of the sites
23 in the Oquirrh Mountains are the main roads through the
24 center of Magna, Kearns, Hunter, and Granger, and these
25 roads have been designated as hazardous routes in a

1 statewide study by the Utah State PTA in 1977. THEREFORE
2 BE IT KNOWN THAT a landfill for the entire Salt Lake County
3 will create an unforeseeable increase in private and
4 commercial traffic along these hazardous routes, and
5 create an extremely dangerous threat to the children, senior
6 citizens, and all other pedestrians along these routes,
7 and THEREFORE, is not in the best interest of the citizens
8 of these communities.

9 WHEREAS, there are past records of serious
10 earthquakes in Magna and flash floods in the canyon areas
11 south of Magna, washing out entire bridges. THEREFORE
12 a landfill at any of the sites in the Oquirrh Mountains
13 would pose a threat of contamination to the water supply
14 and wells and health conditions, were future geologic
15 and natural hazards or acts of God to occur in the
16 unforeseeable future.

17 WHEREAS, sites numbers 7 and 2 are located less
18 than two and two-thirds miles directly southwest of present
19 and proposed housing developments on the southwest perimeter
20 of Hunter and less than two and one-half miles directly
21 east of housing developments on the east perimeter of
22 Kearns, and sites numbers 1, 6, 5, and 4 are located from
23 one-half to two miles from the perimeter of Copperton
24 and Lark, and the Housing and Urban Development through the
25 Community Development Block Grants Program has allocated

1 thousands of dollars to upgrade and rehabilitate Kearns,
2 Magna, and Copperton. THEREFORE, a landfill located in the
3 Oquirrh Mountains would create a lowering of property values,
4 become an aesthetic blight and a general nuisance,
5 downgrading the communities located nearby.

6 WHEREAS, a sanitary landfill located in the
7 Oquirrh Mountains would create environmental havoc and
8 threaten the natural wildlife in the canyons of the Oquirrh
9 Mountains and destroy the natural pristine beauty of these
10 mountains.

11 WHEREAS, Salt Lake County is anticipated to
12 generate 836,700 tons or 1,653,400,000 pounds of garbage
13 or solid waste per year by the year 1990. NOW THEREFORE,
14 these solid wastes, including hazardous wastes, raw
15 sewage, and demolition materials would be designated as
16 landfill in one or possibly eventually all of the seven
17 proposed sites.

18 THEREFORE BE IT KNOWN that we approach the
19 Environmental Protection Agency and the Federal Government
20 to accept this petition of opposition to the establishment
21 of a sanitary landfill at any location along and adjacent
22 to the east side of the Oquirrh Mountains from Herriman,
23 north to and including Magna, now or in the future and to
24 guarantee that protection will be given to prevent any
25 future landfill sites from being located in the Oquirrh

1 Mountains.

2 THEREFORE BE IT KNOWN THAT we are asking for
3 and encouraging the establishment of a total resource recovery
4 program in the near future in Salt Lake County with
5 opportunity for financial assistance if necessary, as well
6 as technical assistance, if necessary.

7 THEREFORE BE IT KNOWN THAT this committee
8 extends our support to Public Law 94-580.

9 I'd like to make a comment here. These facts
10 and opposition and our recommendations are being bound
11 for future reference, and we should like to send a copy
12 of these facts to submit them to you folks, which would be
13 within the next few weeks, as soon as we get them bound.
14 And do we send them to you, Mr. Yeagley?

15 CHAIRMAN YEAGLEY: Yes.

16 MS. OGDEN: And then the Salt Lake County
17 Commission is declining a public hearing on this issue,
18 and at this time they agreed to hear a small group of us
19 concerning this problem, but we feel when there are so
20 many people and communities involved that we have a right
21 to be heard, and the communities have a right to be heard.
22 Am I wrong in assuming this and what can you suggest we do?

23 CHAIRMAN YEAGLEY: Let me just initially say
24 that I am not certain that this forum is the proper place
25 for this kind of a discussion. And our purpose is to gather

1 input for the implementation of this Act. But in direct
 2 response to your question, the Environmental Protection
 3 Agency does not directly involve itself in this type of
 4 a situation, which I would consider to be a local issue.
 5 And I would suggest that the State Solid Waste Program has
 6 the responsibility for the review and approval of design and
 7 operating plants for disposal sites within the State, and
 8 in that the approval lies at that level that they should be
 9 the individuals you should talk to. EPA does not have
 10 authority that allows us to approve, disapprove, or
 11 whatever, of a particular site in a local situation. Rela-
 12 tive to resource recovery in the Salt Lake Valley, we are
 13 very much in support of that and we would like to see it
 14 proceed and have had discussions with Dr. Eckhoff, who has
 15 the 208 program in the Salt Lake County, and we would
 16 hopefully be able to offer whatever assistance, be it
 17 technical assistance or possibly financial assistance,
 18 assuming dollars are available and priority is such that we
 19 are able to do that. But I think that is the extent of
 20 comment I would like to make to that regard.

21 MS. OGDEN: What we wanted to do was bring this
 22 to your attention because there have been very serious
 23 threats here. And if the EPA -- for example, in the
 24 Teton Dam disaster up there they did not listen to the
 25 people. And the rest is history. And this is what we're

1 pleading for, that you are aware of the situation, because
2 it isn't just a private group that's involved here; there
3 are thousands of people that are involved, and realizing
4 the problem perhaps may even help you in your resource
5 recovery fight, whatever.

6 Thank you.

7 CHAIRMAN YEAGLEY: Thank you very much.

8 Now I'd like to call on the representative of
9 the Soil Conservation Service, who would also like to
10 make a statement.

11 MR. JAMES DEAN MAXWELL: Maxwell. Dean Maxwell,
12 representing the Soil Conservation Service.

13 Any disturbance of a large area which could be
14 the case in the establishment of a disposal site causes
15 soil disturbance, and I'm not sure this law or this forum
16 is the place to air this totally, but I would just like to
17 mention the fact that whenever large areas of soil are
18 disturbed, there are problems that should be considered.
19 So in the promulgation of your guidelines, you may want
20 to consider addressing some of these. I find only one small
21 place in the law that applies; Section 4005 discusses
22 upgrading of open dumps.

23 But just a few items that you might know could
24 be considered in your guidelines. You should give
25 consideration to the suitability and the limitation of those

1 soils when you select the site so that hazards where
2 ground water and surface water and so on are addressed.
3 And provisions for control of erosion from either direct
4 rainfall on the site or from tributary flow that may come
5 over the site that would cause erosion, that you revegetate
6 any area that is disturbed so that the soil would stay in
7 place, rather than remove it. Consider the stockpiling --
8 removal and stockpiling of topsoil at disposal site and
9 then replacing that to allow for a better chance of success
10 of revegetation following that disturbance. And to
11 consider the effect of water discharge from, well,
12 disruption of natural drainage ways so the site does not
13 interfere with natural runoff. One that I feel is very
14 important is that you give consideration to preservation
15 of any prime agricultural land areas. Our prime agricul-
16 tural land is being used up in urban development and other
17 things at a very rapid rate, and it's almost alarming how
18 much of that prime land is going out of production. So
19 we could, as an agency, help identify where those prime
20 agricultural areas are and help in the site and disposal
21 areas to prevent that loss of that kind. We also have --
22 of course it does not necessarily run into agriculture --
23 but there are many unique cultural values other than these
24 kinds of things: marshland has values for wildlife and
25 other things. To give consideration to what the site is.
I don't see this addressed in the law, but as I say,

1 it may be the ninety-two five hundred is a costly item,
2 some others may be the place that that is taken care of,
3 at least in the guidelines. You may want to address these
4 items.

5 Thank you.

6 CHAIRMAN YEAGLEY: Thank you, Dean. I think
7 that some of those kinds of materials will be considered
8 under the land disposal, sanitary landfill criteria
9 guidelines; isn't that correct, Bruce?

10 MR. WEDDLE: Yes. Almost everything you mentioned.
11 There's a few that I hadn't thought of, like sites on
12 cultural land, that I'll bring back with us and give it
13 strong consideration. But the 1008 guidelines will address
14 almost everything you pointed out.

15 CHAIRMAN YEAGLEY: Okay. Yes, ma'am.

16 A VOICE: If you don't become involved in
17 local issues, how can you become involved after they become
18 a blight?

19 CHAIRMAN YEAGLEY: Anybody want to respond to
20 that?

21 MR. LOWE: We do from time to time become
22 involved in local issues, but there are a lot of parties
23 that have a responsibility that should be exercised before
24 ours and the discussion that was raised here, I think ought to
25 be discussed first between the citizens and the elected
officials. Now, if we can be brought in to provide

1 information in support of or refutation of the claims
2 made by either party, we would be glad to do that. We
3 don't have authority, though, to step in and say, "Hold it,
4 Mr. County Commissioner, you have no right to put a
5 landfill here. The citizens are right." We can't act
6 as referees in that kind of case. I think if either of
7 the parties want some information about the environmental
8 impact of what's proposed or on the possibilities for
9 resource recovery in that area, then it would be appropriate
10 for us to step in and get involved. But I hope I made
11 myself clear.

12 A VOICE: Are you as responsive to citizen input
13 as you are to governmental official input?

14 MR. LOWE: Give us a try.

15 THE VOICE: Thank you.

16 MR. LOWE: We have to evaluate each circumstance
17 carefully. We tend to be called in by public officials,
18 elected officials, but we can assume that they are acting
19 in support of the majority of their people, even though
20 we know that certain of their actions may be opposed,
21 but that doesn't say we will support them blindly. We
22 would help them to listen to all the supporters, take all
23 of their advice into account.

24 THE VOICE: Do you ever investigate governmental
25 official claims like, for instance, they do have the support
of their people when in fact they are not telling the truth?

1 MR. LEHR: We pretty much leave that process
2 up to referenda and the election.

3 MR. LOWE: If we are asked the question directly,
4 we have to respond honestly. A lot of times we are
5 involved in a situation and there are things going on
6 that we don't know about, and even if we look at them, we
7 don't see them. I don't know if we can speak in general
8 terms about that. You have to ask more specific questions.

9 THE VOICE: Okay. How much clout does the
10 EPA actually have?

11 MR. LOWE: How much clout does the EPA have?

12 THE VOICE: How much clout does EPA actually
13 have?

14 MR. LOWE: Not much. Not much. All we have is
15 what's written in the law. Subtitle C is the only regula-
16 tory program we have. Everything else requires -- About
17 the only power that we have is a question of influence and
18 only if the locals or state want something from us. If
19 the State and local governments don't want any of our money,
20 then they don't have to do anything for us.

21 The only thing that applies is our definition of
22 what is to be done, and then they are susceptible to citi-
23 zen's suit. That's not a very strong law. That just the
24 underlying premise behind my remarks and Jon's remarks,
25 which is not much for EPA to get itself involved in.

1 CHAIRMAN YEAGLEY: Yes, sir.

2 MR. CLAIR ANDERSON: Clair Anderson, represent-
3 ing Bear River City, population about 500 people. The
4 closing of open dumps: Well, out there I don't think we
5 can afford sanitary landfill, and we go back 30 years where
6 we burn our own stuff in our back yard and take out the tin
7 cans on a dark night along a county road. Now, the burning,
8 I guess, wouldn't amount to much, when the big factories
9 would put out enough in a day to last us for 100 years.
10 But take it easy on us, will you?

11 CHAIRMAN YEAGLEY: This gentleman.

12 DR. GARTH R. MORGAN: I'm Dr. Garth Morgan,
13 Templeton Linke & Associates.

14 It was mentioned that on October 1st, 1978,
15 permits will have to be applied for prior to that time;
16 is that correct?

17 MR. LINDSEY: That's under the hazardous waste
18 provision. Let me back up a minute and make it very clear.
19 There are 18 months granted by the Act from October the
20 21st, 1976, for us to come up with standards for what is
21 and what is not a hazardous waste, for standards for
22 treatment, storage, and disposal facilities, for performance
23 standards, of that sort.

24 Then within six months after that it will become
25 illegal to dispose of hazardous waste without a permit.

1 That's the way the law reads.

2 Now, the October 21, 1978, figure assumes that
3 the 18 months will be met to the day instead of earlier
4 or later and that the six months will then ensue after
5 that, you see; so that makes a two-year period. Okay.
6 Is that clear?

7 DR. MORGAN: We do not have that hazardous list
8 yet?

9 MR. LINDSEY: No. That's one of the 18-month
10 requirements.

11 DR. MORGAN: And then enforcement will begin at
12 that time?

13 MR. LINDSEY: Then there will be six months from
14 that time for people to apply for permits. If they apply
15 for a permit and if they have already existed as of the
16 time the Act was passed and if they have notified EPA under
17 Section 3010, then they will be granted an interim permit
18 until such time as the paper work for the regular permit is
19 acted upon. Okay?

20 All that get a little confusing, but that's
21 technically the way it is.

22 DR. MORGAN: Then the Act itself is wide open;
23 it's very nebulous as to who must apply for a permit?

24 MR. LINDSEY: Anyone who owns a treatment,
25 storage, or disposal facility for hazardous wastes and the

1 criteria for what is or what is not a hazardous waste
2 and for facilities will be generated within 18 months, so
3 that at that point people will be able to tell exactly.
4 I think most people know now whether they have a facility
5 of the nature that's going to be involved, perhaps with some
6 limits.

7 DR. MORGAN: That could include every farmer in
8 the nation.

9 MR. LINDSEY: Depending on how we define it.
10 That was brought up in, I guess, two or three of the other
11 meetings, you know, what about the farmer who has a
12 pesticide container, for example, or bags, or whatever? Do
13 they become a generator? Will they need a permit? Well,
14 generators don't need permits. Disposers, treaters, and
15 storers need permits. Now, depending on how we define what
16 is a disposer, treater, or storer, depending on whether or
17 not we might perhaps give exemptions or require different
18 types of permits or something like that, why, we could, I
19 think, do that. There's some flexibility there on how we
20 carry that out. I was asked, I think in Denver -- I am not
21 sure whether it was Denver or Richmond or where, because
22 we've been around the last few days, but this was brought up
23 very strongly there -- you know, what the impact might be on
24 farmers. That's the kind of information we need: In other
25 words, if a farmer is going to be required to have a permit,

1 what does that do to him? How much of a problem is that?
2 What is the cost involved? On the other hand, from people
3 who might oppose that, what kind of environmental impact are
4 we likely to have? What kinds of problems may exist if we
5 don't bring these particular materials under control?
6 That's the kind of information we need in order to make the
7 decisions we'll have to make on that sort of thing. And
8 if you have any thoughts, data, or opinions on that, why,
9 please make them known either here right now or by letter
10 or however.

11 DR. MORGAN: After these permits are issued,
12 there must be a suit brought as a result of a violation
13 before a fine can be levied. I was noticing in here that
14 up to \$25,000 is the fine. That seemed to be awful stiff.

15 MR. LINDSEY: That's stiff.

16 DR. MORGAN: That would put anyone out of
17 commission almost immediately, especially in these small
18 communities.

19 MR. LINDSEY: Well, on the other hand, there are
20 a lot of big corporations, you see, and I think that's the
21 reason why -- It's up to \$25,000 and it also can be
22 criminal or civil, and it also can include one year in jail,
23 as well, if it's a criminal case, and that's per day of
24 violation. So it can mount up, you're right; it's a very
25 steep fine. But how much of a fine would be levied would

1 involve what the situation was and who was involved and how
2 big the problem was and the courts then would end up
3 with that.

4 On the other hand, the more probable way of
5 enforcing violations is through the consideration of
6 revocation of the permit. We don't necessarily have to end
7 up in a civil or a criminal suit. There's the whole
8 provision of the permit system, and if a facility which has
9 a permit is found then later to be violating conditions of
10 the permit or, on the other hand, is not meeting the
11 standards for those kinds of facilities, then the permit can
12 be revoked; and if the permit is revoked, then it is
13 illegal for them to operate further, they have to close
14 down, cease whatever they were doing. Is that clear?

15 CHAIRMAN YEAGLEY: I think that becomes even
16 more significant when you tie in the manifest system,
17 which keeps good track of where the waste is, realizing
18 a transporter has to go to a permanent disposal site.

19 MR. LINDSEY: Along a similar line to the
20 question which the gentleman presented about the farmers
21 is the similar problem someone mentioned during one of the
22 breaks, and I thought it's worth comment because some people
23 might have some suggestions.

24 What about the small volumes of potentially
25 hazardous wastes which enter the municipal waste stream from

1 the homeowner? Half a can of paint sludge or half a can
2 of turpentine or something of that nature which may or may
3 not be hazardous but might be, or the ballast from
4 fluorescent light fixtures, et cetera, which have small
5 amounts of PCB in them? Should we try to control those
6 things. Can we control those things? If we do try, what
7 mechanisms can we use or should we just write them off
8 as something which is essentially impossible to control,
9 and do we have problems from the disposal of these materials
10 along with municipal refuse.

11 This is a similar area, I think you can see, and
12 it's a difficult problem to control if we try, and we'd
13 like to have any opinions anyone might have on that, as
14 well.

15 CHAIRMAN YEAGLEY: Commissioner?

16 MR. YUKUS INOUE: One question: I think I am
17 the only elected official here now. In answer to the
18 question the lady asked, do you have a proposal to give
19 your County Commissioner as to where to go?

20 MS. JOAN S. OGDEN: Yes.

21 [Laughter]

22 MR. LOWE: Are they referring to a landfill site?

23 CHAIRMAN YEAGLEY: I have been told that several
24 times.

25 MR. INOUE: We elected officials are between the
rock and the hardtop all the time. We have a group come in

1 and say, "Well, don't do that," but "Go here." And we'll
2 have another group come here and say, "Go there." A lot
3 of times if you can get a concrete suggestion and you have
4 investigated and that is popular and easy to go, land is
5 available without any other interference, this can be
6 helpful. But to get comment, "Don't put it here; put it
7 someplace else," where is that someplace else?

8 MS. OGDEN: No, but do you ever go just because
9 you don't have anyplace else to go regardless of what is
10 said?

11 MR. INOUE: No. No. What I am saying, the
12 people on the east side here say that's the logical place
13 to go.

14 MS. OGDEN: How come it's been there for the last
15 30, 40 years?

16 MR. INOUE: Well, I don't know. This is Salt
17 Lake County. I am Utah County. This is the reason I asked
18 that question. It's a toughy. Solid waste is everybody
19 wants you to pick it up, nobody wants you to put it down.

20 MS. OGDEN: This is why the whole thing is
21 so important, because we are making ourselves more aware
22 of the problem we all have. With the EPA and resource
23 recovery and so forth, we can all work hand in glove and
24 solve this problem. That's all we're asking.

25 MR. INOUE: I agree with you. I agree.

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CHAIRMAN YEAGLEY: Thank you.

Any other comments?

All right. I will take this opportunity to
thank you all for being here. We very much appreciate your
input. We hope that it has been beneficial to you.

Thank you very much.

(Whereupon, at 1:00 o'clock P.M. the hearing was
adjourned.)

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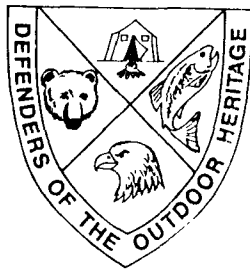
REPORTER'S CERTIFICATE

STATE OF UTAH I
 I ss.
COUNTY OF SALT LAKE I

I, BARBARA G. ANDERSEN, CSR, a Notary Public
in and for the State of Utah, do hereby certify that the
foregoing Public Discussion Session of the Resource
Conservation and Recovery Act, Public Law 94-580, sponsored
by the United States Environmental Protection Agency,
Office of Solid Waste, Washington, D.C., and the United
States Environmental Protection Agency, Region VIII, Denver,
Colorado, was taken in stenotype by me commencing at
9:00 A.M., Friday, March 4, 1977, at the Hilton Hotel,
150 West Fifth South Street, Salt Lake City, Utah, and
that the foregoing pages 3 to 132, inclusive, were
transcribed under my direction and supervision and represent
a full and correct transcript of the proceedings.

DATED at Salt Lake City, Utah, this 18th day
of March, 1977.


BARBARA G. ANDERSEN, Notary Public
Certified Shorthand Reporter
In and for the State of Utah



DEFENDERS OF THE OUTDOOR HERITAGE

Post Office Box 15135
Salt Lake City, Utah 84115

GENERAL REPORT

NO. SMC - 174

AN OVERVIEW OF THE PROBLEM OF SOLID WASTE MANAGEMENT

A major environmental problem has been recognized and great strides are being taken to address solutions to solid waste management. The Defenders of the Outdoor Heritage believes that the initiative provided by the national solid waste program, resulting from the Solid Waste Disposal Act of 1965 and the Resource Recovery Act of 1970, should not be lost.

The DOH particularly laud the elimination of open dumps, the sponsoring of improved disposal techniques, action toward resource recovery, generation reduction studies and the development of training programs. The DOH are concerned with the increasing energy needs of this country and the potential use of solid waste products as fuel for power.

While the DOH agree with the view of many administration officials that solid waste is basically a local problem - particularly in the area of collection, storage, and disposal of non-hazardous waste - we observe that many problems must vigorously be attacked, directed and funded by the federal government.

For example, problems not local in scope are generation reduction, resource recovery, handling and disposal of hazardous wastes, demonstration and dissemination of data on improved techniques, urgent personnel training needs for all levels in the solid waste system, continuing research and development requirements, funds needed by some local governments to start acceptable solid waste programs. Federal funds are needed to organize and execute these phases of a national solid waste program.

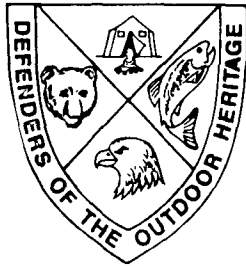
With these programs to work with, the Solid Waste Management Committee will commit themselves.

ROBERT BATEMAN
PORTLAND, OREGON
CHAIRMAN

JOHN OLSEN,
LAS VEGAS, NEVADA
VICE CHAIRMAN

JACK BRATCHER,
SALT LAKE CITY, UTAH
SECRETARY

STANLEY JOHNSON,
ALAMOGORDO, NEW MEXICO
ALTERNATE



DEFENDERS OF THE OUTDOOR HERITAGE
SOLID WASTE COMMITTEE
Post Office Box 15135
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RESEARCH PROJECT

SWC-1

RECOMMENDATION HIGHLIGHTS FOR SOLID WASTE MANAGEMENT. 1974.

HAZARDOUS WASTE

Hazardous waste, in its many forms, is not restricted by any man-made boundaries. Therefore, the Defenders of the Outdoor Heritage feel that due to the relatively small supply of hazardous solid waste products locally, and to the interstate nature of the problem, regulation and enforcement of standards relating to hazardous solid wastes should be at the national level.

Most counties do not have the technical capability to analyze a particular hazardous waste product to find out if it should be treated before disposal. This capability is more apt to be at the state level. For this reason, the DOH see the actual collection, intrastate transportation and disposal being rightfully located with the state government and coupled with this, the necessary enforcement powers. When a large employer in a county, with a small population, tends to mishandle its hazardous waste effluent, the county finds it difficult to exercise the proper enforcement authority.

A state could provide uniform requirements and the capability to arbitrate among other level of government (cities, counties, townships) in carrying out these functions. The federal government also must control and enforce the interstate transportation of hazardous wastes and establish ultimate disposal locations. At the county level, decisions on ultimate disposal of hazardous wastes, from manufacturing processes, for example, are difficult to make as there may be no legal site for disposal within its boundaries. For some items perhaps there are only a few places within the United States where materials can be disposed.

The general feeling of the DOH is that local government's role should be minimized in the area of hazardous waste; however, they feel local government should have the option of adopting regulations which are more stringent than either federal or state regulations when hazardous solid waste disposal might impact on local zoning or land use plans.

GENERATION REDUCTION

Regarding non-hazardous solid waste activities, the DOH believes the federal government must lead the effort to reduce the generation of solid waste waste, since only at the national level is it possible to control manufacturers, packaging practices and other causes contributing to solid waste problems. It is too large a task to be handled by local or state governments.

The DOH feels that state government should only develop guidelines for the storage, collection, processing, and disposal of non-hazardous solid waste. Many states have issued operational standards whereas performance standards would be adequate. The DOH feel such variations as population and geology throughout the state, mandate that guidelines must be general enough to fit a variety of circumstances. The general concensus is that local government should set operational standards on storage, collection, transportation, and disposal of non-hazardous solid wastes.

ENFORCEMENT

Coupled with the problem of regulation is enforcement. Local government, of course, must enforce its own standards. However, to do this, they must have the power. If proper enabling authority does not exist, the state should aid the county in obtaining the authority. The DOH expresses the hope that with proper federal support, state government can ease the restrictions on local governments, such as, the lack of enabling authority, bonding limitations, and other similar constraints, which enable local government to provide proper solid waste management.

The DOH feels that local government should set standards on vehicles and contract operators to ensure citizen protection. Such standards should include mandatory use of devices on vehicles in transit, to prevent trash from flying off, and controlling the length of time garbage is stored before disposal. Further, local government should set standards on the level-of service, and control over serviced areas.

FISCAL INCENTIVES

The DOH discussed various types of fiscal incentives all levels of government could use to upgrade solid waste activities. The DOH recommends there should be a federal grant program but it should be limited to fund local government's initial acquisition costs of solid waste facilities which exceed their bonding limitations. This particularly is needed in rural areas where the cost of converting from open dumps to sanitary landfills has a severe impact on those counties with limited tax bases. Therefore, site acquisition and preparation costs, purchase of on-site equipment, and in some cases, rolling stock costs should be augmented by the federal government.

The establishment of pilot solid waste projects should be initiated by the federal government, not by local government.

When low interest, long term federal loan programs are established, these loans should be sufficiently flexible to accommodate new technologies and breakthroughs. It was pointed out many counties that took 20 and 40 year loans have been trapped by the original conditions of the loan and now, ten or fifteen years later, the situation has changed and they are bound by these original requirements. Therefore, flexibility is needed.

The federal government should create tax incentives for industry, by allowing preferential tax treatment for research and development leading to reduction of products entering the waste stream, and by accelerating depreciation on capital expense related directly to solid waste management. Define concern is expressed that unless there is an incentive, be it positive or negative, industry will not react.

The DOH feels that when a state establishes procedures for effecting compliance at the local level, proper enabling legislation must be enacted which would allow local government the authority to finance and operate solid waste management programs.

Finally, local government's major responsibility is to establish a self-sustaining solid waste management system. Local governments should consider charging user fees, the use of other local revenue sources if user fees are not adequate or any combination thereof. Also they must promote public acceptance of solid waste programs.

RECYCLING

The DOH believes the best way to encourage local government and the citizen to become involved in recycling activities, is the use of incentives. Various members cite examples where recycling on a small scale is successful, but these are usually in areas where a market exists locally, i. e., a glass plant, a used-oil refinery, a steel mill, etc. However, it is noted that these are usually isolated cases and unless profitable, this type of recycling will not be done.

Experimental resource recovery systems now going on in several locations also were discussed. The DOH is primarily concerned that the cost of resource recovery prohibits effective solutions. The DOH recommends resource recovery systems be examined to consider the marketability of the end product. National markets should be identified and the entire problem should be addressed by the U. S. Department of Commerce as opposed to the Environmental Protection Agency.

The DOH expresses concern over the number of auto hulks in their cities and counties, and the need for legislation to finance the cost of disposal and recycling. The subject of a trust fund for disposal of costly items was discussed and it is felt that should a trust fund be established there should be a pass-through from the trust fund to the local agency responsible for the disposal of the product.

RESEARCH AND DEVELOPMENT PROGRAMS

The DOH feels EPA should augment its research and development efforts. Particular areas requiring further study include the control of leachate and methane gas generation, compaction density versus settling rates, the rate of leachate attenuation of various solid waste components, and the long term environmental effect of material going into the landfill.

Research and development should be directed toward the means to dispose of difficult items, whether through burying, recycling, or partial reprocessing. Items particularly identified were tires, automobiles, trees and tree stumps, liquid wastes, oil, sewage, sludge, animals and animal by products.

A study by EPA, is needed to independently evaluate all solid waste demonstration programs. Too much advance publicity on the effectiveness of various public and industrially sponsored programs is detrimental to the overall national effort. Claims of great performance have caused local governments to procure or install systems, due to local pressures, before they are fully tested, or without understanding that a system was effective only in a particular geographical region. Therefore, the DOH specifically urges USEPA to evaluate these systems independently from any evaluation by the sponsor of the project. Also they feel a need for a consumers guide to commercial hardware, from rolling stock to capital equipment. Officials want to know not only what this equipment can do, but also its limitations, its realistic life, maintenance problems, etc.

ENERGY CRISIS

One problem which kept surfacing throughout the meetings is ways to encourage and develop economical techniques for using solid waste in alleviating the growing energy crisis. Several experimental efforts, now underway, were discussed. However, the economics of these systems have not been proven.

TRAINING NEEDS

The DOH recommend USEPA should augment the training programs at the university level by developing courses in solid waste management and related engineering problems. The DOH feel that this would only occur if supported by federal grants. Additionally, efforts should be made by the administration to strengthen other professional development programs. It is also noted that several states sponsor courses in conjunction with USEPA or at state universities which have proven useful. This effort should be expanded to the remaining states. This expanded effort also should be directed to instructing managers on training their own personnel.

The DOH feels USEPA should launch an improved public relations campaign to train the public to recognize the growing solid waste problem; to make all citizens understand that they are part of the problem; that the problem must be addressed and solved; but that it will take their cooperation as well as money.

ACKNOWLEDGMENT

This project could not have been possible without professional assistance. The Solid Waste Committee, Defenders of the Outdoors Heritage, would like to thank each person who knowingly and/or unknowingly helped with this project.

We wish to thank the Solid Waste Management Office, USEPA, first as it was they who aroused our interest in the field. It was this Office which has educated us in the field of solid waste management.

We wish to thank the solid waste management officials in Clark County, Nevada; Ventura County, California; Los Angeles County, California; New London County, Connecticut; Kay County, Oklahoma; Multnomah County, Oregon; Utah County, Utah; Salt Lake County, Utah; Weber County, Utah; and last but not far from least Uinta County, Wyoming. The officials offered both suggestions and comments and without their time and effort, the DOH could not complete this project.

Without comments and ideas from the membership, the DOH could not be. To these people, the Committee owes the most.

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)

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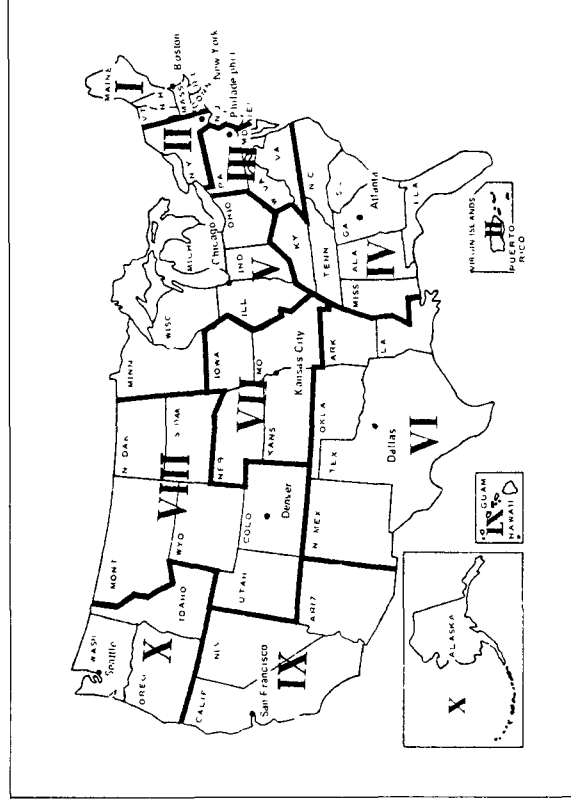
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