

10-1980

Siting Hazardous Waste Facilities

Assembly Subcommittee on Toxic Substances

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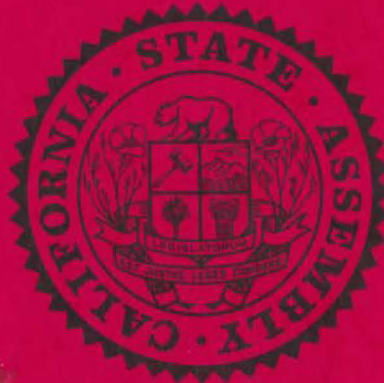
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SITING
HAZARDOUS
WASTE FACILITIES

INTERIM HEARING
ASSEMBLY SUBCOMMITTEE ON TOXIC SUBSTANCES
SALLY TANNER, CHAIRWOMAN



October 16th & 17th, 1980

Port of Los Angeles
San Pedro, California

MEMBERS

Assemblywoman Sally Tanner, Chairwoman

Assemblyman Jim Ellis
Assemblyman Gerald Felando
Assemblyman Jack Fenton
Assemblyman Elihu Harris

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44-38861-1000

81-10-37

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APPENDIX A

Testimony submitted by the Southern California Association
of Governments

Siting Hazardous Waste Facilities
San Pedro, California
October 16, 1980

CHAIRWOMAN SALLY TANNER: Some members are here; some are on their way. I'd like to introduce the members who are here. This is Assemblyman Art Torres, the Chairman of the Assembly Health Committee, who has joined us today; Assemblyman Jerry Felando, a member of the committee; myself, and then Assemblyman Jack Fenton from Montebello, Chairman of the Judiciary Committee and a member of this committee. This is Martha Valdes, who is the consultant to the committee.

I will read you a brief statement and then we will proceed.

It is evident from recent statewide incidences that improper management of toxic waste have resulted in great risk to public health and the environment. Therefore, in order to limit health and environmental risks, it is essential that the storage, treatment and disposal of hazardous materials are properly controlled and managed.

Today, one of the most difficult issues associated with hazardous waste management is the problem of siting facilities. Recently, the state has experienced a strong public outcry regarding the establishment of new sites and to those already in existence. In order to properly manage and control hazardous waste materials, this state needs an adequate number of hazardous waste treatment and disposal sites. If indeed California is threatened with a disposal facility shortage, we as elected officials must promptly

explore and develop mechanisms designed to facilitate new sites. At the same time, we must also provide methods which will encourage alternatives to land disposal, such as waste reduction and the recycling of waste materials.

Today, we will consider siting proposals, as well as hear about the difficulties involved in the siting of hazardous waste facilities. We will also examine the programs the state has designed to develop alternatives to land disposal and for promoting reduction and recycling of toxic materials.

This hearing is the committee's first effort in it's investigation of the need for state legislation, regulation and effective program implementation aimed at providing adequate disposal facilities, promoting alternative methods to land disposal, encouraging reduction and recycling of toxic waste, and mitigating many of the dangers posed by hazardous waste facilities.

I would also like to introduce the administrative assistant to Assemblywoman Marilyn Ryan, Ann Nielson. She is here and we are going to be visiting the Palos Verdes dump site, which is in Mrs. Ryan's district I believe. Is that correct? Yes. All right, we may as well get started.

We are changing the agenda around slightly. We are going to have two additional people later in the day who have requested to be heard, or three additional witnesses. We'll have the coordinator from the Economic Democracy Education Project, we'll have someone from the IT Corporation and someone from the Southern California Association of Governments. We will have to stay with the agenda pretty much because it's a full agenda. We are not going to be able to open the meeting to the audience. If

anyone has any written testimony they would like to give, they can send it to us or give it to us and we will record it in the minutes of today's meeting, but we can't open the meeting just to the general public.

We'll start then with Dr. Harvey Collins, who is Chief of the Environmental Health Branch, California Department of Health Services.

DR. HARVEY COLLINS: Good morning Madam Chairman and members of the committee. I am Harvey Collins. I do have a different position now. I'm Chief of the Environmental Health Branch, California Department of Health Services. My comments for this portion of today's hearing concern the Department's control of the management of hazardous waste and the status of hazardous waste facilities.

The program administered by the Department of Health Services is designed to protect health and the environment from mismanagement of hazardous waste that might otherwise occur even when it is assured that ground water and surface water will be protected. To that end, the Department has, one, adopted comprehensive performance standards to ensure that hazardous wastes are properly managed at disposal sites and other facilities, and, two, adopted regulations governing the resource recovery of hazardous waste.

The state performance standards address most phases of management at hazardous waste facilities. Some important control of elements include the following requirements: segregation of chemically incompatible wastes; use of closed containers for wastes that might be subject to air dispersal; clean up of inadvertently spilled chemicals; use and maintenance of specially designed

equipment capable of controlling and handling hazardous wastes; maintenance of emergency personnel, protection and communication equipment; establishment of security; various posting around these facilities to warn people of what is contained or treated in that facility, and prohibition of open dumping of volatile materials that could result in emissions to the atmosphere. This is not enough, however, and the department is committed in the long-run to requiring: 1) waste reduction by industry at the point of generation; segregation of the waste streams before mixing, which would allow a smaller volume of waste that need treatment and disposal; changing. . .

CHAIRWOMAN TANNER: Dr. Collins, is that a requirement right now?

DR. COLLINS: No, our requirements right now merely speak to the way the wastes are treated, disposed of or recycled. We are exploring ways of reducing wastes at the source, encouraging additional treatment at the source, additional recycling at the source. These are the ways we think we must go at the state level.

ASSEMBLYMAN FENTON: Are you going to be able to do that administratively, or is it going to take legislation?

DR. COLLINS: In my opinion, additional legislation would be needed if you get into actually requiring industry to change the type of materials they use in the process to reduce the waste stream, and all we could do right now would be administratively. We can require treatment, so perhaps by developing more stringent regulations we could make it economically feasible for them to reduce the waste source, but additional legislation in this area might well be explored.

ASSEMBLYMAN FENTON: Well, explore it, or are you contemplating getting it and getting some legislators so that you can. . . .

DR. COLLINS: We have not proposed any specific legislation in this area, sir.

ASSEMBLYMAN FENTON: Why not?

DR. COLLINS: We are exploring what is needed in all areas of alternative technology with a contract with the Governor's Office of Appropriate Technology. Bob Judd will be speaking to that later. We are asking that group under contract to look at the feasibility of these various schemes, and so we think it would be a little premature right now to come up with specific legislation until these alternatives have been explored.

Continuing, we also will be pushing for additional treatment of waste that are amenable to treatment processes such as incineration, detoxification, etc. In our opinion, some waste should be destroyed by incineration rather than recycled or disposed of. Our polychlorinated biphenyls, for example, should be destroyed. This is another subject matter that the Governor's Office will be exploring under contract to the Department.

ASSEMBLYMAN FELANDO: When you talk about incinerating hazardous waste, have you talked to the Air Resources Board? I mean, do you work together with the Air Resources Board on that? It's easy to say, you know, go out and burn the stuff, but what happens to the stuff when it gets up in the atmosphere?

DR. COLLINS: Yes, sir, we have had several meetings with the Air Resources Board in regards to the whole thought of incineration. The Governor's Office of Appropriate Technology will be

coordinating very closely with the Air Resources Board on any proposal for incineration, and I certainly concur with you. Any time one considers such a proposal you have to look at the total environmental impact, and that will be done.

In continuing, in regards to each hazardous waste facility, there are required to submit to the Department of Health a structured operation plan showing in detail how it intends to comply with the general performance standards of the Department. We then proceed in making an onsite inspection and, if approved, if we feel that the facility can indeed comply with the requirements, we proceed in issuing a hazardous waste facility permit. Usually the general requirements in such a permit would be those specified in law and regulations, as well as any additional health and safety requirement we think might be necessary. We again submit these draft permits to various segments of state government and others for input prior to issuing them.

We have already provided members of this committee with several packets of information that provide you with information of our overall program. Those packets include specifications for contents of the operation plan we require, also a check list that's used by our inspectors to determine whether a facility is in compliance with regulations adopted by the Department, examples of provisions and conditions that the department has included in hazardous waste facility permits.

We also conduct routine unannounced inspections at hazardous waste facilities to insure compliance with the state's standards and regulations. When minor problems are found, operators are given written notices by inspectors to correct the

deficiency. In more serious cases, the Department will issue administrative correction orders or take legal action.

As a prerequisite to the Department's even considering an application for a hazardous waste facility permit, the applicant must have obtained from the Regional Water Quality Control Board waste discharge requirements or other approval of the acceptance of hazardous waste at the site. We would not proceed with issuing a permit until they have received such discharge requirements from the regional board. On September 5th, the Los Angeles Times referred. . .

CHAIRWOMAN TANNER: The permits were awarded by the state, right?

DR. COLLINS: The hazardous waste facility permit is issued by the State Department of Health Services. There are additional requirements for any facility. They have to get waste discharge requirements from the Regional Water Quality Control Board. If there are possible emissions to the air, the local air quality management district would issue a permit. Also, there is a local land use permit required at the local level, so there are several sequential steps for a facility operator, whether it's a treatment plant operator, a resource recycler or a disposal site operator. They have to go through each step, and each provision of these different steps must be met before that facility can operate.

CHAIRWOMAN TANNER: And if a facility is to close down, if a local city decided that they would like to see a facility close down, could that city do that?

DR. COLLINS: I believe, Madam Chairman, that's a legal

question, and I have heard it questioned. Some say that yes, if you pull the local permit, the facility is indeed legally closed down. Now there was an Attorney General's opinion back in about 1974 that said the State Department of Health Services had preempted local regulation of hazardous waste. Local ordinances may not be more stringent than state regulations. The local health officer, however, may enforce the state regulation. Now I don't believe it's ever been tested as to whether or not the state also preempted that local land use authority. It would probably have to be tried in court.

CHAIRMAN TANNER: Dr. Collins, I want to interrupt you for just a second. I'd like to introduce Assemblyman Bruce Young from Artesia and Assemblyman Elihu Harris from Oakland.

DR. COLLINS: Thank you. In continuing, I would like to point out an article that occurred on September 5th in the Los Angeles Time, which referred to a situation in which the Department of Health Services had recently taken positive action and noted, and I quote, "State officials are becoming more aggressive in trying to control disposal and discourage illegal dumping."

The article cited the closing of a facility in Los Angeles as a result of legal action requested by the Department of Health Services, and cited the authority given the Department of Health Services by the enacted Assembly Bill 2114 by Assemblyman Torres to temporarily revoke a waste hauler's license before a hearing if there is evidence of a clear and present danger to public health. The article concluded with the following statement: "While we applaud local efforts to deal with toxic waste problems, we think they would best be dealt with on a regional level by state

officials. Chemical waste disposal and the pollution that it can cause is not a problem that can be contained by city or county lines drawn on a map. Like air pollution, it affects everyone."

And indeed it does, but in my opinion all is not chaos. The answer does exist through statewide planning. We are in the process of writing a statewide hazardous waste plan as mandated by federal law. It's going to require the cooperation of industry and local government. It's going to require the cooperation of the Legislature, such as shown by this subcommittee, so that we can improve our laws and regulations that allow the integrated management of hazardous waste, and not just the policing of how it is disposed.

ASSEMBLYMAN YOUNG: A question. You know, you're talking about the current, from this point on, and I think that's really relevant. What I'm also concerned about, and you might have put it in your concluding remarks, are those toxic time bombs we have got planted out there in God knows where within the State of California. I think that should be not only while we're working on what we do from this point on, I think we ought to be really cognizant about what do we do about those that are already in place and what's there. And more importantly, how do we clean it up and how do we protect the people from the perils that exist.

DR. COLLINS: Certainly, Assemblyman Young, that is something that is of prime concern to the department and to the Governor's Office. As you know, the Legislature did approve a budget last year, part of the Governor's toxics initiative, that gave us resources to develop a staff to try to find these old abandoned time bombs, and once we have found them we are still not

home free. There is a question of identifying what is in those old sites, and then the question of what we do about it. There is no Superfund at the state or federal level at the current time, as you know, so that is a problem the State of California is going to have to face. We are finding these facilities. There is no money to clean them up unless the current owner has the money and is agreeable to cleaning them up.

ASSEMBLYMAN YOUNG: Part of it, and I can only be specific in the McColl dump site out in Fullerton...I mean, there's an effort at least there; at least private industry has made some overtures about cooperatively trying to at least work with the State Department on trying to determine what is within the McColl dump site, and yet we've been reticent to even take advantage of what exists in private enterprise. I don't think we should throw up our hands and say just because there isn't a Superfund, we can't do anything. I think we have to have an obligation because, again, I just find private enterprise and we shouldn't close the door; a lot of them are just as concerned.

DR. COLLINS: Oh, I certainly concur, and certainly we too have been in touch with private enterprise asking if that material perhaps could be reclaimed. We don't know. We are taking the position right now, let's fence the site immediately to keep out all children and other trespassers. Let's find out precisely what is in that site so we can adequately come up with a mitigation plan or a cleanup plan. Until that basic study is done, we do not know just how to proceed. Additional testing is going on regularly. We are hoping to complete those tests in the near future.

ASSEMBLYMAN YOUNG: A final comment, if I could, on that point. I really think there should be some kind of coordinated effort on the state level dealing with toxic waste. That budget augmentation or that budget item you talk about went through my budget subcommittee. At that point it was understood that Mr. Weiner in that office was going to be in charge of coordinated effort, and, again, I want to be specific about this, concerning the McColl dump site. See, Mr. Weiner made comments about the potentially toxic chemicals there and, in the same breath, the Department of Health issues, I think the depths of inane press releases saying that everybody's safe and there's nothing there and we don't have to worry about it, and yet you tell me that we don't know what's there. I really think we're going to get whip-lash watching the state agencies contradict themselves. Truthfully, there should be, I mean you talk about a Superfund, there should be an agency with control and with responsibility, and we should coordinate the effort so we at least give people some kind of consistent answer to what the problems are.

DR. COLLINS: I hear you, sir, and I share some of your concerns. It's true that Mr. Weiner in the Governor's Office is attempting to coordinate the entire effort there at McColl. I think your reference, your statement that well, there's not a health hazard but we don't know what's there, at first seems a dichotomy, but what we're saying is we do not know what is buried there and what's maybe underneath that site.

ASSEMBLYMAN YOUNG: Fine, but don't say it isn't a health hazard.

DR. COLLINS: Right, and we have not made such a statement; at least I have not.

ASSEMBLYMAN YOUNG: What I'm saying is the State Department of Health has, and I'm telling you that we should have a consistent voice in government. The State Department of Health at the same time the Governor wants to sue them, is saying that. I don't want to lecture about your testimony, but I want to say that it seems like if we're going to deal with toxic waste, there should be some kind of, again, coordinated effort from the administration so you don't get contradictory statements. If we don't know what's there, don't issue a press release from the Department of Health or any department saying there is no imminent danger to anybody's health or safety, rather than say we don't know what the threat is.

DR. COLLINS: The point is well taken, and certainly the Department's position is to put up a fence so people do not come in contact with the waste. We think that could be a health hazard. We think there could be a long-term health hazard from the materials that are buried there. We're looking at ground water to see whether or not those materials are getting to ground water, and certainly the meager data we've got thus far on emissions from the site, although they might not indicate an immediate health hazard, they are certainly of concern. That's why we are working with the Air Resources Board, with the ERA, with the State Water Resources Control Board and others, local health departments, to try to find out the extent of the problem and then try to decide what to do with it.

CHAIRWOMAN TANNER: How long does it take to find out what the problem is, say at McColls?

DR. COLLINS: It can take probably 30 to 60 days by the

time you go in and do your completed sampling. You may have to take core samples through several feet of material, and then by the time you. . .

CHAIRWOMAN TANNER: Are you taking core samples?

DR. COLLINS: Not at this time. We are trying to make arrangements for those core samples. We've taken them down to just a few feet but we have not gone clear to the bottom of the pits, so it could well take another 60 days before all tests are completed, but the state and federal agencies are cooperating there with local health to do that.

ASSEMBLYMAN FELANDO: It sounds like you're setting the stage to tell us that all your agencies, federal, state, county, city, have not been doing their jobs because if they had we wouldn't be sitting here today, and we wouldn't have had to form a special committee to investigate what's been going on in this state.

DR. COLLINS: Sir, that certainly is one viewpoint, and maybe to some degree it's true, but keep in mind some of these old disposal sites may have been established back. . .

ASSEMBLYMAN FELANDO: I'm not talking about the old ones. I'm talking about the ones that exist right now, and specifically in Palos Verdes where we're going to see the toxic waste, liquid toxic waste that percolates down through that site and comes out in a residential area down in Torrance. That's what I'm talking about. I'm not even talking about the old sites that have been abandoned that we don't even know where they are or where they exist or what was put there. I'm talking about sites that exist right now where dumping is continuing and it's not being stopped.

There's no investigation going on as to what is percolating out through those dumps.

DR. COLLINS: The McColl site was what I was referring to being an old abandoned site that may have been established prior to existing laws and regulations. Now in the case of Palos Verdes, if that leachate is coming from that site, and I have inquired of this point since you mentioned it last time; I've asked the Regional Water Quality Control Board and I've also asked the County Sanitation Districts. If we can find that that is the case, then they would be in violation of the various regulations and we could take whatever action that we think is necessary to abate it. The regional board nor the County Sanitation District indicated to me they had no evidence that that was occurring. I too am anxious to see if indeed it is occurring and, if it is, take whatever necessary action is needed.

ASSEMBLYMAN FELANDO: When the County Sanitation District, when it comes their time to testify, I just wish that we could take sworn testimony from them. That's what I would like to have because this has been going on for more than two years, more than two years that I have been personally familiar with it before I became an assemblyman.

DR. COLLINS: I'm not personally familiar with that case.

ASSEMBLYMAN FELANDO: That's what I'd like to see. I'd like to see some sworn testimony and then I'd like to see what they say.

ASSEMBLYMAN HARRIS: Did you say whatever necessary action _____? In the case of Palos Verdes, what would you _____?

DR. COLLINS: If leachate is indeed coming from the Palos Verdes landfill, you would require that they reduce their intake of liquid waste there if that's where it's coming from. If you exceed the amount of liquid waste that they. . . That would abate the problem, but it would be simpler if we can find _____ coming from a landfill. You could take chemical tests of that _____ and find out whether indeed it is migrating from the landfill, but without those data, it would be hard. . .

ASSEMBLYMAN HARRIS: I still don't understand. I don't understand how that _____ a problem or somehow reduces the hazards that already exist from the leakage that already is occurring.

DR. COLLINS: Okay, let me clarify that if I can. A landfill is a lot like a sponge. If you don't exceed the holding capacity of that sponge, you will not produce a free liquid that will leave the landfill. The organisms will actually use those liquids. Within that waste, a certain amount of the liquids may evaporate. We have drilling data in some of these landfills where the moisture may be 30 percent or less with depth. You may find old newspapers you can still read, so just because we put liquids in these facilities does not mean they leave. Now if they are leaving at the Palos Verdes landfill, it would be a violation of state regulations, and if we traced it back to the landfill, then legal action could be taken to force that operator to do whatever is necessary to control that _____.

ASSEMBLYMAN HARRIS: Can these tests be done in advance?

DR. COLLINS: The tests could be done within a matter of day to. . .

ASSEMBLYMAN HARRIS: No, I'm talking about in advance before the sites are located.

DR. COLLINS: The geology is such that it theoretically prevents such leachate from occurring. There are monitoring wells around these sites to measure to see whether leachate is indeed leaving the site. If those monitoring wells or any outcropping of the leachate does occur, then we can go back to take whatever action is needed, either by changing the operation practices at that site, by putting in cutoff dams or whatever is necessary to correct it.

In closing, Madam Chairperson, I would like to point out a situation that I know you personally are interested in, and that is in regard to the sites closing here in the Southern California area. Within this basin there have been five Class I sites in 1979 that were in operation and a few II-I sites. Now of those Class I sites, there is one in San Diego operated by the county, known as the Otay Sanitary Landfill which received approximately 10,000 tons of waste last year. That site will be closed. Also, the Palos Verdes site that you will see this afternoon, which received approximately 100,000 tons in 1979, is scheduled to be closed this fall. The Calabassas site, also operated by the County of Los Angeles Sanitation District, which received approximately 67,000 tons in 1979, is closed by order of the operator until the geology can be further tested, so this results in approximately 177,000 tons per year, or about 35 percent of the total waste in this basis, having those sites closed within the next few months or already closed.

CHAIRWOMAN TANNER: How many sites are still available?

DR. COLLINS: The BKK site in West Covina is still available. There is a site north of here in Ventura County, known as the Simi site, that's available. Then further north there is a site known as the Casmalia site, and then there's a Kettleman site in Kings County, so the cost of hauling this material will go up appreciably if these sites, such as the Calabassas, remain closed unless there are alternative facilities made available. Now, in addition to the cost, we are suspicious that any time you increase appreciably the cost of disposal, you can also increase the risk of illegal disposal. If these wastes are bootlegged to the solid waste containers, where they go to Class II landfills, or if they go to the ditches, then over the long run those materials will begin to show up in our ground water, just as the TCE and the other materials are showing up now, so it is of serious concern.

CHAIRWOMAN TANNER: How much waste do we generate right now?

DR. COLLINS: We generate probably about five million tons statewide. A lot of these wastes are oil type wastes that are disposed of on site. There's approximately 1.3 million tons that are currently disposed of off site at our Class I and II - I sites.

CHAIRWOMAN TANNER: Have the facilities that are available now, the ones you mentioned, how long can those facilities accept hazardous waste? I mean, what is the capacity of those?

DR. COLLINS: The capacity at this Casmalia site and the Kettleman site is ample to cover the current production of hazardous waste. The problem seems to be the long haul distance and the

risk of illegal activity, resulting in concomitant health hazards. Now, I would like to point out, that in addition to the facilities already on line, there is a 50 million gallon per year facility proposed in the Long Beach area. This facility was acquired, the property for it, on August 1 and engineering has commenced. The proposal is to treat such by neutralization, perhaps fixation, and then transport the liquid fraction that cannot be treated north to the Kettleman site in Kings County, so that 50 million gallon per year facility treatment and transfer station is proposed for the Long Beach area. Also, there is some thought of a company trying to buy or lease the Simi site. They are planning to put in treatments such as neutralization and chemical fixation there at the Ventura County Simi site, so this would also provide another major facility within 50 miles of the major industrial sector of Los Angeles. I would like to point out then that, in addition to these two, there is the proposed facility that IT has proposed at Sand Canyon, again emphasizing treatment and detoxification rather than disposal per se. Thus, plans are on the drawing boards for additional facilities.

Whether any of those plans will succeed depends a lot on the local political climate. As you know, that climate is certainly extremely hostile at this time, so whether or not any of those will go forward to completion I do not know.

CHAIRWOMAN TANNER: The BKK dump site is now, well there's considerable concern from the people who live in West Covina regarding BKK. What testing has been done? The concern is that there's extremely toxic material coming out into the area. Is that the case? Do we know whether there are toxic materials coming into the air or water? I'd like for you to tell us what

you've done, what the state has done as far as testing and what the results are.

DR. COLLINS: Yes, Madam Chairperson, I have personally met with Assemblyman Lancaster and with the City Council of West Covina. I've also met with the operator of that facility. We have a full-time inspector there at that site interrogating truckers, trying to find out what is coming in. We have contacted the Regional Water Quality Control Board. We have been assured that no wastes are migrating from the site via the underground.

CHAIRWOMAN TANNER: There is none?

DR. COLLINS: There is none. That site received a thorough geological review a couple of years ago and spent an appreciable amount of money putting in additional cutoff dams and monitoring wells to insure that no leachate could leave that site. According to the Regional Board, none has left.

CHAIRWOMAN TANNER: Has there been testing recently; you say a couple of years ago?

DR. COLLINS: Yes, it's an ongoing thing. As recently as two weeks ago, I was told by the Regional Board that no leachate has left that site according to their data.

Now, we have also reviewed a report that the University of Southern California did for the BKK site. Our medical doctors have reviewed the data provided and it's true that you can find some concentrations of different constituents in the air. Our epidemiologist felt that the concentrations were very very low and they didn't consider those concentrations a health hazard; we have so informed the city council.

Now, I talked to Assemblyman Lancaster yesterday and he

indicated that he wanted us to really review that report with care. We intend to do so, and if any additional testing is needed there we will proceed to do that, but at this time we have no indication that there is any constituent migrating from that site that could result in a health hazard.

CHAIRWOMAN TANNER: That's very important because of the public. The people there are extremely concerned. I would think that if that is a fact, what you say, and I have to accept that that is fact, they should be reassured.

DR. COLLINS: That is true, and it's my understanding that the city council is doing all that it can, via a city-to-citizen newsletter, to keep the citizens informed of the data that the state is obtaining. I believe also an epidemiologist with the Los Angeles County Health Department reviewed the data and also concluded that there was no evidence of anything coming from that site that could cause a health hazard.

CHAIRWOMAN TANNER: I'm glad to hear that.

DR. COLLINS: That concludes my remarks.

CHAIRWOMAN TANNER: Are there any further questions?

ASSEMBLYMAN FENTON: Yes, let me ask one.

CHAIRWOMAN TANNER: Dr. Collins, Mr. Fenton has a question.

ASSEMBLYMAN FENTON: I was out, unfortunately, but when I asked you questions previously relative to proposed legislation, you tell me about studies. After 16 years in the Legislature, I find that you get studied to death. Do you have any idea of how long you contemplate it is that these people are going to make studies and so forth and how long these studies are going to take

before you're going to come up with some proposed legislation that's going to help?

DR. COLLINS: The contract, Assemblyman Fenton, is one year. Now there are some proposals though, some proposed legislation that we have submitted through the Department to the Administration, to increase our activities in resource recovery, so we will be proceeding in that area, and we already have enabling legislation to do that. We already have regulations to increase recycling, but as far as other alternatives that we do not have legislation for, that study that OAT is doing will last one year.

CHAIRWOMAN TANNER: Thank you. Dr. David Cohen will be our next witness. He is the Program Manager of the Toxic Substances Control Program for the State Water Resources Control Board. Dr. Cohen.

DR. DAVID COHEN: Madam Chairwoman, members of the Subcommittee, my name is David Cohen and I am the Program Manager of the State Water Resources Control Board's Toxic Substances Control Program. Before proceeding with my testimony, I would like to submit, Chairwoman, Carla Bard's regrets at not being here this morning. She does have a conflict with a scheduled board meeting today in Sacramento. I would also like to point out that we do have a representative here of the Los Angeles Regional Water Quality Control Board, Mr. Hank Yacoub, and if there are any specific questions regarding the Los Angeles area, he is available for response.

CHAIRWOMAN TANNER: Mr. Torres has a question.

ASSEMBLYMAN TORRES: Yes, Dr. Cohen, it's my understanding that there is presently a site closure and maintenance account within

the State Water Resources Board, and that this fund was authorized in 1978 and has not yet been established. Could you explain why?

DR. COHEN: Yes, SB 1130, which was established in 1978, accomplished several things. It provided for technical closure plans of existing sites. It also made provision for a revolving fund not to exceed \$250,000 per year, not to exceed \$500,000 grand total for sites where a site operator did not have the resources adequately to close a site, which should generally not be the case.

ASSEMBLYMAN TORRES: So the State of California does have a fund that has been established, yet has not been used?

DR. COHEN: We adopted regulations to enforce that in May of this year. Our proposal was to, in the first phase, assess that fee from the most dangerous or the most potentially hazardous handling sites, such as the 11 Class I sites and the approximately 60 Class II-I sites.

ASSEMBLYMAN TORRES: How much money is in that fund now?

DR. COHEN: Presently there is, I'm not sure, very little in that fund for the reason that we were legally challenged by the California Chemical Waste Processors Association saying that it was, according to the regulations, illegal to limit the assessment strictly to the Class I and II-I sites. It was their feeling that we should apply that fund to all sites that handle solid and liquid wastes. Our own legal staff reviewed that complaint and concurred with it, so, therefore, we are in the midst of revising the regulation to try and accommodate that opinion. The problem is that if you try and collect \$250,000 from hundreds of sites, it would take, in our estimation, approximately \$250,000 to collect \$250,000 and. . .

ASSEMBLYMAN TORRES: Why can't we collect that money in the process of licensure?

DR. COHEN: We do not have at present any system in place for collecting. The Department of Health Services does have a fee collection system and we have talked to them.

ASSEMBLYMAN TORRES: You talked to Harvey about putting that together?

DR. COHEN: Yes we have, sir.

ASSEMBLYMAN TORRES: And what does Harvey say?

DR. COHEN: We have some problems with that. Our approach is that we think we must go back and provide - speak to Senator Presley about revising both the limits which can be collected and the means to collect it, so that the collection costs themselves would not bankrupt the system.

ASSEMBLYMAN TORRES: Why do you have to talk to Senator Presley to get a regulation through to tax all chemical waste disposers?

DR. COHEN: Mr. Torres, the purpose of the fund is to accumulate a certain amount of money to have in reserve in case you must apply it to a site such as Stringfellow where the impetus for this occurred. If the cost of administering a fund would essentially use up all that fund, we are not further ahead than we were before, and, granted, that's quite. . .

ASSEMBLYMAN TORRES: No, I understand that. My question was why do you have to ask Senator Presley about talking about putting the fund together? I'm not asking you to expend bureaucratic funds to offset all of your efforts. I'm asking how we're going to get this fund going. I mean, we have a fund that was

established in 1978. Harvey obviously says that we don't have a fund going on now, but here is a fund that we could establish. Why haven't we done so? It's 1980 now.

DR. COHEN: Sir, I agree with you. I'm trying to indicate that the approach to Senator Presley is to look at the problem based on our present experience and suggest that perhaps we need some change in legislation to allow. . .

ASSEMBLYMAN TORRES: You cannot establish the taxing mechanism now through administrative regulation?

DR. COHEN: It can be established, sir.

ASSEMBLYMAN TORRES: Well, why hasn't it been?

DR. COHEN: Because it's our assessment that to do it based on this legal challenge. . .

ASSEMBLYMAN TORRES: Well, the legal challenge obviously you've concurred with. You stipulated, at least your department has, or the Department of Health has stipulated that you cannot tax these Class I and II-I disposers only, and now the Solid Waste Disposers Association - They are powerful throughout this state because they've opposed many of my bills in the past. Now we have a situation where you can tax everyone. Why can't we do that administratively?

DR. COHEN: Well, we are proceeding in two parallel paths. We are now trying to set in place a system which would in effect tax everybody, who would be taxed according to the number of sites.

ASSEMBLYMAN TORRES: When will that system be in effect?

DR. COHEN: Our legal and technical services indicates that within the next several months that should be available.

ASSEMBLYMAN TORRES: That should be implemented?

DR. COHEN: Yes.

ASSEMBLYMAN TORRES: And so you're working with Mr. Collins, or at least the Department of Health Services, that has the ability to have that taxing mechanism, working with you. The State Water Resources has the fund and we're going to start establishing a reserve then.

DR. COHEN: We can if necessary implement that, yes sir. I'm not sure how much money it would yield in net terms.

ASSEMBLYMAN FELANDO: Can I make a comment? I don't understand what is going on here. Can I get something cleared up?

ASSEMBLYMAN TORRES: What's going on here is that we're supposed to have a fund since 1978 with the State Water Resources Board for the very purpose that we're talking about, a Superfund in essence to clean up sites which cannot be cleaned up by the operators themselves or by government, so this fund was established, yet they haven't put any money into it.

ASSEMBLYMAN FELANDO: But, Mr. Torres, you're answering the question for him. It seems to me that by the legislative process his department, where somebody was directed to establish this fund but just on their own volition said they didn't feel that it was constitutional, so they said that they aren't going to collect the money. Is that it?

ASSEMBLYMAN TORRES: No, what they said was that they were only going to collect the money from certain disposers.

ASSEMBLYMAN FELANDO: I understand that, but they haven't done that.

ASSEMBLYMAN TORRES: Yes, because they stipulated that that wasn't going to be the case.

DR. COHEN: No, as a matter of fact, letters were sent out in June of this year to collect certain moneys. Some moneys were sent in. Other industries indicated they would not pay because of the legal challenge.

ASSEMBLYMAN FELANDO: Well, by God when they send me a bill to collect my taxes and I don't pay, I go to jail. What are you people doing in this state?

DR. COHEN: Well, sir, the legal challenge was essentially...

ASSEMBLYMAN FELANDO: By whom was the legal challenge made?

DR. COHEN: The California Waste Processors Association.

ASSEMBLYMAN TORRES: You've seen those boys. They've opposed my stuff all along up in Sacramento, so if we have a system whereby we can tax all waste disposers, then we will be able to establish a fund, which you already have the authority to do so now, and you're saying that within a few months we're going to start collecting from everyone. Is that understood?

DR. COHEN: We will have a system in place for collection and...

ASSEMBLYMAN TORRES: Because you don't need legislative authority to do that because you already have that authority.

DR. COHEN: That's correct.

ASSEMBLYMAN TORRES: Mr. Collins. Is he still here?

ASSEMBLYMAN FELANDO: Excuse me, can I ask - I still don't understand. Do you mean to tell me that as soon as a challenge is issued that that preempts everything; then you should stop and back off? Is that the way it goes? I'm not an attorney.

You're an attorney and maybe you can clear that up for me. If the challenge is made, does that preempt the legislation that was passed?

ASSEMBLYMAN TORRES: It precludes the implementation of the legislation as they have seen it, so by administrative regulation they made a decision, and I'm only speculating now, made a decision that you were only going to tax a certain group of people.

DR. COHEN: Yes, it was our interpretation that we should proceed stepwise to assess only the Class I and II-I sites.

ASSEMBLYMAN FELANDO: Well, on their own as all the rest of the bureaucratic bureaus. They just decide on their own. Sort of like the Coastal Commission when they decide on their own to do things.

ASSEMBLYMAN TORRES: Well, we disagree on that one, but I'm saying on this one, I think in other words, you have the authority and we're going to see a Superfund being activated.

CHAIRWOMAN TANNER: Within two months.

ASSEMBLYMAN TORRES: Within two months because Assemblywoman Tanner has been talking about establishing Superfund relief dealing with the siting issue, but if we already have a Superfund or the authority to establish a Superfund, we don't need new legislation.

DR. COHEN: Yes, the only thing I would suggest is when that was adopted the anticipated cost for closing Stringfellow site was \$370,000.

ASSEMBLYMAN TORRES: Now we're in the millions in terms of anticipated cost.

DR. COHEN: Now it's ten plus perhaps, so the inadequacy

of that fund is becoming rapidly obvious.

Can I proceed with my testimony?

CHAIRWOMAN TANNER: Yes, continue.

DR. COHEN: Thank you very much for inviting us here, too. Having the State Resources Control Board and the nine regional boards. . .

ASSEMBLYMAN TORRES: Forget the preliminaries and get ot to the bottom line.

DR. COHEN: Very good. I'd like to phrase the issue with regard to ensuring that toxic waste disposal does not harm water quality, and I phrase it in this narrow term for two reasons, both related to our legal authority. The first is that our efforts are made in close coordination with other state agencies, principally the Department of Health Services, and that coordination includes sharing inspection and surveillance information, providing technical expertise to each other and jointly developing new programs. It also extends to coordinating testimony, so we don't bore you twice with the same information.

I also want to note the limits of our authority because the challenge of safely regulating toxic disposal strains our capabilities, both in terms of program and authority. I want to detail our present authority and add where we have found it falls short of the mark.

Under the Porter-Cologne Water Quality Control Act of 1969, the state and regional boards have authority over any discharge that pollutes surface or ground waters. Fines of up to \$10,000 per day can be sought from the courts for such pollution. The law applies to both. . .

CHAIRWOMAN TANNER: Are you fining anyone?

DR. COHEN: Yes, we have. We have many times fined people for discharges. The law is an enforcement approach and we act as a policeman, hopefully before the crime has been committed. We act somewhat parentally for continuous discharges, setting waste discharge limits under both federal and state law. I'd like to note that at present, the phrase discharge is a convenience. For hazardous waste sites our requirements can prohibit any discharge. Requirements for industry and communities may prohibit discharge of specific substances while setting limits on others. In essence, almost any industry using manmade chemicals may be a hazardous waste facility. Hazardous waste disposal or Class I sites are routinely assigned a zero discharge standard. There is a weakness, however, in how this was enforced.

CHAIRWOMAN TANNER: What does that mean?

DR. COHEN: That means that no discharge is acceptable. We will not accept any toxic migration beyond the site. There is a weakness in how this was enforced prior to the implementation of the Porter-Cologne Act ten years ago.

Before 1970 the philosophy was that the discharger had the responsibility for meeting this zero discharge criteria, in including ensuring that the site was safe. If the discharger misjudged the adequacy of the sites, we would take care of the matter in court. That philosophy may work for normal discharges, but toxic wastes are too pernicious and persistent, and since that time the regional board review of geologic claims by dischargers has been increasingly rigorous.

That rigor was codified in 1978 with amendments that

echoed State Water Board regulations establishing classification of hazardous waste sites. Class I sites are for the broad range of hazardous materials as defined in the Health and Safety Code. Class II-I sites are for single purpose disposal of hazardous materials such as pesticide containers or oily wastes. On the whole, the system of waste discharge requirements works well. We bar toxic discharges, forcing use of approved hazardous waste disposal sites.

There are, however, a number of problems. Small industries discharge to community sewage treatment facilities, and dilution by traditional wastes can mask relatively low flows from these sources. Discharge requirements rely heavily on self-monitoring. Now the Regional Board's monitor and surveillance efforts are likely to catch long-term problems.

CHAIRWOMAN TANNER: Self-monitoring, that means what?

DR. COHEN: That the discharger must sample and analyze and report back what is in his discharge.

CHAIRWOMAN TANNER: How often?

DR. COHEN: Depending on the size of the site, it could be quarterly, it could be monthly. Accidents or one-time violations might go unreported, and the system of waste discharge requirements has in the past focused on gross pollutants with well-known effects. Toxic substances are often found in small quantities with effects not fully understood. We are now, since we have received a budget augmentation last year, presently accelerating our review of all of our waste discharge requirements to ensure inclusion of new or previously unconsidered toxic substances.

Under federal law, industries must pretreat and remove

dangerous wastes before they discharge industrial waste water into community sanitation systems. A large system such as the L. A. County Sanitary Districts have long-standing programs in pretreatment.

Under the federal Clean Water Grant program, which we administer, we are awarding \$100,000 grants to 80 California communities so that they can develop effective pretreatment programs. The implementation of these programs will have two effects. First, it will lower the amount of toxic chemicals that will pass through communities and end up in water courses. Second, it will increase the demand for safe hazardous waste facilities to dispose of the increasing tonnage of toxic and hazardous residues.

Now, while water quality plants can set discharge limits and prohibitions from existing hazardous waste sites, it can only point out the need for additional toxic waste sites. We don't have the authority to order them built and operated. We can tell a discharger he can't put toxic wastes in the water, but we cannot provide an alternative. Now, although the state is not in the past and should not in the future take over direct operations of hazardous waste sites, there needs to be a mechanism to insure sufficient hazardous waste treatment and disposal capacities are available. One reason that California has done well in the past in dealing with toxic waste has been the availability of disposal sites, and these sites have undoubtedly minimized the illegal midnight dumping that has been prevalent in Eastern United States.

CHAIRWOMAN TANNER: Dr. Cohen, is it your agency that is responsible for checking the water that's being used by the public?

DR. COHEN: Yes, we have the responsibility for protecting water quality.

CHAIRWOMAN TANNER: All right, now TCE was found in many many wells.

DR. COHEN: Right.

CHAIRWOMAN TANNER: The TCE was discovered by industry, by local business. Apparently that TCE was in the wells for something like 20 years. You hadn't tested for TCE in 20 years?

DR. COHEN: No, standards are changing. With the wisdom of 20/20 hindsight, lists of toxic constituents of concern have really surfaced in the last decade, primarily as a result of testing Mississippi River water for toxic constituents. TCE was looked for primarily because of a citizen's tip regarding the disposal practices in the Sacramento area. That same industry decided it should look at its other plant in Southern California and did discover TCE in the ground water. Our Regional Board did an exhaustive survey of potential sites or discharge points that may have been the cause of that TCE, and their conclusion was that you could not relate it to a single point of discharge. In other words, it may have been a number of very small, almost what we might call nonpoint, discharges.

CHAIRWOMAN TANNER: But after the discovery of TCE in the wells in Sacramento, I'm curious as to why your department didn't check the wells in other places.

DR. COHEN: Let me clarify. If it's a matter of drinking water, the authority is with the Department of Health Services. They administer the Safe Drinking Water Act and they, in fact, did inaugurate a very vigorous monitoring program to look for TCE in wells that supply drinking water. We, our role was to try and elucidate what possible sources may have counted for the TCE that

was discovered in these drinking water wells and our Regional Board did do an exhaustive survey. They indicated there were some industries that may have in the past put TCE inappropriately in particular places and it may have seeped into the ground water. We are not aware now of any present TCE disposal practice that could augment that problem.

ASSEMBLYMAN FELANDO: Could I just give an example. You mentioned an illegal dump. Just for the people in the audience, and maybe some of the members of the committee who don't know what is going on, a good example of an illegal dump is that a person will contract to take care of somebody's liquid hazardous waste. Then what they do is they go out and rent a warehouse; maybe it's two or three stories with several thousand feet of storage space. Now what they do is they collect the waste in 50 gallon drums or five gallon drums or whatever and they put it in the warehouse. When the warehouse fills up, they abandon it, so when the person who owns the warehouse goes in there after the lease has expired to see what's gone on, he opens the door and, lo and behold, he's got a whole warehouse full of hazardous waste. Now we've got the compounded problem of trying to find somewhere to dump that waste that should have been disposed of legally in the first place. I carried a bill on that; it was law for a half an hour and then it got chaptered out by Leona Egeland's bill. I tried to make the penalties for doing that a felony, but the Governor felt that was too harsh a penalty for these people, for these people who are dumping waste illegally.

ASSEMBLYMAN YOUNG: The question is when we talk about toxic waste dump sites, I mean I recognize that it's a problem.

We've got the waste and we've got to find a place to put it. Why do we search for areas within populated civilized territories? I mean, are the remote sites, perhaps in appropriately Death Valley or someplace, that we could perhaps transport it that -- at least transport or -- the second part of my question I want to get to is if we can't find a place to adequately dump it, have we thought of, I mean there's ways to neutralize it so we don't have to worry about that problem.

DR. COHEN: In regard to your first question, that's very appropriate. We did conduct a study which bore fruit in our Palm Desert region, where we looked for potential sites that might be appropriate to permanently dispose of pesticide container waste and other what we call Class II-I wastes. Immediately, following conclusion of that study. . .

ASSEMBLYMAN YOUNG: I question permanently. I mean, I think you know the idea of storing this. I mean, I really think that we've got, we just can't leave it and forget about it. We have to somehow through - if we don't have the technology now, we have to keep working on the way to neutralize that so that it's - I mean, we just can't keep stacking it up there. It's not like the Dewey Decimal System in a library where you know where toxic chemical number 438 is. I mean, somehow we have to, and again from a technological standpoint, solve the problem of how to neutralize it and make it not a toxic threat.

DR. COHEN: Your question was in two parts. One was should we go to the desert and, secondly, can we neutralize. With regard to your first question, yes we can and we have gone to the desert. In fact, it's my understanding now that a new site is

being developed near the Salton Sea, which is roughly our desert, for Class II-I sites, and there are a lot of federal and state lands which are available. The only obverse side of the coin is the farther you go, the greater the energy cost and the greater potential for spills and other problems, but I would agree that we should be looking statewide, and we undoubtedly should be avoiding population centers.

With regard to the second, there exists now technology for neutralizing toxic wastes, and this is being applied in several Class I sites in the state today. Undoubtedly we have to increase our capability of treating and neutralizing acids with bases or chemical fixation, applying the technology that already exists.

ASSEMBLYMAN YOUNG: Well, if that's the case, an example of, Jerry, is you find a warehouse full of abandoned toxic wastes. Can we go in and literally any chemical in there, can we neutralize it and make it not toxic?

DR. COHEN: I wouldn't say any chemical, no. If it's an acid waste, it could be neutralized with a base. If it's a basic waste, it can be neutralized with an acid. That's generally what we referred to as far as neutralization. But there are other techniques, like fixation or stabilization, which can make it immobile or not subject to migration from the environment.

ASSEMBLYMAN YOUNG: Well, I think that should be our first line of defense. I mean, I don't want to literally just use the desert as a dumping ground, but until we, I mean if we run up the chemicals that literally we were baffled at at this point in our scientific and technological abilities to neutralize, and it seems like we should -- while we store that, while we work - and

I hope continuously and diligently, we shouldn't have that sitting next to a residential site. We should try to keep it as far away from the public and apparel that exists from that as possible.

DR. COHEN: We would agree wholeheartedly with both of those statements.

ASSEMBLYMAN FELANDO: I just have one question. When I reintroduced that bill making the illegal dumping of hazardous wastes a felony, can I count on the vigorous support of you and your department?

DR. COHEN: I would think, based on the express philosophy of our board, yes.

ASSEMBLYMAN FELANDO: Thank you.

DR. COHEN: You have gotten a two-page status report, which has been distributed to your committee, that summarizes conditions at the 11 authorized Class I disposal sites, and presents a magnitude of potential problems.

ASSEMBLYMAN TORRES: Mr. Cohen, will the Regional Water Quality Board require the constant monitoring and testing of waste streams in California?

DR. COHEN: Yes, our waste discharge requirements have built into them requirements for monitoring. As I indicated previously, some of these waste discharge requirements were issued some time ago and we did not at that time have the wisdom that we have today as to what exactly to look for. We are now reviewing our waste discharge requirements to make sure that all of the appropriate toxic constituents are being required to be monitored for. For instance, DBCP was not required in the Lathrop area. It is obviously now very important.

ASSEMBLYMAN TORRES: I don't know if you're familiar with the fact that here in Los Angeles County we have a strange coincidence occurring off Santa Monica where a number of life-guards have contracted various types of carcinoma? What are we doing about those kinds of flood control of pipes and drains that are flooding into the ocean and into streams? We don't have that many streams in Los Angeles other than the L.A. River, but are we monitoring the Los Angeles River, and are we monitoring those flood drains as well?

DR. COHEN: I would have to defer that question to Mr. Hank Yacoub, Regional Water Quality Control Board.

MR. HANK YACOUB: My name is Hank Yacoub. I'm a Senior Staff Engineer with the L.A. Regional Board. The specific incident that you mentioned, Mr. Torres, we did, as a matter of fact, sample that particular storm drain on a preliminary basis and we are following up, I believe today, on the extensive sampling. But our preliminary investigation did not disclose any kind of toxic material in that particular storm drain system.

ASSEMBLYMAN TORRES: Over how long a period were you monitoring it?

MR. YACOUB: No, we do not monitor storm drains. Storm drains are supposed to be accepting the run-off water only.

ASSEMBLYMAN TORRES: I know what they're supposed to accept, but many times they have been receiving the recipients of other things, other than run-off water.

MR. YACOUB: If you look into that particular area, you will find out it's kind of somewhat different from other basins. You will notice that the residential area is far upstream, and as

you get downstream closer to the ocean, in Santa Monica it is mostly industrial. One speculation that I believe is that probably some of these people, whether it's a gas station or whether it's a small business operation, probably they are washing down some kind of wash-down water, probably getting into it. Knowingly, intentionally or unintentionally, that's something we don't know at this time.

ASSEMBLYMAN TORRES: So as a matter of course, then even though there are industries adjacent to some of these storm drains or flood drains, we do not as a matter of course monitor them regularly unless someone raises the issue that there is a problem.

MR. YACoub: Okay, the Regional Board is not in that business. Now flood control. . .

ASSEMBLYMAN TORRES: Who is?

MR. YACoub: Flood control. Of course, the flood control system or storm drains is something that flood control people control.

ASSEMBLYMAN TORRES: Well, do the flood people control them?

MR. YACoub: Well, again, it shouldn't be there, whatever was detected or was observed to start with, so what we're talking about right now, probably again, this is something recent. We're talking about increased cost of disposals and maybe that has encouraged some illegal discharges right into that particular area.

ASSEMBLYMAN TORRES: My question is, are we monitoring those flood drains?

MR. YACoub: My answer, on routine basis, no, not the flood drains.

ASSEMBLYMAN TORRES: Is there any intention to monitor those flood drains, especially when there is a ravine, a rebuttable presumption that there may be industry wash water being tossed into those drains?

MR. YACoub: We do monitor, or flood control and county health department, they do monitor the major receiving tidal presence like LA Rivers and San Gabriel Rivers, on a routine basis. But small drainage systems such as Pico drainage, I don't believe they have routine monitoring on that one.

ASSEMBLYMAN TORRES: All right, in Mrs. Tanner's district, as she has articulated before, and fought very vigorously in the past regarding TCE in the ground water, were the flood drains in the San Gabriel Valley monitored during that period of time to determine whether TCE was being tossed into those drains?

MR. YACoub: No, the storm drains are not monitored, Mr. Torres.

ASSEMBLYMAN TORRES: All right, so that's clear. And my second question is, is there any intent that you know of by the flood control people, whoever is in charge, to begin some kind of regular monitoring of storm drains?

MR. YACoub: I do not know.

ASSEMBLYMAN TORRES: You do not know. All right, thank you.

CHAIRWOMAN TANNER: I want to point out something. I had a bill in last year that would require the Department of Health Services to monitor drinking water, and the -- I took that bill to the Ways and Means Committee and what little money I had in the bill had to be taken out to get the bill out, so we also have got to bear some responsibility.

DR. COHEN: I would like to answer that to Mr. Hank Yacoub's statement, we do monitor major rivers and streams of the state. If our monitoring network reveals any problem in these areas such as toxiphine or cadmium, this would trigger a special study to monitor potential sources, which could include flood drainage if it were appropriate. We do not have the resources, presently, to monitor any - all flood drainage without some suspicion that there might be a problem.

ASSEMBLYMAN FELANDO: Is the Los Angeles River considered a large stream or what? Is that monitored?

MR. YACOUB: Yes, it's monitored.

DR. COHEN: To conclude my testimony, the regulatory agencies of the state have broad powers to protect the public, and for the most part, those powers are enough to do the job. We do need help, however, on hazardous waste siting. We believe that together with increased emphasis on source control and resource recovery, adequate hazardous waste sites are the cornerstone for protecting California's environment, both in terms of public safety and industrial availability. We have serious problems in this area, and will look to your committee for help in finding appropriate legislative solutions. I might note in the type-written version that says "funding" appropriate legislative solutions, that may be necessary as well. Thank you very much for your attention.

CHAIRWOMAN TANNER: Thank you very much, Dr. Cohen. Our next witness will be Mr. Keith Amundson, who is the Chief of the Office of Planning Services from the Solid Waste Management Board. Mr. Amundson.

MR. KEITH AMUNDSON: Thank you, Mrs. Tanner and committee members, for asking the Solid Waste Board to testify here today. Mr. Trumbull, our chairman, was unable to be here because of a previous commitment and asked me to convey his apologies to you.

I think, since our agency is not primarily concerned with the management of hazardous wastes - we're concerned with conventional waste, garbage - I can just briefly give you a statistic which will, I think, dramatize and summarize our contribution, or our potential contribution.

Since 1977, the Solid Waste Management Board, in cooperation with local government, has sited 27 disposal facilities throughout the State of California. That includes conventional disposal sites and transfer facilities.

Now, it's true that there's much more controversy surrounding hazardous waste siting, but I'm sure that you know, particularly those of you from Los Angeles, that conventional waste siting has its share of difficulty as well. Nearly as much controversy surrounds the siting of a conventional waste facility as a hazardous one. We're proud of that statistic that we have been involved in the siting of the 27 facilities. And it works; the siting process works for us because of county solid waste management plants.

Each and every county in the state, as required by the Legislature, must have a solid waste management plan, and they all do. Those plans bespeak a planning process which goes on all the time. In Los Angeles County, the Solid Waste Management Committee meets monthly, and the staff meets daily in concern for this problem.

CHAIRWOMAN TANNER: Mr. Torres has a question, Mr. Amundson.

ASSEMBLYMAN TORRES: Does that arrangement include a toxic waste component?

MR. AMUNDSON: There is a toxic waste component; however, as everyone knows, hazardous waste management, because of the great publicity and the concern of all, has developed a life of its own. But I think this afternoon, in Los Angeles, the committee for Los Angeles County will be taking up the question of hazardous waste management. I believe the only point to be made here is that our siting record has been pretty good because there has been local involvement of citizens. There's been involvement of cities and counties.

ASSEMBLYMAN TORRES: In that component - what does it do?

MR. AMUNDSON: Well, at the moment, in those cases where there has been an inactive component in concern with hazardous waste management, it's been largely a kind of an inventory situation. I wouldn't say. . .

ASSEMBLYMAN TORRES: So that component is under your jurisdiction?

MR. AMUNDSON: No, it is not. It's under the Department of Health Services and we work together under memorandum of understanding.

ASSEMBLYMAN TORRES: So in the solid waste management area, there is no specific component for toxic wastes. You rely on the toxic waste component for the Department of Health Services for Los Angeles County.

MR. AMUNDSON: That is correct. With respect to conventional ways, our responsibility is to make sure there is disposal capacity for the future, for conventional waste, and that that capacity meets environmental quality standards, the same standards we're talking about, or the same agencies. The standards are slightly different. The key is that there's been local involvement, involvement of local officials who have to make the land use decisions. This is the point that seems to have been clothed in the discussion, that local government has to be involved, in our view, because they make the decisions about where the site is going to be. This has proved successful for us because siting is a local matter with respect to jurisdiction, at least at the moment.

CHAIRWOMAN TANNER: I think that possibly we might run into some problems there now if the local government would hesitate to accept a site for hazardous materials, considering how it has been politicized.

MR. AMUNDSON: It has been politicized. On the other hand, I would point out, Ma'am, that 27 facilities have been sited with local government and citizen involvement. Perhaps there is a rush to judgment here. Perhaps the concern need to broaden out -- to lengthen out the process so as to get the involvement and concern, to cool off the whole situation and be a little bit more systematic and scientific about. . .

CHAIRWOMAN TANNER: How can we do that? I think that's the whole point we really have to emphasize.

MR. AMUNDSON: Well, there are a number of proposals. Now, I wouldn't - or I'm not supposed to have - any conflict with

those, but all I can point out is that if the process of management is systematic enough, if it involves the concerns of citizens, if it involves the concerns of local government so that rational choices can be proposed and presented, that citizens will respond. If all the cards are on the table, all the views are known, then there is a climate created - could be created - where rational decision making can take place. That's what the county solid waste management process is all about.

I would just commend it to you for your consideration because, to a limited extent, it has worked, and it has worked successfully, and it hasn't been very well funded, at that. . .

CHAIRWOMAN TANNER: Mr. Young has a question.

ASSEMBLYMAN YOUNG: I've been listening to what you said; I just hope I haven't heard the words as they've been put together. You're implying that perhaps people have been a little rash in their rush to judgment and perhaps we should be a bit more precise about trying to decide whether a toxic waste dump is a threat or not. I find that thinking, frankly, fits for the ostrich cage in a zoo; that's as respectfully as I can put that. I mean, how do you tell somebody who's living next to a toxic waste dump - how do you tell somebody who potentially doesn't - you know, that they're being poisoned on a daily basis, that they should be rational, they should wait while we study it and have cooler minds prevail and try to make a bureaucratic governmental decision; in the meantime, continue to poison yourself, if that be the case.

Frankly, it seems like our mandate should be a call to arms, a call to arms to try to as quickly as possible find out

what peril exists and try to neutralize it, or certainly eliminate it, and then we can sit in judgment about what we should respond to in government. I think that the notion that we are going to put our feet on the desk and say wait for a report, then we'll tell you how we can approach this rationally and calmly, it seems to me, again, a bit unresponsive, and certainly, I think, ignoring what the real crisis is that exists out there.

MR. AMUNDSON: Certainly the public health and welfare and safety are of paramount importance, and. . .

ASSEMBLYMAN YOUNG: And if the public health and safety is threatened, do you believe we should study it for another year?

MR. AMUNDSON: No, sir, I do not. My remarks were principally concerned with those future sites. The Solid Waste Management Board's concern is with providing for the long-term disposal needs, and also for the daily health, welfare and public safety. Our efforts and our successes have been in providing for those long-terms needs, and I'm saying that those needs need to be dealt with in a systematic way.

ASSEMBLYMAN YOUNG: I totally understand that, but the paramount thing should be the public health and safety. I think that in anyway to imply we should ignore that or should let that percolate while we're again making some decisions on a long-term basis seems to be, again, I think, a bit irresponsible if that's the notion of the Solid Waste Management Board.

MR. AMUNDSON: It certainly is not. I would also add that, with respect to environmental quality concerns, we also endeavor in this local planning process to insure environmental quality. By the time the county plan gets to the Solid Waste

Board for approval, all of the environmental concerns, all of the local land use concerns, have been dealt with. The board has not disapproved any county plan or any facilities that have not been dealt with at the local level first.

Those, in general, are my remarks concerning our involvement. I would commend the process to you. It does have limitations, but it has worked and it has produced those facilities that local government and citizens have been involved in the process.

Thank you.

CHAIRWOMAN TANNER: Thank you very much. Mr. Harris.

ASSEMBLYMAN HARRIS: Are you satisfied with the role you've supported. Do you think it ought to be expanded or. . .

MR. AMUNDSON: Well, I guess, Mr. Harris, that we're never satisfied with the process. Surely local government funding has, and the lack of it has, created problems. Some of the committees, though, have, in spite of budget crunches, remained intact, and because they are so concerned, the local -- or the situation now with respect to funding, has not eliminated them. As a matter of fact, in most of the urban and urbanizing areas of this state, the committees, out of necessity and out of commitment, are strengthened. They're getting along with very little money, and doing a good job under the circumstances, I would say.

CHAIRWOMAN TANNER: Thank you very much. Nancy Bohaty, who is the Assistant Executive Officer of the Air Resources Board, will be our next witness.

MS. NANCY BOHATY: Thank you, Madam Chairman and members. I'm Nancy Bohaty, Assistant Executive Officer at the Air Resources Board. I have with me today Mr. Frank DiGiovanni, who is the

Manager of our Chemical Strategy Development Section. We're pleased to be here today to talk about what I think is probably our limited role in the toxic substance area, but a role that is expanding as we need to in many aspects of government today.

The environmental problems posed by toxic substances in California, and especially the exposure to these substances through the ambient air, is the great concern to the Air Resources Board. In response to this concern, we are directing resources toward further evaluating the basis of these problems, and developing and implementing measures to control the emissions of these toxic substances into the ambient air.

I'd like to talk to you today about our general approach to the airborne toxic substances, the problems of land disposal as we see them at this point, and, I might add, with somewhat limited knowledge because we're just getting into this area. I also want to discuss alternatives to land disposal, including potential methods for reducing toxic waste.

As you know, we have recently had some board hearings on PCBs and burning of PCB. . .

CHAIRWOMAN TANNER: If you discover an abandoned site, or a site needs to be cleaned, and this toxic material needs to be removed - which that is being done, is there a danger to the air quality?

MS. BOHATY: It depends on how it's done. I will talk about some of that today because it does depend on how it's done.

CHAIRWOMAN TANNER: All right.

MS. BOHATY: It is our view that the problems of toxic waste and the air environment do not stem solely from the disposal

from the disposal of these substances in landfill dumps. These toxic substances do have the potential for emission to the ambient air during all phases of their life cycles. By life cycles, we include the collecting, mining, harvesting of the raw materials, as well as the processing and the manufacturing, the distribution or transport of the materials, which I think is important in terms of if we change from a landfill process or put these out into the desert areas, or areas far away, we still have a transport problem. We have a consumer utilization of the finished products.

ASSEMBLYMAN YOUNG: Since that was obviously directed in this direction, let me ask you then, what's your alternative? I mean, if we don't, you would rather just have it, I guess, left here so we don't have to transport that.

MS. BOHATY: Oh, no, no, I wasn't suggesting that, but I was just suggesting that sometimes when you look at. . .

ASSEMBLYMAN YOUNG: What do you calculate as the word - - I mean, do you calculate, again, a McColl dump site siting next to, literally, an urban megalopolis more of a threat, or the neutralization and moving that to the desert? Which of those two do you consider a greater threat?

MS. BOHATY: I think you'll see by my comments that we think the place should be located in very unpopulated areas.

ASSEMBLYMAN YOUNG: First off, okay, you know, I'm talking about the problem we've got today. We've got them siting again, BKK and McColl. You feel that my suggestion presents an eminent danger to the public?

MS. BOHATY: No, I was just suggesting that we should not ignore the problem. We don't want to solve one problem and

create another problem, so if you have a transport problem, you'd want to be sure that you consider all the nature that might be involved in the transport problem - be sure you solve that problem along with solving the problem of moving the dump site.

ASSEMBLYMAN FELANDO: Can you give me one location in the State of California where it's not going to be a problem to somebody? There isn't. I don't think that anybody in this room can name one site in the State of California that's not going to be a problem.

MS. BOHATY: No, Mr. Young, what I was really suggesting in listing out the entire life cycle as we see it is that we should be concerned with the entire cycle, not just the final disposition to it. There's also the consumer disposal problem, and then the potential of a recycling or recovery effort, as well as the final disposition or the destruction of the toxic substances.

At each step of the cycle, there are a variety of opportunities to minimize the amounts of toxics released to the air environment or to mitigate the deleterious effects on society, including both adverse biological and economic effects. Each of these steps in the life cycle should be examined to see if the amount of toxic material released into the air can be minimized or mitigated. For example, minimizing might include the actual reduction of the net amount of toxic materials that we used, or the substitution of nontoxic materials for those toxic materials currently used.

Additionally, we're in the business of control technology, as many of you know, and have heard us speak before you before. The insulation of process through specific pollution

control equipment, such as regulations to limit emissions from an incineration process perhaps, or a control of process operating conditions, those are the actual conditions under which an incinerator might operate.

Some of the adverse economic effects of the use and disposal of toxic substances can be mitigated by recovering those commodities which are valuable from waste: the recovery of heat, for example, from incineration of waste, or production of fuels from wastes by pyrolysis; the recovery by separation of materials such as metals, plastics, paper, glass or other material from waste; and a third way would be the recovery of the specific chemical feedstocks and solvents by distillation of spent or contaminated solvents.

We believe that any siting of disposal, incineration or recovery facilities should be made with regard to physical environmental and population density consideration. Locations should be selected. . .

CHAIRWOMAN TANNER: I have a question. In certain incinerating, what chances are that the fumes, or the smoke, or whatever is left after incinerating, is dangerous?

MS. BOHATY: There is a great chance that what you generate as a process, in the combustion process, is more dangerous than what you have put into the process, and, therefore, I think that installation of process specific controls is a very important factor when you start considering alternatives to disposal, like incineration.

As we have talked about before, before committees, there are unique problems in California, including its meteorology. We

think the Air Resources Board - and hopefully we have convinced some people at the Legislature also - has made tremendous progress. Without the controls we've put into effect on stationary sources, as well as on our automobiles, that - I believe that we did not get to any third state alert in this last seige, even though the seige was very, very terrible - that the seige would have been much worse without the current progress we've been able to make. There's been growth - I mean, we really do not have a no growth policy in California. There's been tremendous growth in California, and there's been an increased use of vehicles. Still, we are able to keep a lid, somewhat, on the effects of pollution, considering we have a meteorology that's unique here that we cannot control.

ASSEMBLYMAN FENTON: I see the weatherman. . .

MR. BOHATY: The weatherman is beyond our control, or the weatherwoman, as the case may be. Okay.

ASSEMBLYMAN FELANDO: You made a statement about burning some of these wastes. What wastes would the ARB accept burning?

MS. BOHATY: What wastes would we accept?

ASSEMBLYMAN FELANDO: Yes.

MS. BOHATY: Those that are not hazardous to public health.

ASSEMBLYMAN FELANDO: What are those? I mean, you even took away our incinerators out of our back yards, and I want to know what you're going to let us burn in this state that you would consider not hazardous.

MR. DI GIONNOVA: I think I can. . .

CHAIRWOMAN TANNER: What's your name please?

MR. FRANCIS DI GIOVANNA: My name is Francis DiGiovanna; I'm the Manager of the Chemical Strategy Development Section at the Air Resources Board. I think -- I can only give you a partial answer today, but I can tell you that the first wastes that we're focusing on are those which are most noxious, for example PCBs, and also those wastes which are produced and are released into the environment now in large volumes, such as chlorinated solvents, so this is one of the most important areas that we'll be getting into. But I think in a preliminary way, that's the direction we are going.

ASSEMBLYMAN FELANDO: You would allow the burning of those?

MR. DI GIOVANNA: Under controlled circumstances.

ASSEMBLYMAN FELANDO: What does that put into the atmosphere then?

MR. DI GIOVANNA: Under controlled. . .

ASSEMBLYMAN FELANDO: What chemicals go into the atmosphere?

MR. DI GIOVANNA: Under controlled circumstances, very little.

CHAIRWOMAN TANNER: Under controlled circumstances. . . .

ASSEMBLYMAN FELANDO: Something's got to go up there. I'm asking a simple question. What chemicals are going to go up into the air with the burning of those compounds that you mentioned?

MR. DI GIOVANNA: To some extent, the same compounds -- to some extent, partially oxidized by-products of the combustion process. I don't think it's possible, either in combustion or pyrolysis or by any technique I'm aware of, to completely

eliminate those noxious substances by a destruction process. There's no 100 percent effective destruction process that I'm aware of. On the other hand, a properly operated incinerator for certain compounds and under controlled conditions can accomplish 99.99 plus percent reduction or removal destruction of those compounds.

ASSEMBLYMAN FELANDO: All right, you've broken down the compound by burning it. To what chemicals - what are you putting in the air? That's all I want - a simple answer. I don't want all the rhetoric; I just want you to tell me, are you putting carbon, oxygen - what are you putting up there?

MR. DI GIOVANNA: To some extent, it's the same chemical - that is, to some extent. . .

ASSEMBLYMAN FELANDO: Which is what?

MS. BOHATY: Well, it depends on what you're burning. And if - why don't you give. . .

ASSEMBLYMAN FELANDO: Don't give me any initials; I don't want initials. I want you to. . .

MR. DI GIOVANNA: For example, if trichloroethylene is used as a chemical solvent, and let's say in the semiconductor industry - it is a very widely used solvent in that industry, and in the process it is contaminated with heavy metals, let us say, then the results of the incineration could be, to some extent, small amounts of trichloroethylene and the same heavy metals.

ASSEMBLYMAN FELANDO: Like lead and zinc and. . .

MR. DI GIOVANNA: That's correct.

ASSEMBLYMAN FELANDO: Thank you, that's all I wanted.

MS. BOHATY: The recent history of the Air and Water Pollution Control shows that direct emissions of waste into both air and water has been inhibited to a substantial degree by a variety of regulations. The indirect emissions from waste disposal sites, however, has not come under such control. The pollution of ground water by toxic substances is partially documented in many locations in the state. The pollution of the air by toxic substances also occurs, but the documentation of the air problems has only recently begun. There is a spectrum of problems, one extreme of which is Love Canal where air exposure was undoubtedly a major route leading to health impairment.

CHAIRWOMAN TANNER: Has your agency checked the air quality in or around McColl or BKK?

MS. BOHATY: We have a team right now from our enforcement division at the McColl site that's been monitoring since Sunday, and will monitor on a 24-hour basis for a seven-day period so that we can see what emissions are being put into the air.

CHAIRWOMAN TANNER: I wonder if we can hear about the results as soon as you find. . .

MS. BOHATY: Oh yes, yes, we plan - I believe you're scheduled for another hearing in November at which time we hope to have those results available.

ASSEMBLYMAN YOUNG: The McColl site you've already tested once?

MS. BOHATY: It was an emergency; yes, we were asked to test. . .

ASSEMBLYMAN YOUNG: What were the chemicals that were around Love Canal?

MS. BOHATY: Frank, maybe you could -- do you know?

MR. DI GIOVANNA: I haven't seen first hand a report of the testing at Love Canal. I've read in published literature, but I couldn't tell you. . .

ASSEMBLYMAN YOUNG: I can't believe that we would have gone -- in essence, gone to school and the tragedy that happened in New York, and literally dissected, bisected and absorbed every ounce and every scintella of evidence that exists of what kind of chemicals are found in the air, the water, in and around, about, etc. How do you know they're refined - so you're going to get the results from the McColl site. How do you know that those aren't exactly the chemicals that were in the air at Love Canal?

MR. DI GIOVANNA: I think, when we have those results, certainly we will look at that.

ASSEMBLYMAN YOUNG: You will look at that. Does that mean you're going to get the exact testimony from the State of New York, or have you written for those results or - what have you done to this date to try and determine what happened at Love Canal, and do we have a similar parallel?

MR. DI GIOVANNA: I'm glad you asked that. Exactly what we've tried to do is look at those compounds in those situations which cause, right now, the greatest potential hazard to the people in California.

ASSEMBLYMAN YOUNG: That's my point. You've already got again the biggest atrocity _____ with chemical waste, at least publicized, _____ is Love Canal.

MR. DI GIOVANNA: From that point, we should use that as an example and at least examine it and try to find out what similarities were there versus what exists in California.

MS. BOHATY: But we need to know what exists in California before we have anything to compare.

ASSEMBLYMAN YOUNG: Well, apparently you haven't done - I mean the results - you have not even made an effort to determine - and I don't think we should go in with blissful ignorance and say even if we don't find a dump site - well, I mean a McColl dump site, the Air Resources Board didn't leap after the emergency to go back and retest it. It's only because of the pressure that's been brought on publicly and through the Legislature that all of a sudden now we declare we're going to go back there and do the test right. But in the intervening period, I'm shocked that the Air Resources Board hasn't really found out every available shred of evidence on Love Canal, really studied it and thoroughly digested it and found out what chemicals existed and what were the air quality standards, especially when you make the statement that that was part of the parallel at Love Canal. Now when you say that, tell me what the parallel was, or you tell me you can't tell me.

MS. BOHATY: We're telling you that we know that those chemicals were transported by the air.

ASSEMBLYMAN YOUNG: But what chemicals? That's all I'm saying - you know, you sit here and make a statement to a legislative committee - there's peril and you know there's this threat to public health and safety that exists in Love Canal because we're transmitting chemicals. Was it, you know, without

giving me initials, what was it? Was it carbon dioxide, oxygen, you know -- name it.

MR. DI GIOVANNA: Mr. Young, no one can answer that question for you today. I think the most expert scientists in the world are trying to answer the question of what affected people at Love Canal. I don't think that answer is available today.

ASSEMBLYMAN YOUNG: No, but they do know what was in the air. And before you come before. . .

MR. DI GIOVANNA: No, excuse me, pardon me to correct you, but I don't think that's true.

ASSEMBLYMAN YOUNG: Wait, now that's not true from what I've understood from my discussions with New York authorities. They do have air samples, and they do have levels of what was found as far as benzene and other chemicals in the air. Those test results are available. And you come before this committee and, you know, rattle the saber about there's danger in the air that exists around Love Canal. I stipulated to that. I'm saying you're the technocrats and the experts on that, what they were, and you're telling me you don't know.

I respectfully submit that that, frankly, is somewhat an abrogation of your responsibility, that you should know. Somebody in this state should know, when you say there's a threat, what were the chemicals and do we have a similar case in California. Because, see, that's the problem, and that's the second part of my comment that you can turn into a question if you want. If you get the results from McColl dump site, all you did on the McColl dump site is simply compare it to what we use as OSHA standards to compare it to.

It seems like while we are adopting and adapting to what the current technology is, we should maybe use the Love Canal as at least the outward bench mark, to say, well, the benzene readings at Love Canal were 24 parts per million during a 24-hour period, instead of saying, well, OSHA allows one part per million, or ten parts per million, during an eight hour period in a confined work place. Saying we don't have standards and we don't have things to compare, we should use what's been presented to us.

MS. BOHATY: Well, you're not suggesting that we use Love Canal as the standard of the threshold for. . .

ASSEMBLYMAN YOUNG: What I'm saying is, at least it's a standard of outrage. I mean, it's a lot better than your using OSHA standards as you did in McColl dump site and saying if you're working in a confined work place in an eight-hour period, then ten parts per million is acceptable. The fact is in McColl dump site people have to live there 24-hours a day. You said, well, it's below the OSHA standards. I mean, yeah, I think that certainly I'd use Love Canal as an example of absolute intolerance. Let's work backwards and find the bottom line.

MS. BOHATY: I think what we're attempting to do is find the bottom line.

ASSEMBLYMAN FELANDO: The other statement you made that I take exception to is you said we really don't know what's in the air in California. Well, if the Air Resources Board in the State of California doesn't know what's in the air in California, we're really in trouble.

MS. BOHATY: We are testing what's in the air at the McColl dump site.

MR. DI GIOVANNA: May I also comment. I think there would not be any dispute that the air quality in the South Coast air basin is more intensely monitored than the air quality anywhere else in the world. I don't think there is any question of that. However, when you ask about specific compounds, specific concentrations at a given time, every cubic meter of air cannot be monitored every second. And the monitoring that has been conducted, as Ms. Bohaty said, has been done on an emergency basis.

ASSEMBLYMAN YOUNG: But, again, once you find what the results are, you don't know whether it's safe or unsafe because you don't have any standards other than, you know, like I say, you retreated to OSHA standards in a confined work place.

MS. BOHATY: And what you're suggesting is that we need some new standards.

ASSEMBLYMAN YOUNG: No question about that. Like I say, the most alarming thing is that we don't know. Again, the most publicized example of toxic waste and peril and the resulting damage to the public, we as a government and not just you, but - I don't know if the State of California even has the results. We have not tried to go to school and educate ourselves on what the readings are. What would you do if they said the benzene levels at Love Canal were the same as you got at McColl dump site? But you said that because it's less than OSHA standards in a confined work place, it wasn't a threat.

ASSEMBLYMAN FENTON: Wait. As a father of OSHA, let me at least defend OSHA. So everybody will know, OSHA standards were not set up to replace what you're doing. Fortunately, we have OSHA standards, and we have my old friend Arnie Peters, who

used to work with me on OSHA, and at least we had something. I'm with Bruce, but I don't like to see OSHA bandied around as though - You know, their standards are not the standards by which you people should really be doing your air resources; theirs is a different purpose. I just want to protect OSHA in that sense. But at least you've got something to go by, which, if you didn't have OSHA, you'd have nothing. Thank God for OSHA.

MR. DI GIOVANNA: If I may add an additional comment about OSHA, I think OSHA has substantially taken the lead as a federal agency in adopting a cancer policy. We're substantially following the approach to those OSHA has adopted last February.

MS. BOHATY: Okay, the problems are further compounded in old dumps because there is a lack of record keeping. As to the content in those dumps, it makes the problem very difficult in that we really do not know necessarily via records what the content mixture is in some of these dumps.

CHAIRWOMAN TANNER: Do you have any idea, or does someone, maybe the Department of Health Services, have an idea of how many abandoned dump sites there are?

MS. BOHATY: This is a task that I understand is recently being assigned to the Department of Health Services.

DR. COLLINS: We cannot answer that specifically. We have got the team out trying to find out how many there are. There, as you know, are three or four in the Orange County-Riverside area. We recently identified approximately 18 in Contra Costa County where additional work is needed. We know old chemical deposits have been made. We've not sampled adequately to find out how much or what kinds.

CHAIRWOMAN TANNER: And there can be dump sites in the back of foundries, old abandoned foundries, or even factories that are now in operation.

DR. COLLINS: That's correct. We have a project to try and identify those facilities. We do not know how. . .

CHAIRWOMAN TANNER: How many people do you have working on that?

DR. COLLINS: I believe there's about 20 people part-time and a few permanent in that project.

CHAIRWOMAN TANNER: Not very many people.

MS. BOHATY: New dumps, with better record keeping and control, should be more trackable, so hopefully in the future we will at least have an inventory of what goes into the dumps.

There are certain substances, such as volatile toxic compounds and ultra long-life toxics, that we believe are not appropriate for dumping at all, regardless of the condition.

CHAIRWOMAN TANNER: I hate to interrupt you again, but you mentioned an inventory of what goes into the dumps. If a transfer truck is dumping into a site, I understand they should have a bill of lading, but how do we know? Is that material checked? Is it checked by someone?

MS. BOHATY: This again is the area of the Department of Health Services as to how those are checked and the regulations.

DR. COLLINS: I'll try to answer that, Assemblywoman. Many of the facilities have very elaborate laboratories. . .

CHAIRWOMAN TANNER: You mentioned self-monitoring. How can we. . .

DR. COLLINS: In the area we regulate, many of these

facilities have elaborate laboratories; they check every waste sample from every truck before they allow that truck to dispose or deposit those wastes. In addition to that, we frequently grab check samples and interrogate the drivers. We check the analysis we get from our laboratory versus that on the bill of lading, but I know of at least two companies that operate the larger sites. I believe they grab a sample from each and every truck load.

CHAIRWOMAN TANNER: Thank you.

MS. BOHATY: The substances I just mentioned, that we don't believe are appropriate for any type of dumping regardless of the conditions, we do think are candidates for positive destruction techniques or some other recovery method. There we are talking about incineration or some other chemical method of dealing with the problem.

A prime class of alternatives to land disposal comes under the heading of process designs that do not generate toxic substances in the first place. There are three approaches. Substitute nontoxic materials for toxic substances, for example, the use of silicones or mineral oil instead of PCBs in electric equipment. The reduction of the amount of toxic substances generated. . .

CHAIRWOMAN TANNER: Are there requirements that industry do that?

MS. BOHATY: Are there requirements that industry do that at this particular point in time. No, not at this point. They are allowed to dump their toxic materials. . . Well, I should say. . .

CHAIRWOMAN TANNER: No, the substitute is what I'm talking about.

MS. BOHATY: There is nothing that forces them to substitute at this time. Well, that's not quite true. In the case of PCBs, they have been outlawed by the federal government, so they are no longer allowed to use PCB.

CHAIRWOMAN TANNER: So they are required to substitute if they want.

MS. BOHATY: Right, which is generating a major problem in California because there is a program to retire the PCBs that are in current use, and that, of course, adds to our toxic waste problem.

The third is to recycle toxic substances or recover them for use in other processes. For instance, recycling of organic solvent is becoming increasingly attractive as the price of petroleum products continue to climb. For example, synthetic solvents, which are used in large quantities by the semiconductor industry and others, can often be purified by distillation and recovered for certain uses. This practice potentially offers many advantages, notably significant reduction of waste volumes, reduced need for toxic solvent compounds, and the potential to expand the use of certain compounds while at the same time reducing the threat of human exposure.

CHAIRWOMAN TANNER: Are we doing anything to encourage industry to do that sort of thing?

MS. BOHATY: That is one of our recommendations today, that we should find some methods, that we should explore methods or incentives for organizations to recycle, to recover products that are valuable in other senses, in other uses. There are some recovered projects going on. We are working with the Solid Waste

Management Board on certain recovery and cogeneration projects. I will talk about those also.

Potential concerns or disadvantages also ensue though, such as increased risks due to transportation, which is one of the things I brought up earlier, and especially human health impacts due to recovery operations. For instance, if we burn or incinerate products, we know other products can be produced into the air; therefore, we would have to control the emission of those products into the ambient air.

Some substances are not suitable for recovery in this way, as I've described here, but may require a centralized facility for the destruction, detoxification or deactivation of the toxic substances. An example of such a substance is a high level contaminated PCB containing liquids. These liquid PCBs can successfully be incinerated without the formation of toxic secondary products by exposing the liquid PCBs to extremely high temperatures for a sufficient length of time and in the presence of a sufficient amount of excess oxygen. These conditions of high temperatures, long exposure times and excess oxygen concentration are not found in typical industrial boilers, or even in the typical municipal waste incinerator, so we're not talking about the average incinerator that cities used to use to burn their garbage 40 or 50 years ago. We're talking about a very highly developed incinerator that would meet these very tough standards.

CHAIRWOMAN TANNER: Is anyone using that kind of incinerator?

MS. BOHATY: There are some incinerators right now. There are some tests that are being conducted. I'm sure, being

in and around Sacramento, you've heard of the PCB problem out at McClellan and the fact they are modifying their incinerator with the hopes it will meet certain expectations. They would be able to conduct a test burn there, although they've given up the idea of burning PCBs in the middle of Sacramento.

There are types of incinerators specifically designed to meet these criteria. Such incinerators include liquid injection incinerators for liquid waste and a specially designed multiple chamber incinerator for hazardous waste destruction. Such incinerators are designed to minimize the emission of incompletely combusted compounds. This is done, in general, by maintaining these high temperatures, long residence of time and good mixing. With all of these destruction methods for PCBs and other correlated compounds, there must also be provisions for the control of conventional pollutants generated by the combustion process, as well as for the chlorine and hydrochloric acid, which are expected byproducts of the combustion.

With careful attention and control, the combustion of such wastes, and properly designed and operated hazardous waste incinerators, positive destruction does appear to be possible with minimal risks. However, the possible hazards presented by an off design specification burn, that is a burn that's not conducted according to process specifications, points out the importance of locating the centralized destruction facilities far from populated areas. The result of such off-specification burn could be disastrous if held close to a highly populated area.

The previous discussion of alternatives means of disposal is not intended to imply that there are no valid reasons to employ

land disposal of certain selected toxic materials. The long-term storage in areas that are secure from a biological, geological and environmental viewpoint can be supported for those solids which cannot be inactivated so as to be harmless in the environment. Examples of such solids include long-lived radioactive material and toxic metals that cannot be reclaimed. The short-term to medium-term storage of materials that spontaneously and harmlessly reduce their toxicity, and certain short-lived chemicals such as low level radiation waves, is also appropriate to land storage. Furthermore, nontoxic fill and dredge materials of sledges that can reclaim otherwise useless land may be used to good advantage in landfills.

The monitoring of land disposal sites for airborne toxic pollutants by the Air Resources Board has been limited to special purpose sampling projects. These projects consist of short-term sampling of airborne particulate matter and airborne gaseous materials. In the recent past, the Air Resources Board has conducted such sampling at locations near Springfellow Quarry, located in Southern California, and we are presently sampling in the Fullerton Area at the McColl dump site. The board is also performing sampling near seven other hazardous waste dump sites in order to gain some preliminary information as to the magnitude of volatile organic compound emissions from these sites.

CHAIRWOMAN TANNER: You're sampling BKK also?

MR. DI GIOVANNA: Of the seven sites described, that sampling has been done. BKK was one of the sites, yes.

MS. BOHATY: The board has also performed airborne monitoring of toxics for manufacturing sites.

In these short-term monitoring efforts, carried out on an emergency basis, local districts have been. . .

CHAIRWOMAN TANNER: I wonder, do you have a great deal more testimony, because we have several more people to be heard before lunch.

MS. BOHATY: No, I'm just about to the end.

CHAIRWOMAN TANNER: All right.

MS. BOHATY: There is one thing that I would like to point out, and I'll just try to summarize rather than going through the testimony.

CHAIRWOMAN TANNER: Then we could have a copy of your testimony?

MS. BOHATY: I don't have a copy prepared, but I'll deliver one to your office next week.

In the monitoring, because of limited resources, both on the part of the state level at the Air Resources Board and at the local district level - and I'd like to point out that the district, as we discussed in the original orientation section for this committee, the districts, the local air pollution control districts, have the primary responsibility for the control of stationary sources. Most toxic substances or toxic wastes emissions into the air, come from stationary sources. We have been working in coordination with both the local districts and with the Department of Health Services in measuring the emissions from these dump sites on an emergency basis. We do have limited resources in this area.

It would be nice to think that we could harness all of our energy and run out and measure all of the harmful chemicals

in the air at every site that the Health Services Department will probably discover, but there are limited resources.

CHAIRWOMAN TANNER: You are the only people who can do that; there's no one in the Health Services Department?

MS. BOHATY: I don't believe the Health Services Department is equipped to handle that, is that true?

DR. COLLINS: Not in general. We have the expertise in our air and industrial hygiene laboratory. They have done some of that for us, but, in general, we rely on either the Air Resources Board or the local air quality management district.

MS. BOHATY: Some districts are quite large, have large staffs and have a lot of technical expertise in these areas, and other districts have no expertise at all or resources toward that.

We would like to suggest that perhaps self-monitoring of these sites is an alternative when we could provide a quality audit or quality control program such as was described by Mr. Collins. This would be one way of expanding our resources to cover the monitoring that needs to take place in all the various sites we're discovering in California.

Another suggestion we would like to make is that we, as a state government organization, and the State Legislature explore incentives for private industry for developing facilities for the recycling and detoxification of toxic waste, and that we consider funding the design and construction of these projects, either through private industry or at the state level, so that we see some progress toward this.

I'll conclude with those statements.

CHAIRWOMAN TANNER: All right, thank you very much.

We are going to hear from several witnesses and very short testimony regarding safety factors in operating hazardous wastes. The first gentleman will be Mr. Vincent De Palma, who is the Department Head of the Solid Waste Management Board, Los Angeles County Sanitation Districts. Mr. De Palma.

MR. VINCENT DE PALMA: Madam Chairwoman and members of the subcommittee, my name is Vincent De Palma. I'm in charge of solid waste management for Los Angeles County Sanitation Districts. I've been asked to address your subcommittee on the subject of safety factors in the operation of hazardous waste sites.

CHAIRWOMAN TANNER: If you have a long statement to make, could you summarize for us?

MR. DE PALMA: I've got it pretty short, really; let me go through it.

The sanitation districts have operated two hazardous waste disposal sites at Palos Verdes landfill and Calabasas landfill. Calabasas has been temporarily closed to liquid and hazardous waste since July 30 of this year. Palos Verdes will permanently cease accepting liquid and hazardous waste at the end of this month.

The temporary closure of Calabasas was the result of questions regarding the site soil permeability, which arose from a recently completed extensive geological study. A decision of the acceptance of liquid and hazardous waste will be made by the districts upon analysis of a recently completed testing of soil permeabilities.

The Palos Verdes site will close for acceptance of all wastes in December of 1980. That's both solid wastes, anything.

The cessation of liquid and hazardous wastes two months ahead of closure was deemed advisable by the districts to avoid operational problems in placing liquids in the shallow final lift.

A discussion of safety and hazardous waste sites should begin by describing the potential hazards to the community from such an operation. In the two sites that have been operated by the districts, liquid and hazardous wastes have been disposed of by mixing with refuse. Obviously, before a hazardous waste can harm anyone, it must somehow come into contact with a person.

There are three routes such a waste can take. First, it's to become gaseous, legal landfill through the cover, and mixed with the air.

CHAIRWOMAN TANNER: There's a question.

ASSEMBLYMAN FELANDO: In the case of the Palos Verdes landfill, the gaseous escape of methane gas in particular. How long have you known about that condition?

MR. DE PALMA: What do you mean, that emission? Gas comes out of all landfills that I know of, through the cover. . .

ASSEMBLYMAN FELANDO: How long have you known the gas that was escaping from the Palos Verdes landfill was actually entering homes in that area?

MR. DE PALMA: There is no gas we have been able to measure entering homes in that area.

ASSEMBLYMAN FELANDO: In the Palos Verdes landfill?

MR. DE PALMA: That's right. Let me clarify that, since you raised the point. There is gas in the ground that beyond the boundaries of the landfill is on private property, but we've never been able to measure gas in anyone's home. Is that the

question you want to know, how long have we known about it? We've known about it since June 25 of this year.

ASSEMBLYMAN FELANDO: Haven't there been some people evacuated from their homes in that immediate area?

MR. DE PALMA: No. Let me go on. I was talking about the way that hazardous waste could harm anyone. I said the first way is for the hazardous wastes to become gaseous. That's a different issue from methane and CO₂ leaving a landfill which are not generated by the hazardous waste; they're generated by the decomposition of the refuse.

ASSEMBLYMAN FELANDO: One other question. Let me rephrase that. Did you at any time attempt to measure levels of methane gas in homes in that area?

MR. DE PALMA: Yes.

ASSEMBLYMAN FELANDO: Or under the homes?

MR. DE PALMA: Yes.

ASSEMBLYMAN FELANDO: And you found no levels of methane?

MR. DE PALMA: We found methane gas in the soil and, in one case, there is methane gas in the soil underneath a house.

ASSEMBLYMAN FELANDO: Immediately under the house?

MR. DE PALMA: Yes. We attempted to measure gas inside the house in air space itself and have found none.

The second is for the waste to seep into the ground and emerge at a place where a person can come into direct contact with it. The third way is for such a seepage to contaminate the ground water and be contacted by the person with their water supply.

To speak to the first point about the gases, the hazardous waste, for the most part, has a low volatility, consequently,

there is little tendency for disposed material to vaporize from the landfilled interior. The EPA has investigated this matter by measuring the up and downwind air quality at a number of hazardous waste disposal facilities. These included the two district operated hazardous waste landfills. In both cases there was no discernible difference between the up and downwind level for a great majority of compounds monitored.

In the instances where distinguishable emissions were detected between up and downwind levels, the downwind level remained minute concentrations that were 1000 times less than any recognized standards for health significance. The materials that were detected were generally common to gasoline, diesel and vehicle exhaust emissions.

With regard to hazardous waste entering the ground to travel directly to a point of human contact or contaminate ground water, the districts have several safeguards against this occurrence. The liquids that are placed on the landfills are absorbed by the refuse. The districts have studied the amount of liquid which refuse will hold and have operated their landfills to prevent the leaking of liquids from the refuse.

ASSEMBLYMAN FELANDO: This sanitation district has been contacted as much as two years ago by families who lived underneath that Palos Verdes landfill. Your department has refused to acknowledge the fact that there is leaching occurring there, and I know personally that it is occurring there. There have been just recently, within the last three or four weeks, homeowners meeting there. There is one home that is on the water cable and this water cable is leaching from that Palos Verdes landfill. I

have people who have had labs come out and take samples of water that have been leaching into their backyards for years, and I have those reports.

MR. DE PALMA: I would be very interested in seeing those reports. I contacted your office last week in an attempt to find out what this problem is.

ASSEMBLYMAN FELANDO: You didn't talk to me.

MR. DE PALMA: I didn't talk to you; I talked to John Brower in your office. I attempted to find out what information you had; I wasn't able to find out very much.

I sent him a copy of the letter that we mailed to the regional board in 1978, which documents an investigation we made of an allegation that there was leachate from a landfill. We went out; we met with representatives from the City of Torrence, the Regional Water Quality Control Board. We tested the water we found there. We came to the conclusion the water was not leachate. We sent this letter and information to the Regional Water Quality Control Board. To my knowledge they concur that the ground water is not leachate.

ASSEMBLYMAN FELANDO: Dr. Collins, have you been notified by this sanitation district that any of these complaints or any of these things were being pursued ever?

DR. COLLINS: Assemblyman, the first I heard of it was at this committee hearing in Sacramento when you brought it up. I have not personally been informed by the county sanitation districts nor the Regional Water Quality Control Board; however, I personally asked a spokesperson from the sanitation district and from the regional board if they had any evidence that leachate

occurring. I was told no, but I have not personally seen any data from any source.

ASSEMBLYMAN FELANDO: What would it take for you to conduct a full-blown investigation of this Palos Verdes landfill, the escaping of the gases and the leaching of the liquid waste? Would a letter from myself help?

DR. COLLINS: I would recommend you write that letter to us and the State Water Resource Control Board, and then we jointly can work with the regional board and the county sanitation districts to find out what is going on. Certainly, if we collect a sample of any water surfacing within the yards of homes, a chemical analysis would show if that is ground water or leachate.

ASSEMBLYMAN FELANDO: Thank you.

MR. YACOUB: The incident here that you just mentioned, Mr. Felando, about two years ago we -- I think what is speculation by the City of Torrance of what they have seen at the northwestern portion of the landfill could be a leachate. At that time we verbally requested the sanitation district to look into this matter. (This matter of record.) They collected samples and the analysis showed that whatever was observed at that time was not a leachate, this analysis is available.

The second incident is quite recent. We were again notified by a resident (I believe it was in July of this year) that he was testing fowl odor and taste in the drinking water. Of course, they were serious enough allegations for us to conduct a prompt investigation. (We did collect the samples from his tap water and analyzed it at the State Department of Health Services lab. There was no indication of any mineral contamination or

constituent. The individual was notified about that finding.

Now, these are the two incidents we are aware of, and they are a matter of record.

ASSEMBLYMAN FELANDO: I wasn't expecting the drinking water to be contaminated unless there were faulty pipes and the pipes were leaking. That I can understand, but I can't understand the position of the sanitation district on the leaching of ground water. But rather than take the time for a local problem, we are trying to get an overall picture of the whole statement.

I think I will write the letter to Dr. Collins and have his department take it from here. I don't believe I'm going to get the answers that I want locally. I had a meeting with Supervisor Burke and she's not happy with the answers that she got either, so I think, probably in conjunction with Supervisor Burke, we'll ask for this investigation.

MR. YACoub: One think we would appreciate your having with your letter any information or report that you just mentioned because that's why we're. . .

ASSEMBLYMAN FELANDO: You will have a copy if you leave a card. You'll have a copy of everything I send out.

MR. YACoub: Thank you very much.

CHAIRWOMAN TANNER: Thank you.

MR. DE PALMA: With all due respect, I think the sanitation district would like an opportunity to have any information like that. We have never been approached by your office or yourself on that matter; no one has ever asked. We attempt to be extremely responsive to complaints about leachate, gas and so forth -- any problems with the landfill. Nobody has ever asked except for this one incident.

Okay, the district has studied the amount of liquid which refuse will hold and have operated their landfills to prevent the leaching of liquid from the refuse. In addition, most of the geology of the site is such that seepage into the soil would take place at extremely slow rates, on the order of 1/100 of an inch per year to one inch per year.

When such geology is not present, engineering modification to the soil can be accomplished that would achieve the same end, that is, to prevent liquid migration. Furthermore, monitoring wells are installed at critical points in our sample at least monthly to determine whether the previously mentioned safeguards are operative.

In summary, the districts have not left safety to chance in designing and operating their hazardous waste sites, but have applied sound engineering practice to the proper disposal of hazardous waste. They will continue to advance the state-of-the-art on protecting the community from potential hazards.

CHAIRWOMAN TANNER: Thank you very much. We're hearing some very short testimony from Mr. Ernie Winter and Mr. Joseph Johnson from the BKK Corporation. This is in regard to the safety factors.

We have been reading about you people.

MR. ERNIE WINTER: Yes, it's been a long full moon.

Madam Chairman, honorable members of the committee, my name is Ernie Winter; I'm a director of BKK Corporation.

Mr. Johnson will address the safety features of our site. I'd like to take just a brief moment and give the committee an economic and logistic overview of the problem as we see it.

CHAIRWOMAN TANNER: Can you do that very briefly?

MR. WINTER: Very briefly.

We manage at the BKK site, which comprises some 600 acres, approximately a million tons of solid waste, which we consider a sponge, and we manage approximately a half million tons of industrial liquid waste annually. This waste originates from approximately 1,100 industries. The employment base of those industries in this country is right around a million persons.

One of the factors the committee must not overlook is the logistics of moving this material around. During the last fuel shortage, neither the federal government nor the state, in their allocation programs, considered any priorities for the waste management industry; we actually had to buy fuel on the grey market. These big diesel tractors only get four and a half miles to the gallon.

When you talk about moving wastes far away from the production area, you're talking immediately, in the case of the Kettleman site, of trebling the existing trucking capabilities here in Los Angeles County. The average vacuum truck today makes about three round trips to a disposal site. It could negotiate one trip a day to Kettleman or to Imperial, so I think we would have to find our solutions ultimately closer to home.

If there is one point I can make with this committee is the fact we are operating a secure regional facility, and it's becoming more and more difficult doing that in the parochial atmosphere of a small city. We feel they have no technical problems, but we have serious political problems.

CHAIRWOMAN TANNER: Could we hear about the safety factors?

MR. WINTER: Yes, certainly, and thank you for your time.

MR. JOE JOHNSON: My name is Joe Johnson. I'm a registered engineer in the State of California, both as a civil engineer and safety engineer. I'm the Chief Corporation Engineer for BKK Corporation.

I will just echo what Mr. De Palma had to say about technical safety features of the site. We feel, from an engineering standpoint, they are as sound as we can build today. We realize that nobody can predict the future. It's just like you design a building in downtown Los Angeles; nobody is going to be able to tell you that it is going to resist a 10 on the Richter scale.

CHAIRWOMAN TANNER: We intend to visit your site, but could you, for those who are not going, just describe briefly what safety factors?

MR. JOHNSON: We have a canyon site; we have a secure impermeable bedrock as has been determined by the state geologist of the State of California and the Regional Water Quality Control Board. We adhere to a myriad of regulations that have been written by people quite wise and schooled in the area of writing regulations for our particular activities, the State of California and their Health Department regulations, the State Solid Waste Management Board regulations. I'm sure you've heard them all, so I won't reiterate.

We also operate with a use permit that was written by the City of West Covina. It's a very comprehensive use permit and it requires strict performance standards. We reviewed these

standards a few days ago and found we are in substantial compliance with most, except for perhaps some minor administrative areas that from time to time fall out of attention.

But as far as the major factors we are dealing with that Mr. De Palma mentioned, a hazardous waste can only come in contact with a human being and cause damage if they either breathe the hazardous waste, they ingest it by drinking, or physically come in contact with it.

CHAIRWOMAN TANNER: How do you prevent it from going into the water?

MR. JOHNSON: Firstly, it is prevented by going into the water table by the natural impermeable soil that underlies the canyon site that we occupy. Secondly, we have additional security there because we have constructed certain other manmade barriers as prescribed by the Regional Water Quality Control Board, including a leachate collection and pumping station.

CHAIRWOMAN TANNER: Do you do any detoxifying at all?

MR. JOHNSON: At this point in time, no. We do do some neutralizing.

The other thing we accomplish at our site is -- well, let me backtrack a little bit. You mentioned, do we detoxify? We have a pilot detoxification plant on the site for the processing of cyanide. We have done extensive research into this area, and we have designs for a regional processing facility on the drawing boards now.

CHAIRWOMAN TANNER: I think probably we'll learn more tomorrow when we visit your facility.

MR. JOHNSON: Yes. As we tour the site, I'll be happy to describe all the physical and engineering features.

ASSEMBLYMAN FENTON: What you are saying in effect, as you sit here testifying, there are no problems or complaints, no physical violations, no hazards, no nothing, right?

MR. JOHNSON: That is correct.

ASSEMBLYMAN FENTON: So anything that may have been in the newspapers are allegations?

MR. JOHNSON: That is correct. There have been many allegations made; they have yet to be substantiated in any way, shape or form.

Our site has been closely monitored by inspectors from Dr. Collins' agency, as well as the City of West Covina and the Regional Water Quality Control Board, and, in fact, on a daily basis. They have yet to find any problem with our particular facility.

ASSEMBLYMAN FENTON: No leaching, nothing like that?

MR. JOHNSON: That's correct, no leaching. I will not make the statement to you that a dump does not stink. All land-fill disposal sites have odor associated with them.

CHAIRWOMAN TANNER: Thank you very much, Mr. Johnson.

MR. JOHNSON: Thank you.

CHAIRWOMAN TANNER: We'll break for lunch. We'll be back in one hour.

CHAIRWOMAN TANNER: All right, we may as well get started. I'm going to ask Robert Judd to appear as our first witness this afternoon. (I'm mixing the agenda up a little bit.)

Mr. Judd is the Director of the Office of Appropriate Technology. I think he can sort of set the tone as to what the state has in mind for positive programs.

MR. ROBERT JUDD: Thank you, Mrs. Tanner, members of the subcommittee. My name is Bob Judd; I direct the Office of Appropriate Technology, which is an element of the Governor's Office in the State of California. I appreciate the opportunity to present to you today information we believe will be extremely important to this subcommittee, and the entire California Legislature, in determining how the state will proceed in selecting new hazardous waste disposal sites and processing.

The information available on technological alternatives to current landfill disposal practices is encouraging, not only as a long-term solution to our hazardous waste problems, but it also has immediate relevance to the siting process. We must all realize that the selection of a new site is an interim measure that contributes relatively little to the longer term solution of California's hazardous waste problem, and that the siting of new disposal facilities must be considered within the broader context of state actions necessary to prevent toxic substances from contaminating our land, air and water. As responsible public officials, we must begin today to shape the longer term solution to our toxic waste disposal problem and commit ourselves to implementation as rapidly as possible.

Our office received approximately \$250,000 from the Legislature in this past session to undertake an analysis of alternatives to the land disposal of toxic waste. This is not a paper study that we're doing; it's an analysis that will lead to

recommendations to the Legislature for action on this in the coming year.

We are putting together a team of four specialists in the alternatives to the land disposal of toxic waste: chemical engineers, waste management specialists, resource economics, as well as support and cooperation with other agencies. We will investigate the technological feasibility and cost of alternatives to disposing of toxic waste in landfills and develop specific recommendations that will substantially reduce the volume of toxic materials disposed of in the land. Although we are in the very early stages of our analysis, it is clear from our initial work that acceptable disposal techniques have not been applied on any large scale in this country because they were believed to be more expensive than landfills available at five dollars a ton.

ASSEMBLYMAN YOUNG: Tell me about the future. I certainly think that has to be one of our priorities, and I am being credibly redundant about this. We have, again, for lack of better words, toxic timebombs out there. Something has to be done to understand what's in them. I mean, you know, what if you exclusively focus on the development and the dumping of current waste, and the products like McColl dump site were from WW II. I think we are using different chemicals. I hope you mean to be more broad and comprehensive and really understand what will we do with the problems with it today. How do we prevent it from happening in the future?

MR. JUDD: Both deserve attention. The more technological solutions, such as incineration technologies, which I will discuss briefly here, are applicable to existing sites, as well

as to future waste streams, to reclamation of toxic material that has already been put in the land.

In fact, we are in the process, working with EPA, of gaining a molten salt incinerator from the federal government. This is a five million dollar machine that Rockwell built for them in 1972 to deal with plutonium waste byproducts here. We shifted to their engineering laboratory in Idaho Falls and it has remained there there in packing cartons; they never used it and never uncrated it. We have defined it as salvage material and have had them give it back to the State of California for our use in testing. We hope to have that operating with state agencies to look at some of the questions you raised earlier about what are the emissions from incineration, how well are they controlled through test runs on full-scale facilities.

Let me come back to your question, Mr. Young, as I go through the testimony in more detail.

Our failure to properly dispose of hazardous wastes is now costing the public millions of dollars. In latest estimates of the total national cleanup, costs now run as high as \$55 billion. The cost of cleanup has invariably turned out to be far more expensive than the cost of proper disposal in the first place. Consider a few examples.

Michigan is going to pay \$100 million to clean up a single site; in California the estimates are \$10 million for Stringfellow. The New York Times said recently General Electric has agreed to spend \$30 million to help clean up seven disposal sites in New York. Twenty-two thousand tons of hazardous waste material at Love Canal is now estimated to cost \$30 million, and

lawsuits totalling \$2 billion are beyond that. If the most expensive treatment and construction technology were available at the time, the total cost of treatment would have been less than \$4 million, rather than an excess \$2 billion that they face now. Add to these costs a small portion of the \$25 billion we spent last year in the U.S. treating cancer patients. The alternatives appear to be more sound economic investments.

There's no single easy solution to the complicated problems involved in waste disposal. Over the years researchers have identified a wide range of alternative to landfill disposal. The following hierarchy is now widely accepted as the optimal management strategy and these are in order of actions we would recommend.

First is waste reduction, reducing waste at the source, changing industrial processes so that the hazardous byproducts are not produced. If products cannot be changed safely, a substitute should be developed for these products in the process of developing these products themselves.

Waste recycling is the next activity. Recycling offers opportunity for reducing our dependence on landfill disposal.

Chemical treatment is the third alternative. Relatively simple treatment processes have been developed which can detoxify waste.

Incineration is the fourth alternative and, remember, these are in priority order. Many materials cannot be effectively recycled or treated. Under the proper conditions, high temperature incineration represents a clean and safe method of destruction, and I stress under proper conditions.

Most of the incineration technology you will hear about in the coming year has been developed by major industries, by Dow, by Rockwell, by Monsanto, in order to meet environmental regulations that have been placed on them. Very often, many of these were developed for sale to the U.S. Government, marketing of technologies for the nuclear or aerospace industry. They've been developed through major industries themselves.

The final action might be in capsulation of residuals before landfill to solidify waste, make them less permeable. It adds one additional level of protection of ground water resources.

It is the toxics, many of which have persisted in the environment for decades, which must be controlled first. We have to set priorities of those items we are going to approach. If there are fifty thousand identifiable hazardous wastes, we have to decide which of the 200 we want to deal with first, and we go after the bad actors first. If we can successfully develop the alternatives so as to eliminate the necessity of disposing of untreated toxic waste in landfill sites, we will eliminate one of the greatest threats to our natural system. We may find it much easier to site new landfills for the remaining less hazardous, although hazardous wastes.

How to implement the alternatives? In terms of waste production, the place to begin the search to reduce the volume of cost of toxic wastes is at their source, within the process of the generators. Sometimes process modifications will work. The hazardous waste generator must look at each step of this process with the philosophy of waste reduction, and look at each waste stream as a potential resource. It is going to be the responsibility

and the inevitable action of government to assist industry through incentives that will be developed through our Legislature, to make this more economically feasible for them, to entice them to change the processes they carry out.

There is more potential for waste reduction than has currently been realized. The major barrier to better source control has been the low cost of land disposal. Capital investments in waste reduction equipment do not compare favorably with investments in new process equipment. The increasing cost of landfill disposal will help make investment in waste reduction at the source more attractive; however, we need to develop new incentives. Some of the options include the taxation of waste products at the source of generation to create a state Superfund.

ASSEMBLYMAN YOUNG: I still am listening to your presentation, and this again is forward thinking, I -- and perhaps that's not under your part of responsibility of trying to resolve what happened to Stringfellow, BKK and McColl, but somebody should grasp this. I found that just whatever involvement I had in the Fullerton and McColl site, there doesn't seem to be coordination of efforts. The Office of Appropriate Technology is doing something, or health is doing something, Mr. Weiner's group is doing something; everybody is doing something but nobody has coordinated it to say that you have this portion of responsibility - and if the Office of Appropriate Technology is indeed to look forward, then who looks backwards and who is it that is going to coordinate trying to get Air Resources to do adequate and reasonable tests? Who has the coordinating responsibility?

MR. JUDD: I think that is happening through the Toxic

Substances Coordinating Council that Peter Weiner chairs. Ken Finney is here representing Peter today. You might address those questions to him.

ASSEMBLYMAN YOUNG: Let me ask this. First off, I'm always leary and dubious of any kind of administrative council that coordinates things rather than have it isolated in one responsibility within either existing department. I thought that was one who again questioned some of Mr. Weiner's purposes in the budget process. It seemed like that would be his purview, but more importantly, do you report directly to them what you are doing in toxic waste and/or do they coordinate exactly what you should do? I mean, have they divided up the problem and we all rave about the problem? It seems that everybody wants to stick their oars into it and nobody is calling off the cadence as we go through this thing.

MR. JUDD: It's my sense that the coordinating council does specifically that through the package they put together last year in which, for instance, our portion of it came through Department of Health Services. Harvey Collins' program has related but dissimilar activities going on. Being in the process, working it in, it feels relatively well coordinated. When we talk to meet with the Air Resources Board, when we meet with Health Services on it, we are speaking a common language and we don't seem to be duplicating each other's work.

ASSEMBLYMAN YOUNG: Do you feel comfortable then. Do you have all the data and results of what was involved in the Love Canal? Does your office have all that. Have you evaluated that? Have you understood about how that can be reckoned with if we find something of that magnitude in California?

MR. JUDD: No, that's not part of our program.

ASSEMBLYMAN YOUNG: Not my job, right? Whose job is it? That's the thing; I sit here and listen to everybody say, well, that's not my job. I mean, Air Resources, that's not our role and that's not your role. I mean, someplace along the line we should find out everything that is possible about existing technology and existing problems and existing pollution or toxic waste.

MR. JUDD: That would really help. One of the efforts that we have begun to make. . .

ASSEMBLYMAN YOUNG: Who's going to do it then? Don't answer my question with a question. If that would really help, then you do it and I really don't care. I just think somebody should get some statistical data so we can start setting standards so we understand.

I was just coming in and on the radio I heard one of the private developers around McColl say, "The trees are growing, the birds haven't dropped dead, so it's safe." That was his exact words on the radio.

Now you know what standards are unsafe? We don't know. I way saying earlier about using OSHA standards. I'm just saying I thought the Office of Appropriate Technology should take a prime role in it. Somebody should be at least pushing the buttons and pulling the levers.

CHAIRWOMAN TANNER: Is the Coordinating Council attempting to do that?

MR. JUDD: I think they are; they meet regularly. The meetings that are held are serious meetings; they're not window

dressings. There seems to be a serious commitment on the part of the people who are there to address the problem and not be show horses on the issue. It's early and that is what I feel more than anything. This toxics package that has evolved through the Legislature and budget last year just went into effect July 10, for instance, on some of these issues.

Our hardest problem in getting started is finding qualified people to do it. We don't want to get out there with people who are not well-versed, who are not peers in the subject area, and a lot of these people aren't interested in working for the state to do it.

Recruiting is real hard. We have been all over the East Coast, up into Michigan and everywhere else trying to find the people who have dealt with these problems before so we avoid the problems of naive responses to the problems. We talked to the Commissioner of Health in the State of New Jersey who has to deal with this, with the governor's toxics council in Michigan and such to try to avoid making mistakes that others may have made earlier on. It's going to take awhile, though the frustration and impatience that you feel is sensed by all of us on the staff side of it as well.

CHAIRWOMAN TANNER: Are there any other countries that have shown more progress than we in this country.

MR. JUDD: It's my understanding from Gary Davis, who is a chemical engineer on our staff, that West Germany has taken the lead among the European countries doing this. Most of the research papers, if not all, that they've done describing their work are in German. We were talking just last night about. . .

CHAIRWOMAN TANNER: I bet we can find someone. . .

MR. JUDD: . . . finding a translator. There's an international symposium on hazardous waste to be held in Denver, October 27, that is the second international symposium on treatment of hazardous waste. Representatives of the state will be there to take advantage of the opportunity to meet with people in the European countries who have faced this problem more earlier than we have here.

A few more comments and then I'll get off the floor.

Waste recycling has burgeoned as the cost of raw materials has increased. There are waste exchanges and waste clearinghouses in California now. Although recycling has so far had a relatively small impact on the hazardous waste stream, EPA now hopes that recycling will reduce hazardous waste by as much as 20 percent. There are many in the business who feel that the potential for recycling is even greater than that goal.

Currently, California has about 20 waste recyclers; however, they tend to be quite specialized. Competitiveness and secrecy within industries have made it difficult or impossible for one company to find out what is available from another.

One way to overcome this problem is with the waste exchange or clearinghouse in which available materials, one person's trash being another person's treasure, are listed without identifying the source. The exchange can be a passive agency which puts interested reclaimers in touch with waste generators, or it can actively try to arrange exchanges and sales. Today there are about 20 waste exchanges in the country, one in Canada.

California's Department of Health Services currently

has a program to identify recyclable hazardous materials, which are being sent to landfill disposal, and to encourage the generators of these materials to contract recycling companies. We would like that to become a more accurate program, to reduce the volume of materials going to landfill.

CHAIRWOMAN TANNER: Bob, I'm curious about the Coordinating Council

MR. JUDD: Yes?

CHAIRWOMAN TANNER: It's made up of all these agencies that would have anything to do with this. . .

MR. JUDD: That's right, ARB and Health Services. Typically, the cabinet member is the representative.

CHAIRWOMAN TANNER: Are those hearings or meetings open to the public? Is there anyone invited outside of the council itself?

MR. JUDD: As of January 1 they will be open to the public. Currently they are not.

CHAIRWOMAN TANNER: Are they open to the Legislature?

MR. JUDD: This is Ken Finney, many of you know, from the Legislature who now works with Peter Weiner on the Coordinating Council.

MR. KEN FINNEY: The Coordinating Council has not been operating in an open fashion. It is attended by the directors of all the departments that have involvement. It was created by executive order. It is a creature of the Governor's Office. However, beginning January 1, it will function in open meetings, with the public invited.

CHAIRWOMAN TANNER: What about members of this committee, for instance?

MR. FINNEY: To date it has been attended by people invited. I don't know that anyone has asked to attend. I don't know that if they did there would be any difficulties in their attending, particularly members of the Legislature, but to date it hasn't been attended routinely.

ASSEMBLYMAN YOUNG: I mean, this covert behind closed doors action is very well and good, but it is my understanding that this Coordinating Council knew about -- within the star chambers -- knew about the McColl dump site in December, and yet because you chose not to involve or inform the public, or even the Legislature, God forbid, this problem lingered until all of a sudden it became such that it became public. The point is that it became a public issue, and all of a sudden, everybody, Mr. Weiner and everybody, comes out from behind closed doors and said, Ah ha! We discovered the problem and now we're ready to ride to the rescue.

The Coordinating Council has no authority to make decisions. It doesn't act as a body. It is simply an effort to coordinate the efforts of the very. . .

ASSEMBLYMAN YOUNG: But isn't it true that that group discussed the McColl dump site before Mr. Weiner made it public?

MR. FINNEY: They've discussed the range of issues involved.

ASSEMBLYMAN YOUNG: No, my question was, was McColl dump site discussed before it was brought out publicly?

MR. FINNEY: I would have to guess that they did not.

ASSEMBLYMAN YOUNG: Yes, right. And the other thing is - I just want to leave that point for a minute -- Mr. Judd testified in front of this committee that the Coordinating Council was the omnipotence in this process, that they're going to sit up there from on high and direct activities and you stand before us and say that they have no power, just a creature that Jerry Brown created.

MR. FINNEY: I believe that Mr. Judd was responding to the question of state coordination, and that is what they are attempting to do. They are attempting to coordinate all the proposals coming out of all the various departments as to how to deal with hazardous waste. They will in advance of the coming legislative session. This committee will be aware of it in advance of any legislation introduced having proposals to deal with areas of coordination or areas of action where state agencies feel unable to act.

MR. JUDD: One of the things about it that is interesting to me is that there is a point of accountability now for the entire range of toxic programs, rather than have a group of separate programs going on. It states if you know where to go with it, if you have proposals to do that, you know where to take them. We haven't had that before.

ASSEMBLYMAN YOUNG: Where is this point? Where does the buck stop?

MR. JUDD: At Peter Weiner.

ASSEMBLYMAN YOUNG: At Peter Weiner, but, again, it doesn't seem like they have the direction. My complaint is that you got Health Services saying one thing, you got Mr. Winer

saying another; you got Air Resources taking tests that aren't complete, aren't accurate, and everybody is saying again, "It's not my job." To really comprehensively and in a complete manner, process this is to me the most damnable part of this whole thing, the fact that you want to do all this behind closed doors. I think this is sufficient public information. If you feel there is, again, an executive reason underneath. I mean, under constitution of whatever _____ within the laws - then the least that should be done is Assemblywoman Tanner, who is the Chairperson of the legislative committee, should be involved, but I frankly think the public should be involved and informed. I mean, McColl, I think, would have been dealt with sooner if it were a more public issue. Everybody kind of tried to keep the curtains down and the shades drawn.

MR. JUDD: If I may follow on that, as we get into alternatives to land disposal there are going to be citing problems that may be as thorny as the issues in siting a new landfill. Is it the sense of this committee that the extended environmental mediation and community negotiation of public participation is warranted given the severity of the problem?

We discussed this internally. The more you go out into the community and have public hearings and public input - do it the way you might do an environmental impact report on something - the process that causes the impatience, because things are moving slowly, in fact is extended sometimes years because of public debate over an issue. That is something that I raise rhetorically because we are going to have to consider that we look both into location of new sites, as well as alternatives to

new sites. It is going to be a major problem; it has been in other states. That's been our findings in dealing with other states.

CHAIRWOMAN TANNER: Well, I have the feeling that if we don't work with and ask the public to participate, they will participate after the fact in a very difficult manner. It seems to me that we're way ahead if we do ask the public to participate. If there is a delay because of the public's participating, it will be a total stop if the public would participate after the fact. I'm afraid that we are seeing this happening now. I have a feeling that if the public has an opportunity to take part in some of the planning, we're way ahead.

MR. JUDD: There's one final point I would make. Last year, in the capital outlay process that the state goes through every year, for the first time in the history of the Legislature they chose to spend more money than was originally proposed in order to save substantially more money than that on the operating cost of the building over time. You spend three million more on a state hospital to do an energy conservation plan, and you save \$18 million over the life of it. This happened for the first time.

As we go into legislative session this year, there are going to be sharp knives all around with the state deficit. All of us are going to have to set priorities on where we are going to stand up for the scarce money that is available. This toxics is going to cost a lot of money.

CHAIRWOMAN TANNER: That is why I think the public should know because if the public knows, it will be much easier

to spend the money. There is no question in my mind that the public should be aware. That would be the only possible way to raise money.

MR. JUDD: I think I will conclude my testimony on that. I have more detail on each of these areas. I would encourage the members of this committee to feel free to contact the technical specialists in our office if questions do arise as you consider issues in this year.

CHAIRWOMAN TANNER: Does your department do anything about assisting industry in their recycling or reducing the amount of waste?

MR. JUDD: We will have the capability to do that relatively soon in the sense that we can refer industry to experiences of other similar industries that face the same problems. We have tied ourselves in well with the other major states that have hazardous waste problems and with work that's being sponsored by the Office of Technology Assessment of the Congress to do this. We hope to be able to have the best knowledge of treatment activities around the state.

Industry has got to be involved. The costs are going to be increased for them to treat this and it will be passed on to the consumer, so if we could find methods that are less costly for them, it serves both industry and the public.

CHAIRWOMAN TANNER: Yes, I think our committee, and I believe rightly so, is coming down pretty hard on the various departments of the state, but we also remember that industry should show a great deal more responsibility and assume that

responsibility. I don't think we should overlook that and I think we should stress that.

MR. JUDD: It is not the state agencies that are generating the increasing volumes of waste.

CHAIRWOMAN TANNER: That's right. Thank you very much.

Mr. Steven Tasher, Environmental Attorney for the Dupont Corporation.

MR. STEVEN TASHER: Madam Chairperson, members of the subcommittee, good afternoon. My name is Steven Tasher; I'm an environmental attorney with the DuPont Company. I'm here today on behalf of the California Chemical Industries Council to address the need for legislation regarding the siting, construction and financing of hazardous waste treatment, storage and disposal facilities in California.

DuPont and the chemical industry as a whole feel this subject is the most important one in all states, certainly including California. It is most appropriate for your subcommittee, and I submit it is the proper role of state government to respond to these concerns. I will briefly address the reasons why this kind of legislation is needed, and will give an overview of a proposed bill based upon the model legislation prepared by the Chemical Manufacturers Association with suggestions for working together on this important issue.

Like it or not, hazardous wastes are an inevitable byproduct of the goods the public demands. Hazardous waste is generated by clothes we wear, the foods we eat, the cars we drive and the medicines we take.

Everyone would agree, for instance, that steel is an

essential product of American, yet making steel produces things like hydrochloric acid, sulfuric acid and potentially toxic zinc salts. These wastes are being increasingly minimized by advances in production technology and by recovering and recycling, but they cannot be totally eliminated. We must provide for the responsible disposal of waste.

This subcommittee was told, as I understand, a few weeks ago by Dr. Harvey Collins, who I assume will speak next, that there are five million tons of hazardous waste dumped annually in California. There are approximately 350 storage and treatment facilities here. Enough to meet the short-term needs, but we will run out of space soon. The United States Environmental Protection Agency estimates that we will, as a nation, require 50 to 125 new sites in the next few years.

What complicates this issue - I know you are all aware of it - is the public's concern about hazardous waste facilities. While the general public accepts the need for such facilities, the fact of the matter is that no one wants them in or near their community. People are afraid of toxic substances. With the well-publicized problems which have occurred in the past, they are naturally resisting the construction of new hazardous waste facilities.

As you know, the Federal Resource Conservation and Recovery Act did not provide for a siting policy, but rather this issue is for state implementation. We urge that California accept the responsibility for ensuring that there are sufficient numbers of hazardous waste facilities in this state.

I submit Assemblywoman Tanner already recognizes that

industry and government must work together to ensure that any facility is environmentally sound. The Chemical Industry Council feels that the best route is to consider the Chemical Manufacturer Association's model bill entitled, "The Statute for the Siting Construction and Financing of Hazardous Waste Treatment Storage and Disposal Facilities." DuPont and other California industries would be more than happy to provide assistance in tailoring this model bill to the particular legal and factual needs of the State of California.

To balance both the environmental and economic interests in hazardous waste treatment storage and disposal, the model bill may be summarized as follows.

It, as a first point, mandates a statewide hazardous waste facilities plan to locate a sufficient number of environmentally acceptable sites throughout the state.

Secondly, it requires any person proposing to site a new facility to obtain a certificate of environmental compatibility and public necessity, in addition to whatever required state or federal permits must be acquired in order to construct such a site.

Third, it provides that the legislation will be administered by a hazardous waste siting council composed of both permanent members and, very importantly, temporary members from the locality of the proposed facility.

Fourth, as a last resort, and I must emphasize this point, it permits the council to acquire or condemn land for hazardous waste facility sites which are consistent with the adopted statewide hazardous waste facilities plan. It also

allows the preemption of local zoning and other local land use control mechanisms.

Fifth, it creates a hazardous waste facilities corporation which has the power to acquire from the council and, again, as the last resort, either to finance, construct or operate a hazardous waste treatment storage and disposal facility or to lease these sites to private operators for this purpose.

In conjunction with its mandate, the council would be required first to prepare specific siting criteria as a basis for the long-range plan. These criteria would be geared toward assuring that the site is in harmony with the land and population density in the areas surrounding the proposed facility. Transportation risks associated with the site, the geology of the site, the impact of the facility, both from the economic perspective and an environmental perspective on the local governmental unit in which the facility is to be sited, must also be evaluated.

The council would be composed of representatives of businesses which generate and transport hazardous waste, in addition to representatives of the general public, civic and environmental groups, governmental officials and, as temporary members, residents of the potentially affected municipalities and counties. In addition, hearings would be held on specific facility applications. These, I believe, would be judicatory type hearings which would allow the public to air its concerns.

As importantly, each applicant who proposed to construct and/or operate a new facility must also obtain all existing state and regulatory approvals, in addition to obtaining the certificate of environmental compatibility and public necessity

that I mentioned before. The proposed legislation also gives the council the authority, as a last resort, to condemn land, to operate or convey the facility and/or supersede local zoning and other land use ordinances in order to ensure that the hazardous waste disposal facilities in whatever particular state the legislation is enacted in is met.

We feel the bill, as the chemical industry proposes, strikes the proper balance between assuring sufficient environmentally sound facilities in the future and allowing interested parties to raise appropriate concerns. It balances the needs of the general public and the concerns of the citizens directly effected.

With respect to efforts for waste recycling that have been mentioned on numerous occasions today, industry is addressing that concern. In 1979 the Chemical Manufacturers Association began a series of regional hazardous waste seminars demonstrating to interested parties the newest technology for handling hazardous waste. Technology is allowing us to learn how to handle our byproducts. We are establishing recycling techniques and thereby diminishing the quantity of wastes that need to be disposed of. And we are developing alternative techniques for cleaning up recycling wastes as quickly and prudently as possible.

Despite these efforts, there is no question, particularly in the short-term, that we will need sufficient storage and treatment facilities about what the current capacity is. I urge that your subcommittee address this need.

The California Chemical Industry Council and I personally appreciate being allowed the opportunity to express its

beliefs, and hope that we can continue to work together to provide input through the legislative process to insure there is a bill which will allow for the proper disposal of hazardous waste in the future.

The type of legislation to which I have addressed myself today is, in our minds, the best approach to resolving what is one of the most critical environmental and economic problems of the 1980s, the environmentally appropriate disposal of hazardous waste. Thank you. If you have any questions, please feel free.

CHAIRWOMAN TANNER: Well, I can see that this bill would have a great deal of difficulty going through the California Legislature. I would hope that the emphasis the current industry would consider would be recycling, reduction of waste rather than more and more disposal sites. I'm hoping we can work very closely with the industry.

MR. TASHER: I certainly agree, and I think I have addressed that today. We have got to work together toward minimizing the waste stream, no question about that, but as I think Assemblyman Young indicated before, we're facing a problem, a today problem, which we are going to have to address some way. I also recognize the difficulty in this type of legislation and say it may not be the most popular way in approaching the problem, but it is being considered elsewhere.

In my native New Jersey, as a former Deputy Attorney General with the state, I participated in the preparation of legislation quite similar to this. If you'd like, I'd be more than happy to send the committee a copy of the proposed New

Jersey Hazardous Waste Facility Corporation Act. I'll send it out to you on Monday; it's very similar in concept. I understand also the State of Michigan has passed legislation. I believe it passed legislation sometime this past year.

CHAIRWOMAN TANNER: It was recently signed, right?

MR. TASHER: Yes, if you don't have a copy, I will be more than happy to send a copy of that legislation as well. There are a number of other states which are, as California is, considering this problem. Considering the types of legislation that I've talked about today, I'll be more than happy to send you a package of information.

CHAIRWOMAN TANNER: All right, I would like to have that. Mr. Young has a question.

ASSEMBLYMAN YOUNG: You mean the State of Michigan has, as I listen to this, the framework of your bill - the State of Michigan has devested the responsibility of the local council or local government from making decisions about whether a hazardous waste site is located within their county and, if I understand you correctly, has given responsibility to a private body to condemn private property.

MR. TASHER: No, the Michigan bill is a slight variation of this legislation; it doesn't follow it exactly.

ASSEMBLYMAN YOUNG: How exactly?

MR. TASHER: It does do the former; it preempts local land use. It makes the decision or puts the buck on behalf of state type officials. It does not go as far as we suggest today, and it does not vest the condemnation or acquisition authority or operation authority in the governmental entity.

ASSEMBLYMAN YOUNG: I'm always somewhat surprised when private business, which rails against government intervention, comes forward with Orwellian approaches such as this to allow condemnation of private property without those people who had responsibility within that area making some determination, having a voice in it. Now I would agree there has to be some kind of joint effort between government and business to find alternatives to the storage, removal and disposal of toxic wastes, but the idea is you want to create another super agency or another government entity or another process, and then you may even further complicate it by giving them the responsibility for condemning property, and also for removing authority from the local communities to decide what's literally in their back yards. Frankly, I would welcome the chance to debate that on any legislative floor.

Again, I find duplicity to find DuPont, among other companies, railing about government intervention and then asking when it fits their own interests. I think we should resolve it, but I think it should be done more in a way that people have some control over their destiny and not one force making decisions for them.

MR. TASHER: I haven't come here today railing either in favor or against governmental intervention, nor do I consider. . .

ASSEMBLYMAN YOUNG: I can show you a booklet that was sent by the chairman of the board of DuPont sometime back that did just that. It's about the free enterprise system, why government should stay away. I mean, I found a lot of things in agreement in it, but no place in there did I find the idea that

government should vest authority to have a committee that would take away private citizens' lands.

MR. TASHER: Well, I don't want to engage in a repartee with you on the issue. I also don't consider the concept Orwellian. I think it is a unique concept. It's a concept of partnership between industry and government. It's right along the lines of what Assemblywoman Tanner has been talking about earlier today. With respect to the other issue, the issue of preemption of local land use control. . .

ASSEMBLYMAN YOUNG: And ownership.

MR. TASHER: Well, and ownership if you will.

I've personally experienced the problem of siting a hazardous waste facility in my native New Jersey. A corporation had come with an excellent plan toward, and perhaps the best location in, the State of New Jersey and wanted a hazardous waste facility on that. The public opposition was so vehement, so strong, that it became virtually impossible.

As I said earlier in my statement, everyone wants and appreciates the need for the construction and operation of hazardous waste facilities. No one wants it in their back yard, and I would submit to this subcommittee today that if that's the attitude to be taken, there won't be any hazardous waste facility constructed in any part of the United States. I think it's just that simple. And that's the need that we're addressing. We're recognizing the extreme difficulty with respect to either the acquisition or condemnation, the model legislation that I've talked about; and of course it could be tailored to California

needs. That model legislation provides just compensation for any taking of private property.

ASSEMBLYMAN YOUNG: Does it also provide compensation? Let me just say that if in your neighborhood we put one down at the end of your block, a toxic waste dump, does it provide compensation if perhaps their land values plummet?

MR. TASHER: As a matter of fact, it does. See, I had the opportunity. . .

ASSEMBLYMAN YOUNG: Excuse me, what is the. . .

MR. TASHER: I haven't finished yet.

ASSEMBLYMAN YOUNG: Well, I haven't finished the question. Does it provide - what are, again, the parameters of the compensation to the private landowners within a subscribed period or radius or area?

Again, I just think the notion of business making the decision that they want to take over somebody's, my property or my neighborhood. . . We've got a councilman from Los Angeles City sitting in the audience. I'm not sure how well he would like the idea that you from DuPont could come up from New Jersey and say I want to put a chemical waste dump in his district and he does not have any voice in that. I frankly think he, and he can speak for himself, I think he might get moderately irritated.

MR. TASHER: Well, I think the decision is far more than a DuPont decision, a decision to come in and create a site, but if you haven't had a chance to look at the legislation, the model act, which I think has been provided to the subcommittee, it might be a good idea to do that.

. If I can answer your question, the language of the

proposed legislation is adjacency. A landowner who is adjacent, and that's something that can be worked out either by the Legislature of California or the courts, if that's appropriate, but a landowner who is adjacent to the hazardous waste corporation that is established would have a right of inverse condemnation to be able to establish just what you're talking about. If the operation of that facility damages or creates problems for the benefits and use of his or her property, they have a legitimate remedy and that's the remedy of inverse condemnation.

With respect to the other point you raised, it's not a DuPont decision or it's not a single corporate decision to come into a specific area and place a site. What the model legislation suggests be done is that this siting council, which is comprised not only of private individuals but of representatives of government, representatives of the general public and environmental groups, they sit down and make a study for a year and evaluate, at the first instance, what are the most appropriate sites, if it were done in this state, in the State of California. At that point, anyone who wished to operate a facility, or if the council or corporation made a determination to site a facility, construct one, it would do so after an adjudicatory hearing with respect to the site, and a legislative hearing with respect to the plan, so I would suggest. . .

ASSEMBLYMAN YOUNG: But irrespective of the local zoning ordinance or local controls?

MR. TASHER: That's correct; that's right.

ASSEMBLYMAN YOUNG: Just a final point I want to raise is I find, you know, I think it's at least constructive that you

have a proposal. I question again the viability of it, the way it's outlined, but if the chemical industry. . .

I was hoping you'd come forward and say we have a team of people, of experts, who are ready to go out to Stringfellow, go out to McColl dump site and provide the technical know-how that you might not possess. It seems, at this point, our ignorance is inexhaustible about what is really within those dump sites, and you from your industry have that technological background and skills that we don't. I was hoping today you'd come forward and say, I just want to tell you that the chemical industry feels we have a partial responsibility for that, not just one manufacturer, but the industry; we have made available a team that will now work directly with the State Department of Health or with whatever coordinating council. I mean, I would hope that would be the response you had offered today. I don't know if that's possible, but I would hope if you haven't done it, you'd consider that.

MR. TASHER: Well, I can't speak on behalf of the industry with respect to that issue today. I will certainly bring that message back to them.

ASSEMBLYMAN YOUNG: I just speak as one member of the subcommittee in the Legislature. I just think the public, and certainly I, would feel a lot kinder and more passionate or compassionate toward the chemical industry if you'd come forward to the Legislature and say, we have made available through private resources through our company a team of seven people, or one person, or eight people, or however many people, of scientists, who are the best in the field dealing with toxic waste

who will work with Mr. Weiner's office or whatever state agency, who will go out there and work with you directly at Stringfellow, McColl and whatever identified dump site, to try to help solve the problem. Again, I think it would be easier for the Legislature to work with the problem of the future if you'd help us take care of what was left behind.

MR. TASHER: As long as you are satisfied, the people we work with are the ones who are in the position of making the appropriate decisions. I'll bring that message back to industry. Perhaps you can point us in the direction of whom you think the appropriate set of individuals are who should be worked with.

ASSEMBLYMAN YOUNG: I mean, I think that's part of the purpose in the questions that I was raising earlier. It seems to be all pointing back to Mr. Weiner, and you know at least there is an office that was created to deal with that. I would say, rest assured that that shouldn't be a cop-out for industry, but if industry comes forward, believe me, we'll have a coordinated effort so that we can direct the solution to the problem of what's been, again, the remnants in inheriting all the wastes that have been put below the ground. All of a sudden it's starting to rear its head all over California.

CHAIRWOMAN TANNER: Thank you very much, Mr. Tasher.

MR. TASHER: Thank you. I enjoyed the opportunity to come out here.

ASSEMBLYMAN FELANDO: I just want to make a little comment. I'll bet, just from your remarks right here, that Dow Chemical is going to come forward and propose just that.

MR. TASHER: Terrific.

ASSEMBLYMAN FELANDO: And I'm not saying that just because they're in my district. I really believe that.

ASSEMBLYMAN YOUNG: Jerry, in government I think that has been what's obvious, we don't have, and I think Mr. Judd said that, we just don't have the horsepower; we don't have the intelligence. If private enterprise would come forward to me, I'm willing to bend over backwards to help them with the problem in the future if they'll help us with the one we've got around our heads.

ASSEMBLYMAN FELANDO: If they'll work with us, we can beat it.

MR. TASHER: Excuse me, I've just been informed - I just want to raise this point now and I'll go back and verify it later. I understand that the Chemical Manufacturers Association, the national entity, has just the type of body that you've been talking about. I understand that what this body does - this body consists of a group of experts who are available, under circumstances that you've discussed, at their expense to come out and work with governmental officials, so if Mr. Weiner's office will contact them and ask them to come out and help us with Stringfellow, McColl and BKK, we could draw on this private reserve.

I'll verify that. I will respond to you personally on the issue, but if that's the case, I think it goes a long way toward meeting the point that you've raised. I'm sorry for the interruption.

CHAIRWOMAN TANNER: Yes, Dr. Collins.

DR. HARVEY COLLINS: Madam Chairperson, members of the

subcommittee, again, my name is Harvey Collins.

I'd like to point out that the most critical near-term and long-term problem facing hazardous waste management within California is the assurance that we will have the right types of properly located and adequately sized waste treatment storage disposal and recovery facilities to meet our needs, so when I'm talking about facility siting, I'm talking not only of Class I sites for disposal; I'm talking about treatment facilities, any facility that treats, stores, disposes or recovers hazardous waste. I'd like to also preface my remarks by saying that whatever we do in siting has got to be in concert with the overall objectives for the management of hazardous waste.

Economic disposal per se has been a privilege in California because of our Class I landfills. It is not a right. I would like to echo your statement that it is time for industry to provide their know-how in reducing wastes at the source and in treating those wastes that can adversely affect health and the environment, rather than disposing of them.

With that as a preface, I would like to point out some of the problems. We have seen the problem dramatically illustrated in other portions of the nation, particularly in the Northeast where there are virtually no sites available, and where climatic and environmental conditions work against the establishment of secure facilities. In that area, illegal disposal in forests, marshes, abandoned warehouses, etc. has been a relatively common practice. It is not unusual, therefore, to find that these states which were previously mentioned, Michigan, Pennsylvania, Connecticut and New York, have passed legislation which

provides authority to create siting approval boards. Massachusetts has legislation establishing a Hazardous Waste Facility Site Safety Council to oversee the siting process. In these states the problem has been highlighted and is most severe, and they have attacked it most aggressively.

In California, due to our natural environmental conditions, facility siting has not been the overwhelming problem that it's been in the East until recently. Until recently, we had 11 regional Class I sites, but new site development even here has been at a standstill for several years. Other than the expansion of a site in Kings County to Class I status, and a few new limited waste sites, there have been no new sites developed in the last seven or eight years. Within the last year we have lost ground, as I testified this morning, as to the number of available sites, particularly in Southern California. We may reach the end of this year with eight Class I sites.

In short order we have gone from complacency to alarm. What is the cause? I believe there are two major causes: the public view of hazardous waste facilities, and the present process for facility planning and approval.

The citizens are in no mood to accept a hazardous waste facility in or near their community. They have been deluged with information on hazardous waste, and actual or potential dangers, by the press, radio and television. They do not trust either the ability of industry to manage the waste or government to adequately regulate.

They will not abide local officials who would support establishment of a facility.

the public mood. I might add that this facility was in that hazardous waste portion of the county plan that was mentioned this morning, and even though it was in the plan, it was received in a very controversial way.

CHAIRWOMAN TANNER: We have discussed the problem all day. Does the state have any proposals to solve the problem?

DR. COLLINS: We have a very preliminary proposal, that is going through the budget change proposal process, in which the state would look at state and federal lands. We had one experience in which we worked with the other state agencies to identify sites in the La Hunton area that were acceptable for hazardous waste facilities. Subsequently, a private owner purchased that site and it is in the final stages of permitting. Other than that effort to look at state and federal lands and to do a statewide study defining the need, we do not have an answer other than. . . .

CHAIRWOMAN TANNER: I thought we already knew there was a need. That's what we've been hearing all day. I don't know why we need to study whether or not there is a need.

DR. COLLINS: That is true, but I was asked to. . .

ASSEMBLYMAN YOUNG: We're going to have a crash landing. We'll get a committee to study the landing.

DR. COLLINS: I believe my topic that was given to me was problems, concerns and proposals for siting hazardous waste facilities.

CHAIRWOMAN TANNER: We've already talked about problems.

DR. COLLINS: In regards to proposals, I would point out that without some additional legislative authorities, such as a siting council, perhaps something that you give each county a mandate to come up with facilities within their county or within a prescribed region to take care of their own needs, and then if they don't perhaps some override authority, but I do not have a specific answer or proposal to answer the question, no.

ASSEMBLYMAN FELANDO: We're right back to the basic problem. Everybody's running around like a chicken with its head cut off, trying to find a place to dump this stuff instead of concentrating on detoxifying it and reusing it. It's the same thing with radioactive waste. Everybody wants to find somewhere to dump it. Well, if the stuff is so hot and it's so toxic, let's find a use for it. I'm sure that the technology that we've got - if we could put a man on the moon, we sure as hell can find a use for this hazardous waste. I think that the whole approach to this problem is ridiculous, from the state law all the way down to the local entities.

DR. COLLINS: Assemblyman, certainly we need to emphasize waste reduction and resource recovery. However, there are only certain elemental levels that you can take some compounds to, such as the heavy metals, and it may cost you more in energy to treat those heavy metals or remove them from the sludge so that you can't treat them any further. There would have to be a safe distance.

ASSEMBLYMAN FELANDO: What causes life itself on the planet?

CHAIRWOMAN TANNER: We don't have a great deal of

time, but we really haven't discussed the fact that if we find sites, this waste has to be delivered from where it originated to that site. There are accidents on the road all the time. If an accident happens and that's hazardous material, and toxic material is spilled on the road, people are going to suffer.

DR. COLLINS: That's true, but, Chairwoman Tanner, let me point out that the further you get from the populated centers, the more trucks you put on the road, the more energy you use in the form of fuel, the more air pollution you get, the more risk you run to spillage, and I dare say that even in siting a resource recovery facility, or a treatment facility, you're going to run into almost the same controversy that you get from a permanent disposal site. No one wants a hazardous waste facility, whether it's treatment, storage or disposal, in their back yard.

There's a controversy going on right now in Sacramento County in which polychlorinated biphenals are being stored by SMUD. We cannot legally dispose of liquid PCBs within California. There is not an approved incinerator. This forces storage. The people don't even want those wastes stored in their communities, so it would take the wisdom of Solomon to give you the answer. I don't have it.

ASSEMBLYMAN YOUNG: Dr. Collins, I think the wisdom of Solomon is exactly what is needed in this, but it seems like there's - again I said - I think our ignorance is inexhaustible on the subject about what to do and exactly what we're dealing with. The one point I want to bring up is, do you know - have you been involved with the McColl dump site at all?

DR. COLLINS: Yes.

ASSEMBLYMAN YOUNG: And do you know exactly what's in there and exactly what's in the air, and exact readings and exact health hazards of that?

DR. COLLINS: We do not know exactly what's in there; that's why we are insisting on a complete study.

ASSEMBLYMAN YOUNG: I totally agree. Why did you make a public statement that there isn't a threat to public health and safety?

DR. COLLINS: I did not make such a public statement. I made a statement that our medical doctors had looked at the air quality management data collected by the Air Quality Management District and, based on their estimate, again using the OSHA standards, which are the best we've got, maybe they're not adequate, I said the medical doctor stated that those concentrations were not present in a high enough concentration to result in an acute health hazard.

ASSEMBLYMAN YOUNG: What is an acute health hazard? What's the standard, OSHA standards, ten parts? Okay, and this is my point earlier, tell me OSHA ten parts per million for eight hours, and I think that's for the use of benzene, ten parts per million, so now your doctors have determined that there is some kind of safe standard. What is it for a 24-hour period?

DR. COLLINS: My doctors have not said. . .

ASSEMBLYMAN YOUNG: You're right, then why in the hell did they make a public statement that people aren't in jeopardy when they don't know.

DR. COLLINS: The statement was made that it was prefaced, that based on the OSHA standards, adjusted downward for

24-hour exposure, that the concentrations found at the McColl site were fractions of 1/100 of that adjusted standards. Now there are no standards, as you know.

ASSEMBLYMAN YOUNG: If there are no standards, then we shouldn't make sweeping statements from the State Department of Health that this is or isn't a public health safety hazard. If we don't know, perhaps we should remain silent, not make these statements or even qualified statements. The point is, if it's unsafe or if we don't know, if we don't want standards. . . That's the reality; we don't know what's safe or unsafe.

DR. COLLINS: Assemblyman Young, your point is well taken; however, when people from the press call you and say, have you or have you not looked at those air quality data, you're on the spot. All I could do was quote the medical doctor who said that, based on A, B, and C, they did not think. Now that's a medical decision, and I'm not a medical doctor, so that was all I could do. I did not make a blanket statement without clarifying what I said.

ASSEMBLYMAN YOUNG: It led to a great deal of misunderstanding. It was interesting, the irony of having Governor Brown say he was going to sue McColl dump site because it's a hazard, and three pages later Dr. Collins saying it's a threat to nobody.

DR. COLLINS: Well, I was in a meeting recently, in the city board of supervisors with the city of Los Angeles, where this issue came up, and the medical authorities, the medical doctors, cannot agree on safe concentrations out in the atmosphere. They have to clarify it. I heard one physician make a statement that the materials around one particular site, the chloroform,

was no more concentrated than from smoking one cigarette in a room, so that's the state of the knowledge throughout the scientific world.

ASSEMBLYMAN YOUNG: I totally agree. My only point is illustrating and underscoring the fact we shouldn't make sweeping broad statements. That doctor has no real foundation, scientifically, except that data was in the community of technology, that that McColl dump site is or isn't a health hazard.

DR. COLLINS: Assemblyman Young, if the department was not concerned about the impact of health on that McColl site, we wouldn't be doing all we can. . .

ASSEMBLYMAN YOUNG: Dr. Collins, that wasn't my point. Again my point is, I think we should be somewhat reticent to make sweeping statements about what's safe or unsafe because we really don't know at this point.

DR. COLLINS: Well, that's true, and I did preface that remark. I didn't even see the press article; it's difficult for me to even respond to that.

CHAIRWOMAN TANNER: Thank you, Dr. Collins. Councilman Zev Yaroslavsky has another appointment very soon, and I'm going to ask him to come in and speak to us now.

MR. ZEV YAROSLAVSKY: Thank you, Madam Chairwoman. I am not going to read any prepared statement. I just want to share with you some thoughts as it relates to the state's relationship to us.

We've been involved recently, as probably you've been reading or hearing about, just in the infant stages of trying to address the toxic and hazardous wastes issue within our city

limits. We have found that within our limited jurisdiction, limited as it is, with the sewers, basically, and the toxic dumpings in the sewers, that we have had problems regulating. I think everyone has problems regulating there. But more than that, is when we have found and when we have witnessed major violations of the law, major violations of the state law, we have been in absolutely no position to respond. We've had no jurisdiction as to onsite that is, anywhere but our sewers, onsite violations of the law where it's in the processing facility or facility which defies description. The case of Capri Pumping Services in East Los Angeles, which is pretty well-known to you folks, was a case where state laws were being violated, zoning laws were being violated. In fact, there is ambiguity in our zoning codes as to where we can allow such a facility to be sited. This is something that we are now addressing.

Nuclear wastes, which is something you may not be dealing with in this subcommittee at this very time - I don't know if you are - but that's another one where, from a municipal point of view, and a zoning point of view, there's been. . .back when our zoning codes were first written, nobody addressed the radioactivity issue at all. I think it was Assemblyman Young who said there's no end, there's no end to our ignorance on this subject. I think that's very true. We need some help at the local level from the state. I would like to just empathize two things.

First of all, I echo what Assemblyman Felando says. I'm not willing, as one public official or public servant, to throw my hands up in the air and simply say that the only

solution is to find more Class I sites. I'd be perfectly willing if you exempted all cities of 2.8 million or more in population.

That's not the only answer. We have an obligation to the public to seek alternatives to more Class I sites. More dumping of raw toxic hazardous materials, of reprocessing, neutralizing, detoxifying these particular substances, is something that we ought to be doing as much as possible, if possible, and I think it is possible.

Secondly, in the area of the relationship between the state and local government, we need more credibility in enforcement. It's a joke for the City of Los Angeles to try and intimidate a potential perspective violator of the law where ability to find or ability to prosecute is so limited. Our council, I am certain, will - I shouldn't say certain, but I'm hopeful - will ask the state for the authority to fine up to \$25,000 a day for violations in areas under our jurisdiction, which we currently don't have the power to do.

CHAIRWOMAN TANNER: I had a bill in last year that passed that allowed the city attorney to sue. A portion of the fine would come to the city to pay for the cost. The local state chamber mentioned my bill and asked that the members of the chamber oppose the bill because it was bounty hunting. That's the kind of thing that we deal with.

MR. YAROSLAVSKY: That's not surprising.

CHAIRWOMAN TANNER: But it did pass.

MR. YAROSLAVSKY: Well, Madam Chairman, this is such a new field to us at the city level. It's something we are just starting to learn about, just starting to be sensitized to, and

just beginning to address. I can tell you that our city will deal a lot differently with legislation this year than it would have even two years ago. We have a much more abiding concern. The national events and the local events have changed our perspective to this considerably.

We need your help as much as possible in giving us the credibility, the force with which to punish, in every sense of the word, people who have absolutely no regard whatsoever for the public safety. When one considers that a hazardous waste processing company was intentionally violating and intentionally circumventing our monitoring facilities of our sewer system - intentionally doing that - and our ability, our power, our authority is limited to filing a civil suit, going through that lengthy process, and then at the end of the tunnel, 18 months later, we were able to shut the place down. But we weren't able to say to them, or to anybody else who may be doing it now, dump in the sewer or go to prison.

CHAIRWOMAN TANNER: It's shocking to me; it really is terrible.

ASSEMBLYMAN FELANDO: Then you would support legislation that would make that offense a felony?

MR. YAROSLAUSKY: Absolutely, absolutely.

ASSEMBLYMAN FELANDO: I can count on your support?

MR. YAROSLAUSKY: You got it.

ASSEMBLYMAN FELANDO: Thank you.

MR. YAROSLAUSKY: Absolutely.

ASSEMBLYMAN FELANDO: I had a bill that passed and made that a felony. It stayed on the books for 30 minutes and then

our Governor chaptered it right out, but at least it was there for 30 minutes. No, it was chaptered out by another bill because he didn't have to sign the other bill, but the second bill made the penalties substantially smaller than those penalties I had.

MR. YAROSLAUSKY: Well, members of the committee, I would just say that I think we all in public office need to be merciless. I've prepared to be merciless in this field. I know the members of this committee are into this in much more detail and depth than I am even, and than most people. You know what's involved here; you know what's at stake. You know that the health of men, women and children are at stake here, and especially children, especially children who are so vulnerable to these violations. How can we not consider these things serious crimes, serious both in terms of felony and in terms of the level of fines that state and local government are permitted to assess. Think that we've got to be merciless.

CHAIRWOMAN TANNER: We're pleased that we have this committee and we intend to be merciless.

MR. YAROSLAUSKY: Okay, you can count on my support.

In any event, we'd like to have some cooperation. We'd like to cooperate with the state legislatively. I think that in the final analysis, the siting of new facilities is going to require cooperation with the state. I don't think you can expect locals to do it alone, but I don't think you can allow locals not to have a voice. On the other hand, we need certain tools which you have the power to give us at the local level. Whatever you can do in recommending to the full Assembly and the Legislature would be greatly appreciated at our level. Thank you very much for taking me out of order.

CHAIRWOMAN TANNER: I appreciate your coming. Thank you very much.

Bob Burt, Director for Environmental Quality, California Manufacturers Association, and Bob has a plane to catch.

MR. BOB BURT: Thank you. California Manufacturers Association - I hasten to point out that we had the initials before the chemical manufacturers, but I admit that the California Medical Association had them before we did. I'm merely pointing out the difference to avoid confusion.

I was not here, but I read the morning testimony of the Water Board and Department of Health Services and find no disagreement there. I support the comments they made. I have had this job since 1965 and I can testify with a great deal of personal involvement on what has happened.

The only background that I would like to say is that California's present system, which was created with our strong support - and they're certainly not perfect - is still the best that is around. The best evidence of that - I cite two items - is one, the EPA comes here with their cameras and wants to make a film of what you should do in waste disposal, and second, when the Governor of Louisiana asked the EPA, "What should I do to shape up because I've got problems locally," they said, "Go to California and pick up their system."

I see in the problems we're talking...

ASSEMBLYMAN YOUNG: "60 Minutes" cameras were also here.

MR. BURT: I think that "60 Minutes" cameras is the reason for the sudden concern of the Governor of Louisiana. At any rate, the question that's before this hearing, we see two main

needs. One is enforcement of existing laws, and second is grace and some way to get sites.

On enforcement, they state first two aspects. First, AB 1593, which we supported three years ago, provided what we thought were two excellent ways to get recycling going. The principal problems in recycling are technical, but there are problems of simple education. In the education aspect of it, there are two parts to the bill that apply. One was already referred to, the fact that the department lists wastes so that people can see if they can trade them. The second is more direct in some ways. It allows the department to write to a corporation and require an answer by a corporate officer if the department feels the material is recycable and the outfit is in fact discharging it to waste.

Now you don't have to be any prince of psychology to know that a plant manager who is not a corporate officer is not going to be eager to explain to his management why he's been paying heavy bucks to throw something away that he could either give away or get paid for, so I think that's a fairly good proposal. However, to make it work, the Department of Health Services needs people who know what they're doing to spend time on this, and frankly, they haven't had as many people as they should to do that.

At this point, I get to the first proposal. I need the money for enforcement. The money comes from us. The laws were passed under Governor Reagan; his philosophy was that the regulating body should get their funds from the people they regulate, so there's a tonnage fee that covers the operation of enforcement

and so forth in Collins' shop, but the fact is the administration has been reluctant to open spaces.

A year ago, we had to go to the administration to lobby for more people for his office. Now that is not a common thing for industry, regulated by government, to go out and ask for more employees to do the enforcement, so you can see we thought there was a problem a long time before there was a lot of publicity in this area. I only add as a footnote that, in spite of the fact the money does not come from the general role, the administration still did not authorize all the spaces that we recommend.

The second point is recycling and treatment; I would emphasize what Dr. Collins has said. It still is going to need siting. If you say it must be done onsite, what you're doing, in effect, is saying only giants can be in business in California because to have effective treatment facilities, which meet any reasonable environmental standards, you have got to have a big up front payment. Small manufacturers, small originators of waste, just will not be able to handle that sort of thing. There's a minimum scale. There has to be public facilities, otherwise only giants will be able to operate.

I constantly hear "the man on the moon." Let me just point out, we spent \$10 billion in ten years; we put two tons on the moon. Now let's not be too excited about what we can accomplish if there's an utterly unlimited budget of time and money. What we're talking about is a real world where there are not unlimited budgets of time and money.

In respect to siting, let me state briefly the present situation as I see it. First of all, increased awareness,

increased enforcement, pretreatment of regulations, the federal government rules that may mean we have to dispose of all sewage sludge to dumps. I mean, we're going to have a lot greater hazardous waste flow.

Second, existing sites are few and far between, and getting fewer. Increasing pressure to close existing sites is going to make them harder to keep open. Filante's bill, which we supported, we feel is still a future help. It does not help a bit for dumps that have already been encroached upon by incomprehensible uses.

The third point is, I think, quite important. There is no community benefit from its acceptance of a site, other than a very trivial minor tax impact, if in fact it's privately owned, and there are real community drawbacks. Even assuming the site is well-run, there's still increased traffic through that community, traffic which is not especially welcome.

Finally, as has been very apparent all day, there's fear. The public is afraid of hazardous waste dumps. And how real that fear is, I think that the problem on dumps is. . . People should not fear it, but the fact is the fear is real, and that means anybody responsive to the public is going to have a real problem.

The last point has already been mentioned in passing. If our cost is pushed too high, we just create incentives for violation. I would add that we have no problem with making willful, wrongful disposal a felony. Our suggestions don't go all the way, I admit, but the first. . .

ASSEMBLYMAN FELANDO: You opposed my bill, though.

MR. BURT: In the original form. When it was finally. .

ASSEMBLYMAN FELANDO: No, all the way down the line, even when it got over to the Senate side.

MR. BURT: The Senate side, our position was no position as we finally ended up not opposed. You didn't see us testifying on the Senate side. We didn't oppose the bill.

ASSEMBLYMAN YOUNG: You didn't get his thank you note.

MR. BURT: As I said, we have found it logical to be responsive in this area. It's not very common for industry to ask for more inspectors, but we did that before all this publicity came along.

First, I'd say, let's have a minimum of inflammatory publicity. It's bad enough to make the public face increased public awareness without exaggeration of the problems.

Second, we need a better reaction to hazardous waste highway spills. Soon as they're spilled, things that are of commercial value become hazardous waste. There's got to be a legislative fixing and responsibility, provision of funds for reaction teams. We already have the legislation saying that you can charge the guy responsible, but my observation is it's not very clear who does what when such an accident occurs.

Third point, we have to accept the fact that Class I sites are going to cost more. We've got to provide in that cost for adequate buffer zones, possibly purchase easements beyond owned buffer zones; usual costs of security, around-the-clock security; designated approach routes, standby spill teams and so forth. All those are going to cost money, and in most cases they're not 100 percent done now.

Fourth, and I think the most important point, we've got to locate responsibility. Local government has got authority in this area, must retain authority, but I think we've got to point a little small finger of responsibility and say that local government is not only responsible for zoning in this area or responding to the citizens, but is also responsible for some consideration of what's done with hazardous waste that originates in that community. Say somewhere else, let's say where else, and provide some kind of responsibility to the community to do something about creating a where else.

If a community says we don't create any hazardous wastes, remind them of pretreatment wastes and sewage sludge. They say responsibility should go along with authority. Frankly, we can't blame Los Angeles and Ventura for their "this county only" attitude toward the dumps they run. Why should they, having accepted some responsibility to create dumps and having the illness of having these dumps, let other communities dump the illness by sending the stuff to them.

Finally, we think it might be desirable to have eminent domain and so forth. I don't really consider that Orwellian. It's at least a thousand years old, Anglo-Saxon procedure. . .

ASSEMBLYMAN YOUNG: But is vesting that right to non-elected, nonregistered _____.

MR. BURT: No, no, no, eminent domain is only exercised with government. . .

ASSEMBLYMAN YOUNG: But what's proposed is government transfer that right to a private body not responsible to the public. What part of Anglo-Saxon history. . .

MR. BURT: I don't believe that was proposed, and it certainly wouldn't be proposed by us.

ASSEMBLYMAN YOUNG: That was, Mr. Burt. Since you opposed Mr. Felando's bill I always have trouble understanding what you are for and against but the point is that the proposals, I understood, would be to create a body that would be outside of government and invest to them the responsibility and the right to take eminent domain.

MR. BURT: I don't believe nongovernment bodies were proposed. If they were, I would agree with. . .

ASSEMBLYMAN YOUNG: Mr. Burt, that's my understanding. Again, I just glanced at this book. Government could and would be involved, but they would not be acting as a body of elected representatives, and that's what CMA supports. I think that's an interesting note for reference for the future. Furthermore, I want to ask that. . . You keep pointing a finger at cities, and they have responsibility for disposing of their toxic waste. I am not sure - I mean, this editorial pronoun about who "theirs" belongs to. It's a business when in their community.

When are you going to get to the point that we in industry should now concentrate on how do we produce products with less waste and we will accept some of the responsibility, instead of pointing fingers this way? Perhaps we'll say it's a shared governance and we all should be responsible, not just government respond and say it's our responsibility to dump this. Perhaps we, with the technology, should be mindful of trying to make products that produce less waste, and also we should share

some of the responsibility of what we've left in the ground that people are living next to and on top of and breathing and being polluted with.

MR. BURT: We have no problem with accepting the responsibilities you talk about. We are part of the government; we are part of the body politics, obviously.

ASSEMBLYMAN YOUNG: Are you a lawyer?

MR. BURT: No, I'm an engineer

ASSEMBLYMAN YOUNG: Studied a couple or three law courses?

MR. BURT: You study engineering 15 years in Sacramento, I guess you listen to a lot of lawyers.

CHAIRWOMAN TANNER: We're going to have to move right along now.

MR. BURT: I have no problem with - I agree, if in fact the proposed legislation does not create a government body, I would agree with our Chairwoman that it wouldn't have a prayer in passage. It would have to be a government body that would have such authority, but I don't necessarily feel that the government body would have to have elected officers, although it could consist of elected officers, certainly ex-officio. I don't have any brief as to how it can be created.

And finally, I would add one technical point, and that is incineration is probably one of the best technical outs for a lot of treatment. We now have a lot of obstacles to proper incineration. A new incineration facility is legally a new source. Under California air pollution rules, it makes it extremely difficult to get one at all, let alone get one which could operate

regularly. My only suggestion is that incineration sites be required to meet nothing more severe than the federal pollution standard, which is pretty severe. Does anyone have any questions?

ASSEMBLYMAN FELANDO: Just a comment. I think that concept of incineration has some possibilities. If it were a completely closed system and you were injecting oxygen into it, as was proposed by somebody else who spoke earlier today, then you could maybe, theoretically, use the heat given off from this incineration and some type of a cogeneration process to create some electrical energy. We'd be killing two birds with one stone here.

MR. BURT: Or you could possibly find, if you didn't use oxygen, that low temperature combustion, so that you had low NOX, you could have a steam sale. It's probably not economical to make electricity with this stuff, considering the need for oxygen feed to void hot - for electricity you need high temperatures, but you can burn if you have sufficiently large dwell time pretty safely with lower temperatures.

This would not take care of all materials. There would be some materials that must have higher temperatures, but there are a lot of materials which I think could burn, but this certainly would be no simple thing and its siting would be no simple thing.

You need storage in order to have time for settling out of materials. You have a facility which would have to get a number of permits and would be automatically targeted in the public's mind as a hazardous waste facility, so the siting of such is not going to be easy.

I emphasize what Dr. Collins said, that no matter what

you do in this area, if you move it you're going to have problems with it. If you don't move it, that means nobody but giants can do business in California.

CHAIRWOMAN TANNER: Thank you very much.

MR. BURT: Thank you.

CHAIRWOMAN TANNER: Mr. Leonard Eliot, Assistant City Manager of the City of West Covina. I would hope that each of the witnesses would be as brief as possible because we're running way behind.

MR. LEONARD ELIOT: I notice you're running quite late. However, I would like to call the attention of this committee to the fact that I represent, probably in two weeks, a city that'll have the only Class I landfill from the Tehachapi Mountains to the Mexican border. BKK is located within our boundaries and it will be required, after the end of this month, as I say, to take the total waste of six to eight million people, together with the industrial products generated. It's an intolerable situation.

We have heard this morning and this afternoon some very good suggestions for long-range solutions. I really feel that talk of incineration, chemical treatment, recycling we all agree with, but those will take time. I pose the question to you, what would you do if West Covina were to close BKK two weeks from now? What would happen to industry? What would happen to jobs? What would happen to the waste that'll back up in your back yards?

We need answers quickly, not two months, not two years. The Legislature comes again in January. We respectfully request that legislation be introduced on siting. That really is the subject of the meeting today, as I saw the heading, "The Siting

of Hazards Waste Disposal Sites," but that unfortunately is state-of-the-art today.

The City of West Covina has been forced to take a forward role in studying the problem. We have had the unique honor of formulating an unclassified use permit, the operating procedures for BKK. The State of California EPA has been using us as a model. We are a city of 80,000 and we're taking that responsibility. They feel we are way ahead of everyone else.

Still, our citizens are very apprehensive. They want to know how safe it is. We've called in the state to give us those assurances. Those are the technical people. They've given us some assurances, but people don't believe government anymore. Our credibility is damaged. Especially if we're to remain the only landfill site in Southern California, this credibility would be further strained.

I just like to quote to you from the State Department of Health Services in 1970 and identify five deficiencies in the area of waste management within California: 1) fragmentation of authority and lack of coordination; 2) inadequate planning; 3) inadequate standards; 4) lagging technology; 5) insufficient financing.

That's ten years ago and I charge nothing has happened. It's still in the same state as the state declared it was ten years ago. The fragmented authority and lack of coordination continues to be the principal problem in waste management. Division of authority at the state level forces agencies to focus on only a portion of the problem. As an example, the State Solid Waste Management Board regulates only Class I nonhazardous wastes,

as we heard this morning. Class I hazardous wastes and facilities are regulated by the State Department of Health Services. Meanwhile, the effects of waste disposal and water quality are under the jurisdiction of the Water Resources Control Board, while the Air Resources Board regulates influx of air quality. The Department of Food and Agriculture oversees the disposal of pesticides, and the Department of Transportation is responsible for litter control along state highways.

Besides these agencies, others who, because of the responsibility for specific lands, effect the disposal of solid and liquid waste are the California Coastal Commission, the California Department of Forestry, U.S. Forest Service, the U.S. Bureau of Land Management, ad nauseum. There is no single coordinated authority. Also, hazardous wastes and other solid wastes have been separated in California for administrative purposes, as I alluded to before, the Class II, Class I.

Hazardous waste management objectives overlap with solid waste management objectives in at least four key instances, so they shouldn't be separated. First, when solid waste is used to expunge material for hazardous waste disposal, the market relationships guiding the handling of the disposal of solid waste are upset. Secondly, classification of air pollution control residues as hazardous waste is a disincentive to the establishment of combustion facilities, which we just referred to today as incineration or waste disposal or resource recovery programs. Thirdly, the potential for resource recovery in industrial waste applies to both hazardous and nonhazardous wastes. Finally, because of the concern of the federal government and the

complexity of the issue, the controls in hazardous waste may be more costly and time-consuming to those regulated than many of the controls in other solid wastes.

It may seem unique, as a local government, to talk about giving up some local control, but I think we have reached that stage. We really believe there should be the formation of a statewide agency with requisite statutory authority over waste management. It is a statewide problem, not a local problem. Local government cannot do the siting for everyone else.

It's very much vividly shown here today. Los Angeles County, the largest county in the State of California, has now closed down the last two remaining sites run by the sanitation district. A news report in the morning Times informed me that the sanitation district has given up looking for any alternate sites in Los Angeles County because of the fear of the local population's reaction to that kind of siting.

Los Angeles County is a major producer of waste; the City of West Covina is not. We don't have a single industry in our town. We have been taking more than our share. We believe the share has to be shared statewide. It must be done on a statewide level. For that reason, we have made some suggestions as to legislation that may be needed.

There should be the establishment of a State Solid Waste Management Board as a single statewide agency responsible for all aspects of waste management. The board shall create a statewide waste management plan. The board shall be given power to site landfills. The board shall approve regional waste management plans and the board shall establish minimum standards for all waste hauling.

We suggest three to four regional boards and that the boards have authority over resource recovery facilities as well, and that said board shall be the enforcement agent of the state minimum waste disposal standard. There should be some correlation of local control through the development of a franchise procedure for waste disposal operators. The local agency can draft operating procedures for operators of waste disposal facilities under the jurisdiction of that local government.

There should be the establishment of a trust fund, composed of user and operator fees, to finance state and regional waste control boards. Said fees shall cover the cost of administration, research and technological development.

There should be establishment of a permit system for hazardous waste producers. Such system would require producers to show that the waste they produce can be disposed of without adversely affecting the existing waste disposal infrastructure prior to approval to develop. What we're talking about there is that everyone's promoting development of new industrial plants without finding out what they're going to do with the wastes those plants create. What we're suggesting, before any new industrial plants be established in the State of California, is that a licensing procedure be established that shows there are adequate facilities in place to handle that waste.

We also need legislation establishing the criteria for the safe handling and disposal of hazardous wastes removed from improper and/or illegal dump sites. I'm sorry that Assemblyman Young left the room, but I'm referring to McColl; I'm referring to Stringfellow; I'm referring to Capri.

When you have a situation where there are wastes that have been dumped over - I was mentioning McColl waste a minute ago, Assemblyman Young. I was stating that beyond the normal problems that are in waste disposal, there's an additional problem of wastes coming from old illegal disposal sites where no one has a record of what was disposed there.

The simple solution up to now has been take it out of my back yard and dump it in a Class I landfill. We have opposed that quite obviously because we have a tough enough time explaining to our residents that we're taking labeled materials. How can you take unlabeled materials and impose that on us, so we're proposing that legislation be established that would set criteria for the safe handling and disposal of hazardous wastes removed from improper or illegal dump sites.

We're also asking for the establishment of a Superfund for clean-up of nonconforming sites and maintenance of completed waste disposal sites. That is part of our program and we respectfully would suggest that the board, this hearing board, would consider that in January.

CHAIRWOMAN TANNER: Sounds like a very positive proposal; I really am impressed with it. Thank you very much.

Mr. David Farabee, Chairman of the Subcommittee on Toxic Substances, Sierra Club. I will again ask if you will. . .

MR. DAVID FARABEE: I know; be brief. Madam Chairwoman, members of the committee, my name is David Farabee. I'm the Chairman of the Subcommittee on Toxic Substances for the Los Angeles Chapter of the Sierra Club only. Our committee, unfortunately, is only about a month and a half old, so we have

not yet had time to develop any concrete proposals for what we'd like to do. We're in the process of getting organized, but I would like to thank you for the invitation. I will try to express some of the concerns that I have, and I'll do that as quickly as possible.

In general, I agree with a lot of what has been said here. The state departments have had many good ideas for how to treat the problem. Assuming that all the regulations are followed and that the procedures that are set up now are strictly enforced, at least part of the problems would be solved.

There is, as has been repetitively mentioned, a definite shortage of disposal sites. While we need new disposal sites, I heard Mr. Felando awhile back say that the Sierra Club would fight a disposal site in Death Valley. Well, that's true. I think we would fight putting a disposal site in Death Valley, but we're not against increasing the number of sites, assuming that they're well chosen and that we know there's a need. We're not opposed in general to providing more disposal sites.

Real briefly, I think I'll run through some of the concerns that have come up. I just developed a short list. I threw away my prepared speech so I think I cut down on time.

One of the main things is that, particularly with very highly toxic substances - those are things like dioxans, PCBs, things that are carcinogens that are known to cause cancers in very minute amounts - that these be disposed of far from population centers. Obviously, this does again bring in the problem of transportation, but new substances are such that they need to be disposed of far away, where there's no chance of people coming

into contact with them, or else otherwise be toxified. Sooner or later they're going to seep somewhere and we're going to have a problem, so for substances that have no known toxic threshold - carcinogens are these - that they be as far away as possible. Once again, we should be certain before constructing a dump that Class I standards are met, and I won't bother to reiterate those.

Now, also very importantly, before any dump site is put into operation, there should be base line studies of the ground water in the area and of the air quality in the area so we don't come by ten years later and say, oh look there's these levels, they're bad, so we know what we're comparing them to. We have a ground zero to start from, so to speak.

One of the other major things that I think should be done is the manifest system for transporting wastes currently. From what I've seen in various reports, I've heard it's a good system but it's not being enforced strictly, such as the producer will say I have such and such barrels. The transporter will label it in gallons and then the disposal site will say we received thus and such number of pounds or tons. Without strict uniformity in units and making sure that everything matches up, it's very easy to lose wastes.

Our major thrust is to educate the public as to what the problems are, rather than trying to tell industry or the government what to do, although we do try to let our elected representatives know what we feel is a good way to go. Amongst these are such things as trying to convince the public to consume less. We often have the opportunity to say, when you're buying batteries, you can go down and you can just buy a battery, or

you can get two batteries that are wrapped in a lovely little plastic container. Part of what I see our job is to educate people not to need extra packaging, to do things for themselves rather than always requiring triple wrap and plastics and things like this.

We have one program, known as the Hunt the Dump program, where we provide basic information on toxic substances to the public that would enable them to find illegal dump sites in their own back yards. We can then make the local regulators aware that these exist, so in that way we are trying to help the government.

The last thing I'd like to say is that we intend, besides educating the public and making the governmental agencies aware, we will do everything we can to support the actions of the chemical industry or of the Legislature or whomever to deal with this problem in whatever ways we happen to see fit.

CHAIRWOMAN TANNER: Thank you very much. We welcome your support. Mr. Jim Van Sant, who is in the field of industrial environmental management.

MR. JAMES R. VAN SANT: A comprehensive California State waste management program is evolving in response to the Resource Conservation and Recovery Act of 1976. The California legislation body has responded to federal requirements with such responsible legislation as Assembly Bill 2823 and Assembly Bill 3132, and several others concerned with protecting our environment. As the pace of legislative action in the area of toxic substance regulation increases, it is important to carefully review the objectives of this federal act to determine if proposed state legislation is consistent in accomplishing those

stated goals and objectives. The Congress states the purpose of the act is "to provide technical and financial assistance for the development of management plans and facilities for the recovery of energy and other resources from discarded materials, and for the safe disposal of discarded materials and to regulate the management of hazardous waste."

Much of the effect of initial legislation to prevent irresponsible dumping of chemical material responsible in perpetuity for the disposition of the material. Faced with a choice between a small savings on recovered material versus a tremendous potential legal liability for future damages caused by improper use of a recovered waste material, most prudent businessmen will presently opt for legal disposal and bypass the risky resource recovery alternative.

A resource recovery program would reduce the volume of material now transported to hazardous waste disposal sites. We need to design legislation that will prevent unsafe disposal practices while still providing economic incentives for resource recovery. The objectives of the Resource Conservation and Recovery Act, stated in Section 1003, are to provide technical and financial assistance to state and local governments and interstate agencies for the development of solid waste management plans, including resource recovery and resource conservation systems.

The effort in California to meet RCRA requirements for providing guidelines for industrial resource recovery systems requires greater emphasis. The California Health Service Department has been able to assign only two and a half individuals to perform this function for the entire state. We need legislation

to establish and fund more effective organizational arrangements to perform this federally mandated and vitally needed service. The transfer of technical information regarding new and improved methods of conservation and recovery of valuable resources requires a large group of experienced technical specialists, familiar with industrial processes, to disseminate information to industry.

At the turn of the century the California State government recognized a great need to establish agencies and departments to provide technical support to the developing agricultural activities in the state. Great progress in supporting the development of agriculture has been achieved through close cooperation of these state agencies and private enterprise. A similar effort should be expended to provide for the technical support of industry and manufacturing in California to establish a cooperative effort among state and local governments and private enterprise in order to recover valuable materials and energy from industrial wastes.

Various aspects of the management of hazardous waste in California are presently addressed by about 14 different agencies and departments. The most significant recent development in improving this situation was to concentrate responsibility for hazardous waste management in the Department of Health Services. However, further steps are needed to expand the resource recovery function and provide access to technical information for industries located in California to facilitate their compliance with new hazardous waste regulations.

The popular use of the acronym "RCRA" is presently

associated with the disposal aspect of hazardous waste management. In fact, the long title of Public Law 94-580, the Resource Conservation and Recovery Act, implies a much broader scope than disposal. The need to enact legislation to prevent irresponsible dumping of hazardous waste is imperative, and the California Legislature has ably met that challenge. However, there is a further need to enact legislation that will promote the positive objectives of resource conservation and recovery.

To do this a state agency should study the industrial processes now performed in manufacturing operations in California. We need to qualify and quantify what resources are being used to manufacture primary products. Most importantly we need to identify the secondary manufacturing products we now call hazardous industrial wastes and provide guidance to manufacturers on recovery alternatives.

Some specific elements of the state resource conservation and recovery program should include 1) establishment of a technical group to provide guidelines for assisting local governments in the development of hazardous materials management plans; 2) provide training grants in occupations involving design, operation and management of resource recovery and resource conservation systems and facilities; 3) promote a statewide research and development program for improved hazardous waste management, industrial process modification to recover and conserve scarce resources, and provide environmentally safe disposal of nonrecoverable residues; and 4) provide input and guidance to state planning organizations for optimum location of industrial activities and resource recovery/disposal facilities.

In establishing a single agency authorized and staffed to manage hazardous wastes, the Legislature would ensure several functions could be performed. A single agency effort to develop a responsible statewide hazardous waste siting plan is needed. Other functions would include identification of specific areas and wastes where new technology is needed, a waste exchange information center to facilitate matching process input to existing wastes, information dissemination on existing waste processing operations that can be utilized by generators, provision on data on waste disposal technology available for onsite use, distribution of information on hazards and safety procedures pertinent to waste management, and, very importantly, coordination of local hazardous waste transportation routing efforts.

Some critics of resource recovery state that the very term "industrial waste" traditionally implies a negative economic value. There is a definite need to categorize recovery products in an economic matrix, as well as by their potential toxicity. California disposal facilities recognize that some wastes contain higher percentages of recoverable components than others and use some waste streams as reaction modifiers. For example, acid wastes from one industry are used in neutralizing an alkaline waste from another.

The order of priorities for management of secondary manufacturing products now called industrial wastes should be 1) modify industrial processes to minimize production of undesirable secondary manufacturing products; 2) recover and recycle waste products at the point of use through filtration, distillation, separation and other traditional chemical engineering

techniques; 3) find direct markets for secondary manufacturing products through waste exchange networks; 4) establish regional recovery facilities at or near existing disposal sites, without necessarily establishing new siting locations, to process industrial wastes through techniques like electrowinning of metals, redistillation of organic solvents, acid recovery, fuel reclamation and formulation of new products; and finally, 5) provide safe disposal of detoxified and stabilized unrecoverable resources.

A wide variety of potentially hazardous wastes are now deposited in industrial waste surface impoundments in California. These industrial waste water impoundments pose serious threats to groundwater contamination because of leakage into shallow aquifers. Until recently, guidelines for siting and designing surface impoundments from the standpoint of preventing groundwater contamination and air pollution have not been strictly enforced.

The location of disposal sites traditionally has been decided on the basis of nearness to the waste generating facility to minimize transportation costs and hopefully to be downwind of the nearest settlement. For example, in Northern California oil refineries are located near the San Francisco Bay to provide deep water access to oil tankers. Hazardous chemical waste sites were then located nearby the refineries around the bay to provide for convenient waste disposal. As concern for groundwater contamination, air pollution and the proximity of human habitation has increased, new siting considerations have obviously become important.

The majority of impoundments in existence operated on

the principle that some leakage will occur. Many evaporation pits function properly in humid climates because of leakage occurring through their walls. Many of these traditional lagoons, basins, pits and ponds are unlined. Quick attention in evaluating these existing sites and planning for safe alternative methods is essential. A network of hazardous waste transfer stations serving populated areas must be identified to provide hazardous waste disposal to more environmentally acceptable remote regions of the state.

CHAIRWOMAN TANNER: How would that work?

MR. VAN SANT: Hazardous waste transfer stations would simply be collection points for networks of tankers and hazardous waste vehicles to collect, consolidate and. . .

CHAIRWOMAN TANNER: Locally?

MR. VAN SANT: Locally, here in the metro area in Los Angeles and in San Francisco, and then these economically larger loads or economically feasible for transportation would be transported to the remote sites now existing here in the state.

In enforcing closure of traditional chemical dumps and transferring nonrecoverable residues to properly situated disposal sites, the needs of the majority would be best served. Higher disposal costs resulting to some industries can be offset by developing more efficient manufacturing processes that recover wasted resources on site. This technology is essentially available now. Penalties for disposal of recoverable secondary manufacturing products would serve as an artificial but necessary economic incentive to encourage resource recovery alternatives.

The Resource Conservation and Recovery Act has a

broad impact on California residents and consideration of hazardous waste siting in the state requires a massive effort beyond what is provided for in existing organizational arrangements. The Legislature can help alleviate current problems by identifying responsibilities of state and local agencies, and ensuring adequate technical staffing is provided to accomplish resource conservation and recovery in California.

Thank you.

CHAIRWOMAN TANNER: I wonder if we could have a copy of your testimony.

MR. VAN SANT: I'll prepare copies and make sure you get them.

CHAIRWOMAN TANNER: Would you? I'd appreciate that.

We are going to hear from the IT Corporation, David Bower, and three more witnesses, but please just make it very very short; we are way behind in time.

MR. DAVID BOWER: I am David Bower. I am vice-president of Environmental Affairs in Engineering with the IT Corporation. I will be brief; I am talking from notes rather than prepared script.

I have been referenced here several times this afternoon, but my name fortunately hasn't been used. In effect, when Bob Burt was referring to the State of Louisiana, he asked me for help in the State of California and referral. I was the one who wound up in the Governor's Office. We wound up doing the same kind of a study that Bob Judd was talking about earlier this afternoon, a technology study and the like, referencing what technology currently exists for handling the problem, and going

through the basic thermal dynamic type of approach toward the destruction of the hazardous waste, industrial waste if you may, rather than dumping the same.

That particular study lead to a proposal, which we are currently engaged in, in the State of Louisiana, which is an \$85 million investment by our firm to handle a portion of the hazardous waste problem in that state. The guts or the core of that operation is thermal oxidation or incineration, and it does work. It is not something that needs to be researched; it is being practiced routinely in the U.S. today at the same scale with virtually identical units. I am talking about 90 million BTUs, rotary county for secondary fire chambers.

The EPA recently put out a report saying that the destruction efficiency was at least 99.995 percent efficient. That was as far as they could measure. What's left may not be anything. You are talking about 100 percent. That's the type of technology we are dealing with. There isn't anything magic about it' we don't have wiffle dust to sprinkle across the stuff and make it safe. We are dealing with chemical, physical principles that work.

CHAIRWOMAN TANNER: I understand the Air Resources Board didn't indicate that that was the case.

MR. BOWER: I don't know what the Air Resources Board said, but I have personally seen such units. We have a design team located in Knoxville, Tennessee of 70 professionals who have been working in this area for about 40 years, and it is verified; it works.

The facility that I would invite you to see is operated

by Eastman Kodak in Rochester, New York. It is one of the best of its kind in the world. Resource recovery in the form of total recovery from such units is practiced routinely in Europe. This isn't new or exciting or magic either. Perhaps we would do better in our siting practices. . .

ASSEMBLYMAN FELANDO: Was that an invitation?

MR. BOWER: Yes.

ASSEMBLYMAN FELANDO: Second question, I mentioned earlier about the possibility of a cogeneration aspect also. Have you looked into that; is that feasible at all?

MR. BOWER: Cogeneration is included in our proposal for our facility in the State of Louisiana. It is routinely practiced in Europe with a number of different vendors for the heat recovery. . .

ASSEMBLYMAN FELANDO: Whereabouts in Europe?

MR. BOWER: There are about 60 different plants in Europe; it is not new technology. You asked one of the witnesses earlier today, how is this being handled in Europe? The study we did for Louisiana studied that as well. We found facilities of long standing reputation in Denmark, as an example, that are doing this today. Now the Europeans are ahead of us, let's face it, in many respects probably because they don't have so much open space.

ASSEMBLYMAN FELANDO: Are the Japanese also into this; do you know?

MR. BOWER: To a degree, and they are using some different technical approaches; however, not as much incineration as Europeans are: more stablization, fixation of inorganic fractions, and it is being practiced elsewhere.

ASSEMBLYMAN FELANDO: Are the Europeans as conscious about environmental impact as the U.S. is?

MR. BOWER: I would say that the efficiency on their scrubbing units and the like is not as good as ours. At any rate, I am saying that technology is here; the technological solutions are there. I would like to stress that industry is ready and willing to practice that technology today, and the difference today between two or three years ago is. . .I heard a statement was made earlier that we are in the five dollar a ton disposal syndrome. That really went away with the passage of RCRA. Incineration of a problem or destruction chemically or physically of a problem so it doesn't come back and bite you years later is worth a lot more than five dollars a ton, making these types of processes even more feasible today.

As an example, the Gulf Coast Waste Disposal Authority near Clear Lake City in Harris County, City of Houston in Texas, earlier this year put out a proposal worldwide for firms who would come in and, at the firm's expense, build and operate these types of facilities on a site provided by GAC. They got 22 responses from firms that wished to come and do this, putting up their own money to go ahead with it. Let's get on with the show.

CHAIRWOMAN TANNER: How about small firms, small businesses?

MR. BOWER: There were some small businesses included with them. Ours is a relatively small business; we were the successful bidder.

CHAIRWOMAN TANNER: Very very, extremely expensive?

MR. BOWER: You are talking about minimum cost units

now of somewhere upwards of \$60 million. That is why what Mr. Burt said was truly correct. Those are the types of facilities that must go in today that are economically justifiable and feasible. The economy scale exists to make them possible. That is why very small industry doesn't really have a lot of shot in doing that onsite.

CHAIRWOMAN TANNER: Except you can have transfer stations.

MR. BOWER: Absolutely. I hear a lot about recycle. I find it an affront for someone to come and tell the chemical industry, hey, you've got to work on your processes so you don't make so much waste. There is nothing we work at harder and. . .

ASSEMBLYMAN FELANDO: I don't think that was what really was said here today. I think that what we said was find a use for the waste. We didn't say cut back on the waste - the waste exists. At one time the wastes from producing gasoline were discarded also but we found a use for that.

MR. BOWER: When gasoline went to a dollar a gallon, that whole thing changed. There are twelve industries in the Martinez area. This state is an example that has strictly recycle industries. They have been there so long that we don't recognize them as such anymore. They are making products like asphalt, this this type of thing, that at one time, as you said, these things were thrown away, they were discarded. They aren't anymore.

I am saying, as things become economically possible to recycle, they are recycled. A hazardous waste management facility, such as I have just been discussing, offers a very strong recycle potential onsite. We expect our facility in Louisiana,

as an example, to recycle 25 percent of what comes through the gate. Most of that will be used onsite and you don't get into the marketing problems outside, or product liability, this type of thing, but it is still economically feasible to recover it and use it, no question about that.

I would like to emphasize that the technology is here today, but it is not cheap and it is difficult to place it. One of the reasons that Louisiana attracted us was that they have a series of laws. They passed a law in 1978 setting up their hazardous waste management program, and it is indeed modeled after California's. One of the unique features in that is when you go to siting, you are not in a popularity contest. It is done at the state level; it is not a local issue. It is very definitely a local issue and local input is taken throughout the process, but the ultimate decision is made at the state level, which allows sites to be created. It is not going through a planning commission or a local zoning board of some sort; that is important.

Our interest as a company, as an example, in the Gulf Coast Waste Disposal Authority was that they have a site. Sites were hard to get, but sites are not impossible to get. Our firm in the last three years has successfully developed three new sites in the State of California. There is something that hasn't been said today.

I think where we get in trouble is trying to say that a site should be all things for all folks and capable of taking any kind of waste. That has never been true and it never will be true. Specific facilities must be developed to handle specific wastes and no individual site will ever be capable of handling

the entire waste matrix. That is an important distinction to make. Certainly there is a siting problem in the state, and we are site-short. I think you have heard enough of the problems today, but I am saying that it is not all black and it is not all told that way.

Dropping back to incineration for just a minute, the burners we are talking about burn strictly hazardous waste. We are not talking about burning garbage, we are not talking about burning refuse, we are talking about things out of the industry. Incidentally, in that particular facility in Louisiana, the industry in only a 20-mile radius builds up a 400,000 ton-a-year facility.

In regard to emergency response, there has been some indication today that perhaps industry ought to step forward. David Cohen asked a member of my staff to step forward a couple of weeks ago at the Stringfellow and we did it. I think you and state government will find when you ask there is always someone there - perhaps not volunteering, but there. Our firm has trained between 2,000 and 3,000 first-line emergency response people in the last twelve months. That is, the policemen, fire department folks will be there first when there is a spill; to help keep them safe and get on with their problem.

I would like to leave it there. If you have any questions, great; if not, I'll sit down.

ASSEMBLYMAN FELANDO: I love it! I think you are very progressive and right where we should be, and you are right in the middle of my district.

CHAIRWOMAN TANNER: Allegra Hamman, are you here?
Coordinator for Economic Democracy Education Project, cancer project, right?

MS. ALLEGRA HAMMAN: I'll be very brief. The Campaign for Economic Democracy has been involved in organizing community groups whose health has been risked around this problem for the last year. We have organized the communities in Glen Avon and Fullerton and many other parts of Southern California. It was out of these organizing efforts that, with the community groups, we began to realize the crisis nature of the problem.

In Glen Avon, the solution that was presented to the citizens for their particular toxic waste dump was to clean it up, to move it out. It could go straight to Calabassas. It was within a matter of weeks that Calabassas was closed down. Out of that came a renewed understanding of the extent of the problem and a belief in many of the kinds of alternatives you have heard today.

We have brought Louis Gibbs from the Love Canal Homeowners Association out to California to meet with the community groups. We have learned a great deal from the State of New York. I would draw your attention to the work of the Senate subcommittee in New York that has spent a year coming up with recommendations for alternatives to land dumping. Our program for ending the crisis or addressing the crisis in California relies very heavily on the New York work.

We feel that the continued land dumping of hazardous waste must become the top environmental priority of the state and country. California is the fourth largest generator of hazardous

waste and can once again play a leadership role for the nation in resolving the environmental crisis. We have very briefly. . . I will summarize our list of proposals that we have submitted to the state:

1) The State of California should commit itself to the development of a regional hazardous waste disposal system based on alternative technologies, minimizing and eventually eliminating land dumpings. In relation to that I will simply quote from the New York report, which states, "We can never again be so shortsighted as to think burial of hazardous waste is a solution. Burial of toxic waste should be limited to the extent modern technology requires and should eventually be eliminated altogether."

2) The development of these alternatives must become the top environmental priority of the administration, and the assessment study being conducted by the State Office of Appropriate Technology must be accelerated and completed within six months.

3) An advisory board for the study should be appointed, consisting of a majority of community representatives, including those who have been impacted by land disposal practices.

4) The regional hazardous waste disposal system utilizing alternatives should be state controlled.

5) The industrial generators of hazardous wastes should pay for the construction and use of the regional hazardous waste system. The burden should not be placed on taxpayers and consumers.

We are, as I said, representing community groups who

have been impacted by these problems when we make these statements. We cannot continue under the status quo. I don't think anyone here believes that we should.

I would like to give you all a copy of this information. It includes some of the technology assessments that the New York State subcommittee has done, and it also embellishes, it also explains these five points more thoroughly than I will take time to do now.

CHAIRWOMAN TANNER: Is that it? Thank you very much.

We have here written testimony from the Southern California Association of Governments. I appreciate your bringing this testimony. I appreciate all of the witnesses being here.

We find that the problem is a large one. I can see, and I am sure the rest of the committee can see, that there is a lack of coordination. Hopefully, the coordinating council will bring their efforts together.

I was very interested in the incineration method. Dr. Collins, are we doing anything in working toward that method at all?

DR. COLLINS: We certainly are. As Mr. Judd pointed out, we are trying to obtain an incinerator as surplus from the federal government that we can hopefully site. I have stated publically before, and I would like to go on record here, that I am a little hesitant to outlaw the disposal of some of these materials to land until we have an alternative, but if we knew that we could have an incinerator on line in two years, I would be for developing regulations immediately so that they could go in effect when that incinerator got on the line. That would

prohibit those wastes from going to land that are amenable to destruction by that incinerator.

CHAIRWOMAN TANNER: How much waste are we talking about, the percentage of the waste we have now?

DR. COLLINS: The wastes that are amenable to incineration would probably be less than five or ten percent of the total; however, that five or ten percent represents the so-called "bad actors" that I call them, the chlorinated hydrocarbons, the polychlorinated biphenols, etc.

CHAIRWOMAN TANNER: That's the really hazardous waste?

DR. COLLINS: The most hazardous, yes. You can certainly treat other types of waste through neutralization.

ASSEMBLYMAN FELANDO: Can somebody tell me, would it be possible. . . You are talking about a two-year plan. Well, you are going to have to store this waste somewhere if we are going to have to burn it. Would it be possible to pump that into the old oil wells that are dry? Would it stay there? Like they put water in the old oil wells now in Long Beach in Terminal Island to keep the ground from sinking, is that a possible storage site?

DR. COLLINS: I don't believe so, sir. I am afraid it would migrate. . . It would depend on the particular geology of that well. Also, many of these materials are incompatible, you can't mix them, so I don't believe. . . Now deep well injection is a technology that has been used in some parts of the country and even in California, but it too causes some long-term concerns, so I don't believe that would be a method of storing the material until the incinerator gets on line.

CHAIRWOMAN TANNER: This committee is planning on

a hearing regarding the McColl site. Also, tomorrow we intend to visit BKK. We did plan on going over to Palos Verdes this afternoon, but time got away from us.

Mr. Felando is going, Dr. Collins is going, Mr. Judd and anyone else who wishes to go is welcome to go. The members of the committee are all very very busy and had other commitments.

We will be meeting tomorrow at BKK at 10:00 to look at their facilities.

Thank you very much.

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APPENDIX A

TESTIMONY OF THE
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

BEFORE THE
CALIFORNIA LEGISLATURE
ASSEMBLY SUBCOMMITTEE

ON
TOXIC SUBSTANCES

OCTOBER 16, 1980

MADAM CHAIRWOMAN AND MEMBERS OF THE SUBCOMMITTEE, I
THANK YOU FOR THE OPPORTUNITY TO PRESENT TESTIMONY BEFORE YOU
TODAY ON THIS IMPORTANT MATTER. MY NAME IS PEGGY SARTOR,
COUNCILWOMAN OF THE CITY OF VICTORVILLE. I SERVE ON THE
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS' EXECUTIVE
COMMITTEE. THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS,
OR SCAG AS IT IS KNOWN, COVERS THE SIX COUNTIES AND 156 CITIES
IN SOUTHERN CALIFORNIA, EXCEPTING THE SAN DIEGO REGION. WE
ARE THE DESIGNATED REGIONAL PLANNING AGENCY UNDER THE RESOURCE
CONSERVATION AND RECOVERY ACT AND CLEAN WATER ACT (SECTION 208),
IN ADDITION TO BEING THE AGENCY FOR BROAD LAND USE AND HOUSING
PLANNING, TRANSPORTATION PLANNING, AIR QUALITY MANAGEMENT
PLANNING AND A-95 CLEARINGHOUSE FOR THIS REGION OF OVER 10
MILLION PEOPLE.

THE MAJOR THEME OF MY REMARKS TO THE SUBCOMMITTEE TODAY
IS THE OVERRIDING IMPORTANCE OF THE INVOLVEMENT OF THE LOCAL
ELECTED OFFICIALS REPRESENTING THESE 10 MILLION PEOPLE IN THE
POLICY AND PLAN FORMULATION AND IMPLEMENTATION OF HAZARDOUS
WASTES MANAGEMENT FACILITIES. LOCAL GOVERNMENT AND LOCAL

GOVERNMENT OFFICIALS ARE THE ONES MOST DIRECTLY AFFECTED AND RESPONSIBLE FOR PUTTING FEDERAL AND STATE PROGRAMS INTO ACTION TO CLEAN UP OUR AIR AND WATER, TO MANAGE AND DISPOSE OF WASTE PROPERLY, TO PROVIDE HOUSING AND TRANSPORTATION AND TO CONTROL AND MANAGE GROWTH. IF LOCAL GOVERNMENT IS NOT GIVEN THE OPPORTUNITY TO PARTICIPATE IN POLICY DEVELOPMENT AND IMPLEMENTATION STRATEGIES, THEN THE FEDERAL AND STATE PROGRAMS IN THESE AREAS CAN NEVER ACHIEVE THEIR FULL POTENTIAL.

OUR EXECUTIVE COMMITTEE, WHICH CONSISTS OF TWENTY ELECTED OFFICIALS FROM THE REGION, HAS RECENTLY GIVEN ME THE RESPONSIBILITY TO LEAD A BLUE RIBBON COMMITTEE ON HAZARDOUS WASTES MANAGEMENT. EFFORTS ARE UNDERWAY TO COORDINATE THE ESTABLISHMENT AND ROLE OF THIS COMMITTEE WITH OTHER SIMILAR COMMITTEES IN THE OTHER URBAN-INDUSTRIAL AREAS OF THE STATE UNDER A STATEWIDE PROGRAM. DISCUSSIONS HAVE BEEN UNDERWAY WITH PETER WEINER, SPECIAL ASSISTANT TO THE GOVERNOR ON TOXIC SUBSTANCES MANAGEMENT, AND IT APPEARS THAT THERE IS

AGREEMENT THAT THESE STATE-REGIONAL POLICY ADVISORY COMMITTEES SHOULD LEAD THE DEVELOPMENT OF THE LOCAL PLANNING FOR TOXIC SUBSTANCES MANAGEMENT. WE BELIEVE THAT SOUTHERN CALIFORNIA MUST ACCEPT RESPONSIBILITY FOR THE WASTES THAT IT GENERATES AND THAT WHETHER FEDERAL, STATE AND LOCAL GOVERNMENT IS ULTIMATELY RESPONSIBLE FOR THE SITING DECISION SOME FACILITIES MUST GO IN SOUTHERN CALIFORNIA. WE WOULD LIKE THE OPPORTUNITY TO "PICK OUR POISON", SO TO SPEAK, BEFORE IT IS FED TO US BY ANOTHER LEVEL OF GOVERNMENT. IN ADDITION WE HAVE A MORAL DUTY TO DO SOMETHING. THEREFORE WE ARE TAKING THE POLITICAL RISK TO START THE LONG, HARD, DIRTY JOB OF DEVELOPING A SOUTHERN CALIFORNIA RESPONSE TO THE SITING ISSUE.

THERE ARE TWO ISSUES INVOLVED IN THE SITING QUESTION. THE FIRST IS MAINTAINING THE APPROVED SITES WE PRESENTLY HAVE IN OPERATION, AND THE SECOND IS FULFILLING THE UNMET NEED FOR A COMPREHENSIVE HAZARDOUS WASTES FACILITY MANAGEMENT SYSTEM. OUR MOST IMMEDIATE CONCERN IS THE FACT THAT ONLY

ONE MAJOR DISPOSAL SITE - THE BKK FACILITY IN WEST COVINA - REMAINS ACTIVE IN THE LOS ANGELES, ORANGE, SAN BERNARDINO AND RIVERSIDE COUNTY AREA. BECAUSE OF THIS, A MAJOR CRISIS SITUATION EXISTS. IF THE ONE SITE WERE TO CLOSE PREMATURELY WE BELIEVE THERE WOULD BE LARGE SCALE ILLEGAL DUMPING OF WASTES CREATING A REGIONAL HEALTH CRISIS. WE MUST NOW MOVE FORWARD TO DEVELOP A QUICK, BUT GOOD PLAN TO PREVENT A DEEPENING CRISIS.

ALSO, WE MUST NOT FORGET, IN THE FACE OF THIS PRESENT CRISIS SITUATION, THE NEED TO MOVE RAPIDLY TO PLAN AND IMPLEMENT THE LONGER-TERM COMPREHENSIVE FACILITY MANAGEMENT SYSTEM. HOWEVER, SUFFICIENT FUNDS ARE NOT AVAILABLE FROM THE FEDERAL GOVERNMENT AT THIS TIME. THE STATE HAS TAKEN THE FIRST STEP IN ORGANIZING THE STATE EFFORT IN HAZARDOUS WASTES MANAGEMENT, AND NOW, THROUGH THIS COMMITTEE, IS ESTABLISHING A BASIS FOR BRINGING THE LOCAL ELECTED OFFICIALS - THE CITIES AND COUNTY GOVERNMENTS - INTO A PARTNERSHIP THAT WILL BE NEEDED TO IMPLEMENT THIS SYSTEM. ALSO, SINCE SUFFICIENT FEDERAL

FUNDS ARE NOT YET AVAILABLE, CALIFORNIA MUST NOT WAIT BUT MUST PROVIDE ADEQUATE FUNDING TO THE LOCAL GOVERNMENTS TO MOVE FORWARD.

FURTHER, WE BELIEVE THAT THE HAZARDOUS WASTE SITING ISSUE IS MUCH MORE COMPLEX THAN JUST FINDING NEW SITES FOR FINAL DISPOSAL AND OBTAINING POLITICAL APPROVALS. THE COMPREHENSIVE MODE THAT PROVIDES FOR A COST-EFFECTIVE, ENVIRONMENTALLY SOUND AND MINIMAL RISK SYSTEM AFFECTS THESE DECISIONS. WE SEE THIS SYSTEM CONSISTING OF THREE BASIC FACILITY ELEMENTS:

- (1) LOCAL TRANSFER, PRELIMINARY TREATMENT, AND A WASTE EXCHANGE RECLAMATION TYPE FACILITIES LOCATED IN INDUSTRIAL AREAS.
- (2) FINAL TREATMENT AND DISPOSAL SITES LOCATED IN REMOTE AREAS.
- (3) TRANSPORTATION SYSTEM PLAN.

LOCAL GOVERNMENTS ARE THE APPROPRIATE LEVEL OF GOVERNMENT TO MAKE DECISIONS REGARDING SITING OF THE INDUSTRIAL AREA HAZARDOUS WASTES TRANSFER - EXCHANGE CENTERS BECAUSE LOCAL JURISDICTIONS HAVE THE AUTHORITY AND FIRST-HAND KNOWLEDGE OF THE PROBLEMS AND NEEDS WITHIN THEIR LOCALITIES. SINCE THE SITES ARE UNDETERMINED, A REGIONAL, COORDINATED PLAN IS NECESSARY.

WE URGE YOU TO PURSUE LEGISLATION ON THE PLANNING SITING ISSUE WHICH WOULD:

- (1) ESTABLISH IN THE LEGISLATION THE ROLE OF LOCAL GOVERNMENT AND THEIR AREAWIDE PLANNING AGENCIES IN THE COMPREHENSIVE PLANNING PROCESS FOR THE URBAN-INDUSTRIAL AREA FACILITIES AND TRANSPORTATION SYSTEM.
- (2) ESTABLISH A BASIS FOR A FEDERAL/STATE/LOCAL GOVERNMENT PARTNERSHIP TO DEVELOP THE SITING PLAN FOR THE ULTIMATE DISPOSAL SITES.

(3) PROVIDE ADEQUATE STATE FUNDS TO THE LOCAL GOVERNMENTS TO ACCOMPLISH THESE PURPOSES

(4) ESTABLISH THE ORGANIZATIONAL FRAMEWORK FOR STATE/LOCAL GOVERNMENT POLICY ADVISORY COMMITTEES WHICH WOULD ADVISE IN THE PLAN DEVELOPMENT AND ITS IMPLEMENTATION.

THESE ARE URGENCY MEASURES, AND WE CAN ONLY STRESS THE NEED TO MOVE AS QUICKLY AS POSSIBLE.

UNTIL THIS LEGISLATION AND FUNDING APPROPRIATION ARE ESTABLISHED, THE VERY MUCH NEEDED FACILITY PLANNING AND SITING WORK CANNOT MOVE FORWARD. WE HOPE THAT THE INFORMATION PROVIDED IN THIS TESTIMONY WILL BE HELPFUL TO THE SUBCOMMITTEE IN THE DEVELOPMENT OF LEGISLATION ADDRESSING THIS CRITICAL ISSUE OF HAZARDOUS WASTE SITING AND WISH YOU TO KNOW THAT WE STAND READY TO PROVIDE ASSISTANCE TO YOU IN WORKING TOWARDS THE ACHIEVEMENT OF THIS GOAL.

THANK YOU.

