

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
100 California Street
San Francisco, California 94111

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PUBLIC DISCUSSION SESSIONS

on

RESOURCE CONSERVATION AND RECOVERY ACT
PL 94-580

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CHAIRMAN DE FALCO: Good evening, ladies and gentlemen. I would like to call the meeting to order.

My name is Paul De Falco. I am the Regional Administrator of the Environmental Protection Agency for Region IX.

I would like to introduce the people at the head table.

On my far right is Jim Channell, who is the Chief of the Hazardous Materials Branch here in Region IX.

Next to him is Nick Humber, the Director of the Resource Recovery Division of the Solid Waste Program in Washington.

To my immediate right is Lanny Hickman, the Director of Management and Information Staff of the Solid Waste Program in Washington.

To my left is Bill Sanjour, Chief of Assessment and Technology Branch, Hazardous Waste Management Division, Solid Waste Program in Washington.

On October 21st, last year, the President signed into law the Resource Conservation and Recovery Act of 1976, known now as Public Law 94-580. This significant new environmental law provides the opportunity

for EPA, the states and local governments to develop comprehensive solid waste management programs which will control hazardous waste, eliminate the open dump as a principal disposal practice, and increase the opportunities for resource conservation.

The Act provides for broad public involvement in its planning and implementation. The purpose of the public discussion session being held here tonight is to enable the private citizen, as well as representatives of environmental, industrial, governmental and other organizations who are potentially affected by the new Act to offer their preliminary views, attitudes and suggestions for EPA's guidance.

The way the program will operate, we will give you a brief run-through of the statute and its various obligations. Then we will essentially have the discussion after each section, listen to questions and then listen to prepared statements following that.

In the next 15 minutes, Mr. Lanny Hickman of the EPA's Office of Solid Waste will present an overview of the Act. Following Mr. Hickman's presentation, various sections of the Act will be summarized separately.

After each of these summaries, there will be a 20-minute period for questions and comment by the audience.

In addition, a period at the end of this evening's session has been set aside for open discussion. We ask that anyone wishing to make a public statement not exceed the five-minute time limit at the end of the program.

We request that anyone wishing to raise a question or to make a statement proceed to one of the floor microphones and wait to be recognized by me. Please state your name, your address and whom you are representing.

Written comments may also be submitted for inclusion in the official transcript of this meeting. The comment period will remain open for approximately two weeks, following Friday's public discussion session. Written comments should be received at the EPA Office in San Francisco on or before March 25th, 1977, in order to be included in the official record of this hearing.

Copies of the record will be available from EPA's Office of Solid Waste Management in Washington, D.C., upon written request.

An announcement stating the date that the comment period ends and giving the addresses of the EPA Offices in San Francisco and in Washington, D.C., is available at the registration table in the rear of the room. Copies of the Resource Conservation and Recovery Act, as well as a summary of the Act and other background information materials, are also available at that registration table.

Now, I would like to introduce Mr. Lanny Hickman, Director of the Management and Information Staff of EPA's Office of Solid Waste. Lanny?

MR. HICKMAN: Would someone turn the slide projector on, please.

We are very happy to have this opportunity to discuss this new piece of environmental legislation that was passed in '76, and it's a major step forward in the national effort to try to deal with the problem of solid waste management.

I think we should understand that the law is somewhat different than many other environmental statutes administered by the Environmental Protection Agency in that it is not a step forward for the federal government

to regulate the management of solid waste; it is not designed principally to be federal environmental protection enforcement legislation similar to the Air and Water Acts. Its idea and the scheme behind all of it is to build a strong partnership between the federal, state and local government and industry to deal with the many problems that we all face in solid waste management.

Here in California, a state that's somewhat sophisticated in how it deals with the solid waste management problems, perhaps part of the Act may not be as germane to the problems that you face as it is to other parts of the country. But it is a piece of national legislation designed to deal with solid waste management at the local and state level principally, without a great deal of the heavy handed federal enforcement programs that you may be familiar with in other environmental areas.

(Slide No. 1.)

Now, the objectives of RCRA are to protect the public health, protect the environment, conserve valuable material resources and conserve valuable energy resources.

In theory, this will be achieved by somewhat of

a three-cornered approach, those three corners being:

1. To eliminate improper land disposal practices of solid waste management and ensure that solid wastes that go on the land are disposed of properly and in such a way as to protect local health and the environment.

To deal with a specific category of waste referred to or called hazardous waste, which represent significant increase in health and environmental threats, in a more controlled manner than might be done with the rest of the solid waste stream, and

Thirdly, to set the bridge for the long-term ultimate resource conservation. That is, the maximum amount of the solid waste that we possibly can conserve, either through waste reduction measures, through recycling materials and energy or new conscientious efforts to minimize the amount of materials that go into the many products that our affluent society depends upon.

(Slide No. 2.)

Now, these objectives of sound land disposal practices, hazardous waste management and resource conservation can be achieved through a variety of

objectives of the law structured for the federal government as a partner with state and local government, industry, to do certain things through a variety of objectives.

Some of the provisions of the law allow technical and financial assistance to state and local government to prepare plans and implement those plans to deal with the solid waste management problems.

To develop the necessary manpower to respond to the demands of RCRA, which is the way -- That's the acronym we refer to for the law.

As I mentioned, it will prohibit future open dumping of solid waste.

The law is designed to convert or close all existing open dumps and to put all the waste in acceptable sanitary landfills.

To regulate hazardous waste.

(Slide No. 3.)

The law provides for EPA to develop guidelines for solid waste management which will serve as a basis to guide state and local government to improve practices.

These guidelines are mandatory on the federal

government, and it allows the federal government to try to set an example by keeping its own house clean before it asks states and local government and industry to do a good job.

Provides for research and development to develop new and improved systems for solid waste management.

To do studies on health and environmental effects of improper solid waste management.

Serves as a foundation for making sound, intelligent decisions on what has to be done to deal with the problems.

It provides for demonstrations of full-scale solid waste management systems, technologies and practices to eliminate, or at least relieve, some of the risk taking of state and local government on unproven or yet undetermined successful systems and technology.

It provides for a mechanism for us to build a long-term program for a federal, state and local government and industry partnership in materials and energy recovery.

It recognizes that, in order to do all of this, an informed public is the first and only foundation by

which sound governmental decisions can be made. It provides mechanisms for EPA to support effort to educate the public on solid waste management problems and on the solutions or the potential solutions to those problems.

That's kind of a quick overview of the objectives and the goals for RCRA. And we have basically five series of presentations. The first is on public information and public participation.

We will talk about the hazardous waste provisions, the land disposal provisions, resource conservation provisions and, finally, the state and local government development provisions of the law.

I will move on and talk about public information and public participation as sort of an umbrella to give you a feel for why we are here.

(Slide No. 4.)

This meeting tonight, the series of meetings that -- This is the first of a series of a meetings that we are holding around the country to inform the public about the new Solid Waste Disposal Act. We hold one in each of our ten regional offices. This is about the eighth one. They have two to go. And we will hold a

series of other meetings.

It's the first time that the Federal Solid Waste Program has made a concerted effort to reach out to the public in a formal and in an informal way to get feedback early on before decisions are made. This is sort of the intent of many of the provisions of the Act.

The Act has specific public participation requirements that EPA must follow in order to assure there is adequate feedback from the public on what we are trying to do.

And the intent of the provision is, of course, to promote a better public understanding of solid waste management, its impact on the environment and the public health, and to develop stronger understanding for the ways it can best deal with problems.

It's designed to involve the public in all aspects of the implementation of the law.

It provides the materials and devices, the mechanism by which we can cooperate with states and the public can cooperate with states in doing what they have to do to meet the requirements of the law, at least respond to the mandates of the law.

It provides a mechanism for the state and federal government and local government to describe the significant data base which will serve as a foundation for a better understanding of these problems and the impact of what we are doing and the solutions so that the public has a better understanding of what it's going to take to get the job done.

Then it requires that the EPA disseminate as much information as possible as quickly as possible and requires us to set up a library that can be utilized if anybody has a desire to delve into the problem of solid waste management perhaps in a more academic way.

We have had a library ever since the office was established in 1966. And if you are familiar with library systems at all, you know there is a national network of library interchanges where you can go to your library and, if the publication isn't there, they can get it from another library anywhere in the country. We are wired to that system. You can go to your local library and get something out of Washington on a loan basis. We have a computerized information system which will allow you to tap in at no charge on a particular

abstract or on a series of abstracts or publications in solid waste management to sort of screen through to get a feel for what you want to do.

Now, what are the major categories that represent the public.

(Slide No. 5.)

We find, of course, there are organized groups that represent various forces at play in the solid waste management field. It's very difficult to find out who represents the individual citizen, and so our public participation program is designed to try to tap as many of the different segments of the public as possible, both the lay public and the technical public, to try to make sure that everyone has a chance to know what we are trying to do.

Of course, you have the consumer, the environmental and the neighborhood groups, which represent probably the closest to the -- really the lay public as possible. And we have a longstanding tradition with certain organizations that represent some parts of the lay public, which is the League of Women Voters, where we have tried to build a stronger understanding through their

membership on what solid waste management is all about.

And, of course, you have the standard trade, manufacturing and labor organizations that are represented in Washington by large organizations.

And we have the public health, scientific and professional societies which have a strong interest in solid waste management from a practitioner's standpoint.

And, of course, you have many governmental and organizations -- and university associations which have reasons to be concerned and involved in solid waste management.

As I mentioned earlier, the law itself has certain mandates on the federal government and, because of this, it's important that the government is equally involved.

(Slide No. 6.)

RCRA provides a mechanism for the public to participate in a very formal way in what we are trying to do and how we are trying to implement the law. We had to issue procedures by which the public can petition for changes in any regulation or guidelines that we might publish under the authorities of the law, a petition for

regulations or guidelines to be written that have not been proposed or conceived by the agency, the Administrator of EPA then must consider these petitions and show cause for why the agency should or should not respond to that petition.

The law requires us to provide an information mechanism by which we can have participation in all aspects of the planning, development, implementation of RCRA. It requires us to hold public, formal public hearings for the development of our regulations and guidelines.

It requires us to have the public involved in talking about what sort of information programs and knowledge of activities that the citizens should be involved in, what do they want from the federal government in the way of solid waste management information.

And then in just the basic decision on the budgeting, planning and implementation of our programs, the public is supposed to be involved.

(Slide No. 7.)

RCRA requires us to publish guidelines on how the public can do this, what mechanisms can they wire in

to us to participate in our activity.

And then it provides for citizen suits that would allow any citizen in the country to sue any other organization, individual or activity or agency that is in violation -- as they perceive it, in violation of any guideline or regulation that the agency may have promulgated.

That's fairly common boilerplate in most of the new environmental laws, the citizen-suit provisions.

We will carry out this program through a variety of mechanisms. I mentioned we will have formal hearings on all the regulations and guidelines that we will be promulgating.

In addition, we will hold a series of conferences and meetings around the country, either directly sponsored by our office or EPA or sponsored through a variety of interest groups around the country who have a strong and overriding interest in solid waste management.

(Slide No. 8.)

And we will hold a series of workshops, small groups to get together and talk about specific problem

areas, specific work that we have underway, and try to get feedback.

Most of the workshops will be directed toward more the technical type of people who have a broader foundation in the technical and economic aspects of solid waste management, but there will be workshops held with citizens also and the lay public to talk about what we are doing.

(Slide No. 9.)

Then we will have a variety of review groups participating with us as we develop any regulation and guidelines and plans that we will be developing under the law.

We have in mind to establish a very formal advisory group for the office, and in the interim while we are trying to establish this formal group, we will have a variety of ad hoc groups representing different segments of solid waste management to sit with us and give us guidance on what we should be doing.

Then, our public education programs. There will be a variety of ways to reach out to educate the lay public: publications, slides, films and exhibits. We

will work with the newspapers, television, radio, to provide information.

And then we will have a variety of financial assistance programs to interest groups who, in turn, will carry out education programs to their own membership, such as the League of Women Voters.

In addition to the public participation portion of the law, Congress recognized that the new mandates that they promulgated, that they passed in this law, will probably require manpower to respond to the demands of the law.

(Slide No. 10.)

And they provided a mechanism by which EPA must make a judgment through a manpower study with a report to the President and Congress on what needs for additional personnel may occur because of RCRA and how the programs that are out there now to develop manpower might respond to provide that manpower and what we would have to do to meet any deficit of manpower needs because of the new law.

And they provide grant contract authority to train personnel to develop programs to develop the sort of manpower that the various levels of government and industry

need to carry out their solid waste programs.

That's basically now the public participation provisions and the manpower development provisions. And after each of these segments of the presentation, we will hold the floor open for some comments or questions or discussions from the floor. And we will entertain that now, I guess.

CHAIRMAN DE FALCO: Would those that have questions please go to the microphone and identify yourselves.

MR. LARRY BURCH (California Solid Waste Management Board, Sacramento, California): Lanny, I guess this is a question to you, and it does affect the state programs, but do you plan in the state plan development guidelines to require the states during the plan preparation process to have some sort of public input programs, such as public hearings, public sessions like this, advisory groups or task forces?

MR. HICKMAN: Well, I don't know that we have really zeroed in yet to make that kind of a decision. It's come up in almost every one of the public participation programs like this that I have sat in on, and it seems

to me -- We were in Dallas Tuesday night and Wednesday morning with the same sort of presentation, and the point was made by, I think someone from one of the state governments, that if EPA is trying to set an example of public participation like we are here in the planning and implementing of the law, it seems only fit that the states should do the same thing and it should follow the same example.

And I am certainly going to make those sort of recommendations to the office that we provide guidance to the states on having the public involved in their phase of implementing this law because it's just not our law. It's really designed for the state and local government to pick up on.

I think it would be a very valid thing to do.

MR. BURCH: One other related question.

After the state plan is developed and we enter the implementation phase, do you see that the state and local government can qualify for some type of program funds to sustain a public information program?

We find it very difficult to sell this type of a service to the Governor's office, this year at least.

MR. HICKMAN: I think everybody has a hard time selling public participation programs and training programs always because it's so difficult to measure output.

MR. BURCH: That's correct.

MR. HICKMAN: You know, you can measure how many cases of litigation you have and how many times the lawyers go to the -- you know, go to the courthouse very effectively, but it's very difficult to measure the level of awareness you have created out there with the public by whatever programs you might carry on.

The way that the law is written as far as the development and implementation of state plans, the law is designed so that -- We will talk about this later on, about state program development, but I probably ought to make the point here that the law doesn't visualize that a state plan's developed solely by the state. It's very specific in that that state and local government, through its elected officials, must come to an agreement on the relative share of responsibility for the development and implementation of a state plan.

And it provides financial assistance from the federal government to do the development and implementation

of that plan. Seems reasonable to me that if within that plan, part of that -- part of that plan included public participation and the public education program, that the money would flow as long as there is money from the federal government to help implement that plan down to the state and local government to carry out those programs.

It seems reasonable to believe that would occur. There is nothing to preclude it, certainly.

MR. BURCH: Thank you.

MR. RONALD SCHWEGLER (Los Angeles County Sanitation District): In understanding the importance of what you have to do in the drafting of your guidelines and the presentation of your ability for dissemination, dissemination of information back to the nation, I wonder if there is going to be a chance in the future that we will be able to have assistance from the attorneys in the drafting of the language so that, as we disseminate this information back to the public, that we will have a chance, because this information that goes out in case of sanitary landfills versus the formidable dumps, we know that the opposition groups, the special interest groups, whenever it comes to rest, it has to fall within their confines and

their back yards, that we will tend to use the law and -- the law of the land as it will be written, and through your office to their advantage, and they will find ways of interpreting.

And having stood before many planning directors and talking about sanitary landfill at the end of that, one lawyer will get up and say, "What we have been listening to all this time, they are talking about dumps."

So all I am saying is I think we have to be very, very cautious and have assistance in the development of this dissemination program to realizing that whatever is being said about sanitary landfills will be used by the opposition in need, if you will: as we close down the dump, we are going to need something to take their place.

And I know you know that, Lanny, and we are going to need landfills, but they will use that information against us.

And then a second type of thought that I know that you know under the mandates of the law that you have to have this dissemination program, as in the past EPA has put out pamphlets and brochures indicating the success

or the degree of the status of some programs. And we in the industry many times have to stand before councils and supervisors and say, "The EPA put out -- They say that it's possible to do these systems for X dollars and everything else."

There, again, it's a very cautionary note prior to approving that we allow these systems that may take eventually the alternatives to sanitary landfilling, of the resource recovery alternatives that they would have us choose, that we don't go into great dissemination programs projected on our beliefs as what these costs can be until these programs have a chance to prove themselves out.

And in our anxieties, to quickly get information back to the public and to those little city directors, city officials out in Spokane or someplace else, so that they have something to choose from; that we base it on actual facts rather than our beliefs, Lanny.

You can see it's a plead. It's a true plead, having gone through this so many times, and we need your assistance and we need it very, very desperately out of EPA.

MR. HICKMAN: You aren't going to make me respond to that? That wasn't a question.

I understand what you are saying. It's interesting, in the law it does talk about the fact that we shall have the public participate with us in the development of our information programs. I'm not quite sure how we are supposed to do that and what it means.

But we will certainly try. We have always tried to. No matter how we write the information, it's always going to be used to suit the ends and the intent of whoever is trying to use it.

But we will certainly try to be as factual as we can always and base it on facts and not wishes.

CHAIRMAN DE FALCO: Any other questions?

MR. SANJOUR: I am Bill Sanjour.

(Blank slide.)

And Mr. Hickman asked me to point out to you that this picture on the screen is one of our landfills in Buffalo, New York.

I'm going to be talking about hazardous wastes. And here we are talking about industrial wastes for the most part, not household garbage. And while perhaps only

about five, ten or 15 percent of industrial wastes can be considered hazardous industrial wastes, as a class it has a much greater volume of waste than household garbage.

It is probably far more detrimental to the environment, and yet it's a subject that most people know almost nothing about because it's carried on, part of it, by private companies behind fences. The people who are the generators of it and the people who dispose of it are all private corporations, for the most part, and it never enters the public arena, so the public is almost completely unaware of it until there are outbreaks of accidents and well poisonings and the like. And they almost never associate this with other such incidents that happen from time to time.

This was one of the chief interests of Congress when they passed this law. The other was that in the years of active environmental legislation, we have seen that, through the Air Act and the Water Act through cleaning up air and water, the materials that have been coming out of the air and water are now being disposed of on land.

Congress, by passing the Air Act and the Water

Act did not ban the generation of these hazardous materials. It only banned the disposal of them in the water or in the air without effecting a ban -- and in the oceans -- without effecting a ban on land.

So they have greatly increased disposal on land without any regulation. In many cases, Congress found that, in fact, what it had done was to create a worse environmental situation than it cured.

For this reason, then, the hazardous waste provisions of the Solid Waste Act were passed. They were passed, I might say, largely modeled after what had been done in the State of California. Once again, the State of California has been a leader in environmental legislation in this country, and this Act is largely patterned after the system that is in use right now in the State of California.

Let me go through the provisions of the Act with you.

(Slide No. 1.)

Section 3001 -- I'm dealing now with Subtitle C. Section 3001 calls for a definition of hazardous wastes within 18 months. That is, a criteria must be

established by the Administrator, and then the Administrator has a choice of two methods for defining a hazardous waste:

He can either define the characteristics of the waste, or he can list specific wastes, or he could do both, one or the other or both.

In defining these wastes, he is charged with taking into account the toxicity, persistence and degradability in nature, potential for accumulation in human tissue -- I beg your pardon -- in tissue, and other related factors, such as flammability, corrosivity and other hazardous characteristics.

(Slide No. 2.)

Section 3002 of the Act calls for standards for persons who generate hazardous wastes. And, as I said before, these are largely manufacturing industries we are talking about, a very high percent dealing with the chemical companies.

In California, this would probably include a lot of oil refineries, petrochemical.

These are also to be done in 18 months, and the standards for generators would include requirements

for record keeping, reporting, labeling and, most important of all, the manifest system.

This is the system that was developed here in California to keep track of hazardous wastes under the philosophy that wastes, hazardous wastes, have to be treated as a commodity and that the biggest problems occur with the disposal of these wastes in that unscrupulous persons will just put them anywhere, just open up the petcock and the valve on a truck at night and just dump them off by the roadside, and it would be impossible to really monitor all the possible ways these wastes could be disposed of.

And the best way to do it was to keep track of it. Therefore, the generators are required to keep track of what they generate. And when they ship these wastes, they can only be shipped to an authorized facility. And this manifest system is the bookkeeping system for keeping track of it.

And this was, as I say, developed here in California.

(Slide No. 3.)

Section 3003 of the Act calls for a very similar

standard for transporters of hazardous wastes. Again, record keeping and labeling provisions and compliance with the manifest system.

(Slide No. 4.)

Section 3004 of the Act are standards for treaters, storers and disposers of hazardous wastes. And these could be one of two classes of people: either the generators themselves, if they dispose of these wastes on their own facilities, or if they store them for any length of time, would come under these provisions, or commercial operations, commercial landfills or hazardous waste storage treatment facilities who operate to serve a great number of clients.

Here the regulations call for record keeping, monitoring, inspection, location and design criteria, maintenance of facilities, contingency plans for emergencies, for spills and the like.

I just heard that we just had a bad one last week here in California, a nasty situation of generating some poisonous gas. And it's precisely this kind of thing that there has to be plans for in the Act and also provisions for ownership of the facility, for perpetual

care of the facility, for financial responsibility of people who operate such facilities.

Now, these are items that are explicitly called for in the Act. In addition to these standards, there is this statement in this section, and that is that the Administrator may write standards as may be necessary to protect human health and the environment, in addition to these.

Now, that's a very broad and vague statement. Congress conceived, based on the legislative history of standards, that would protect ground water chiefly. Probably also surface water. Maybe also air. Perhaps noise, odors. All of these could be included under that statement.

But it's a general -- It's a discretionary statement on the part of the law so that the Administrator can essentially make his own decision about what will be covered.

Now, this is where there can be a great deal of public influence. It is just in such discretionary areas that the public can have the greatest influence because it is discretionary. If it were mandatory on the

part of the Administrator, no matter how many letters he got from the public, there is very little he could do about it. But where it is discretionary, this is precisely where the public can have its greatest influence by pointing out where the Administrator should exercise discretionary authority.

(Slide No. 5.)

Now, the purpose of these standards are shown in Section 3005 in the Act wherein regulations have to be written to issue permits for those facilities which treat, store and dispose of hazardous wastes, and the issuance of those permits would have to depend on the standards in the previous section.

Now, Congress conceived that this Act would be administered by the states. And this permit-granting facility, then, would be done by the states if the states assumed the hazardous waste program. It's not mandatory that they do so.

In the event that they do not assume the program, then the permit-granting program would be handled by EPA at the regional level.

There are, in addition to the permanent permits

which have to be issued based on the standards of Section 3004, also provision for interim permits which can be issued to facilities that do not meet those standards on an interim basis. And basically the way the Act is written, all they have to do is apply for a permit, and they can continue in operation with no jeopardy until a permanent permit is issued.

This is to basically prevent a big backlog of permit granting. Usually permit-granting agencies cannot overnight issue hundreds or thousands of permits. So this is to provide for the interim period while they are being issued.

And, to a large extent, the speed at which permits are issued is a function of how much money is put into the program, quite frankly. And if very little money is put in, that means that permits will be issued very slowly, which means that interim permits will be the rule for a long time.

(Slide No. 6.)

Section 3006 of the Act is our guidelines written by the federal government. These guidelines inform the states on what constitutes an adequate state program.

In order for a state to take over the program, it must apply to EPA, and EPA will then review the state program against the guidelines to see if the state program is in keeping with the guidelines promulgated.

Now, again, there is a lot of discretionary authority in this part of the Act.

In order to assume the program, what the Act says is that the state program must be equivalent to the federal program, consistent with other state programs, and adequate enforcement with Subtitle C.

Now, words like "equivalent," "consistent" and "adequate" are vague terms and subject to a lot of discretionary interpretation on the part of the Administrator.

The phrase "consistent" is in there, I think, in order to prevent some states from being pristine pure to the point where they don't allow any waste at all to be disposed of in their state, so they end up being taken to a dump in the nextdoor state, which is the kind of thing that's going on right now. And I think this is the kind of thing that Congress wanted to prevent with the word "consistent."

"Equivalent" probably means that the standards

cannot be much tougher or much easier, but how much is much is a discretionary call.

In addition to approving state programs, Congress provided provision for interim approval because there are many states, including California, which have existing hazardous waste programs which are not in line with federal programs in some respects. So Congress provided that, nevertheless, these states could have interim authorization so that their programs could continue with the federal, as part of the federal program, over a period of several years while the state and federal programs came into line.

(Slide No. 7.)

Section 3010 is a requirement that those who generate, treat, store, dispose or transport hazardous wastes are required to notify EPA of that fact within 90 days after EPA publishes its definition of hazardous wastes.

This part of the Act is really no requirement on EPA. It's a requirement on a lot of other people. However, we recognize that most of the people who generate, treat, store and transport hazardous wastes are

not going to be reading the Federal Register and will not know, in fact, that if they don't get the notification within 90 days, they could be fined, what is it, \$25,000 a day or something, so we are going to take great pains to notify those people that they have to notify us.

(Slide No. 8.)

Section 3011 is for providing grant money to the states to run the state hazardous waste programs.

Now, this is purely program grants. This is not the construction of equipment or anything like that. It's basically to hire people and to train them to administer the hazardous waste program.

These grants have to be allocated on a special formula that Congress has in the Act, which is based on the need, hazardous waste need of each state. And there is authorized in the Act \$25 million for this purpose. However, it has not yet been appropriated.

(Blank slide.)

And this is another landfill in Minnesota.
Sorry about that.

Mr. Chairman?

CHAIRMAN DE FALCO: Any questions on this

section? Please come forth to the microphone and introduce yourself.

MS. JEAN SIRI (West Contra Costa Conservation League): I have a great many questions on this subject, as I have had at the state level.

I'm not sure whether you are aware what the cost of enforcement of this kind of program would be, even just in a state like California. If you consider the complicated chemical formulas of the material that is being dumped in the dumps and the chemist is required to do the work of enforcement and the fact that there are as many dumps privately owned and as much dumping on strange manifests going on in a state like California, the cost of enforcement is almost prohibitive unless there is rather tremendous help from the federal government, it seems to me.

The thing that I find missing in this Act, and that I find missing in your presentation that was present in a bulletin issued by the EPA, that was one of the more superb bulletins you issued, was one on resource recovery and hazardous waste. I have heard no mention of resource recovery of hazardous wastes nor a proposal that it shall

not be dumped in the ground and shall, indeed, be recovered and used as stock for other hazardous waste development. I found that lacking.

The other thing that I wonder about is public ownership, the fact that it requires that much more enforcement with private ownership, and with all this business being private, might it not, indeed, be a much cheaper way to go if it were publicly owned, the controls and the treatment of hazardous waste.

Thank you.

MR. SANJOUR: Gee, I thought you would have a lot more questions.

MS. SIRI: Later.

MR. SANJOUR: Resource recovery, Congress did not put in any provision whatsoever for resource recovery of hazardous wastes. They decided on a purely regulatory program.

I could perhaps go into their motivations if you are interested in why this was the case.

MS. SIRI: Go ahead.

MR. SANJOUR: Unlike garbage -- Okay. I will go into it.

Unlike garbage, which is generated by you and me in very small units, you and I can't take advantage of economics of scale in your processing of garbage. We are too small. It takes the garbage of hundreds of thousands of people before it's worthwhile for building a plant to recover it. So the recovery of the resource of garbage has to be handled by a government agency because the individual generators are too small.

This is not the case with industrial wastes. If there is a buck to be made out of industrial waste, you can bet that the industries are making the buck.

MS. SIRI: Not necessarily.

MR. SANJOUR: I grant you you will find some cases where it appears that they aren't, and maybe there even are some cases where they aren't. Any time you look reasonably close, even when you thought they weren't, they are. But even if they do have the capital at the present time, they don't have any reason to break loose with it because they have other things to do with it.

MS. SIRI: You can dump it cheaper.

MR. SANJOUR: That's right, exactly.

MS. SIRI: That isn't necessarily what should be

done by the government.

MR. SANJOUR: Yes. Well, the attitude of Congress was that the way to handle the problem was to prevent the cheap, obscene, promiscuous dumping, and if you can't dump your waste at ten cents a gallon, then maybe you will find something better to do with it without having the government specifically telling people what to do.

Your other point about public ownership of disposal sites, there is nothing in the Act about that, either. In fact, the Act specifically provides that no discrimination can be made against private ownership of disposal sites.

I think you are aware that EPA did a study several years ago of that question, and we concluded that it really wasn't a very efficient way to handle the problem.

Now, that's a rather long story in itself. We may have to go into it sooner or later, in any event, because it's getting so difficult to get land disposal sites approved of by any local authorities. That may come to that.

The only way we can get anything approved of is to use the eminent domain process or to use federal lands. We are getting very close to that point.

That would be done not because it is the efficient thing to do or the cheaper thing to do. It's neither. It's done because it is the only way to do it.

There is no way for local government to overcome public opposition to these public disposal sites.

Yes, sir?

MR. J. P. HELLMAN (California Trucking Association, Burlingame, California): We are here really not to ask you a question except that what regulations you propose for transporters of hazardous materials, whether they be waste or otherwise, when you get to your definition stage 18 months from now, we will know a little better about what you are going to say. But it's sort of a plea. Please, fellows, go back to Washington, talk to the Hazardous Materials Regulations Board and coincide your regulations with theirs, because we have OMO -- Now, you people -- to live with. We have the CHP in California and the gentleman from the Waste Management Section of the Public Health Department of California.

We can be had coming and going by all of these agencies unless the regulations are uniform for transportation only.

What you do about the landfill, the producer, that's none of our business. But for transportation, we sure would like to see you come up with uniform regulations.

And along those lines, if you are going home to Washington, we would hope that you would give the Hazardous Materials Board a call prior to Monday, March 14th, when their Docket No. 145 closes on comments regarding hazardous waste transportation.

Thank you.

MR. SANJOUR: I know this isn't going to satisfy you, but we have been talking to those people for years, along with the Department of Transportation, because we have been hearing from the truckers for years and that we are going to be talking to those people, and we have been talking for years and years.

If our regulations don't show it, it isn't because we haven't been communicating with them.

MR. HELLMAN: Well, we don't want to be pulled

over by the side of the road by a CHP vehicle saying to us, "You are not conforming to Title 49," and go down to the dump site and told we can't unload because California says we don't have the right dump site or have you tell us that we didn't haul it in the right equipment.

MR. SANJOUR: We are trying.

MR. HELLMAN: So we are sort of up a tree unless there is uniformity.

MR. SANJOUR: We are aware of your concern, and we are trying to meet it.

MR. H. CLAY KELLOGG (Carson, California): I just want to make one little statement early.

A couple of people have said here if we get money from the government, it's going to be less expensive. I just don't understand that. Just because the government's going to help California or help somebody else, it's not going to be less expensive. You are still going to pay for it.

But my question is on defining what is that hazardous waste, I think it would be a big mistake to include well-processed composted sewage sludge, which is one of our great natural resources, and stick it with

all these monitoring things. It would be absolutely impossible.

If there are problems with sewage sludge, they can be solved. If it's the pathogens or the odors, that can be solved. That's easy through composting. Talk to the Los Angeles County Sanitation District.

If you have got problems with the heavy metals, find out where they come from and shut off the damned source. But I don't think sewage sludge should be listed as a hazardous product or waste, and my question is are you going to -- are you planning on having that listed as a hazardous waste?

MR. SANJOUR: You have hit upon a very sensitive spot, and there is certainly a lot of debate going on on that issue in EPA right now, and sides are forming. And I think those of you who have any comments on this subject I strongly urge you to send them in because this is one issue that's going to be very much debated.

MR. KELLOGG: Some of us have done that for years.

MR. SANJOUR: I happen to personally fall on the other side of the issue than you do. So since you

gave your arguments, let me give mine, and they are that the sludge you are referring to is made up largely of industrial wastes.

MR. KELLOGG: It doesn't have to be.

MR. SANJOUR: In some communities in America, the sewage sludge, the municipal sewage sludge, is 90 percent industrial wastes.

Industries have two ways of disposing of their waste. They can send it out on a tank truck or they can send it down the sewer. Okay. If they send it down the sewer, it ends up in the sewer sludge.

Now, in many large cities in America, the sewage sludge consists of 50, 60, 70 percent industrial wastes, no different from the industrial wastes being generated by industries except it has some household waste mixed in with it.

MR. KELLOGG: All right. You have those same industries filling up their tank trucks and disposing of it on the landfill and not using the sewers as a dump because they don't belong there.

MR. SANJOUR: This Act gives no authority over sewers. This Act gives authority over solid waste

disposed of in dumps.

CHAIRMAN DE FALCO: In response to your question, my friend is right. This Act doesn't, but there are several other acts that do, and they are being pursued, and we would expect to see a good part of the industrial waste problem in sewer sludge separated out as soon as the so-called pre-treatment regulations go into effect, which will exclude the dumping of those kinds of materials down a sewer.

MR. KELLOGG: Good. I think that is good.

CHAIRMAN DE FALCO: There is a problem. We have to sort out the ultimate disposal places.

MR. KELLOGG: Fine. Fine.

CHAIRMAN DE FALCO: And hopefully we will weave together the various environmental pieces of legislation and other legislation and provide the kind of answers you are seeking.

MR. KELLOGG: Thank you. You can sell that overseas like you do wheat, the deactivated sludge.

CHAIRMAN DE FALCO: I don't know exactly how we would market it, though.

Any other questions?

I would like to, if we can, take about a ten-minute stretch break, and then we will resume.

(Short recess.)

CHAIRMAN DE FALCO: May we reconvene, please, ladies and gentlemen. Ladies and gentlemen, may we reconvene, please.

We would like to now get into a review of the land disposal elements. Lanny, if you will.

MR. HICKMAN: Would someone turn the slide projector on, please? I can't talk unless I am on the screen.

CHAIRMAN DE FALCO: You can't see what you are talking about.

MR. HICKMAN: I can't see what I am talking about.

I think we should start right now on the basic premise of the definitions that RCRA has. These are very germane to the subject of land disposal, as well as the rest of the law, and in the amendments to the law, Congress makes the changes from definitions that were in the 1965 and 1970 amendments.

In the old law of 1965 and 1970, "disposal" was

defined in more of the generic term of solid waste management rather than actual disposal. In the amendments of RCRA, "disposal" was redefined to basically really zero in on the placement of solid waste on land.

And it means that:

"The term 'disposal' means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters."

And then Congress went ahead and defined "open dump." And they define that as follows.

"The term 'open dump' means a site for the disposal of solid waste which is not a sanitary landfill --"

Which means that there is nothing in between, folks. Either it is or it isn't, I guess.

"-- which is not a sanitary landfill within the meaning of Section 4004."

We are going to talk about 4004 in a minute, so that is nothing to get excited about.

And then they said:

"The term 'sanitary landfill' means a facility for the disposal of solid waste which meets the criteria published under Section 4004."

And then the last definition and the one that's most revealing, is the one for solid waste. And I am going to tie all of these together so that you understand what they mean.

And Congress, in its wisdom -- And only Congress can do this -- ordained that a solid can be liquid. And under the definition of solid waste now, it can be liquid as well as solid, and everything in between. And, specifically:

"The term 'solid waste' means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material. . . ."

So you tie all these definitions together, and

what RCRA is saying is that any waste that goes on the land, RCRA is concerned about, and it's saying that the sanitary landfill now has gone one step beyond, beyond the classic and traditional land disposal site receiving municipal sludge waste, compacting it and putting a daily cover on it, because sanitary landfill could, by practice, be a variety of land disposal practices receiving a host of different types of waste from the solid to the liquid and all the super goo that's in between.

So that's very important because what the law is trying to do is, of course, close the loop that was created by other environmental laws, such as the Air Pollution Control, Clean Air Act and the Federal Water Pollution Control Act, which cleaned up the air and cleaned up the water and generated a lot of other waste materials, as well as to close the loop of practices of our normal everyday life where we discharge a variety of unwanted materials.

So it's a very significant step forward in environmental legislation.

(Slide No. 2.)

Okay. Section 4004, the magic section that is tied to the definition of open dump and sanitary landfill,

requires the Administrator of EPA within one year of the passage, the enactment of RCRA, which will be October 21, 1977, must issue criteria for what is a sanitary landfill and for an open dump, and must consider in those criteria reasonable probability of adverse effect on various land disposal practices.

And the law insinuates, although it doesn't specifically say so, that there would be types of sanitary landfills and it requires that the state plans, ones developed under Subtitle D, will see that all solid wastes that are not recovered go to sanitary landfills.

(Slide No. 3.)

Now, keep remembering that solid waste is also liquid now, so we must keep remembering that.

Okay. Section 4005, upgrading of open dumps. The law requires EPA to, within 12 months after the Administrator issues his criteria for what is a sanitary landfill, to conduct an inventory of all the sites that would fall within the definition of an "open dump" -- And, by definition, an open dump is anything that's not a sanitary landfill -- and publish the list of all those sites that he finds to fall within the category of an

open dump.

Now, the minute that list is published, those sites are, in effect, in violation of federal law. But, unlike the hazardous waste provisions of RCRA where, if the state fails or deems not to pick up the program, the federal government must carry out a regulatory program in hazardous wastes, there is no such provision for land disposal, so that there doesn't appear to be a lot of incentive for anyone to -- for any state to get involved in this because there is really no regulatory -- regulatory thrust other than the fact that these sites are in violation of federal law, subject to the citizen suit provisions of RCRA in the Federal Court system; and if found on behalf of the plaintiff, court costs may be returned to the plaintiff.

So there is some motivation. There is also some motivation for the fact that very little money can be provided through RCRA authorities to local government to do anything unless the state is involved in taking care of these sites.

And the state plan has to provide for a mechanism over a five-year period after the list is

published, not to exceed five years, for a schedule to close or upgrade all those sites that are open dumps, provide a schedule for that.

And by 1983, the law intends for the practice of open dumping to cease in the United States.

(Slide No. 4.)

Now, under Section 1008 is authority for the EPA to issue guidelines for various solid waste management practices, resource conservation, hazardous waste practices that might not be covered under some regulation, land disposal practices or whatever, and it also requires under Section 1008 to issue criteria for open dumping.

Now, these guidelines are merely guidance documents, advisory documents, to state and local government and industry to provide a mechanism for them to improve their practices. They are mandatory on the federal government. The federal government must comply with guidelines issued under Section 1008.

Now, this is a carryover provision from the 1970 amendments which provided authority for EPA to write guidelines, and we have issued some seven or eight guidelines covering a spectrum of solid waste management

practices from land disposal to beverage containers, resource recovery facilities, collection of commercial, municipal, institutional solid wastes.

And we now have -- we now have underway the development of a revision of the existing guideline on land disposal to accommodate the new provisions of RCRA.

We visualize this guideline as being a supportive document to the criteria issued under Subtitle D for open dumps and sanitary landfills, as guidance on the best way to improve practices, and this guideline will, as it's developed over the period of time, over the years, it will be a gradual progression.

We will look at various waste streams and various types of land disposal practices and try to give guidance on the best way to sight, design and construct and operate those facilities.

And we will also develop -- At the present time, we have under development sludge disposal guidelines that will perhaps deal with some of the problems and concerns that have been raised already tonight about what's the best way to take care of sludge.

Those are the major land disposal provisions of

the law. And I realize it's a brief overview, but the thing you have to remember now is that sanitary landfill is no longer sanitary landfill as you conceive it as being a place where solid waste goes that gets compacted and covered, and solid waste is no longer just solid; it's also liquid and just sludges, and that there is only, in theory, two types of land disposal practices as RCRA views it: either an open dump or sanitary landfill.

Now, I will entertain questions.

MR. STANLEY JUDD (Standard Oil Company of California): How would you envision, with this new series of definitions, the treatment of things such as land farming, land spreading and weathering practices which are used today for disposal?

MR. HICKMAN: Well, land farming would fall within the provisions of the land disposal requirements of the law. And it could be a sanitary landfill by definition if it fell within the criteria of what was considered to be a sanitary landfill, something that did not, in effect, pollute, cause health or environmental problems.

It might also fall outside the disposal

definition, into perhaps resource conservation provisions. It's hard to say.

It could fall within the definition of open dump or sanitary landfill unless it's a hazardous waste. And then, of course, it will be dealt with under Subtitle C rather than Subtitle D.

Subtitle C is the hazardous waste provisions. Subtitle D is the land disposal provision and state and local development provisions in the law.

Every time we have this presentation, land farming comes up. It's a . . .

MS. SANDRA MATHIAS (Southern California Association of Governments, Los Angeles, California): How do you see the guidelines affecting the 208 process that's going on in Southern California and across the nation, especially as it relates to the residual waste management program?

MR. HICKMAN: We will talk a little bit more about this when we talk about state and local program development.

The interrelationship between 208 agencies and other planning agencies, not all 208 agencies are doing

residuals planning where, within the provisions of the law, there is a requirement that state and local government come together and reach an agreement on who is going to do planning and who is going to do implementation.

At that point in time, the 208 agencies -- And the law says be sure and consider the 208 agencies; also the Governor and local elected officials have the opportunity to make that decision on who is going to do residuals planning, at least from land disposal aspects, whether it be done under 208 or under RCRA.

We have been cooperating with the 208 program in Washington and, in fact, in the '78 budget, part of the 208 budget is provided to our office to do some implementation work since, in effect, the 208 authority won't allow for implementation.

It will be basically within the criteria that we will establish for identifying regional -- regional areas for solid waste planning and subsequently implementation of regional programs will be to call the state and the local elected officials as to who does that within the criteria and the guidelines that we will issue.

I don't think it really makes a difference to us

as long as the state and local government is satisfied and the job gets done.

But what's got to be done is the state and the locals have got to be happy with the way it's going to get done.

MR. RUSSELL PAPENHAUSEN (Supervisor, Plumas County): I think I can be heard without going to the mike there.

I am a Plumas County Supervisor, and I attended a meeting of CECAC down in San Diego, and the big discussion in solid waste down there was the fact that you are mandating these programs, and they want to know where they could get millions of dollars to purchase lands to do the very things that you want to do, because they have created more garbage than everybody anticipated. It's about twice as much, and we are running out of land.

The discussion was that you mandated a program, and who's going to pay for it. They felt they didn't have the money to pay for these exorbitant prices that they would have to pay for land.

MR. HICKMAN: I guess whether we mandated something or not, you would still be generating solid

waste. It would have to go somewhere.

We could talk about the financing. We will talk about the financing programs the last part of the presentation.

But throughout the law, there are limitations to what the financial assistance available in the law can be used for, and in almost all instances, it does not include the purchase of land.

CHAIRMAN DE FALCO: Any other questions? Why don't we go on, then.

MR. HUMBER: I'm Nick Humber with the Resource Recovery Division.

Concerning resource recovery, I'm sure your first question is how much are we going to pay for it. And at first, this is one of the first questions that Congress struggled with.

First, they were considering a \$200 million grant program, which became a billion dollar loan guarantee program, and that became a two billion dollar loan guarantee program. And then the next step, of course, was to have a zero dollar program, which is what the law ended up with.

It concluded that the funding at the federal level was not necessary, but a program of providing technical assistance, providing research and development, would fit the bill.

Let's talk about some of the more specific provisions of this bill.

(Slide No. 1.)

We have listed here several sections of the Act, and I'm sure you are dazzled by all the sections of -- sections of the Act. But the point here is that in this law, resource conservation and resource recovery have become legitimized as a part of the definition of solid waste management. And resource recovery had been in the Act of 1970, but resource conservation had not been.

So these provisions are the guidelines, technical assistance and many other sections of the Act, which you can see.

(Slide No. 2.)

Under resource conservation, probably the most important part in the Act has to do with the creation of resource recovery and conservation panels. These are somewhat misnamed.

First, they are not confined to just resource recovery and resource conservation.

And, secondly, they are not panels. So, therefore, the title is not at all appropriate.

But unfortunately I didn't have much to do with that title. Usually in these public meetings, people say, "How do you get appointed to this panel?" And there really aren't any panels, and there is nobody to do any appointing.

So the idea is that they do encourage that assistance and guidance to communities and states be given, not just by federal people, but by a wide range of people with expertise and experience in resource recovery.

And this would include those who are foremost in other cities and states who had experience in resource recovery and solid waste management, private industry, citizen groups, environmental groups, and the resource recovery industry.

So, therefore, on these, quote, panels, when we go to a city such as, let's say, San Jose and San Jose asked us for technical assistance, we would first determine what area they were interested in, whether it

had to do with landfill, collection or resource recovery, and then we would bring together a group of people representing different interests, first of all somebody who would establish a communication between the decision makers in the city and the citizens.

That's probably one of the most important parts is getting that communication, and then the different technical expertise: lawyers, investment bankers, bond counsel, technical people, solid waste management people and solid waste management people -- and solid waste management people.

The Act does require that of the general authorization or general appropriation that 20 percent of it be used for this purpose. That does not mean 20 percent of the total funding under the Act, but 20 percent of the general authorization.

And I hope that we will go down through all the funding authorizations at the end so that is clarified.

(Slide No. 3.)

Going back to guidelines for plans, requirements, this is under state planning, state programs, and I'm just giving you information about the resource

conservation and the resource recovery aspects.

The guidance that we give must reflect resource recovery, resource conservation and present and existing and new or future markets for recovered material.

And another very specific requirement is that no state plan can include -- Well, let me restate that.

It is that the state plan shall reflect that there are no prohibitions to communities within the state signing 20-year contracts. In other words, some states have provisions, for reasons other than solid waste, I guess, to prevent any kind of illegal activities or fraudulent activities on the part of municipal officials of making commitments for 20 years.

The problem is that one cannot finance a facility that has a 20-year life unless you have the ability to finance it for 20 years. So, thus, this requirement was put into the Act.

Several states have come upon this problem and have changed their legislation in this area.

(Slide No. 4.)

On financial aid, this is for grant aid and it's not grants for construction, but grants for planning

and implementation in state programs. They are for public agencies only.

Again, the emphasis is on implementation. We don't want to be funding planning studies that are literally just that, just studies and not implementation.

We are trying, as we have in the past, to provide funding for activities that lead to decisions on resource recovery, either to issue an RFP or not to enter into resource recovery. And this includes not only resource recovery, but resource conservation, hazardous waste management, sanitary landfill.

(Slide No. 5.)

The Act also requires that the federal government set a good example for the rest of the country. They realize that, although the federal government only purchases about two percent of the purchases of materials and goods in the country, that by setting guidelines that require recycled material content of these purchases, maybe state and local government -- maybe even some corporations -- will follow that lead and set similar standards.

That, in two years, procuring agencies -- And

this is primarily GSA and DSA, which is the DOD purchasing agency, have requirements for purchasing products with the highest percentage of recovered materials practical.

And this only includes items over \$10,000.

That is, purchases over \$10,000.

It extends this not only to the purchase of goods, but users of fossil fuels. In other words, boilers, federally operated boilers. And it, again, requires the highest use of refuse as a fuel as possible, as both technically and economically possible.

And, lastly, the vendors to the federal government must certify the recovered material content of the items they purchase.

(Slide No. 6.)

Now, as all laws, there is some issues that weren't clear on what to do and, therefore, Congress asked for some studies, and some of these are quite important; some are not as important.

The first is very important, the Resource Conservation Committee. And this is a committee composed of the head of EPA and the secretaries of several -- secretaries of several departments.

It requires them to study several major issues on resource conservation.

Other studies are listed here. Composition of the waste stream, setting priorities of our research efforts, looking at small-scale technologies for resource recovery, new technologies and systems for source separation, sludge and mining wastes.

(Slide No. 7.)

Those are the two-year studies, and here are additional studies that we were required to report on in three years.

(Slide No. 8.)

A bit more about the Resource Conservation Committee.

There is a requirement for the committee to complete its report in two years. As I said, this is composed of the EPA Administrator as Chairman, and the Secretaries of Interior, Treasury, Commerce and Labor, as well as representatives from the Council on Environmental Quality and OMB.

(Slide No. 9.)

These are the major things that this committee

will be studying.

See, there are several impediments to resource recovery. In the past, one of the economic impediments has been that landfills were really not operated at a real cost to society. In other words, they weren't environmentally sound and, thus, we were subsidizing inferior landfills.

On the other side, on the sale of materials and energy, there is still some discriminatory practices that discriminate against resource recovery. Depletion allowances and capital gains favor the purchase of virgin materials. We are supposed to look at those and other existing federal policies that discriminate against the advancement of resource recovery.

In addition, we are supposed to look at new subsidies or taxes or bounties that might be employed. These include such ideas as a subsidy for each ton recycled, a subsidy for each dollar investment in capital equipment that might be used for facilities for resource recovery.

And, lastly -- And, thirdly, charges on products to reflect waste management costs.

In addition, the committee is to look at the feasibility of product regulations to reduce the amount of waste generated.

(Slide No. 10.)

Under demonstrations and evaluations, again, it runs the gamut across all solid waste management opportunities. The major change is that we can provide funds to private organizations. That is, we can provide funds directly to companies for research. In the past, we had to fund a city or state, which then issued a contract or a grant with a company for technology. And that's not a very efficient way of doing it. So the law was changed to provide for that.

The funding can be up to 75 percent.

That's the end of the discussion on resource recovery and resource conservation. Do you have any questions?

MR. CLARENCE KAUFMAN (County of San Diego):

Nick, you mentioned earlier in your discussion that the Act prohibits, or will do something about laws prohibiting long-term contracts.

As I read this, it only pertained to long-term

contracts for the acquisition of waste to go into the sites.

Of equal concern to us, if not even greater, is state or local regulations prohibiting long-term contracts for the sale of materials from resource recovery facilities. Because we are unable to obtain private financing, it's very important that we be able to enter into long-term contracts for the sale of these materials and, in particular, energy.

MR. HUMBER: I think that provision -- I'm not sure that it pertains to that area. That is an important point. But it also does pertain to the contract for waste disposal services. You were saying on the waste stream, the whole waste disposal service, not just acquiring the waste.

CHAIRMAN DE FALCO: Any other questions on this section?

MS. ARIEL PARKINSON (Member, Berkeley Solid Waste Management Commission, Berkeley, California): I am a member of the Berkeley Solid Waste Management Commission and some other state and regional committees.

Could you clarify that statement in the federal

procurement table about the use of refuse for fuel as the highest use? Does that -- That's a rather ambiguous statement.

MR. HUMBER: I will try to find the exact statement in the law.

MS. PARKINSON: I will sit down, so I had better say the other thing.

It seems to me it conflicts with the use of refuse for its fiber content, or possibly for a fuel.

MR. HUMBER: Okay. It says under Section 6002(B), "Agencies that generate heat," blah, blah, blah, ". . . from fossil fuel in systems that have the technical capability of using recovered material and recovered-material-derived fuel as a primary or supplementary fuel shall use such capability to the maximum extent practicable."

Granted, it's very ambiguous, but the idea is to encourage federal agencies to examine the feasibility of using refuse as a fuel source.

In the other sections of the law, they ask that the federal government purchases paper, that they try to set the purchasing requirements that uses the

greatest recycled fiber content.

So there is not a conflict here.

MS. PARKINSON: Well, I would suggest that the summary statement is misleading as it's unlike the clarity of your other charts.

MR. HUMBER: Okay. Fine. Thank you.

MS. PARKINSON: It is not clear.

CHAIRMAN DE FALCO: Yes?

MS. JEAN SIRI: I would like to ask from here, if possible.

I was just curious to know why suddenly this five percent of the purchase price for tire shredders. Are there other proposals for tires besides just shredding them?

MR. HUMBER: I think we all share your confusion. We have no idea how that got in there. That's about the size of a sales tax, and I'm not sure why anybody -- It's quite a bit less than the cost for applying for a federal grant and enduring all the headaches. So. . .

MS. SIRI: It's weird.

MR. CLARENCE KAUFMAN: I still don't understand

completely on the long-term contract.

Some people are paying for sewage sludge, and you mentioned, for example, if a private company was buying sewage sludge from a district, is there any limitation on the length of the contract there, because, if there were, private industry wouldn't even touch it with a ten-foot pole.

MR. HUMBER: Okay. The provision pertains to -- Let's say that a community wanted to enter into a contract with a company to provide the disposal service and resource recovery. In other words, they would pay just a disposal fee at the resource recovery facility, and the facility would be privately operated and could be privately financed or publicly financed, depending on whatever. But to get the financing, the system would require a 20-year contract. In other words, no one would buy the bonds, either the corporate bonds or public bonds, unless there was a commitment to pay the disposal fee by the community for 20 years.

Now, in some states, there is a prohibition for communities entering into any kind of contract for pencils, erasers, anything, that runs for more than the length of

the administration or for five years or for some other period of time. And clearly one can't finance a recovery facility in five years.

MR. KAUFMAN: All right. Thank you.

MR. HICKMAN: You know, there are a lot of states that do have legislative limitations on long-term contracts that they won't allow a local government to make contractor commitments for longer than five years. And so Congress, you know, tried to be ecumenical and has written this section to cover all those states, as well as those who may be able to enter into long-term contracts through their permissive legislation.

CHAIRMAN DE FALCO: Any other questions?

We will go on to the next section.

MR. HICKMAN: We have reviewed now the RCRA land disposal provisions and the resource recovery and resource conservation provisions of RCRA. And the key concept now within the law, of course, is to develop an institutional mechanism to build the institutions necessary to deliver these intents of Congress to state and local government. So we are going to review the state and local development authorities that are provided in

RCRA on how this is supposed to take place at the state and local levels and what the federal government's involvement is from a financial as well as, as was mentioned before, a technical assistance standpoint.

(Slide No. 1.)

Okay. Subtitle C, which is the hazardous waste provisions, and Subtitle D, which is state and regional plans and implementation, provides a mechanism for the state to assume a dominant role in ensuring proper solid waste management.

The RCRA provides a mechanism for local government to meet planning and implementation, their planning and implementation needs under the law. It requires EPA by April of '77, which is next month, to issue guidelines for regional planning areas. And within a year after that, guidelines for state solid waste management programs.

Now, it's not like we are all new kids on the block. The 1965 authorities of the Solid Waste Disposal Act include state planning grant authority. The 1970 amendments continued that authority, as well as expanded it to include some authorities for local and

regional planning.

And, over the years, we have been developing, providing assistance to state government to develop state solid waste management plans. The last couple of years, we have been encouraging the states to do three basic things with the financial assistance they have received from us under the Solid Waste Disposal Act.

1. Get ready to have a hazardous waste regulatory program.
2. Get ready to have a decent land disposal regulatory program and
3. Get yourself arranged so that you can bring resource conservation about in your state.

Notice how nicely all those things fit together in this new law. That's just amazing how these things happen. And so we should not have a big problem moving from where we are now into carrying out the finishing up of our plans.

(Slide No. 2.)

Okay. RCRA requires certain minimum requirements for an acceptable state solid waste management plan. Now, the planning provisions for both hazardous and

non-hazardous waste are included in Subtitle D.

The law must provide a mechanism for -- requires that the state and local government provide a mechanism for shared responsibilities for planning and implementation. It says that the state shall, in concert with local elected officials, come to an agreement on who is going to do what.

Now, it doesn't say what constitutes agreement, and that will be an interesting exercise that we will all have to go through here in the next few months as to what constitutes agreement.

A plan must provide for the elimination of open dumps and/or the institution of sanitary landfills; must provide regulatory authority to see that open dumps are eliminated and that sanitary landfills are maintained.

We have already talked about the contractual freedom, you know, that they have got to set up a mechanism to review any constraints that will not allow local government to enter into long-term contracts to provide solid waste resource recovery facilities, and it says that all solid waste, therefore, shall, by, you know, within the plan, either go to sanitary landfill or

go through a resource conservation or recovery mechanism.

All right. Now, Section 3011 provides financial assistance for the development and implementation of state hazardous waste management programs. And as Bill's already mentioned, it's a \$25 million authorized level.

Now, that doesn't mean an appropriated level. That means authorized level, for both Fiscal Year 78 and 79. One can start to wonder. All these things are supposed to be coming out, of course. Our fiscal year starts in October, and the law was sort of passed in October, also. And the hazardous waste guidelines for state programs are supposed to be due out in 18 months, which is half way through Fiscal Year 78, and the state solid waste management planning guidelines are supposed to be out in 18 months, which is mid year '78.

You start to wonder, "Well, how can we start to give money out, or why is there money available in '78 for these things if we don't even have the guidelines out yet?"

But, you know, as I mentioned, we have been in the planning business a long time. We expect many programs

to be able to move rapidly into this, and we intend to be very, very flexible because the intent of the law is to help state and local government do the job of the RCRA. And we are going to try to do the best we can to help them get there.

Of course, the hazardous waste portion is based on the problem areas of where the hazardous waste problems are rather than on some other formula basis.

(Slide No. 3.)

Okay. Section 4008(a)(1) provides financial assistance for the development and implementation of a state plan. Now, the development of and implementation of a state plan is a shared function between state and local government.

We have had past experiences where a state decided this state plan would be all the counties, and all the counties would write a plan and they would put them all together and staple them and say this is our state plan. This is not our concept here. We are going to watch very closely on how state and local government come together to do this.

This is strictly a population formula, and it

flows to the states, and being used by the state government, and passed through the states to the local government, regional and local level for planning and implementation.

Authorized level in '78 is \$30 million, and in '79 is \$40 million.

(Slide No. 4.)

Section 4008(a)(2) is authorization for the implementation of solid waste management programs. And Nick mentioned this under his discussion of the resource conservation.

This is a concept of bridging the gap between the development of a plan and the actual implementation where it takes some catalyzing force to get all the people together to sign the contract that says we are going to do it this way. They have got the nice plan, but there is nobody to sell the plan. And through our old demonstration grant authorities, we have had some experience in this concept of trying to bridge this gap. And this provision allows for this money to flow directly to state and local government from EPA to do such things as plans and feasibility studies, get consultants to help,

do surveys, market studies, analysis, economic investigations, technology assessments, and also to help local government meet land disposal requirements and the guidelines that we might issue.

They have to comply with any guidelines that we issue, if they receive a grant under this authority. This is not a formula grant; this is based on need and on relationships and agreements between EPA and the grantee.

(Slide No. 5.)

Okay. There is provision for special community grants. This authorizes two and a half million dollars in each Fiscal Year 78 and 79 for communities with populations less than 25,000, 75 percent of the solid waste that they are treating and disposing of comes from outside the community, and there are serious environmental problems resulting from that.

This is a special provision, sort of like the tire shredders, and we are not quite sure where it came from, but it's in there. And it's not on a formula basis. It's a very small grant program, though, and it also says only one such grant can be given in any single state. Nobody is going to get rich with two and a half

million dollars.

(Slide No. 6.)

Okay. Rural community assistance, Section 4009, authorizes \$25 million for each Fiscal Year 78 and 79. These are grants to assist rural communities to meet the Land Disposal, Clean Air Act and Federal Water Pollution Control requirements that might result in some solid waste problem. It flows through the states down to the rural communities.

These are communities with a population of 5,000 or less; county population of 10,000 or less, or less than 20 persons per square mile.

And then there is another caveat in there about the -- that the income of the residents in any of these rural communities not being more than 125 percent above the poverty level. It's a very complicated formula, and I don't think we have yet figured out quite how the money is going to flow.

MR. SANJOUR: To West Virginia.

MR. HICKMAN: That's true, I guess.

This is again to help rural communities, and only if there is no other regional system available that

they can go into and there is no existing or planned system that they can go into the future.

And it's based on a rural population formula, will pay for 75 percent of the cost of complying with the requirements of RCRA, but it will not allow for the purchase of land.

If you add all these things up and put them all together, they spell \$181 million a year in '78 authorized levels for the law, and slightly more than that in Fiscal Year 79.

None of this, of course, has been appropriated yet because we are not into Fiscal Year 78. We are still in '77. But those are the basic financial assistance programs to help state and local government meet the requirements of RCRA.

It's a mechanism to get maximum assumption of the hazardous waste programs, the land disposal programs and the resource conservation programs the law envisions into the state government, down through the state government to local government on a partnership basis.

That really sort of completes all of the --
All right. That covers the formal part of this

presentation, and I can talk about any questions you have on this now.

MR. MARK HARRIS (City of Palo Alto): I just want to ask a basic simple specific question.

Seeing these new guidelines and new plans that are going to be developed, I'm concerned, are we in California going to have to reinvent the wheel? In other words, we have gone through this process. We are ready to implement, if we can, and don't want to be slowed down.

MR. HICKMAN: You are not unique in your concern. Every state has, and every county and every local government that's in some process of completing or implementing the solid waste plan has said, "Gee, are we going to have to start all over again?"

RCRA does not intend for anyone to start over again. We have to issue guidelines on what constitutes a regional planning area for solid waste management. The draft that I have seen, and the intent of the agency, is to be very, very flexible and very, very liberal. We have spent over \$60 million in the last ten years with the state government and local government developing plans. We don't intend to flush those down the tubes.

We are going to try to take maximum advantage of all the work that's gone on in the past.

MR. HARRIS: Good. That's what I wanted to hear. Thank you.

MR. LARRY BURCH (State of California Solid Waste Management Board): The guidelines for the regional planning areas that is due out in April of '77, can you give us the status of that? Is it on schedule?

MR. HICKMAN: No.

MR. BURCH: When can we expect to see it?

MR. HICKMAN: I'm not trying to be flippant, you know. It's -- I think we have been through about three drafts basically within the office. We have had state government and some local government people sitting with us on developing the drafts. I think that we anticipate that sometime within the next two weeks a draft will be made available for comment widely to every state around the country, and then it will eventually, of course, go into the Federal Register sometime in April. But I would imagine that, if you have not seen one as a state agency, you will be seeing one, a draft, within a couple weeks.

MR. BURCH: Okay.

MR. HICKMAN: I will have to say that the guys are doing a good job.

MR. BURCH: I'm prepared to make a statement for our Board sometime tonight about what we are planning to do under RCRA. Whenever that is appropriate, let me know.

CHAIRMAN DE FALCO: Any other questions on this section?

MS. SANDRA MATHIAS: You mentioned the total funding of \$181 million for Fiscal 78. How much of that do you figure will actually be available and especially for planning stages, state, regional and local planning?

MR. HICKMAN: I will review the '78 budget request as it sets over in the Congress now. The existing budget request now is for the general authorization areas, for those areas not including the planning, financial assistance program under Subtitle C and Subtitle D, the budget request is \$42.5 million.

Add on to that \$12 million, which is requested under Subtitle D for purposes of developing and implementing state plans, and another \$5 million which is

allocated out of 208 funds for purposes of implementation grants for solid waste management, and that comes up to around a swelling total of \$41.5 million, I believe.

There is no money being -- There is no money in the current budget request for rural community assistance. There is none for the implementation grant authorities of Subtitle D. There is no request in the current budget for Subtitle D state hazardous waste program development grants. There is no request for training grants, which is another authorization level. There is none for tire shredders. There is none for special communities in the current budget request.

MR. SANJOUR: May I say a word on that.

This is one area where the public can be particularly influential, in the area of budget requests. Just a word here of explanation that the Solid Waste Act, RCRA, was not an administration bill. It was not. The initiative for it did not come from the administration; it came from Congress.

And so that these authorizations -- these budget requests are coming from the administration. Congress itself hasn't spoken yet. We haven't heard what

the opinion of Congress on this subject is. And we have yet to hear from them.

And if you have any interest in the subject, I suggest you write to your Congressman.

Thank you.

MR. RUSSELL PAPENHAUSEN (Supervisor, Plumas County): I noticed there was something about sludge there, and I know that EPA has grants for sewer plants. Now, you are saying we go into a grant system to take care of the sludge that comes out of the plants. Is that what I understood?

MR. HICKMAN: No. I don't know where you saw the word "sludge" particularly, on which part of the presentation?

MR. PAPENHAUSEN: I thought I saw it in part of that.

MR. HICKMAN: Was it in mine? Heavens, I never talk about sludge.

MR. PAPENHAUSEN: Well, there is a problem getting rid of it.

MR. HICKMAN: There was no specific financing program within the law just dealing with sludge.

MR. PAPENHAUSEN: Well, the law said that we have to take care of that, and one of them was sludge.

MR. HICKMAN: Right. But there is no construction grant program in this law similar to what's in the Water Act, there for the construction of waste treatment, wastewater treatment facilities.

MR. PAPENHAUSEN: Well, I'm just thinking that all of a sudden there will be some laws banning getting rid of the sludge. I know there is some quite extensive studies going on about it.

In other words, if we are -- I know that in my particular district, I have applied for an EPA grant for the Town of Taylorsville, and we are thinking of a mechanical plant that's going to displace sludge. And if we are going to get into a sludge problem, I would sure like to know it now.

MR. HICKMAN: If you are going to build a sewage treatment plant, you are going to have sludge.

MR. PAPENHAUSEN: That's right.

MR. HICKMAN: And whether this law is present or not has nothing to do with the problem you face with getting rid of the sludge. But this law does not provide

construction grant funds for sludge disposal facilities.

MR. SANJOUR: One of the reasons this law was passed is because Congress wanted people who were building sewage treatment plants and generating sludge to think about what they were going to do with their sludge.

MR. PAPENHAUSEN: That's what I am gathering.

MR. SANJOUR: That's part of the process of building a sewage treatment plant.

MR. HICKMAN: Paul, I guess within a construction grant program, they can build within the grant program a good deal of sludge handling and treatment processes, can't they, within the construction grant program up to a certain point?

CHAIRMAN DE FALCO: The water pollution control construction grant program provides for the treatment of the sewage and the disposal of the solid remaining material, or the sludge, in a proper and appropriate fashion. And there is sufficient flexibility in the construction grant program to accommodate those issues.

I think what's raised here, what the Congress tried to put on the table was the fact that all too often

the design of sludge treatment facilities stopped at the cleaning up of the water, and the disposal of sludge was considered not a part of the process. And what we are trying to say here is that you have to look at the ultimate residual management problem that you create as part of your sewage disposal program.

MR. PAPENHAUSEN: The alpha and the omega.

CHAIRMAN DE FALCO: The alpha and the omega.

MR. HICKMAN: Right on. The alpha and the omega.

CHAIRMAN DE FALCO: Are there any other questions now in hindsight having gone through the whole process that anyone wants to raise? Yes?

MS. ARIEL PARKINSON: I notice in Section 8003(g) there is a statement about EPA and lobbying. And I also read in the National Solid Waste Report that EPA has been in trouble for its statements on container reuse legislation in New England.

It seems to me that anybody who goes to a public hearing and makes a statement is called a lobbyist. And this disturbs me about the way in which EPA will be able to present the immensely valuable research that it's

done in the proper forum.

MR. HUMBER: Yes. Whenever we speak out on the subject, we get in trouble. That's all that meant because -- In other words, it was an attempt to suppress the truth and to write that into the legislation, but that wasn't done. The policy outlined in the law is exactly what we have been doing for the last two and a half years. In other words, we have been testifying at state hearings on beverage container legislation and explaining what a national bill would do, what the implications would mean for litter, the economic implications, energy and the environment.

And we will continue to do that and we will continue to get in trouble with industry, but we won't be violating the law nor the spirit of the law.

MS. PARKINSON: Thank you.

CHAIRMAN DE FALCO: Yes?

MR. RONALD SCHWEGLER: I would like to just talk right from here.

In California -- And I cannot speak for any of the other states -- we have local laws by the states that you cannot implement a solid waste disposal facility,

either a transfer station or landfill facility, without the local approval of the city. So under the mandates of the state, all the counties throughout the state are attempting to have state solid waste management master plans, yet the plan is as good as -- If you take a county as complicated as -- 78 cities -- as Los Angeles, where you have 78 individual jurisdictions saying, "Not in my community you shall not locate," to the point where what happens when eventually 78 cities say "not here," and the state does not have the authority to mandate that they implement this program, and you -- as Lanny indicated earlier, they have no jurisdiction as in the hazardous waste portion of the law. How are we ever going to resolve this problem?

MR. HICKMAN: Slowly.

Well, it's going to have to go somewhere sooner or later, and the law is not -- the federal government can't come out and solve all the problems. They shouldn't even try to in the first place. You know, it's got to be dealt with at the state and local level. And sooner or later rational minds must prevail to find solutions.

MR. SCHWEGLER: You haven't been in the garbage

business long enough, Lanny.

MR. HICKMAN: My point is I guarantee that some dude coming out of Washington on a white horse doesn't have any better chance of solving it than you guys do at the local level. There is just no way. It's not the intent of RCRA to usurp or take over the rightful responsibility of the state and local government to plan and implement solid waste management programs. It's really a supportive -- We are in a supportive role. We can provide information. We can, you know, speak to the issue and try to show what is rational and what has to be done from a national perspective, but we can't make a community change its zoning patterns any more than anybody else can. It isn't proper for us to do that.

MR. SCHWEGLER: If the states do not come up with a total wide compliance with a state solid waste management plan, then they are not going to be eligible for federal funding. Is that the stick that we will hold over them?

MR. HICKMAN: That's true.

MR. SANJOUR: May I say something?

CHAIRMAN DE FALCO: Yes.

MR. SANJOUR: This subject, of course, comes up at every meeting. Just more or less the question is what is the -- now that the federal government has passed this law, what is the federal government going to do to create land disposal sites. And just like Lanny, I share Lanny's frustration.

Unlike other federal laws, water pollution law or air pollution law, which you can claim the law created a waste problem, this law creates no wastes. All the wastes that this law deals with are being generated and they are going somewhere.

So I guess as a federal official, I really kind of am frustrated when people ask me what are you going to do to create land disposal sites. I come back and ask you where is it going now.

MR. SCHWEGLER: I don't think that's fair at all. You have now the power of the federal government to close dumps, and as they should be, but where is the assistance to get something open?

MR. SANJOUR: We have the power to define what is or isn't adequate disposal. That's the power we have.

MR. SCHWEGLER: I mean get down to the local

level and try to open a sanitary landfill.

MR. SANJOUR: No. I do know. But what do you expect the federal government to do about it? What is the federal government's role in getting local citizens to approve of sites in their area?

I don't know the answer to your question, frankly.

MR. SCHWEGLER: Neither do I.

CHAIRMAN DE FALCO: Let me try a little to answer your question.

The statute puts together a total process. It is not a matter now of a disposal site by itself. It requires government, state and local, to get involved from the very beginning precepts of the issue. It requires the public to be educated and be brought into the process.

We should not be confronting the issue at the tail end of the problem, the opening of the site but, rather, establishing the need in the first place, the relative alternatives that are available to the public and to the government involved.

It establishes a total process. And I think if

we were to pursue this process, we would get better receptivity from the public out there. I don't think we have pursued it in the past. I think we have foreclosed many of the actions and created the confrontation without public knowledge of what was going on until it was thrust upon them.

MR. RUSSELL PAPENHAUSEN (Supervisor, Plumas County): I would like to make a statement on public lands, trying to get them into county government, but some way or another, there is some laws that I am told by the Bureau of Land Reclamation and the U.S. Forest Service that they will not knowingly give us a piece of land to put a solid waste dump on. They will lease it to us on a short-term lease so that they have complete handle on it, and the restrictions that they put on it are so severe that for a small county -- We are a large county area-wide, but small in population -- the expenses are tremendous.

We have one right now they want us to put five wells on, 150-feet deep, to protect the water that's going down to China or Japan or someplace, and the costs are just so tremendous.

In fact, we have got three lawsuits against us

right now by the taxpayers because we are trying to implement what the state told us to do. And the costs keep mounting and mounting.

And that's why I asked the first question: is there any way to help get us a piece of land?

I tried to get a piece close to my community so we didn't have to haul it for 25 miles. That was one of the lawsuits.

Well, when I tried to get it within a close proximity, then you never saw the biggest fuss. The town hall was absolutely packed. Nobody wanted garbage packed in front of their house. They didn't even want to see it.

So laws, as this gentleman mentioned, too, that we have this problem and I really don't know the answer. But I was -- the thing that I can't understand is why the federal government, if they have got some land, why wouldn't they let us trade or something to get possession of it so that we could do something. But they don't trust us. That's what we assume.

CHAIRMAN DE FALCO: Do you want to speak to that?

MR. HICKMAN: The Bureau of Land Management, as I understand what they perceive their mission to be is they are holding the national ownership of land in trust for all citizens and are not allowed under their laws to sell that land. They do hold it in trust. They can only lease it since their charter --

MR. PAPENHAUSEN: They have just made a law where they can do it for recreation purposes, though.

MR. HICKMAN: They can sell it?

MR. PAPENHAUSEN: Yes.

MR. HICKMAN: Maybe you should get a law so they can sell it for land disposal sites, too, I guess.

I wasn't aware that they had that, but I do know that that's the way they view their mission: they hold the land in trust for the entire population of the country.

But as far as land disposal practices on any leased piece of property you have that's on the federal establishment, that land disposal practice has to be in conformance with the guidelines that we have issued.

Now, that's the law.

MR. PAPENHAUSEN: Well, then, we hired private

geologists to do a plan that cost something like \$7,000, and then the Forest Service had their geologist, so they are fighting. They don't agree with themselves.

So we are at a standstill. We don't know. We are liable to end up with a lawsuit on that now because one geologist says the other guy doesn't know what he is doing.

CHAIRMAN DE FALCO: I can only suggest to you that your problem is going to become more difficult in the next few years because this statute makes the federal agencies subject to not only the federal regulations, but also the state regulations. So they are going to be much more stringent than they have in the past, and they are going to create some problems.

But in terms of the purpose, the purpose is to, in fact, protect the public and the public health. And I think we have to keep that in mind. And just because it's federal land doesn't mean there isn't a need to protect the public health on federal land, just as there is in your community, and no one wants that garbage dumped nextdoor. The same can be said of federal lands.

We have another question? Yes, Jean?

MS. JEAN SIRI: It really isn't a question, except insofar as these questions have dealt just with dumps and, you know, where are we going to put all this junk. And it seems none of you up there have given a response that if you really get into resource recovery, you may not need as many dumps.

For example, Berkeley now is disposing of 30 percent of its waste not in a dump and assumes that the percentage will go up. And with a little concentrated effort, it seems to me that we could get into something more advanced than just putting it in the ground.

MR. HUMBER: That's true. But even with a hundred percent recovery from household refuse, which is impossible, at least in the foreseeable future, being 20 years or so, there still are other wastes that must be disposed of. Construction wastes, demolition wastes --

MS. SIRI: That's true.

MR. HUMBER: -- still need site fill. There would still be that problem.

There is also a problem of siting a resource recovery facility. There was a fairly sound plan for St. Louis that was granted because they couldn't site a

transfer station. They just couldn't site a transfer station, which was in an industrial area. There was not a home within a mile of that area.

So there will continue to be siting problems on all dimensions of solid waste management.

CHAIRMAN DE FALCO: Yes?

MR. RUSSELL PAPENHAUSEN: On that recycled bit again, I had to go to the Federal Register to find out -- I'm trying to get a piece of land from the U.S. Forest Service. So when I'm reading the Federal Register, I found out that you can only store recyclable, I guess, merchandise for, I think it was, either 30 or 90 days.

So the Forest Service says, "Hey, look. After so many days this cannot be here. It's got to be gotten rid of."

So that threw a stumbling block when we wanted to put in some way to store this stuff so we could get a truckload or whatever to take it away or sell it or dispose of it, see.

So that's another problem we have got.

CHAIRMAN DE FALCO: I have indications from six people that they would like to present short

statements. I would like to call on them in order now.

Would you please limit your statement to five minutes. We will take the full statement if you will submit it to us and include it in the record in its entirety.

Hi Kellogg?

MR. KELLOGG: I will send my statement to you in the next two weeks.

The main point I wanted to get across is that we have been in marketing sewage sludge for 52 years successfully in Los Angeles County, and it can be done elsewhere. But we -- the kind of help we need is a positive attitude and not one of negative. We cannot live with people saying, "I have no proof it is not harmful, therefore. . ."

Now, as far as -- I have no argument with the EPA because we need them just like we needed OSHA, because of abuses that have taken place here and there.

But the sanitation districts I think should be responsible for the composting of the materials and having the odor problems eliminated and the pathogens, etc. That's the only way to do it.

Sanitation districts should not be allowed to go ahead and remove the sludge from the water; then turn around and have some guy, some trucker somewhere, be willing to take it for X dollars a ton and dispose of it, because what happens, if it isn't properly processed -- And here we have been, as I say, over 50 years successfully -- In fact, we have it on allocation in Los Angeles County. He goes out and maybe it is processed properly, so out comes an article in the paper that salmonella is found in sewage sludge. So that's a reflection on us, and it doesn't exist with Los Angeles Sanitation District sludge because they process it properly.

Now, back to the hazardous waste. I don't even like to call it a hazardous waste. That's a negative attitude. It shouldn't be listed as a hazardous waste, and those problems that many people feel exist, like on the heavy metals, we should make a point to see they aren't in the sludge. After that's done, then private industry in a lot of areas can go ahead with positive help from you people.

And that's extremely important. Extremely important. And, like I said earlier, the -- those three

problems can be solved, and you could look at this as a natural resource, which it is, because in 20 to 50 years, that's the only place you have got to go, and you just as well start now.

CHAIRMAN DE FALCO: Thank you.

Mr. Ronald Schwegler?

MR. SCHWEGLER: Pass.

CHAIRMAN DE FALCO: Barbara Vincent?

MS. BARBARA VINCENT: I didn't want to speak.

Thank you.

CHAIRMAN DE FALCO: Jean Siri?

MS. JEAN SIRI: I think I have spoken my share.

Thank you.

CHAIRMAN DE FALCO: Fine.

Larry Burch?

MR. LARRY BURCH: Mr. De Falco, I just wanted to summarize our agency's comments very briefly tonight. We will prepare a written statement and supply this to you.

Al Marino, the Executive Officer, has been in contact, of course, with the EPA staff at headquarters, and we have had several EPA regional briefings here. Basically our agency is pleased to see the new federal

legislation. It strengthens both the solid waste programs at the federal level and at the state and local level.

We do have some reservations, though, about some of the methods of implementing this law and, of course, the finances of this legislation.

The state agencies are now actively looking at the law trying to figure out what it's going to do to California citizens. We are somewhat optimistic that it's going to cause a lot of improvements and not be detrimental.

We basically -- I'm speaking for the State Solid Waste Management Board, but also carrying a message from the State Health Department. Our two agencies are attempting to correlate our two programs and will be delivering a single state plan to the federal government. We are not going to come out with two state plans from California.

We are going to start with the county solid waste management plans; also the state program plan that was developed in 1970, and the policies and standards and resource recovery program that has been adopted by our Board in 1974. We will use these as a framework of

preparing the state plan under RCRA.

We certainly don't want to either obsolete or restudy the work that's been done on the county plans. There's been a lot of discussion about the county solid waste management plans in California, that they aren't as perfect as some people thought they would be. We think that a lot of this has to do with certain oversights that were in SB 5, California's enabling law for county plans. We are attempting to correct some of those oversights this year with new legislation.

We also think that some of these delays were due to lack of proper funding at the local level, and even at the state level. And we see that this lack of adequate funding in RCRA may cause the same type of thing to occur in the nation.

We are planning to coordinate our existing implementation programs with the RCRA program. We are not just waiting to start our program after we have got the state plan done.

You should know that AB 2439 was adopted this Summer by the Legislature and signed by Governor Brown. This starts us now into one of those phases. That's

enforcement of conventional solid waste management practices.

We have had the hazardous waste program for several years, and we are fully hopeful that the State Health Department's program can be certified as being compatible with RCRA.

We have another major bill that was passed this last Summer, and that's SB 1395. That enters us into a demonstration program of energy recovery from solid wastes, and that hopefully can be combined in with the new state plan.

Some just miscellaneous comments.

We, of course, in California are quite a diverse state, from big cities to very small counties. We are hopeful that the landfill standards can be broad, especially the daily covered type provisions. Perhaps Alpine County does not have to have an everyday cover.

We concur that there are financial hardships in rural counties, and we are glad to see that there is some money at least authorized in the bill, but sorry to see there is not more appropriated at this time.

We are concerned that the late deadline for the

state plan guidelines may impact on the preparation of our plan. At this moment, we are attempting to put together an interim document that may be finished by the end of this Summer so that we can at least get the hazardous waste programs certified and start to set the framework up for receipt of monies and channeling that into the local counties starting next Fall.

We will be interested in many of the special studies that were listed in the Act. These are programs that are, of course, of interest to the California citizens, policy makers, and we do not want to have to duplicate those.

Basically, it comes down to money. We have looked at the present appropriations that are in President Carter's program. We feel that that is not enough money. We would like to get on the bandwagon to try to get some more support. And, of course, I think you will see our agency get a little bit more involved again.

We in California, just the State Solid Waste Management Board, over the last two years have plowed \$725,000 just into four areas of the state for resource recovery planning. That's just barely the tip of the

iceberg for attempting to sidetrack that kind of wastes from landfills.

Basically, 99 percent of California's waste goes right into the landfill every day.

Next year we are planning to expend over \$1.4 million just here in the Bay Area to do additional resource recovery and landfill planning studies.

I just want to leave the message that the State Solid Waste Management Board fully intends to move ahead as the leading agency in California to help implement RCRA, and that we are confident that we are going to have a good program here in the future.

Thank you.

CHAIRMAN DE FALCO: Thank you.

Daniel A. Cotton?

MR. DANIEL A. COTTON (Sonoma County): I have some responses here to that issues for discussion that was in the packet.

The EPA should encourage local environmental groups involved in recycling education by making grants available to them for expanding and upgrading their programs. There is a crucial need for this funding

because most local recycling agencies do not generate enough revenue to support extensive education programs needed to reach the community at large. If funds were made available by EPA for local recycling entities to develop community-wide education programs, there would be a dramatic increase in public participation in resource recovery.

Without such help, the EPA's hope of widespread participation in solid waste planning will not materialize. With it, local groups will come up with many innovative education schemes designed to be effective in their communities. Thus, the EPA, by supporting public education at the local level, will receive return in:

1. Increased local participation and
2. New ideas that will be converted to regional, national and -- regional, state and national education programs.

As far as manpower development, the EPA's manpower development activity should be directed towards creating jobs at the local community level. Being an environmentally conscientious bureaucracy, the local jobs EPA develops should be related to environmentally

appropriate technologies.

The EPA can accomplish this by supporting local recycling agencies with small developmental grants, small program grants. A small program development grant can provide work experience, jobs, plus create or expand ongoing resource recovery programs without large investment.

The EPA could identify established recycling programs throughout the country and give them first consideration for this grant money, thus assuring successful use of most of this money granted.

However, the EPA should also help start new innovative programs where they have not been tried before to expand recycling and to give new ideas a chance.

Manpower development at the managerial and operations level can be accomplished by the aforementioned grant support, grant money for supporting expanded recycling programs while giving much needed work experience to the recipients. The EPA would then be able to identify capable managers and operations experts by reviewing the success or failure of each grant or project.

Resource conservation and recovery issues.

Resource conservation should play a central role in any solid waste management program. If waste generation can be reduced by conservation measures, we will be well ahead of the game.

A series of short-range activities within a long-range program. The easiest and most environmentally hazardous waste should be considered first with the rest following in order of importance. The Resource Conservation Panel should first identify the materials which are in crucial need of conservation and then do the planning work necessary to achieve the conservation. The panel should be entirely comprehensive in their identification and planning approaches. We are past the point where material can be left out, any material can be left out of the conservation program, and conserve all materials to ensure the economic health of our resource-dependent industry.

The Panel's long-range goal should be to completely eliminate disposal of reusable materials. This goal must be set on a realistic timeframe. It takes a great deal of social, political and economic

change.

Local programs have -- Local programs should have complete freedom to accomplish the policy goals set by state and national agencies. EPA should not interfere with local programs unless they blatantly disregard the law.

Recognition for the unique situations must be fixed for each locality. No two local programs will or should be alike.

The mandatory regulations -- mandatory regulations should not -- should be avoided and should only be used as a measure of last resort.

Economic incentives should be used first whenever possible, extending them to the general public as well as to industry.

As can be seen from the success of the aluminum recycling programs, offering economic incentives to the general public can be successful. Federal, state and local governments should be leaders in prime conservation measures. They should also be leaders in developing markets for recycled goods by purchasing recycled products.

It is important that the government set a good example in providing the ground for recycling programs, to be a provingground for recycling programs.

There is a crucial need for leadership in changing the established practices of our society's wasteful use of natural resources.

I was quite impressed by some of the things it seemed like the federal government is looking to, some of the issues that I stated here, but I'm concerned being from a small community that the EPA is not looking on the small -- on a small enough scale, looking towards appropriate technologies in recycling, source separation, and mostly looking towards the large plans, sinking forty, eighty, hundreds of millions of dollars into these plans, and most of the ones that have been tried out so far haven't been too successful.

Source separation is immediately implementable, and with small amounts of grant money support at a wide base, I'm sure that could prove to be much more successful over the next ten to 20 years than the large resources plans.

Thank you.

CHAIRMAN DE FALCO: Thank you.

Are there any other statements?

I would like to make an observation or two before we bring the meeting to a close.

The process we are going through tonight is essentially a discussion-briefing meeting of the public. And by "the public," we mean the general public, the vested publics, the special interests, state and local governments. This is preliminary to our getting involved in the regulatory process, the spelling out or defining the interpretation of the statute in a series of regulations, the first of which I think is due in April.

MR. HICKMAN: Yes.

CHAIRMAN DE FALCO: I would ask that each and every one of you representing specific interests go back to your interest groups and keep a weather eye peeled on the process.

The statute was developed by the Congress. It is being interpreted by EPA with public involvement. We would prefer that your public involvement be in the formative stages of the process, and as these regulations

are posted in the Federal Register, they are normally proposed. There are public hearings held. There are comments received, reviewed before a final regulation is actually processed and placed on the books.

That is the place for involvement on the part of the public so we can, in fact, have a meaningful interpretation of the statute.

Now, you have heard the statute interpreted by people who have been involved in this program for a number of years. That doesn't make them any more expert in the interpretation of the work of the Congress than you are as individual citizens. Yes, they do have technical competence, but there are implications in the statute vis-a-vis the citizenry of this country and their desires as expressed through their Congress. Your role is to make sure that our interpretations meet some of your interpretations at least half way.

I would prefer frankly as a Regional Administrator -- And I think the Administrator of the agency would prefer -- that we reconcile these differences before we finalize regulations rather than having the issues resolved in courts of law after the fact, and

sometimes on a very constrained view.

We have had an experience in the implementation of the Air Act and the Water Act where we have wound up implementing court stipulations, sometimes much more constrained and less conducive to effective administration than if we had had a better understanding of the public's attitude toward the Congressional mandate.

So I solicit your interest and your involvement beyond tonight's meeting to pursue this process. This statute in particular, although it may be a federal statute, it's been pointed out it really spells out a state-local governmental process. And to be meaningful, you have got to be involved in the development of that process. So I would ask your assistance by pursuing this as we go through the process.

The transcript for the session will be held open until March 25th. If you have any additional comments to write into the record, would you please provide them to the EPA office here in San Francisco on or before March 25, and we will be sure that they are included in the record.

If there aren't any other comments or any other

issues, I would like to thank you all for coming and bring the session to a close.

There will be a repeat of this program tomorrow morning. It will be essentially the same program of presentations, so there is no need for a duplication on your part.

Thank you very much.

(Whereupon the session was recessed at 9:50. o'clock p.m.)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 100 California Street
 San Francisco, California 94111

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PUBLIC DISCUSSION SESSION

on

RESOURCE CONSERVATION AND RECOVERY ACT
 PL 94-580

Holiday Inn
 480 Sutter Street
 San Francisco, California

March 11, 1977
 8:45 a. m.

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CHAIRMAN CHANNELL: Well, I guess we should get going now. I want to apologize for the short delay, but people have still been coming in, and we are getting off a few minutes behind schedule.

I am Jim Channell. I am the Chief of the Hazardous Materials Branch in the Regional Office here in San Francisco. I'm sitting in right now for Paul De Falco, the Regional Administrator, who we do expect to be here later in the morning.

I would like to introduce the others at the head table. They are all from the Office of Solid Waste in Washington.

On the far right is Nick Humber. He's Director of the Resource Conservation and Recovery Division.

On my immediate right is Lanier Hickman. He's Director of the Management and Information Staff.

And on my left is Bill Sanjour. He's Chief of the Assessment and Technology Branch in the Hazardous Waste Division.

We are here to talk essentially about the briefing, a briefing on the Resource Conservation and Recovery Act. This Act was signed by President Ford on

October the 21st, and is Public Law 94-580. This significant new environmental law provides the opportunity for EPA, the states and local government to develop comprehensive solid waste management programs which control hazardous waste, eliminate the open dump as a principal disposal practice, and increases the opportunities for resource conservation.

The Act provides for broad public involvement in the planning and implementation. And the purpose of this public discussion session being held is to enable the private citizen, as well as representatives of environmental, industrial, governmental or other organizations who are potentially affected by the law to offer their views, attitude and suggestions for EPA's guidance.

In the next 15 minutes, Lanny Hickman will present an overview of the Act. Following Mr. Hickman's presentation, various sections of the Act will be summarized separately. These summaries will take about ten minutes; and after each one of the summaries, we have allowed a 20-minute period for questions or for comments on that section.

In addition, a period at the end of the session

has been set aside for open discussion; and at that time the audience is welcome to comment on specific sections of the Act or the Act itself.

The procedure we will follow is that, during the questioning session after each of the gentlemen have spoken on the section, people having questions or a statement should come to one of the microphones and, when recognized, give us their name and affiliation and make their statement. It's very important that we get the names for the record.

Now, written statements can be entered into the record, and the comment period for these will remain open for two weeks following Friday's public discussion session. That's today. Written comments should be received at the EPA Office in San Francisco on or before March 25th in order to be included in the official transcript.

And copies of the official transcript will be available from EPA's Solid Waste Office in Washington upon request. And there is a sheet back there with the addresses on it.

Copies of the Resource Conservation and Recovery

Act, as well as a summary of the Act, are also back on the table if you didn't get them when you came in.

Well, that finishes the overview. Now, I would like to present Mr. Lanny Hickman. He will start off with the overview of the Act, and then he will go on into the first session on public participation before we have our first comment period.

Lanny?

MR. HICKMAN: Could I have somebody turn the slide projector on for us, please. Thank you.

The Resource Conservation and Recovery Act, referred to by us as RCRA, is the first amendments to the Federal Solid Waste Disposal Act since 1970 and represents probably four years of Congressional study and evaluation and a series of hearings held over these four years represents a real major step forward in trying to bring to state and local government the sort of resources and assistance necessary to improve solid waste management practices.

(Slide No. 1.)

Now, the objectives of RCRA are to achieve improved solid waste management practices for the

protection of public health and environment, to conserve valuable mineral resources and energy resources. This is achieved primarily through a three-prong approach within the law, which is improving land disposal practices, trying to remove the obstacles and constraints which prevent increasing resource conservation and to place more extensive control over that segment of the waste stream which represents significant health hazards and environmental hazards to the public in general.

(Slide No. 2.)

Now, these objectives will be carried out through a variety of authorizations within RCRA.

RCRA provides authorization for technical and financial assistance to state and local government to plan and implement comprehensive solid waste management plans; provides for assistance to develop manpower necessary to meet the requirements of the law.

It prohibits future open dumping of solid waste.

It provides for the conversion or closing of all existing open dumps, and all the waste, that will eventually go into sanitary landfills only.

It provides for the regulation of hazardous

wastes.

(Slide No. 3.)

It provides EPA with authority to issue guidelines for solid waste management practices as the mechanism to provide guidance and assistance to state and local government.

It provides for EPA to conduct research and development for new and improved solid waste management systems and technologies.

It provides demonstration grant authority to construct full-scale demonstration facilities to eliminate the risk-taking to a certain extent on the part of local government to adopt new and improved systems.

It provides for a mechanism to set up a federal/state/local government/industry relationship in materials and energy recovery.

It provides a wide range of mechanisms to educate the public on the problems of solid waste management and the mechanisms by which those problems can be solved.

The public education portion, of course, we refer to principally as public participation, and there

are a wide range of authorities within the Act to get the public involved in the implementation of this law. This represents a major step forward in environmental legislation in that the law itself specifically requires EPA to do a variety of things to get the public involved.

(Slide No. 4.)

One of the most important and significant ways that the public can become better informed and become more involved in solid waste management is to have a stronger awareness of solid waste management through a very strong and outreach program of information.

Now, the intent of the information and public participation provisions of RCRA, it's to promote a better public understanding of solid waste management, to involve the public in all aspects of solid waste management, so that the decisions that are made between the federal, state and local government partnership are made based on what the public wants, not necessarily what the bureaucrats want.

It provides a mechanism for cooperation with the states, to help state government build their programs.

It allows EPA to develop a significant data base

to serve as a foundation for a better understanding by the public on the problems, the impact of those problems and what the solutions are.

And the law requires EPA to provide a mechanism to disseminate information that has been gathered in a rapid way and to establish a library that can be utilized by anyone who has a particular interest in pursuing solid waste management in more detail.

(Slide No. 5.)

Now, what are the public sector groups that we are trying to impact upon and trying to get involved in implementing this law?

There are, of course, the normal consumer, environmental and neighborhood groups. These groups probably represent most of the lay public, and that's probably the most viable group to get involved in the public sector. It's very difficult to get the lay public involved because no one really represents the citizen on the street, but through the environmental, consumer and neighborhood organizations, those that are basically tapped into the private citizen, we hope that we can be more effective in communicating with the public.

And, of course, the trade and manufacturing and labor organizations will always have representation, primarily in Washington, through their own organization to interact with us.

And the public health and scientific and professional communities, which by nature are involved in solid waste management and have organizations that we can work with.

Finally, you have the government and the universities, which by nature are involved in solid waste management.

RCRA requires certain things of the federal government in improved solid waste management practices, so they need to be involved also in the decision making processes that we have.

(Slide No. 6.)

RCRA provides a mechanism for the public to formally impact on the agency in its decision making process. The provision within the law in Section 7004 requires EPA to establish a mechanism by which the public may petition for change of any regulation or guideline that the agency has promulgated, or to petition for a new

guideline or regulation to be prepared. And it's the responsibility of the EPA Administrator to show cause why he should or should not respond to that petition.

RCRA provides a requirement that EPA have the public involved in the planning, development and implementation of all aspects of its program. It specifically requires public hearings and development of regulations and guidelines under Section 1008, Subtitle C, which is the hazardous waste provisions, and Subtitle D, which is the land disposal and state and local program development provisions.

It requires EPA to sit with the public and discuss what sorts of information needs to be developed and what can be most helpful at the level, the local level, for problem solving, and it requires EPA to bring the public in to the whole program planning and implementation portions of the law.

(Slide No. 7.)

EPA is required to publish guidelines on how the public can participate with us and what mechanisms will be available. These will be developed and will be made available within the next four to six months.

EPA requires, or provides, a mechanism within RCRA for citizen suits, where any citizen can sue any organization or individual that that individual judges to be in violation of any regulation, guideline or rule that has been promulgated by EPA. This would be within the Federal Court system.

And the mechanisms that we are trying to get the public involved in, all these various segments, such things as meetings such as we are holding here, which is a series of meetings around the country to brief the public on the provisions of the law. This is not a formal public hearing of the type where we are trying to gain information on a specific regulation or guideline, but to try to give you a mechanism to have a better understanding of the law and to give any feedback that we can get from you now as to how you perceive this law should be implemented.

The law does require us to hold formal public hearings on all regulations and guidelines developed under RCRA. We will hold a series of conferences sponsored not only by EPA, but by various organizations around the country where we will discuss various aspects of the law,

with smaller workshops activities where we really specifically focus in on one aspect of what we are doing to get as much feedback as we can.

(Slide No. 8.)

We will establish formal and informal work groups and review groups to sit with us on all the regulations and guidelines that we are writing. These will be not only meetings held in Washington, but around the country, to discuss particular activities that we have underway.

We hope to establish a formal advisory group which will represent hopefully the various segments of solid waste management to sit with us on an annual and continuing basis to discuss what we are doing.

And then, of course, through our public education program, we will try to continue to provide to the best possible way we can publications, slides, slide packages of information, films and exhibits to create a better understanding and bring more information out to the public. Use media programs of television and radio to communicate in various ways with the public.

And then we have had a longstanding activity

with various interest groups with training grants, such as the League of Women Voters, National Association of Counties, and other such groups as that, to set up a mechanism to provide educational training and information to their membership. And this is another mechanism that we will try to build the bridge with the public so that they can give us feedback.

RCRA also provides some requirements on EPA related to manpower development.

(Slide No. 9.)

Congress perceives that RCRA will require more manpower of different types in order to meet the mandates of the law and, therefore, they have required the Administrator of EPA to conduct a manpower study to try to make the judgment on what sort of additional personnel will be needed to meet the RCRA, the ability of existing manpower development programs to develop those necessary resources, and any obstacles that would prevent us from having a sufficient number of personnel of different types and professional needs that would be necessary to meet the law, and make such a report to the Congress and to the President.

And then they authorize grants and contracts to train, to provide assistance to train personnel to meet the requirements that would be identified within the manpower study.

And these grants, of course, will go to non-profit groups. The law specifically prevents grants to profit-making groups, but we can make contracts to profit-making groups for purposes of providing services.

That is a very quick summary of public participation, of manpower development provisions of the law. And, as Jim said, we will entertain discussion for a short period of time between each of these presentations. And, again, if we don't get to you or if you can't think of something now and you want to hold off, we will have an open session at the end also.

Are there any comments now?

CHAIRMAN CHANNELL: Any questions or comments on this section? Please, your name, sir?

MR. NAT HASELTINE (Chevron USA): I'm not authorized to make company comments, but I would like to make a personal comment, being very much interested in this subject.

One, I'm concerned about manpower development. So many regulations that have come through the EPA have eventually drifted down to where the state operates their own program, which I believe is the ultimate goal. We are all concerned about the fast-growing size of the federal government, and I note that the State of California is developing rapidly their own guidelines on this system. And I wonder if the EPA couldn't work diligently to develop state manpower now so that they don't develop a vast federal organization that they don't know what to do with when the state takes over.

It's so much easier to hire them than it is to get rid of them.

MR. HICKMAN: Well, of course, the law is designed to maximize state-local implementation of the law rather than at the federal government level. The whole structure of RCRA and the financial and technical assistance programs that are within the law are designed to get the state government to assume the planning and implementation responsibilities of the law. It's not something that we take and then pass on to the federal government -- to state government as some of the other

laws that EPA administers, but we only take over certain portions of it, the hazardous waste portion, only if the state will not.

MR. HASELTINE: I see.

MR. HICKMAN: And the rest of the law, if the states don't take it over effectively, no one will take it over because we can't, either. And I just do sort of want to allay some of your concerns about a large growing bureaucracy to implement the law at the federal level. We have received a sum total of 35 new positions to implement the law. And of those, 25 went to the regions to work directly with the states. And that's all we anticipate in the way of increase.

The flow of financial assistance is to develop state and local government manpower, not federal manpower.

MR. HASELTINE: Splendid.

One more comment. I presume that you all are well aware of the Department of Transportation regulations on hazardous materials and that, to sort of make a verbal cartoon of that half-million word regulation, you can hardly walk across the street with a hazardous material in your pocket without an explosive label on your forehead.

This is a needed regulation -- No question about it -- but I would like to see all of your progress in the development of disposal regulations tied very closely to what already is existing in the Department of Transportation regulations. They have 1800, approximately, hazardous materials already listed. And it would be a shame for you to develop an entirely different list of hazardous materials and to worry a great deal about how it's transported since somebody else is already doing that.

MR. HICKMAN: Well, we are going to cover the hazardous waste provisions of the law right now. Bill Sanjour is going to do that. And there are some very closely required linkages within the law between us and what DOT is doing, has done in the past and is doing now.

I think after he gets through his presentation, you might have a better feel for what we will be doing as it relates to DOT.

MR. HASELTINE: Thank you very much.

CHAIRMAN CHANNELL: Yes, we have a question in the back.

MR. JEROME TARMANN (Sutter-Yuba Health

Department): Just a short question.

A lot of us have programs and ideas that we wish to have implemented. And I'm just referring to Section 7007(a) and (b), grants or contracts for training projects.

The big question is, of course, the money. How realistic are these grants for small counties, small departments? What is the procedure and some of the methods we have to go through to get them?

MR. HICKMAN: Well, we haven't developed any of the administrative procedures yet that's necessary to get these new financial assistance programs underway. We are just now starting the development of them.

No authorizations are in the '77 fiscal year. They are all in '78, and, of course, the '78 budget has not been appropriated yet.

Our fiscal year starts October 1. We will have our grant regulations and whatever funding that's available in place and well described before that October date.

Of course, we have been funding the states anyway under previous authority that the state level,

and that will continue until we pick up the new authorities under RCRA. But it will be -- it will be some time yet before we get our procedures out where people will know how they can go about doing it.

MR. TARMANN: Thank you.

CHAIRMAN CHANNELL: Any other questions or comments on this section of the Act? Yes?

MR. WESLEY BRADFORD (United States Geological Survey): Can you hear me from where I am?

CHAIRMAN CHANNELL: Yes.

MR. BRADFORD: All right. I don't need a mike.

I'm Wesley Bradford with the US Geological Survey, but I'm speaking as a private citizen at the moment.

Are there any provisions in the Act for manpower grants or demonstration grants to the private sector?

MR. HICKMAN: Well, the contract mechanisms that are available under the training programs could be made available to private -- to the private sector, but not grants. It will have to be contract arrangements.

MR. BRADFORD: I see. Do they follow a different procedure from a public agency in obtaining such

monies and assistance?

MR. HICKMAN: Yes, they would, just because of the fact that a granting program always has a matching mechanism. A contract program is normally a hundred percent financing. Contracting work is done on a different competitive basis than a grant and a granting program.

So they do go through different administrative procedures. But you will still achieve the same purpose, though.

MR. BRADFORD: Thank you.

CHAIRMAN CHANNELL: Any other questions or comments?

All right. Then we will move along to the hazardous waste section of the Act and Bill Sanjour's presentation.

MR. SANJOUR: Thank you, Mr. Channell.

The hazardous wastes we are referring to are largely industrial wastes. We are not talking about household garbage here; we are talking about chemical wastes and industrial wastes for the most part, some small fraction of which can be considered hazardous.

The disposal problems of these kinds of wastes are generally in the hands of private persons, and both the generation and the disposal of these wastes take place on private property behind fences, and the public and public agencies are almost never involved in it.

So, as a result, there is really very little knowledge of the subject on the part of the general public, and yet there is far more industrial waste generated in America than there is ordinary household wastes.

And the environmental problems caused by these wastes are far greater. To add to this problem, in recent years, the passage of many environmental laws for cleaning up waters and the air has caused an even greater increase in the generation of these wastes because these laws have not stopped the generation of wastes; they have merely redirected where they would be going.

And for the most part, they have been going to the land and there have been no laws or regulations at the federal level to control this waste disposal.

So, as a result of these factors, Congress put in this Act Subtitle C for the control of hazardous

wastes through largely a regulatory program, and the program was designed to be administered by the states if they chose to take it over. But if the states would not take it over, then it would be administered by the federal government.

And let's go through the provisions of Subtitle C of this Act.

(Slide No. 1.)

Section 3001, Subtitle C, defines a hazardous waste.

The Administrator of EPA is given 18 months to come up with this definition. That's 18 months from the passage of the Act, which was last October.

He is required to promulgate criteria for hazardous wastes, and he's given two ways to actually identify it.

First of all, to give either the characteristics of the waste, that is, its toxicology or hazardous properties, or to list the actual wastes.

He could use one or the other, or both of these techniques, in identifying a hazardous waste.

Let me read to you what the Act says he is to

take into account.

The Administrator is to take into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness and other hazardous characteristics.

(Slide No. 2.)

Section 3002 of the Act is for standards -- for EPA to write standards for persons who generate hazardous wastes. This would be largely industrial firms.

These standards, these regulations, will include standards for record keeping, reporting and labeling of containers. And the chief part of this provision of the Act is this manifest system.

The Congress patterned Subtitle C of this Act largely after the system that's presently in existence in California where this problem was recognized and treated long before most of the other country, the rest of the country, and this manifest system was introduced here in California. It's essentially a bookkeeping way of keeping track of where hazardous wastes go.

The generator is required to keep track of his wastes, to fill out a trip ticket when they are sent somewhere else, and they can only be sent to an authorized permanent facility for receiving them. And this trip ticket, that is mailed back to the state and compared with the original to make sure that the waste did, in fact, go where it was supposed to go.

Congress has mandated this system on a national basis in Section 3002 of the Act.

(Slide No. 3.)

Section 3003 is very similar to the previous one, standards for transport of hazardous wastes. You have similar requirements for record keeping, labeling and compliance with the manifest system.

Congress also, as the gentleman pointed out, required that we collaborate with the Department of Transportation so that the paper work, trip tickets, registration, etc., that has to go with this, that we minimize the amount of duplication that's required between the Department of Transportation requirements and the Environmental Protection Agency requirements, that we try to use the same paper work, the same definitions,

the same labeling, etc. And to the extent that is possible, we are collaborating with the Department of Transportation on that.

(Slide No. 4.)

Section 3004 are standards for persons who treat, store or dispose of hazardous wastes.

Now, in many cases, this will be the same people who are generating the waste.

These standards, also due in 18 months, are for record keeping, bookkeeping, monitoring, location, design and construction of facilities, maintenance of facilities, contingency plans in case things go wrong -- And they very often do at these facilities -- and for some means of assuring responsible ownership of such facilities: perpetual care, bonding, etc.

In addition to these explicit requirements, Section 3004, there is a more general requirement that the Administrator may write standards as may be necessary to protect human health and the environment, which is a very general statement which was meant to include such things as ground water protection, perhaps surface water protection, air protection, air pollution, maybe even

odors, noise. They could all conceivably come under this section of the Act.

It is discretionary authority which can be used by the Administrator in a very wide or narrow sense, as he chooses. And this is one area where there could be considerable public influence since the authority is discretionary.

(Slide No. 5.)

In Section 3004, we lay down the standards for these facilities. In Section 3005, we have to write guidelines for granting permits to such facilities.

Now, Congress required that facilities that treat, store or dispose of hazardous wastes must receive a permit. It did not lay down that same requirement on persons who generate or transport hazardous wastes.

Now, very often they will be the same people. However, the different activities, some require a permit and some don't. Regardless of whether the permit is required, the standards must be met.

The permit program would be administered by the states if the states had an approved hazardous waste program. Otherwise, they would be administered by the

federal government at the regional level.

Now, provisions are also made for interim permits for facilities which are in existence when the Act was passed and have notified the federal government once regulations are promulgated in 3001. They can receive an interim permit to continue operation essentially as they are without needing the standards until the permit-granting agency gets around to issuing them a permit.

So they will continue in business and not go out of business while the government gets around to doing its business.

(Slide No. 6.)

Section 3006 of the Act is for guidelines for the states as to what constitutes an approved program such that the states can take over the hazardous waste program.

And Congress provided three ways of measuring a state program.

It required that it be equivalent to the federal program, consistent with other state programs and adequate enforcement must be provided.

As you can see, these are vague words:

"equivalent," "consistent," and "adequate," subject to considerable interpretation.

The "consistent" provision was put in there to prevent the practice which is occurring in some states today of some states almost completely banning any kind of disposal of hazardous wastes so that they are forced to go to other states which have less stringent laws so that one state is essentially dumping all their bad stuff in another state. That provision was put in there to prevent that sort of practice, of some states becoming dumps and other states becoming pristine pure at their expense.

The provision for equivalence has to do with the stringency of the regulations, and Congress very often in some acts has requirements that the state program can be no more stringent; in other acts, they have that it can be no less stringent, and in this one, they have something that's slightly different: it must be equivalent, which means it can be a little bit more stringent or a little bit less stringent. And just how much is subject to interpretation.

Congress also provided for interim authorization, recognizing that many states already have, or will shortly have, hazardous wastes programs, such as California, and that the laws will not necessarily have been written in a way that would correspond to the federal laws, since in many cases they are being written before the federal law.

So Congress provided that states could have interim authorization, even if their laws did not correspond to the federal law, to allow for several years to adjust and bring the laws into agreement, and in the interim period, the states could continue to administer their own programs.

(Slide No. 7.)

Section 3010 requires that those who generate, transport, treat, store or dispose of hazardous wastes notify the federal government, EPA, of their existence within 90 days of promulgation of regulations under Section 3001. That is the definition of hazardous wastes.

So it's actually not a requirement on EPA. However, we recognize that most people who will be in jeopardy under this portion of the Act don't read the

Federal Register and would not be aware of their jeopardy, so we are going to great pains to notify those people that they have to notify us.

(Slide No. 8.)

The Act also provides for grant assistance to the states. This will be program grants, not construction grants. This is grants to the states to run the hazardous waste program.

And there is an allocation formula in the Act which is based on the hazardous waste needs of the state rather than on a population basis. It probably isn't very different from population.

There is \$25 million authorized in the Act for this purpose. Nothing has been appropriated yet. We have yet to hear from Congress about how much they are actually going to appropriate for this purpose.

(Blank Slide.)

I will end my presentation with a picture of a hazardous waste disposal facility in Buffalo.

Are there any questions? No questions? I'm getting away free.

CHAIRMAN CHANNELL: Yes?

MR. GILBERT G. BENDIX (San Francisco Fire Department): In San Francisco, as in many other local jurisdictions, the Fire Department is responsible for the management of any kind of a hazardous spill. Now, in San Francisco, this is written into our County Emergency Plan.

And I would like to give you some idea of how this works as it comes in over the Fire Department radio and as I hear it.

"Engine Company 57 to A and B Streets. Wash down a chemical spill." End of message.

This one was phoned in by a truck driver.

Here's another one. This was a response to a box alarm.

"It's some sort of a poison. We are going to wash it down the sewer."

Well, fire fighters do what they are trained to do, and our people are trained to attack a problem with a hose, a nozzle and water.

In the light of this, I would like to comment on a few of the questions that you asked in your discussion topics.

You asked what are the manpower development needs. We need to train fire fighters to handle hazardous spills.

You asked for parameters in defining a hazardous waste. Please remember that any hazardous substance is only one accident away from being a hazardous waste.

In a recent case, there were a number of glass gallon jugs of TDDVP pesticide stored on a loading dock in a drayage firm, and it only took time until somebody was unloading pipe onto that loading dock, and these jugs got knocked off, and there was a spill of a hazardous substance, which presumably now was hazardous waste.

So any hazardous substance is a potential hazardous waste and should be treated with the same amount of caution as if it were a waste already.

You asked about manifests and labeling. Manifests should, first of all, be legible and, second of all, they should be informative.

And I hope you will keep in mind that the lives of our men are more important than proprietary information of a shipper. And I think that California area regulations are lacking to some extent on these points.

Your leaflet that you were kind enough to send me indicates that you plan to achieve the objectives by providing technical and financial assistance to state and local government for developing an implementation of solid waste plans and providing training grants in solid waste occupations.

I will submit a written statement from Andy Casper, Chief of the San Francisco Fire Department, requesting that funding for training fire fighters and dealing with hazardous spills be provided and indicating that the San Francisco Fire Department would be ready to submit guinea pigs for such a training program.

Finally, I would like to point out that your agency is about to fund hundreds of millions of dollars worth of secondary treatment facilities for the City and County of San Francisco's wastewater system. I think it would be a wise investment for a small training fund to prevent some sort of poison from being washed into that wastewater system and knocking out the expensive wastewater treatment facilities.

Thank you.

CHAIRMAN CHANNELL: Any other questions or

comments? Yes, sir?

MR. TERRY HARRISON: I'm a consulting engineer.

The emphasis on the program seems to be entirely toward disposal. Is there any provision for the development of techniques for recycling hazardous wastes which would eliminate the need for disposing of them, or technical assistance or development of new techniques?

MR. SANJOUR: First of all, the emphasis is not on disposal; the emphasis is on regulation of treatment and storage and disposal, all three.

The feeling of Congress is that, in the area of industrial wastes, the most practical way of encouraging recycling is by preventing cheap promiscuous disposal. Once you cannot get rid of the stuff for three cents a gallon or down the sewer -- As the gentleman from the Fire Department just pointed out, an awful lot of industrial wastes go down sewers, go onto roadsides, into canals and ditches, most anywhere. The nearby woods around cities are just full of hazardous waste, industrial waste, which is promiscuous disposing.

The feeling on the part of Congress was to prevent that from happening. And once you have prevented

that from happening, firms will have to recycle. Then the proper disposal becomes quite expensive to do it right.

There are some provisions in other parts of the Act for recycling in general, which Mr. Humber will address. But in Subtitle C, there is no specific provision for recycling. It's a regulatory program aimed at preventing bad practices.

CHAIRMAN CHANNELL: We have a question in the back, I believe, before, didn't we?

MR. DAVE RIDINGER (Magma Copper Company): I have a question on the definition of hazardous waste.

Under the Act, it was referred to as a solid waste. What is the definition of solid waste?

MR. SANJOUR: Well, first of all, it's not a solid. Let me read it to you as soon as I can find my copy of the Act.

MR. HICKMAN: Definition of solid waste?

MR. SANJOUR: Yes.

"The term 'solid waste' means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution

control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act. . . ."

Basically, what that means is that a solid waste is any waste that is not covered by some other law, some other federal law. If it is discharged into a water system, then it's covered by the Water Pollution Act, or into the air, by the Air Pollution Act.

MR. RIDINGER: If it is a point discharge, it's under 92-500; is that correct?

MR. HICKMAN: That's right.

MR. SANJOUR: If it's an air discharge, it's also theoretically under 92-500, but no regulations have been promulgated.

MR. RIDINGER: Question No. 2. Under 3001, 3002, identifying and setting standards, those are both 18-month periods, but they are simultaneous; is that correct?

MR. SANJOUR: Correct.

MR. RIDINGER: To identify and set?

MR. SANJOUR: Actually, nothing happens in that Act until regulations under 3001 -- and promulgated until the definition of hazardous waste is promulgated.

MR. RIDINGER: The identification?

MR. SANJOUR: Yes.

MR. RIDINGER: But then are the standards set after that 18 months or before?

MR. SANJOUR: They are all supposed to be done at the same time. If a deadline is slipped, the deadlines for all the other sections don't mean anything until the deadline for 3001 is met. That's the bottleneck area.

CHAIRMAN CHANNELL: The gentleman in the second row.

MR. DANIEL KLIPPER (Zero Waste Systems): I am indebted to Terry for bringing up the subject that I

wanted to raise.

Zero Waste Systems is a hazardous chemical recycler, and has been so for about three years. And what I'm curious about is -- And it's a question partially to you and partially to Mr. Humber -- since Section C does not mention anywhere within it the concept of resource recovery, even though it's the Resource Conservation and Recovery Act. It's only 1008(a)(1) and (3) and 1008(b) that makes any mention of it.

And what we found in the field of hazardous waste recovery, that we are kind of in the position of the cousin of the family that doesn't drink and doesn't smoke and doesn't go out with women and doesn't use bad language, and everybody speaks very highly of them, but nobody invites them to the party and no one wants to spend any time with them.

And this has kind of been something we have experienced, as we see it, as people who are doing hazardous chemical recycling.

There's basically two needs that the field has to become a viable alternative, and one is in the State of California already being started, which is comprehensive

surveys of generators.

And the other, where we are now, is kind of where the auto industry was before Henry Ford. We are operating on a small scale, and we know that what we are trying to do is theoretically possible on a much larger scale. The problem is getting from here to there.

And my question addresses is, is this possible by means of the following vehicle, which would be something along the lines of a research institute that would:

- a. Work with industries on source reduction and on modifying their procedures so as the hazardous wastes they produce are most accessible to recovery, and also will be more acceptable probably to safe disposal.

2. Simply researching various problems, of which there are just thousands of things which are potentially very valuable which could be recovered, but we just haven't developed the technique, and there is no one in the field who's got the resources to do this, and

3. Working on the marketing, finding a use for the material that you are recovering, which we have found is often a very vital item.

And what I am saying is that where under this

Act, where under the purview of this Act, would this kind of research institute fall?

You asked for suggestions on how we perceive the law should be implemented. This is our perception. Does it agree with yours?

MR. SANJOUR: Well, me personally or me EPA?

MR. KLIPPER: EPA.

MR. SANJOUR: I'm not sure that EPA has an opinion on the subject as EPA. You will find within EPA, the Office of Research and Development, which does, indeed, do research in developing processes for industry, which is what you are suggesting.

And there is some grant money available in the Office of Research and Development for that purpose.

The Resource Conservation and Recovery Act does not specifically address these kinds of plans, so there is more to the solid waste program, and there is more to EPA than this Act, and the kind of things you are suggesting have been going on and are going on within EPA, but they are not specifically part of this Act, at least not that I have seen, in any event.

One of the chief reasons for this Act is that

persons like yourself who are responsible treaters and disposers of hazardous wastes -- I know you are a responsible treater, because irresponsible treaters and disposers never show up for these meetings -- have been telling Congress and EPA for years that, if there are only laws which prevented the irresponsible disposal of these wastes, then industry could pick up the ball and handle it responsibly; we need the laws to prevent the bad practices; that the technology and the know how were there, in fact, to do it right and to do it well, but it wasn't going to happen until the bad practices were outlawed.

Well, Congress has now outlawed the bad practices, and my attitude would be the ball is now in your court. Of course, if it's not enforced, you have got a case. But if we can, in fact, prevent the bad practices, I would look to industry itself, which has the technological know how, to figure out how to solve these problems.

CHAIRMAN CHANNELL: Yes?

MR. J. P. VALINSKI (McDonnell-Douglas): Industries that are now under PL 92-500 and operating a

wastewater treatment system, are they going to be required to get another permit for that kind of a system under this new law and, if so, are these permits going to be completely different requirements?

MR. SANJOUR: Well, my answer is yes, no and maybe.

A wastewater treatment facility itself does not require any additional permit to what you already have.

MR. VALINSKI: But it is a treatment --

MR. SANJOUR: The residuals generated by this wastewater treatment, the sludge, in other words, if it is a hazardous waste, then the operator of the treatment plant is a hazardous waste generator by virtue of that sludge.

If it's not a hazardous waste, then there is nothing required. And if he is going to then dispose of that sludge or treat it in any way, then he needs a permit for treatment and disposal of that sludge.

We are hoping that the permitting will be integrated with the NDWS permits so that you won't have to deal with two different people and two different kinds

of permits. How successful we are depends on a lot of things.

For one thing, these, in many cases, the permits are handled by the states. I think they are in California. Isn't that correct?

CHAIRMAN CHANNELL: Yes, sir.

MR. SANJOUR: So it's really up to the states whether it be integrated, not up to the federal government.

In those areas where the federal government will be handling the permit systems, it may very well be up to the Regional Administrators about how well the programs are integrated. So we at the federal, at the Washington level, can hope and suggest, but I'm not sure we have that much influence over how it's going to go.

CHAIRMAN CHANNELL: Yes, in the back?

MR. WILLIAM LEWIS (Chairman, House Natural Resources and Energy Committee, Phoenix, Arizona): I guess what I'm going to say is more of a statement and an observation than it is a question. However, if you would like to comment, I would appreciate it. But don't feel that you have to.

I notice that one of the things in the law as you just explained this section of it is that Congress has once again abandoned its responsibility and, instead of setting down rules and regulations, have foisted it off on someone else, which makes it suspect to every John and Joe and Jane, makes them insecure to foist upon the public again, or try to, some sort of a regulation that will ensure their perpetuation in their job by making them more important and giving us one other thing to put up with.

I think the main problem that we have had in the past ten years since I have been in state government, the main gripe that we have had with the feds, if you will, has been in this area where Congress has abrogated their own responsibility and passed it off to the various agencies and said, "Okay. You set up -- We will set your agency up and give you broad guidelines. And then you come down and get to the nitty-gritty, and don't blame it on us. That way we can go back to our constituents and we can say, 'well, I didn't do that. I set up the agency, but I didn't require you to put up with all these different regulations.'"

I just issue this as a word of caution and hopefully as a word of pleading to you: Be careful what you make the states do and industry do and the cities and towns because we are dealing in a situation here, as I see it, with hazardous wastes, their disposal and their recycling, if you will, and I think it's something that we have to be very careful about or else we are going to come up with some regulations which are highly untenable and are put on Arizona and California and Montana and the other states from an ivory tower back in Washington by people who perhaps have not been on the ground and seen the actual problems as they do exist within the states.

I pray that you will give us some latitude to work under when you make your final regulations.

MR. SANJOUR: I would appreciate it if you would, at your leisure, put your thoughts down in writing in some detail about more specifically what you had in mind. It doesn't have to be today but, you know, think about it. Your words are nice, but they are rather general, and if you can get down to specifics. . .

MR. LEWIS: I will get down to one specific.

MR. SANJOUR: It doesn't have to be now.

MR. LEWIS: I will get down to one specific right now.

Your smelter smokestack regulations, for instance. We are spending -- The mines, not we. The mines are spending millions of dollars now to bring their smelters into conformance. And in our state, all of them have except for one. That one is so old that it is almost impossible. Well, it is impossible for it to be done in a viable way.

Now, we have asked, as a state legislature, for relief for that particular situation. Phelps-Dodge, who happens to be the operator of that smelter, has asked for it, and so far, although there have been a couple of postponements in the date that they have to comply, there still has been no thought of trying to give any kind of an exemption or leniency in that case.

And we are talking about a whole city of 15,000 people which will go down the tubes if they do close down that smelter.

It will also put two mines out of operation, copper mines.

And it's located in a situation where there is no other town or living creatures anywhere within, or concentration of them, at least, anywhere within a 50-mile radius that -- The smoke that's been coming out for years certainly is hazardous. I wouldn't argue with that a bit. And it certainly is a waste product.

But under those circumstances, there should be more leniency and it, in my opinion, shouldn't be somebody sitting in Washington saying, "No, there is not going to be any variations and this is it." I think each case has to be decided on its own merits.

CHAIRMAN CHANNELL: Any other questions or comments? Yes, in the far back?

MS. VITA SIMON (Federal Highway Administration): Under Section 3003, the Administrator of EPA is to consult with DOT for the addition of hazardous materials into the existing DOT Act, the way I read that.

MR. SANJOUR: That's correct.

MS. SIMON: Do you envision separate regulations or do you intend your regulations to be incorporated into the hazardous materials regulations and do you envision separate enforcement, or would that be done by the

Bureau of Motor Carrier Safety?

MR. SANJOUR: We would prefer in both cases to use existing DOT laws and existing DOT enforcement mechanisms. And we are working out with DOT right now to try to do that. If it cannot be done, then we will use the authorities we have under this Act.

But we certainly would prefer to use the DOT mechanisms and DOT would prefer us to do it, too.

But what sometimes happens is that, although we would both like to do it one way, their laws may not allow it to be done the way our law would call for it to be done. We are working that out now.

CHAIRMAN CHANNELL: Yes, we have a question over here. Yes?

MS. JEAN BAHR (W. A. Wahler and Associates): I have a quick question of clarification of the definition of solid waste.

You say that it covers mining wastes, which I would assume would be mine tailings. Does that also include uranium tailings, or is that covered by the Atomic Energy Act?

MR. SANJOUR: I believe it does, yes.

MS. BAHR: It does?

MR. SANJOUR: I believe radio -- Well, it covers radioactive wastes that are not covered by the Nuclear Regulatory Commission.

CHAIRMAN CHANNELL: I believe the answer to that is the existing uranium, existing operating uranium mills that are under license by the Nuclear Regulatory Commission, their tailings piles, now and after they close down, will be under NRC regulation. We have a number, some 17 to 20, inactive abandoned tailings piles in the West that have escaped from the license in the past and really are not regulated by anybody. It's questionable who regulates these.

MR. SANJOUR: I don't think we regulate those.

CHAIRMAN CHANNELL: No one regulates them now, but it's questionable whether they might come under the Act.

MS. BAHR: Do you anticipate putting down some regulations during this 18-month period that would deal with uranium tailings piles?

MR. SANJOUR: No, not really. The whole issue of how to handle mining wastes is frustrating us.

MS. BAHR: All right.

MR. SANJOUR: Congress called for a study in this Act of mining wastes, and the purpose of that study was to determine whether or not mining waste really can be regulated in the same fashion that industrial manufacturing wastes are regulated.

So I don't really think we are going to come out with any regulations of mining wastes until we have completed the study on whether it's even practical to do.

MS. BAHR: That would go for other kinds of mining wastes, too? Coal mining?

MR. SANJOUR: In general, yes.

The trouble with mining wastes, you know, is you can't move the stuff; you can't bring it to a hazardous waste facility. It's half the country, you know.

CHAIRMAN CHANNELL: Yes?

MR. MICHAEL BROWN (Consulting Engineer): You said that the hazardous waste management program can be administered by the state if they have an approved hazardous waste management program. Does that hold true for territories as well, territorial governments?

MR. SANJOUR: I guess.

MR. HICKMAN: By definition of the law, there are 56 states now. Just by definition of the law, a solid is a liquid and vice versa.

CHAIRMAN CHANNELL: Yes?

MR. THOMAS WILLIAMS (Engineering Science): I was wondering, do you make a distinction between stored hazardous materials, which may be in the form of a large pile, versus a hazardous waste?

MR. SANJOUR: Well, the law only covers wastes, not hazardous materials. And I grant you there's going to be a fine line between when a material is a waste. And we are certainly going to have to address that in the regulations, and it will have to be addressed even further among those people who have to issue permits and interpret the regulations.

MR. WILLIAMS: Within the State of California, I think there is a distinction between industrial materials storage areas and solid waste landfills.

MR. HICKMAN: I don't think they can hear you, sir. That's why we have a microphone out in the middle. Don't feel overwhelmed by it. Feel free to use it.

That way everybody can hear what you say.

MR. WILLIAMS: One of the problems that I see is that, in the State of California, there are distinctions made between stored industrial materials which may be hazardous and solid waste hazardous materials which are stored in similar types of situations, i.e., an earthen fill area, that many of the materials, as the economic situation changes, will, in fact, become economically viable for source materials. Therefore, the waste at one place will become a resource for another industry at a later date when the economies change.

Therefore, some industrial managers may choose to store their materials as industrial materials rather than hazardous wastes.

So how would you make a distinction on that?

MR. SANJOUR: Well, on the one hand, we do not want to give any impediment to legitimate recycling of wastes, and those we would tend to exclude from the definition of a waste.

On the other hand, we don't want to give people a very easy loophole to avoid the consequences of the law just by calling a waste a material.

All right. That's the philosophical base. We are not going to have to interpret things a great deal in that light, and I would hope that people who have specific examples of these kinds of borderline cases would mail them to us. We could write much better regulations that walk this tightrope if we know what the tightrope is, if we know the specific cases that we are going to have to deal with. We could write better regulations by dealing with them in advance of the regulations than after we have written the regulations.

CHAIRMAN CHANNELL: Yes, sir, you have another comment?

MR. DANIEL KLIPPER: I'm still Dan Klipper, and I am still from Zero Waste.

My comment. It took me a moment to think about your answer that the ball is in industry's court now, and I'm tempted to be very generous and say does that mean that EPA will no longer be funding pyrolysis research and landfill research and so on and so forth, which obviously it won't.

And really what I am saying is that it is proof of the cousin theory once again, that EPA spent

something -- And I may be wrong by a million or so dollars, but I believe it spent something about \$7 million on a pyrolysis center in Palo Alto.

And I would merely point out that about half that money would set up this kind of institute for about five years.

MR. SANJOUR: As I said before, there is more to EPA and the Solid Waste Office than this Act, and we have and will continue to fund resource recycling facilities.

And my comment about the ball being in your own court was largely the attitude of this Act itself. If I can extend that to your analogy of the cousin, basically the attitude of Congress is we have taken the ladies of the evening off the street; now you are on your own. The competition is out of the way.

CHAIRMAN CHANNELL: You have a question? Yes, sir?

MR. JEFF HALTNER: I am with the Environmental Impact Planning Corporation.

What is EPA's current feeling in regard to municipal sludges and incinerator wastes as regards to

their being included as a hazardous material? Is there any feeling towards that right now?

MR. SANJOUR: There is a great deal of feeling. Depends on who you talk to.

This is a very hot issue in EPA. In a sense, EPA has become both the sponsor of municipal sludge and the regulator of municipal sludge, and whenever a government agency has a vested interest in the very thing it's regulating, it causes all kinds of problems, as we have seen historically with the Atomic Energy Commission.

There is feelings on both sides of this issue. We could recapitulate the discussions. I'm not sure you want to hear that now.

I think what would be best from your point of view is that, if you have any feelings on this issue, is to apprise EPA of what your feelings are since this is an issue that's being discussed in EPA, and there are many, many opinions on the subject, and it will probably ultimately be decided by the Administrator. The more public input there is to this subject, the better feeling the Administrator can get about what the consequences of the decision are.

Does anybody feel that they want some kind of a recapitulation on what the arguments are on this hot issue?

CHAIRMAN CHANNELL: Any other questions or comments?

Let's take about a 15-minute break now. Let's try to get back at ten after 10:00, please.

(Short recess.)

CHAIRMAN CHANNELL: Well, let's come back in session again.

We have got seats in front if there is anybody standing back there outside. We have got a half dozen seats or so.

The next section of the Act we will be discussing, Lanny Hickman will be discussing the land disposal aspects of the Act for that ten minutes, and we will have questions and comments on that portion.

Lanny?

MR. HICKMAN: Thank you, Jim.

Could I have somebody turn the slide projector on, please? That's part of the public participation that we are trying to carry on here.

(Slide No. 1.)

We are going to spend a few moments now and discuss the land disposal provisions of the law, that's basically within the sections of the law, Section 1008 and Subtitle D, which is directed at state and local program development.

In order to understand the land disposal provisions, we need to look at four key definitions in the law and relate to how this has changed the whole thrust of the solid waste management field, at least as it applies to implementation of RCRA.

The first definition is "disposal." Under the old law that was amended in 1976 by RCRA, disposal was used more in a generic term of management, covering all aspects of solid waste from generation to the ultimate, indeed, disposal in the lands, collection, treatment, incineration, processing or whatever.

Well, in the 1976 amendments, "disposal" was narrowed down to be confined primarily to the aspect of placing waste on the land. I would like to read it to you, at least part of it, so that you understand what the definition says.

"The term 'disposal' means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste --"

And we have already defined the fact that a solid waste can now be liquid.

-- into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters."

So RCRA is trying to address the problem of the disposal of any waste on the lands where it may impact in any way on health or the environment.

We go on to look at the definition of "open dump," which is a new definition that was not in the old amendments, but are in the 1976 amendments. The definition itself doesn't mean much until we talk about Subtitle D.

"The term 'open dump' means a site for the disposal of solid waste which is not a sanitary landfill within the meaning of Section 4004."

That is where we have to define "sanitary

landfill," so that implies, of course, there is only two mechanisms of disposal: either open dumping or sanitary landfill as far as placing the waste upon land.

The third definition is "sanitary Landfill."

And that definition means:

"The term 'sanitary landfill' means a facility for the disposal of solid waste which meets the criteria published under Section 4004."

So Section 4004 appears like it's a pretty important section of the law, and we will get to that in a minute.

And then the last definition which Bill read to you, the definition of "solid waste." What you have got to think about now is sanitary landfill no longer falls within the classic consideration of municipal solid waste being compacted on a daily basis and given daily cover at the end of the day or other intervals of time. That is no longer what a sanitary landfill is by definition of the law.

By definition now, a sanitary landfill is an acceptable method of disposal of solid waste, and that can be liquid or solid and anything in between.

Okay. Now, let's look at the magic Section 4004.

(Slide No. 2.)

What Section 4004 says is that within one year, the Administrator shall issue criteria for what is a sanitary landfill, and it implies types of sanitary landfills in the terminology, and that criteria would be for classifying what is a sanitary landfill, what is an open dump. And, by definition, what is a sanitary landfill is not an open dump and vice versa, and that that criteria should consider the reasonable probability of adverse effects from different land disposal practices.

And it says then that the disposal of solid waste will be required in sanitary landfills only and the state plans must provide for same.

(Slide No. 3.)

Section 4005 goes on to require the Administrator to conduct an inventory within 12 months after the issuance of the criteria for sanitary landfill or for all those sites that are open dumps and publish a list of those open dumps.

Now, this is an inventory of all open dumps throughout the country. We had discussions about mining

wastes, and there are a lot of wastes that are considered now solid waste, and disposal practices that will have to be inventoried.

So the whole problem in issue of how much can be done within 12 months, where the resources are going to come from to do it. Are we really going to include mining wastes when we are supposed to do a study on mining wastes, which obviously is supposed to point us in some direction, but the inventory of whatever sites there are that we list, those sites on that list immediately become in violation of federal law, because the law says that there shall be no open dumping, only sanitary landfills.

And those sites are subject to suit in the Federal Court system by any individual out there who wishes to take exception to the practices of that particular site.

And we talked about the citizen suit regulation provision which provides a mechanism for any individual out there to ping into the federal system, Federal Court system, on a violation.

Now, the federal government itself -- It's not an EPA enforcement action. It's a state/local government/citizen mechanism to bring these sites into compliance.

Now, how can we protect these operators and owners of these sites where all of a sudden one day they wake up and here is this big list in the "San Francisco Examiner," and their site's on the list.

Well, the law provides a mechanism for those sites to be closed or converted within a five-year time period after the list is published. And that's in 1983.

And if the state -- And the state is to require or develop a plan and a schedule for those sites to come into compliance, be converted or closed.

So this umbrella of planning protects the site operator for the period of time it would take for that site to come into compliance or be closed.

(Slide No. 4.)

All right. Section 1008 provides authority for the Administrator of EPA to promulgate guidelines for solid waste management. This is an extension of previous authorities that were in the -- that was in the law that was amended.

And those guidelines are mandatory requirements on the federal government. All federal agencies must comply with requirements for the guidelines issued under

1008.

Under the old authorities, we issued some seven or eight guidelines. We had one on land disposal. We had one on beverage containers. We had one on resource recovery facilities. Collection of municipal, commercial and institutional solid wastes.

And the federal government is now beginning to implement these guidelines, and they are still in effect. They are merely advisory at the state and local government or to any grantees under certain -- most of the authorities of the law, except for one unique grant program where they will have to comply with the guidelines.

At the present time, we are beginning work to take the existing land disposal guidelines that are in effect and modify these guidelines to reflect the new law. These guidelines would be used primarily as a supportive document for the land disposal, sanitary landfill criteria that we have to issue as guidance to owners and operators of disposal sites as to ways in which they might upgrade or convert their sites to meet the requirements.

And as these guidelines develop over a period of time, they will deal with different waste streams and

different types of land disposal practices.

We have started the work now as developing a sludge, municipal sludge guideline, which will be available in late Fiscal Year 79. So by nature what we are doing, I guess we are sort of phasing into this whole activity anyway by developing the inventory.

The theory, of course, is to have the state government do the inventory rather than the federal government. The logic to that is pretty strong. In fact, we want the state government, which they already are in most states, the regulator and enforcement on land disposal practices, to continue to do that. And it's -- They know where the sites are, and the criteria are -- we are going to try to design criteria in such a way that much of the judgment on the acceptability of that site will be made by state government based on the unique conditions of that state: its own climatological and geological and demographic differences rather than trying to have one uniform standard that Maine and California and Omaha and Galveston can all have to live within because it's just almost impossible to write one standard. The criteria will allow judgments to be made by

state government and local government related to their own unique particular circumstances.

Well, that's basically the provisions of the land disposal part of the law. You can see here the linkages that are starting to be built now between the various sections.

You have the hazardous waste provisions which focus in on those waste streams and provide for a mechanism of controlling them from cradle to the grave. And whatever is not covered under that umbrella of hazardous wastes falls within the rest of the requirements of the law and Subtitle D.

And we see that whatever has not been handled under the hazardous waste provisions will move to acceptable land disposal sites regulated or controlled by state government and operated by local government and industry.

And I will entertain questions now on these provisions.

CHAIRMAN CHANNELL: First, before we start the questions, I would like to introduce Paul De Falco, the Regional Administrator of EPA, who joined us at the break.

MR. DE FALCO: Good morning.

CHAIRMAN CHANNELL: Now, any questions? Come to the microphone, please.

Yes, sir?

MR. THOMAS DUNBAR (State of California Regional Water Quality Control Board, North Coast Region): The EPA will promulgate guidelines for sanitary landfill. Does the EPA anticipate requiring federal permits for landfills similar to NPDES?

MR. HICKMAN: No, the law does not require that. That's not a provision of RCRA. The concept is, of course, that EPA will issue criteria. The law requires us to develop criteria for sanitary landfills, and the law says that all disposal will be in sanitary landfills.

That will fulfill that criteria, but it does not require EPA and does not permit EPA to set up any sort of a regulatory program. It places that responsibility on state government.

Now, that's different than the hazardous waste part where, if the state doesn't pick up the hazardous waste program, the permitting and enforcement program, EPA must.

There is no mechanism for EPA and no authority for EPA to function in this area in the land disposal of non-hazardous wastes.

The driving force, of course, is to have the state get involved because the sites that are not in compliance with the criteria are subject to violation of federal law. And most of the financial assistance programs that could be made available under RCRA will not flow down to state and local government unless the state has a planning process underway to get these sites into compliance.

But there is no federal regulatory role in this portion of the law.

CHAIRMAN CHANNELL: Questions or comments? Yes sir?

MR. H. E. KNOWLTON (Chevron Research Company, Richmond, California): We have a statement to make on land disposal.

I am employed by the Chevron Research Company, Richmond, California, where my professional responsibilities involve corporate-wide refinery environmental control activities. I'm also a member of the Solid Waste

Management Committee of the American Petroleum Institute. And we are preparing a written statement on various topics for submission later.

To keep within the five minutes that you indicated you would allot me on this subject of land farming, I have this following statement.

We define land farming as -- The land farming process consists of controlled application and cultivation of wastes on soil in a properly engineered site and using soil microorganisms to decompose the organic fraction of the wastes.

Soil conditions, water runoff, percolation and odor, if any, are monitored and controlled as appropriate.

The most common wastes supplied are oily sludges or biological solid wastes, or both.

We have these additional comments, then, on land farming.

Our refinery experience with land disposal of solid waste goes back 30 years. In the past two years, we have been developing resource recovery methods in our refineries to minimize the oil content in oily solids. Object: recover valuable oil, energy resource, and

minimize the oily solids that are land farmed.

3. We visited and discussed with various refiners other than Chevron in various parts of the United States and Canada their successful use of land farming of oily solids and biosolids.

4. We have had ongoing research studies on land farming at the Rutgers University in New Jersey and at Chevron Research in Richmond for the past several years. Based on this, we would like to make this conclusion.

From this extensive background of practical experience and research, we state land farming of oily solids and biosolids is the optimum treatment method available today, both ecologically and economically.

Chevron strives to use the most economic methods of solving environmental problems so that less energy is used and the cost we must pass on to our customers is minimized.

We have additional comments on the other topics, on your other topics that you have listed for this session, and we will contribute them directly to the EPA.

Also we will contribute indirectly through the API Solid Waste Management Committee.

Thank you.

CHAIRMAN CHANNELL: Thank you, sir.

MR. SANJOUR: May I ask the gentleman a question?

CHAIRMAN CHANNELL: Yes.

MR. SANJOUR: Do you mind if I ask you a question?

MR. KNOWLTON: Go ahead, Bill.

MR. SANJOUR: Is it Chevron's intention to grow crops on these land farms?

MR. KNOWLTON: No, Bill, there is no intention to grow crops.

MR. SANJOUR: Good answer.

MR. KNOWLTON: It is our intent, though, Bill, to do a good job on resource recovery so that we minimize the area which is used for land farming and keep it tightly controlled.

MR. HICKMAN: Do you consider land farming a disposal method? That's me asking up here.

MR. KNOWLTON: Oh. Yes.

MR. HICKMAN: By definition of the law that we have here, do you consider that a disposal technique falling within the purview of the definition of disposal as the law here defines it?

MR. KNOWLTON: You have only one topic called land disposal. You do not talk at any point in your written material of land farming, which we feel is a different type of thing.

MR. HICKMAN: But do you view it as a disposal technique?

MR. KNOWLTON: Oh, yes. A treatment and disposal because we will convert -- All the oil that does remain after we have recovered what is economically recoverable, we will treat the rest of it to biodegrade it into CO₂ and water, in which case we have solved the problem very ecologically and, as far as we can tell at this point in time, better than any other competing process.

CHAIRMAN CHANNELL: Any other questions or comments? Any others?

We will go on to the next section of the agenda on the resource conservation and recovery aspects of the

Act.

Nick Humber.

MR. HUMBER: Usually the first question I get at meetings such as this on resource recovery is what is the federal funding.

The bill includes resource recovery, source separation and resource conservation systems. I would like to go over a little bit about the progress or the history of this with the Congress.

It started off with a \$200 million grant program and then became a billion dollar loan guarantee program, and that shortly became a two billion dollar loan guarantee program, and then some people asked the question, "Well, why is there a need for federal financing? Can these projects be financed locally?"

In fact, several had been financed locally, about \$300 million by my count, and they were financed without federal funding, and thus the final law has no construction grant provisions for resource recovery. Instead, they have a program that I will outline with you here.

(Slide No. 1.)

Resource recovery and resource conservation are mentioned throughout the Act in several areas. And this is a listing of the major areas. I will discuss each of these in a bit more comprehensive manner.

(Slide No. 2.)

Now, this section, which calls for technical assistance in solid waste management problems, it's a complete misnomer because it's -- first of all, it is not confined to resource recovery and resource conservation. Our efforts will cover the full gamut of solid waste management activities, including collection, disposal and treatment and disposal of hazardous wastes. So that's not correct.

And, secondly, we are not having panels. That's a word which was used for some reason that escapes me.

Several people have asked me, "How do you get appointed to these panels?" And there really is no appointment process because there are no panels to be appointed to. The idea is that we will bring together expertise from several groups, and we will be more the manager of this technical assistance activity to local government.

Let's say, for example, the City of San Jose wanted some help in source separation and they asked us to provide this help. Well, we would bring together, first of all, people in the area who might be buying the secondary materials; we would bring together citizen groups that would help support participation, bring together the solid waste management people in that area, both the public and private people, and possibly consultants who might have expertise in this area.

The idea is to bring together quite a wide range of expertise and to help communities help themselves.

The legislation calls for 20 percent of the general authorization for the Act. And that term "general authorization" is a confusing one because you have to see the full funding of the Act, and that will come at the end.

But the general authorization can be as high as \$35 million, so that would say that \$7 million could be spent for technical assistance efforts.

(Slide No. 3.)

The sections in the 4000 series have to deal

with the establishment of state plans and for state program activities. And the important thing to notice in the resource recovery area is that the state plans must call for resource recovery or call for addressing the issue. It must address the resource conservation issue.

It does not mean that they have to include plans for resource recovery or resource conservation, but they must determine if this is appropriate or not; must also include an evaluation of existing and probable future markets for recovered materials in the state. And this must be a part of the state plan.

Now, there is one provision that the law requires that state plans eliminate, if it exists, and this is a provision in some state constitutions or legislative rules that there is a prohibition against 20-year contracts or long-term contracts.

In other words, a community -- Let's take San Jose again -- cannot sign a 20-year contract for a service, in this case being a solid waste management service. In the case of building a large solid waste management system that will operate for 20 years and maybe cost some \$5 million to \$50 million, there is a

need for a 20-year contract between the city and a private organization in order to finance the system. And because there are these prohibitions, at least in some state activities, the state plans must require that these be removed, at least in pertaining to solid wastes.

(Slide No. 4.)

Now, the financial aid that comes under the state section, that is the 4000 series section in the law, calls for financing of implementation grants to public agencies only. And the emphasis is on implementation rather than planning.

That is putting together a technical -- a market and a financial package that leads to an action, whether it be a collection system or new disposal system or new source separation system. These funds are not to be used for construction.

(Slide No. 5.)

Now, the Act calls for the federal government to take an active role in resource recovery and resource conservation. And the most prominent way that it can do this is through the federal procurement process. And it requires that EPA issue guidelines for recommended

practices and that within two years, that procuring agencies -- And this is essentially the General Services Administration and the Defense Supply Agency, who do most of the procuring for the federal government -- purchase the highest percentage of recovered materials in their items that they buy.

And this is highest in the sense of being economically and technologically feasible.

This pertains only to items of purchases that are greater than \$10,000.

It also requires that the federal government, in purchasing fuels for the operation of its boiler systems, use the highest percent of refuse-derived fuel, again to the extent that it's technologically and economically feasible.

And this provision also provides -- pertains to vendors of the federal government. That is that they have to procure products that contain recycled materials.

(Slide No. 6.)

This section calls, and the next slide will call, for a series of studies for issues that are not quite resolved as far as the Congress is concerned. The

most prominent is the Resource Conservation Committee, and I will talk a bit about that in the subsequent slide.

There are other studies that pertain to composition of the waste stream, setting research priorities within the EPA, looking at small scale, looking at source separation systems. There are quite a range of studies.

(Slide No. 7.)

And this is an additional four studies. These have to be done over a three-year period.

(Slide No. 8.)

Now, back to the Resource Conservation Committee. It's a cabinet-level committee. The Administrator of EPA is the chairman.

And it should be noted that most committees are out of the day-to-day operations of agencies. That is, they are blue ribbon committees or citizen advisory committees that report possibly to the White House, but they are not a part of a major department or major agency. And this is an exception. I think it's an important exception, and it's very important.

It's a two-year study, and it requires --

Getting back to the participants, they are the Secretaries of Treasury, of Interior, Commerce and Labor. And these are the departments that would be most affected by any kind of actions that were taken to stimulate resource recovery, such as regulatory or economic incentives.

(Slide No. 9.)

And these are the areas that are to be studied by this group of people.

The first is the effect of existing federal policies on resource recovery and resource conservation. There are policies that really are disincentives for recovery, and some of the policies that have been accused of being this are the capital gains treatments and depletion allowances that are, it is accused, to encourage us to use virgin resources vis-a-vis secondary resources. In other words, the government is subsidizing the production of virgin resources.

It is to also look at new taxes or regulations or bounties. And some of the ideas that have been proposed are subsidies for each ton recycled, subsidies for each new dollar investment in facilities that would

utilize recovered materials or would produce recovered material. And, lastly, charges on products to reflect waste management costs.

And the third major area are product regulations.

(Slide No. 10.)

We have in the past had demonstrations and evaluation -- demonstration capabilities under the law. This is additive evaluation. It is felt it is cheaper for the federal government to evaluate a system that's been privately constructed than to construct it and pay for the construction itself. So we are switching to do more evaluations and fewer demonstrations.

It also emphasizes the importance of doing demonstrations in the source separation area and the new area of resource conservation or techniques that would reduce waste generation.

Okay. That summarizes the resource recovery and conservation activities. And I would like very much to discuss with you your feelings on these issues.

CHAIRMAN CHANNELL: Yes? Any questions or comments? Yes, sir, the gentleman in the back.

MR. EDWARD SPARKS (Director of Procurement Logistics, Garden States Paper Company): I have a comment, Nick.

Our company is the world's largest consumer of recycled newspaper. My company consumes more than 500,000 tons of old newspapers each year. A substantial portion of this supply comes to us through contracts with over 40 municipalities having source separation programs to recover this valuable resource.

I am also a member of the Executive Committee concerned with paper stock conservation of the American Paper Institute. This group represents recycling and converting mills which consume almost 14,000,000 tons of waste paper annually.

Garden States' 15 years in the recovery and recycling of waste newspaper on both a national and international basis has given us a hands-on knowledge and experience of the dos, don'ts and pitfalls of resource recovery. We feel it important for the Environmental Protection Agency to draw on the experiences and expertise of companies such as Garden States and associations such as the American Paper Institute to achieve a successful

implementation of this Act.

While we are not looking for a position on your non-panel, I am here to offer the assistance and experiences of both Garden States Paper Company and the Paper Stock Conservation Committee of the American Paper Institute to the Environmental Protection Agency, and specifically Region IX, in the implementation of the Resource Conservation and Recovery Act of 1976.

MR. HUMBER: Thank you.

CHAIRMAN CHANNELL: Yes?

MR. DANIEL KLIPPER: Just a question of clarification.

You were discussing Section 4008, and that was financial aid, financing of implementation, and this is grants to public agencies only in the field of resource recovery, conservation, hazardous waste management. And then you said not for construction.

And how do you define implementation of a program separate from, say, construction of a transfer facility? I didn't understand that.

MR. HUMBER: I can see that ambiguity. The idea is -- The original intent was to distinguish

implementation-oriented activity from planning activity.

In other words, I think the first problem is the planning activities have a bad name in Washington. It seems to be a way to make consultants rich, but not to take any action.

But try to go a step further, and let's go back to the example of a source separation system. It would be the activity, whether it would be a staff activity of a government or the hiring of a consultant, to develop the final implementation activity, let's say, to define the contract for the recycled materials, to set up the routing system for the collection vehicles, to enter into -- to develop the contracts to hire the legal expertise to develop the contracts and if any financing were required, to hire the financial advisors.

But it all leads to a proposal to the decision-making body to say, "Yes, let's go ahead with it."

I guess if you see the end result as a final proposal, to say, "Let's go to him." That's what we are aiming for.

MR. KLIPPER: Thank you.

CHAIRMAN CHANNELL: Yes? Yes, sir, in the back?

MR. KEITH MC HOUTEN (Occidental Research Corporation): In the past, the agency's work, and much of the interest of people interested in resource recovery, has been aimed at some of the technical aspects of resource recovery. I should like to urge that, in the new life that we have got ahead, that the agency addresses itself, gives priority to some of the institutional aspects that you touched upon in your talk: the legal aspects of the institution of resource recovery, the financial problems involved, such things as regionalization, to get the economic tonnage.

I should just like to see that they are given priorities in your plans.

MR. HUMBER: Thank you.

I think his comment is well talken. We are really moving. Although there is a great deal of technological work to be done, the major problems right now are moving into some of the institutional arrangements and that prohibition against or the elimination of prohibitions against 20-year contracts is an institutional problem that some communities have faced.

That's an example, and the marketing and the

financial issues are also other institutional problems.

Now, we worked for about the last three years in communities in overcoming some of these, and in some cases, we have helped communities to get financing. In other words, just to prepare a proposal that was sound.

CHAIRMAN CHANNELL: Yes? Yes, sir, in the back?

MR. JEFF HALTNER (Environmental Impact Planning Corporation): I'm still trying to get a handle on some of your definitions.

In regards to our resource conservation, I'm interested in the potential for recycling solid wastes to land as a fertilizer or soil conditioner.

And do I understand by your term "sanitary landfill" here that this will also now pertain to agricultural lands upon which solid waste may be used as a fertilizer or soil conditioner; and, if so, will the same regulations that apply to a sanitary landfill now apply to agricultural lands?

MR. HICKMAN: Well, this has been a goal of discussion within the agency, and with people who are involved in the application of waste on the lands for

disposal or for beneficial purposes. As to where that falls, when is it disposal and when perhaps is it a beneficiation of soil as a soil conditioner or whatever. Frankly, at this point in time we don't know where it ought to fall ourselves.

I would appreciate what you think it ought to be. Do you think it ought to be outside the purview of the definition of disposal and sanitary landfill?

If you read the definition of disposal, it would imply, indeed, that if you put waste on lands, it must fall within the definition for disposal.

And there is only two types of disposal: open dump or sanitary landfill. But there is certainly no intent on the part of the agency to try to put an umbrella over every activity that goes on in the agricultural field as it relates to the utilization of soils and organic products.

We just don't know where it falls yet. It's an area of real concern and consideration right now by the agency and the outside people who are working with us on it.

CHAIRMAN CHANNELL: Yes, sir?

MR. HALTNER: I just have one more comment on that.

One of the reasons I am concerned is that there is a -- there seems to be a tendency toward regulation which seems to be occurring to almost go towards an anti-septic approach to this whole thing, and I am afraid if things come down from just strictly a national level, that we will just sort of end up sort of burying everything and getting rid of it and, you know, not take into account some of the, you know, site localities, special things that may occur on a much smaller level so that that was why I was addressing that.

MR. HICKMAN: I made the point earlier about the fact that, in writing the criteria, we want to try to be as flexible and broad as possible to allow states and local government to take into consideration local conditions that there is no way that we can do on some kind of a broad national basis. Common sense has got to prevail sometime, and we hope that we will try to do that.

(Laughter.)

You don't believe that the feds can exercise common sense, do you?

CHAIRMAN CHANNELL: Yes?

MR. SANJOUR: Let me just comment on that comment.

As you recall, I asked the gentleman from Chevron whether they are growing crops on their land farms.

FROM THE FLOOR: I can't hear you.

MR. SANJOUR: You recall that I asked the gentleman from Chevron whether they are growing crops on their land farms, and he said no. There is a little method in why I asked that question. The advocates of sewage sludge seem to be saying that, if they are growing crops, they are doing something beneficial and, therefore, should not be a disposal.

Now, if the Chevron was to grow crops on its farms, does that also exempt it from the provisions of the Act? That's also the other side of the coin.

MR. C. THOMAS WILLIAMS (Engineering Sciences):
A comment on your comment.

We are presently under contract to treat approximately 40 acres of artichoke and lettuce land down in Monterey with treated sanitary effluent. Would you

consider that an open dump since it's not a sanitary landfill?

If the pilot project is successful, it would have rather broad implications, both for the Monterey area and other areas for the use of treated sanitary effluent on agricultural croplands for human consumption.

MR. HICKMAN: Hey, you don't know that that's not a sanitary landfill. Now, if that's effluent, you know, if that's just straight sewage, that's a different issue. That's got to be covered under FWPCA.

You remember I started out the discussion on land disposal problems to stop making every sanitary landfill as a compacted municipal solid waste site with daily cover. It is now an acceptable environmental method of disposal of solid waste which, by definition, now is a solid or a liquid.

MR. WILLIAMS: So it would be a controlled landfill?

MR. HICKMAN: No. I don't know what it would be. But it might, indeed, be a sanitary landfill if it met the criteria.

MR. SANJOUR: The issue is this: Should we

exempt utilization of sludge --

MR. WILLIAMS: Or treated sanitary sludge.

MR. SANJOUR: -- period, or should we regulate or define what is adequate and inadequate utilization. That's the issue.

MR. WILLIAMS: That's right.

MR. SANJOUR: We can include sludge utilization in the definition of disposal and define what is environmentally sound and unsound utilization. All right? That's one road.

The other road is to completely exempt the utilization and not even consider it under this Act. That's the other road.

Now, I pointed out that, if you were to go the second road, that would bring in certain illogical inconsistencies, such that people who are land farming wastes would have to be considered as a waste disposal; but if they grow something on it and people eat those crops, then they are exempt from the law.

That's the kind of dichotomy that first road brings about.

CHAIRMAN CHANNELL: Yes? Other questions or

comments? Yes?

MR. GARRETT DE BELL (Yosemite Park and Curry Company): We operate the prime concession in Yosemite, and we are very happy to see the direction of this Act furthering the direction of resource recovery and recycling.

Over the past couple of years, we have operated a recycling program aimed at recycling the different types of solid wastes. We have been extremely pleased with our relationship with the Environmental Protection Agency.

Over the past year, as we implemented a pilot beverage container deposit program which upped the return rate of the beverage containers from about four percent, which it was the year we had a voluntary recycling program, to approximately 70 percent after we put the nickel deposit on it. And we haven't found anybody who didn't believe in recycling, but the nickel incentive talked a large number of believers into practitioners, which we were very happy to see.

We feel that this may have broader applications as the Act stipulates in that some sorts of economic

incentives of one sort or another will be very helpful in getting people to move from the more old fashioned, less environmentally sound means of waste disposal into the future of recycling or other means of resource recovery.

For instance, we have some energy recovery in a fairly strange system where our solid wastes in our larger restaurants go down the garbage disposal, down the sewer into the sewage treatment plant, then ups the BTU content of the sludge, reducing the amount of fossil fuel they need to incinerate the sludge.

And we feel that this is the kind of thing that needs to be looked at very much case by case because that happens to be a beneficial situation in our case, and in many other cases it would not be beneficial.

And there is a very important need to tailor these things to the particular circumstances.

One thing we think would be interesting to businesses that are considering going this way is that, in spite of the various labor costs and handling costs and a modest amount of capital equipment, that this system, subsidized in part by the salvage value of the materials, is coming extremely close to being a break-even

operation, and we intend to continue extending it until we virtually eliminate the waste stream. We anticipate we can do this at very close to a break-even operation throughout.

In the same spirit of the Garden States Company, we would be happy to have representatives of EPA continue to work with us or try out ideas or experiments that are appropriate to our operation with us. And we would be happy to invite people from industries that operate retail or hotel or similar type facilities come take a look. We would be happy to show them how it works with a very low technology type approach to recycling solid wastes.

Thank you.

MR. HUMBER: Thank you.

CHAIRMAN CHANNELL: Thank you.

Any other questions or comments on the resource recovery? Yes, sir?

MR. GEORGE OSOSKE (United States Brewers Association): I just would like to make a comment relative to the message that the last speaker gave concerning Yosemite on the matter of return of containers.

As we should realize, Yosemite Park is a concentrated area with almost a monopolistic situation where the stores and all are controlled by the Curry Company.

Our industry is deeply concerned about recycling, and our industry, of course, is doing a considerable amount of work in recycling. But I just feel that we cannot actually accept a captured tourist group based upon a deposit system that would stand up as a, let us say, image of what other industries, or rather what other communities should do.

I think that it would be very difficult to induce that type of a system in large cities and large communities.

There are other answers that are available and I think could be used.

But Yosemite, in the controlled area, was responsible for 70 percent, as they say, of a return of the containers, now, it should have been a hundred percent in a controlled area.

Now, we must remember, too, that the individual consumer would be paying, for example, on a six-pack of

beer, \$1.85 compared with Los Angeles and San Francisco of \$1.55. But the Yosemite pack would be plus 30 cents on a deposit.

And you must also consider that there were 30 percent of the people who did not reclaim their deposit and that deposit, of course, was captured by the Curry Company operating the facility there.

Thank you very much.

MR. HUMBER: Of all the comments today, I think the US Brewers' comment is unique, and it's telling us why we can't do something. And fortunately most of the people in resource recovery are trying to figure out ways to achieve recovery and reuse. And, unfortunately, you are telling us why we can't.

I guess I disagree with your philosophy.

CHAIRMAN CHANNELL: Yes?

MR. DE BELL: Obviously, the beverage container issue is a very serious one and needs to be debated and discussed in public forums before a decision is made.

Our situation is, of course, unique, as every situation is unique.

People have brought up the fact that we have a

controlled situation where we operate all of the stores, which isn't exactly true, but it's fairly close to true. We feel that this further proves -- or not this, but the fact that we are in a national park with a visiting population -- The average person stayed there two and a half days, and over that time period, had to learn about the deposits and decided to participate in it. This, we feel, made it a particularly stringent test, and still we achieved a 70 percent return rate, which is comparable to states which have a more stable population.

Part of our population is controlled in the sense they live there all the time. We have checked the return rate in our employee dining facilities, for instance, and it does range very close to a hundred percent, which shows, I think, that it's easier to operate a beverage container thing with a stable population than a visiting population.

But, again, these are issues that neither I nor anybody in this room can dictate the answer to. They need to be discussed and debated in public forums. And we thought that experiments in this would help to determine the viability of the program.

The public acceptance by the park visitor was extremely high. The most frequent comment we heard all Summer was, "This is great. They should do it every place."

We generated a spinoff economic industry in Yosemite. The people who used to panhandle in previous years decided that their economic return on their labor was higher if they went out scavenging containers and picking up papers. The phenomenon of panhandling was virtually eliminated.

These are just the factors as I perceive them in this case. The argument to the -- to the point that, if people had a choice, they would go to the store across the street, that's nothing we can comment on in great detail, but we do have one case in the Wawona area where there are two stores about a mile apart.

A store operated by Jane Nester and the Wawona Pines market, which is about a mile down the road. Jane Nester did not notice any drop in sales or preference of people going to the other store. She indicated to me that maybe three percent of the people had some sort of an adverse reaction to the program, but a similar number of

people, mainly local residents from the Wawona area, which is a private in-holding within the park, preferentially shopped at her store because they felt this was a good environmental program and they wanted to participate in it.

If there are other further questions, I would be happy to entertain them.

Again, the issue will be different in different places. But the aluminum can versus returnable bottles with regard to relative merit does have some geographic meritability, and I think these need to be further discussed as decisions are being made.

CHAIRMAN CHANNELL: Yes, sir? . The gentleman in the back.

MR. ED DUNN (Haight-Ashbury Recycling Center, San Francisco): I happened to see today on the Morning Show describing the success of your program in Yosemite. And at the tail end of the program, it said something that the government was going to extend this program to all their installations, federal buildings and Army bases and Naval bases.

Is that true?

MR. DE BELL: Let the EPA comment on that.

MR. HUMBER: I can comment on that.

That is correct. All beverages sold in federal facilities will, as of a certain implementation date, within roughly a year, contain deposits. And, in addition, the Park Service, because of the success in Yosemite, has decided that by April 1st, all of the Park Service activities throughout the country will have -- require deposits on beverage containers.

And this is something they did independently of the guidelines to some extent.

MR. DE BELL: One other thing. Just with a room full of environmentally aware people, I would just like to see the hands raised of all those people who would participate in recycling stuff in their own households.

CHAIRMAN CHANNELL: Yes. Other questions or comments on recycling?

We will move on to the last section of the Act, and this is on state program development, by Lanny Hickman again. He's also going to talk about money, so this ought to keep your interest.

Lanny?

(Slide No. 1.)

MR. HICKMAN: RCRA provides a variety of technical and financial assistance programs to help state and local government develop and implement comprehensive solid waste management plans.

Subtitle C, which is the hazardous waste provision; Subtitle D, which are the state and local program development provisions of the law, are designed to provide a mechanism for the states to assume the dominant role in assuring proper solid waste management, to pass down to the state government the sort of tools and financial capabilities to take on a comprehensive resource conservation, land disposal and hazardous waste regulatory program.

And then RCRA provides, through a variety of mechanisms, ways for local government to meet the planning and implementation needs that RCRA asks of them.

In order to get this underway, there are certain things that EPA must do, and then there are certain things that state government is invited to do.

State government doesn't have to play under the

law. There is no mandate that the state does a thing. There is no mandate that the local government does a thing. They can walk right away from the law and not do a thing about it.

We have to issue within six months of the enactment of the law, which will be April of this year, April '77, guidelines for how regional areas for -- solid waste management areas will be established, and then state government must take those guidelines and, in concert with local government, come to some decision on how they are going to share the planning responsibilities and what will constitute a regional solid waste planning area.

Within 18 months of the enactment of the law, which will be April '78, we are to issue guidelines for what is a state solid waste management program.

Now, this is similar to what is required under Subtitle D, of course, for hazardous wastes. These two combined will define in clear terms what the federal government considers to be acceptable for a state -- comprehensive state solid waste management program.

(Slide No. 2.)

Then the law goes on to require certain things as minimum requirements for an acceptable state program. And one of the first things that the state government must do, must get together with local elected officials and determine the relative roles and responsibilities for each level of government for purposes of developing and implementing a state plan.

Now, the law does not say what constitutes an agreement between state and local elected officials. And this is going to be a very interesting area as time moves on here as to how state government and local government will come together and agree on how state solid waste plans will be developed and implemented..

Now, this implies, of course, that a state plan necessarily must not be done by a state. It could be done in cooperation, part of it done by local government and part of it done by the state government. There is nothing that demands that all planning for the state be done by the state.

The plan must include mechanisms for the closing or conversion of all open dumps and for the establishment of only sanitary landfills in the future.

The plan must provide a regulatory authority program which would allow for the open dump and sanitary landfill provisions to be met.

Nick mentioned earlier about the elimination of any contractual constraints that would prohibit long-term contractual arrangements between local government and resource recovery facilities for the provision of solid waste to that facility. Although this may not exist in California, there are states that the state legislator -- state legislators and permissive legislation of state government prohibits cities from entering into contracts beyond five years.

This, of course, is very prohibitive when you are starting to finance a large-scale capital facility that would take 20 to 30 years to pay off over some sort of a financing program. And if you can't guarantee a waste stream to that facility, there is just -- it is just not going to get financing.

And, last, the law says that the state plans shall provide that all solid waste that is not covered under the hazardous waste provisions shall either go through some mechanism for resource recovery, resource

conservation, or shall go to sanitary landfills.

Okay. There is a financial assistance provision to the state and local governments for purposes of developing and implementing state plans. Section 3011, which Bill has already mentioned, provides for financial assistance to develop state hazardous waste programs. And there is \$25 million authorized in each of the fiscal years 78 and 79.

Now, the federal fiscal year starts October 1 each year, and so we are in Fiscal Year 78 -- Fiscal Year 77. Fiscal Year 78 starts this coming October. So there is no money yet authorized within the law for this fiscal year's activities under these authorities.

(Slide No. 3.)

Section 4008(a)(1) provides financial assistance for the development and implementation of state plans. It authorizes \$30 million in Fiscal Year 78 and \$40 million in Fiscal Year 79. And this money goes to states for state and local use for the development and implementation of the state plan on a population formula basis, strictly a very formulized basis based on the 1970 census of population.

(Slide No. 4.)

Section 4008(a)(2) Nick has already discussed to some degree. That provides for implementation of solid waste management programs. This is for assistance to do planning and feasibility studies, plan feasibility studies beyond the original planning, bridge the gap, consultation, surveys, technology assessment. This is to local and state governments. It has to meet the land disposal requirements in the guidelines issued by EPA, so there are certain restrictions to the guarantees of this money.

It is not on a formula basis. It is on a need basis and a negotiated basis.

And there is \$15 million authorized in each of the Fiscal Years 78 and 79.

(Slide No. 5.)

Section 4008(e) is a real strange little section of the law that authorizes special community grants, two-and-a-half million dollars each year, '78 and '79, for communities who have populations of less than 25,000; 75 percent of their solid waste comes in from outside their boundaries and serious environmental problems that

they can't deal with.

This is a no-formula grant, also. It's obviously a special -- It was written especially for some Congressional district that we don't know about.

And -- Well, you know, I talked to the Congressman's administrative aide that put this in, and I told him that, "Gee, you know, there is not any money in the '78 budget for this."

And he got very excited that the pork barrel wasn't being filled.

(Slide No. 6.)

Rural community assistance. This is money to go to rural communities, which are basically community populations of 5,000 or less, or a county population of 10,000 or less, or that have less than 20 persons per square mile.

And there is another little twist in this about the economic income level can't exceed 125 percent of the poverty level established by someone, and we don't quite know how all this goes together to formulize the money out, but it goes to grants, it goes to states to assist these rural communities. And there is \$25 million

authorized in each of the Fiscal Years '78 and '79. And this is to assist rural communities to meet the open dumping restrictions of RCRA; any demands that the Clean Air Act would have, which is basically the elimination of open burning, any demands from FWPCA where open dumps may be causing water pollution problems, and only if there is no regional system available that they could get into or none in the planning stages, and it could go up to 75 percent of the cost, but you can't buy land with the money.

And those are the limitations on that authorization.

Okay. If you add all these numbers up, you say how much do they really authorize for Fiscal Year 78 in all different aspects of the law. And if you include the general authorizations as well as the financial assistance programs, the state and local government and the demonstration grant authorities, they authorize for Fiscal Year 78 \$181.25 million. That's FY 78 authorization, and it goes up a little bit in '79.

Now, the law has some wording in there that money cannot be funded for purposes of implementation of

state and local programs. That money cannot be used for salaries after December 1, 1979. So it would imply that the Congress intended for a lot of this money to stop very early.

And we have gotten a lot of feedback from people that say, "Well, I'm not going to get involved in a program. It's just like so many federal programs. You get us started, and then you cut the cord before we have had a chance to stand on our own feet."

And there is an interesting article prepared by Senator Randolph that addresses this particular issue, and he states in that article that it is not the intent of Congress to let everybody sit around waiting for the other shoe to drop; that they intend to do something with this provision, but it was -- it was an expedience at the time to make sure that the law did not get vetoed, because there was strong resistance to this law on the part of the past administration, strong resistance toward continuing financial assistance programs that never stopped.

There is some rationale over a period of time trying to wean away so that you are not depending on the federal dollar and the whims of the federal bureaucrats,

so that provision will probably be modified.

We are already thinking about the next year's amendments to the law, and it's just been passed almost six months.

That covers the financial assistance programs and the state and local program development. I will be happy to entertain questions about any of the provisions or how they should apply, anything about the budget or any other aspects you have an interest in talking about.

CHAIRMAN CHANNELL: Yes. Questions or comments? Yes, sir?

MR. L. HOLGREN (Mendocino County): In this state, there's been quite a push in recent years, which I am sure you are familiar with, to get rid of open and burning dumps, and yet the funding in the provisions for rural communities are for getting rid of open dumps, so it looks to me like it's about three years late.

And I'm wondering if there is any provision made for how that could be stretched to say we are still having problems because three years ago, we got rid of an open dump. Do we still have any line on some of the funding?

MR. HICKMAN: Well, you have to recognize the law wasn't written just for California. A lot of you folks might not think that problem exists, but there is a lot of places that are still open dumping.

MR. HOLGREN: You misunderstand. Because we were three years ahead of the rest of the country, you are then spending the money on the rest of the country and not here.

MR. HICKMAN: Well, you will get your share of it on a formula basis, because it is based on population. And the state, in concert with local government, will be able to make judgments on how that money can best be spent.

It may be that there are still communities here in California that do have land disposal problems, rural communities that would still qualify for assistance.

And, of course, there may be a tendency to try to help some of these rural communities move toward a more regionalized basis, helped by this assistance.

You are going to get your share based on a formula, if any is appropriated.

CHAIRMAN CHANNELL: Yes, ma'am?

MS. YVONNE SAN JULE (Association of Bay Area Governments): I am representing the Association of Bay Area Governments, a comprehensive regional planning agency that has been planning for solid waste management for the Bay Area under HUD 701 and comprehensive planning certification and under Clean Water Act 208 designation.

I want to thank you for the opportunity to make some suggestions about modifying the draft guidelines for implementation of Public Law 94-580, specifically to suggest that the guidelines for identification of regions and of states and regional agencies to carry out solid waste management planning recognize and take advantage of the state-regional-local solid waste planning structures that are already well established in some states, as well as the existing nationwide strong substate comprehensive planning framework that's been fostered by the federal government ever since 1962.

Pursuant to legislation related to the Department of Transportation, to the Department of Housing and Urban Development, to the Clean Water Act and administrative acts of the Office of Management and Budget, more than 44 states have designated substate

districts in consultation with local elected officials in order to identify one common set of uniform planning areas for comprehensive planning, transportation planning and water quality planning.

There are more than 600 multifunctional agencies which have been formed pursuant to these acts, and 90 percent of them have the governing bodies consisting of a majority of locally elected officials, which are in some of the criteria that are cited in this act.

To repeat the process for purposes of this act, except under most extraordinary circumstances, would be redundant, time consuming and costly. To repeat it in states which have an established statutory state-regional-local solid waste management planning and implementation structure would compound the duplication and inefficiency.

ABAG recommends that the guidelines for designation of regions and state and regional solid waste planning agencies be flexible enough to provide for a shortened and simplified designation process for regions which have already been recognized under federal planning programs and for state solid waste management agencies established by statute and for existing multifunctional

regional planning agencies formed pursuant to federal legislation.

Thank you.

CHAIRMAN CHANNELL: Yes, sir?

MR. DAVID STORM (California Department of Health, Hazardous Waste Management): I guess this is as good a point as any to make a prepared statement about hazardous waste management.

The California State Department of Health is pleased that the federal government has enacted the Resource Conservation and Recovery Act of 1976, or RCRA. This law will strengthen at least two aspects of our present hazardous waste management program.

First of all, resource recovery, indirectly resource recovery and also our enforcement efforts. California's Hazardous Waste Control Act, a pioneering piece of state legislation enacted in 1972, places little emphasis on resource recovery, and it establishes no significant penalties for disobeying the law. The requirements specified in RCRA have already enabled the Department to initiate state legislation proposed to correct these deficiencies.

Under the authority of this legislation, the Department of Health plans to assume leadership in resource recovery of hazardous wastes and to expand and vigorously enforce its present statewide program. Implementing these plans will require the expenditure of considerable time and manpower, and California is unable to provide the total necessary funds.

The Department is concerned that Congress will not appropriate all of the funds authorized by RCRA to start or upgrade state hazardous waste management programs. If these funds are not appropriated, Congress may be compelled to establish a prohibitively expensive ongoing national hazardous waste management program to carry out the will of the people.

And I would like to reiterate also what was said previously, that I think that many states, talking with the persons from other states, that other states are going to be very hesitant to get into this hazardous waste control effort if there is any possibility that funds may stop in 1979. I think that this has been one of the greatest detriments or problems involved in getting state programs established is money. I know that the

California Hazardous Waste Act was passed, just barely squeaked through in 1972, because there was a provision put in that law that the program had to be self-supporting. We had to support ourselves on fees. Otherwise the program never would have flown, and I know that in other states their program or the legislation has been in some cases very restricted because the state governments have been hesitant to start funding of rather very ambitious and expensive pollution, environmental protection programs.

In regard to the enforcement provision, this is probably one of the most expensive aspects of state hazardous waste management control. You need your planners, you need your policy makers, but the program simply won't exist unless you have field people in the field, either local and state, probably both, and regional enforcing the regulations. To put an inspector in the field with the equipment and backup, travel, will cost you as much as a high-pay planner or manager in the office.

So it does cost money, and the states are going to need some kind of guarantee that they are going to have the proper funding one way or the other past 1979.

MR. HUMBER: Okay. I have a question for you.

I have heard the comments several times that our hazardous waste program does not have any provisions or incentives or inclusion of resource recovery, and you are saying -- I have heard it said that the California program did not originally, either.

Could you be specific on what changes are proposed to the original legislation to include more on recovery?

MR. STORM: Well, first of all, as was stated by Mr. Sanjour, we believe that more stringent regulations, No. 1, are going to encourage more recycling. As disposal is proper, environmentally sound, disposal becomes required and more practiced, it's going to encourage the industry to seek alternatives to very expensive land disposal. I think that's going to be one of the big items right there. That's the stick, so to speak. The carrot we are still working on.

We would like to encourage and work with the industry to inform them to find alternatives to land disposal, providing or working with other -- with industry, maybe providing lists of recyclable wastes. Perhaps one

possibility, again going back to the stick, is to, once the waste has been -- a market for a hazardous waste has been well proven and established, restrict, severely restrict, if not prohibit, disposal of that waste on the land.

MR. HUMBER: Okay. Thanks.

MR. HICKMAN: I want to make clear one thing about the financing. The limitation on the December 31st, '79, applies only to those programs funded under Subtitle D, which is the state-local program development, not Subtitle C, the hazardous waste program. It's only those programs funded under Subtitle D.

I would also point out that, in the current time, in the FY 79 budget funds, there are no funds requested under Subtitle C, the hazardous waste program.

CHAIRMAN CHANNELL: Do we have any other questions or comments on the last section before we get to the general comment and discussion period?

MR. DANIEL KLIPPER: Could you clarify your last statement on the fact that there are no funds under Section C and also give just an overview on which funds you expect to be appropriated rather than simply authorized?

MR. HICKMAN: The current budget request you can break into three categories.

The first one is a \$24.5 million budget request, which covers all the general authorizations sections of the law, demonstrations, technical assistance, etc., etc., etc.

Under Subtitle D, there is a budget request of \$12 million, and that money will be to state government for -- and to local government for the development and implementation of the state solid waste plans, which will include all aspects of solid waste management, and for the conduct of the inventory.

And then there is designated \$5 million in the 208 budget, which will be used for solid waste implementation, and basically to fund implementation grant fund programs under Subtitle D, that implementation section of the law.

So you add \$24.5 million and \$12 million, and another \$5 million is \$41.5 million, and it's \$41.5 million will be available in '78 under the current budget requests for solid waste management from the federal government to implement RCRA. That's out of \$180 million roughly.

Now, that's up from the Ford budget some. The Ford budget was \$5 million less than that.

CHAIRMAN CHANNELL: Yes? Any more questions on program and development funds?

MS. ANNE BELL (Cal-OSHA Reporter): Does that mean the balance of \$180 million for Fiscal Year 78 is for hazardous waste?

MR. HICKMAN: There is no balance. That's all there is. There is no more.

MS. BELL: You mean there is no money allocated for Subpart C?

MR. HICKMAN: That's right.

MS. BELL: How peculiar. Why is that?

MR. HICKMAN: That's the way the budget came out.

MR. SANJOUR: I think we ought to clarify what numbers we are talking about here. What we are talking about is what the administration is asking Congress for.

MR. HICKMAN: Right.

MR. SANJOUR: We are not talking about what Congress has voted upon. This is a big distinction.

MR. HICKMAN: The logic prevails that you

develop the plans before you implement the programs. Now, within that \$12 million, the current federal level of support to state government for their programs is \$3 million. That \$3 million is still in that twelve. So that any program in theory that's receiving financial assistance now at the state level now will receive no less, but they will probably receive no more for purposes of implementing more intensified hazardous waste programs unless the Congress installs more money in the budget.

MR. SANJOUR: In other words, the President has not asked specifically for any funds for hazardous wastes Congress may very well have its own opinion on the subject since Congress originated this bill, not the President, not the White House.

This was a bill where the initiative came from Congress, not from the administration. So that's why the administration probably hasn't asked for much money. And I think the place to influence the funding of this bill is in Congress, not with the administration.

CHAIRMAN CHANNELL: Any more on the funding?

Well, this is the period for those that wish to make prepared statements that have not already done so to

do so. I would like to make a couple of announcements before we start.

One is a reminder that written statements can be included in the record if they are received at our office here in San Francisco by the 25th, two weeks from today.

And also the records of the transcript can be received from headquarters, when they are available, upon request. There is an announcement back on the table outside that gives the particulars, the individual and the mailing address for this.

Although we haven't announced it before, we are incorporating a mailing list for solid waste materials and for notifications of various regulations, proposed rulemaking, etc., of the Act. Anyone that would like to be on the mailing list for this can sign up at the registration table before you leave.

Now, we have some 15 cards here that indicated a desire to speak, or possibly speak. A number of these have done so already. We will run through the ones that have not spoken yet, and then the ones that have spoken and see if they have any more to say, and then any others

can be included.

Mr. Bill Lewis, do you have any further comment?

MR. LEWIS: No, sir. Thank you.

CHAIRMAN CHANNELL: Thank you.

Garrett De Bell, do you?

MR. DE BELL: No.

CHAIRMAN CHANNELL: Michael Anderson from
Santa Rosa Recycling. Michael Anderson?

J. O. Frize, I believe it is, from Watson
Energy Systems? Prize?

Keith McHouten from Occidental Research?

MR. MC HOUTEN: No. Thank you.

CHAIRMAN CHANNELL: Richard Anthony from
SCS Corporation?

MR. ANTHONY: Yes.

CHAIRMAN CHANNELL: Mr. Anthony?

R. Burke from California Manufacturing
Association?

Oh, Mr. Anthony.

MR. RICHARD ANTHONY (SCS Engineers): I really
don't have a question or anything. I just have a state-
ment.

I would just like to invite the people to come here to San Luis Obispo on April 4th where you can witness an implementation program in action in the field of resource conservation. It is the implementation of Project Source, which is the separation of office and residential trash. It will be a source separation, public participatory program where bottles, mixed metals, mixed glass and newspaper will be put out on curb sides for separate collection.

The whole town is participating in it. And after five months of planning, we look forward to our implementation date of April 4th, and it looks like it will be a very successful program.

Thank you.

MR. HUMBER: Yes, thanks for mentioning that. I encourage people to take a look at it because it will be unusual in that a lot of the source separation, at least as I understand it, will be from apartments; is that correct?

MR. ANTHONY: Multiunit dwellings.

MR. HUMBER: Right.

CHAIRMAN CHANNELL: Daniel Klipper, do you have

anything further?

MR. KLIPPER: No.

CHAIRMAN CHANNELL: H. E. Knowlton from Chevron?

MR. KNOWLTON: Nothing more.

CHAIRMAN CHANNELL: Nothing more.

Edward Sparks from Garden State?

Gilbert Bendix from the San Francisco Fire
Department?

Nat Haseltine from Chevron?

Yvonne San Jule from ABAG?

David Storm has already spoken.

Are there any people in the audience that would
like to make a statement that are not --

Yes, sir?

MR. JOHN LANGFORD (Mono County): Yes, I have a
question.

Not too much has been said about source
reduction. It seems like this will minimize a lot of
problems if we could minimize waste generators, if we
can stop the wastes from being generated before they are
generated. We don't want to eliminate that all together
because you will be out of a job.

CHAIRMAN CHANNELL: No danger.

MR. HUMBER: How do you suggest we compromise that?

MR. LANGFORD: One possible suggestion. Manufacturers and corporations, that kind of thing, individuals, is it possible -- Maybe it's too much problem involved -- that they be responsible for the waste they eventually generate? They would be responsible themselves for disposing of it.

MR. HUMBER: I'm not sure why they should be any more responsible than you and I are for the waste we generate. That's an idea, I suppose.

MR. LANGFORD: I just wondered.

MR. HUMBER: I'm not sure why they should be more accountable than you or I should be.

But the general question about the waste reduction aspects of the bill, we have got current activities implementing the federal guidelines for beverage containers deposit systems. And I should add that these are not just to encourage reuse, but to also encourage recycling. And we see in Yosemite that that's quite a possibility. And the Resource Conservation

Committee is looking at other approaches for waste reduction.

MR. LANGFORD: The other thing I was thinking, though, is a lot of wastes are eventually -- a lot of wastes come from expensive materials and that maybe they wouldn't be -- maybe that would encourage producers to be a little more selective in their methods of manufacturing and packaging and that sort of thing.

MR. HUMBER: Yes, I agree. The same would be true for you and me.

Yes, sir?

MR. WALTER CLARK (Fresno County): Fresno County along with the other seven counties in California who have gone through a two- or three-year period of developing county plans for solid waste management working in conjunction with the state, how does California's program fit in the program that you have mentioned briefly?

MR. HICKMAN: Well, of course, this question comes up in any state that's well into a regional planning mode or finishing up their plans for some, you know, for the state and at the local and regional levels.

The lady back in the back from ABAG made a

comment about the draft guidelines that we have to issue identifying regions for purposes of planning. And our intent, of course, is to make those guidelines flexible enough so that we can utilize to the maximum possible extent any planning that's been done in the past and is underway now.

We are not new in the solid waste planning field ourselves. The original act of 1965 provided state planning grant assistance. The 1970 amendments included state planning grant assistance as well as regional and local planning grant assistance, and we don't want to go back and start all over again because there is no reason to.

We hope the way we write the guidelines and with the state and local government coming to agreement on how they are going to do it, we will not duplicate or repeat anything. We will take maximum possible advantage of whatever is presently in place. That's our desire and wish and intent.

CHAIRMAN CHANNELL: Yes, sir?

MR. RODNEY LIND (Edwards Air Force Base): My personal understanding of the bill is that the state

requirements would be leveled on federal reservations.

My question is is this correct?

MR. HICKMAN: The law says that the Executive Branch, which means the federal government Executive Branch, will comply with all federal, state and local regulations and standards, both substantively and procedurally. That's what it says.

MR. LIND: All right. Has your department discussed this with the Department of Defense?

MR. HICKMAN: We have discussed it with all the departments, not only DOD, and there is a lot of discussions and consternations about which standard or regulation has precedent, you know, in an area where, let's say, a state regulation might be more stringent than a federal requirement, what are our guidelines, or vice versa, which one applies.

We don't know. That's an area of real strong concern for us and the federal establishment and state government, too. We are trying to work out all these things so we can satisfy the intent of the law.

MR. LIND: This will be specifically addressed in the --

MR. HICKMAN: It will be addressed somewhere in some sort of a mechanism for us to state exactly how it's going to be done. We just don't know yet. We are still cogitating over it.

CHAIRMAN CHANNELL: Yes, sir?

MR. JAMES WITT (Pearl Harbor, Hawaii): I work for the Navy, but do not represent the Navy.

I have a related question. What is the applicability of this Act to federal facilities located on foreign soil, such as in Philippines and Japan, and also for the Island of Midway?

MR. HICKMAN: Well, I can't remember exactly what's in the law. Under the old law and the way we wrote our guidelines, we excluded federal installations on foreign soil. We figured that they should comply with whatever is going on over there.

Now, the law includes, for purposes of planning and implementation, as I mentioned earlier, 56 states now. It will apply in 56 states, and I don't know where Midway falls in that, if it's part of the Marianas or the trust territories or whatever it is.

MR. WITT: It's all by itself.

MR. HICKMAN: If it's all by itself, it probably is excluded then. I don't really know then where it would fall. Is it considered a trust, commonwealth, or how does it belong to us? Do we own it?

MR. WITT: It's a military base.

MR. HICKMAN: We own it as what? Just a piece of real estate like Yosemite?

MR. WITT: It is a military base right in the middle of the ocean.

MR. HICKMAN: Is it like Yosemite Park? It's owned by the federal government?

MR. WITT: I would say so.

MR. SANJOUR: Are the natives citizens of the United States?

MR. WITT: There are no natives.

MR. HICKMAN: I don't know. I am going to write that one down and find out. Thank you very much for bringing that to our attention.

MR. SANJOUR: There is a nasty disposal problem going on there. We have gotten some anonymous letters from some of the military personnel living there sending us pictures of all the bad disposal practices that are

going on at Midway. Some people are concerned.

CHAIRMAN CHANNELL: Yes, ma'am?

MS. SANDRA MATHIAS (Southern California Association of Governments): I hate to beat a dead horse, but I also want to urge that whatever guidelines, regulations, that come out of this Act do not duplicate any effort that's going on in the State of California, and particularly the Southern California region since we, too, have 208 designations, AQMP designations, 201 facility plants and related programs.

And also I would like to say that usually at meetings such as this, an elected official would be here to give this presentation, but we are now in the midst of holding our general assembly, and they regret they are not able to be here to represent their areas. But they will be sending their comments the next couple of weeks. And, of course, as the guidelines come out and the regulations come out, we will be making comments also.

Thank you.

CHAIRMAN CHANNELL: Thank you. We are looking forward to receiving those.

Any further comments? Questions?

MR. JAMES CUTLER (Contra Costa County); I would just like to comment a little differently.

I'm speaking for myself now as an individual, but there are a lot of designations. The regional agencies have some prerogatives in solid wastes, local government has others, in the State of California. Every state is mandated to come up -- every county in the state is mandated to come up with its own solid waste management program. And in most of the counties this has now been completed and is undergoing state review and they have set up enduring institutions to continue that on.

And I just think it should be one of the things considered when guidelines are formulated on who's going to do the work.

CHAIRMAN CHANNELL: Any other statements?

Well, if there are no other statements, then we will adjourn the meeting now. Thank you for coming.

(Whereupon the session concluded at the hour of 11:43 o'clock a.m.)

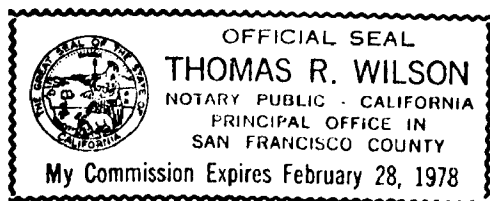
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STATE OF CALIFORNIA)
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) ss.
City and County of San Francisco)

I, THOMAS R. WILSON, hereby certify that the proceedings in the Public Discussion Sessions on Resource Conservation and Recovery Act, PL 94-580, held by the United States Environmental Protection Agency, Region IX, San Francisco, California, at the Holiday Inn, 480 Sutter Street, San Francisco, California, on March 10-11, 1977, were taken down in shorthand by me, a Certified Shorthand Reporter and a disinterested person, at the time and place therein stated, and that the proceedings were thereafter reduced to typewriting under my supervision and direction.

I further certify that I am not counsel or attorney for either or any of the parties to the said proceedings, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal of office this 15th day of March,
1977.



Thomas E. Wilson
NOTARY PUBLIC in and for the
City and County of San Francisco,
State of California