
* Compliments of *
* JOSEPH PILLITERE *
* MEMBER OF ASSEMBLY *

PUBLIC HEARING ON TOXIC WASTE

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SPEAKERS:

TERRY AGRISS, Regional Director
Department of Environmental Conservation
Region II

STEVEN B. WEINGARTEN
Empire State Chamber of Commerce

MICHAEL BONCHONSKY, on behalf of
Eckardt C. Beck, Regional Director
Environmental Protection Agency
Region II

DR. M.C. CORDARO
Long Island Lighting Company

JUDY KESSLER, President
Rockland Audobon Society, Inc.
Rockland County Conservation, and
on behalf of Lois E. Jessup,
Rockland County Conservation Association

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CHAIRMAN GRANNIS: I am Assemblyman Pete Grannis, from Manhattan, and I chair the Assembly Task Force on Toxic Substances.

This is Senator John Daly, from Niagara Falls, who is the Chairman of the Senate Subcommittee on Toxic Substances and Chemical Wastes.

We have Assemblyman John Zagame, from Oswego County.

Bob Wood, who is on Senator Eckert's staff, who is chairman of the Senate Conservation Committee.

Wally John, from Assemblyman Hinchey's staff, who is chairman of the Assembly Committee on Environmental Conservation.

This is a joint hearing, and it is the sixth in a series of hearings we have been having around the state on the problem of toxic wastes.

We decided early on that this was a problem that could not be handled through a partisan approach, but rather to try to deal with this very important issue throughout the State, all the way from the Love Canal, to the

1
2 problem of drinking water on Long Island.

3 It will take a unified approach, and
4 we have conducted the hearings with that in
5 mind.

6 There is a series of legislative pro-
7 posals that are going to be coming out of the
8 work that we do, out of the Governor's office,
9 and out of the Attorney General's office.
10 It is our intent to consolidate the bills that
11 are going to be the result of all of our work,
12 and then through this series of bills that
13 will be handled in the Senate by Senator Daly
14 and by members of the Task Force in the Assembly,
15 ~~it may become obvious~~ we are dealing with a problem
16 possibly of national significance, which
17 happens now to be concentrated in New York
18 State.

19 Love Canal was just the tip of the ice-
20 burg.

21 It was the first major toxic site to
22 be uncovered and as a result of the Love
23 Canal experience in New York, the State
24 Environmental Conservation Department, along
25 with the State Health Department, has undertaken

1
2 two series of studies, one in Erie and Niagara
3 Counties, to identify toxic sites in Erie and
4 Niagara County, which is the subject of a large
5 report that has already been released by the
6 State, and it is the subject of public hearings
7 right now, and a more comprehensive state-wide
8 report, which we understand has identified
9 approximately 500 toxic waste sites in New York
10 State, to be released sometime next week,
11 which sites will be identified and categorized
12 by the degree of concern that the State should
13 have about what is in those sites.

14 The biggest problem that we are facing
15 now is that we may know where the sites are,
16 but we are not sure what is in them.

17 Senator Daly and I have proposed a
18 bond issue, a one hundred fifty million dollar
19 toxic bond issue to deal with the problem,
20 hopefully to provide the inducement which we
21 think should be there on the part of the
22 Federal Government, possibly to convince the
23 Federal Government to take the lead responsi-
24 bility in helping out New York State and other
25 states in the country dealing with the problems

1
2 of toxic wastes.

3 The wastes that are generated by our
4 companies in New York State, and which are
5 varied, and stored in various locations
6 throughout the State, come about because of
7 the production of goods and products which
8 are shipped throughout the country and
9 throughout the world, benefitting the national
10 economy, obviously, as well as New York's
11 economy.

12 No one state should be penalized for
13 having that residue left behind, while the
14 rest of the country has benefitted from the
15 products produced.

16 It is a Federal responsibility.

17 We hope they will live up to that
18 responsibility.

19 If they don't, New York State will take
20 a leading role in protecting its citizens
21 from the effects of exposure of toxic
22 wastes.

23 In recent months, the people of New
24 York State have been told almost daily of
25 residents in one or another of our communities

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endangered by toxic waste pollution. With growing concern and unease, we have heard shocking revelations of health hazards caused by chemical poisons released into our environment.

This insidious attack on the health of people in this State and the despoliation of our land, air and water that accompanies it must be stopped immediately and permanently.

These state-wide hearings on the disposal of hazardous substances that we are concluding here today is the first step in formulating tough, specific legislative recommendations for halting the poisoning of our environment and protecting the health of our citizens.

From the witnesses we hear today, we hope to learn what problems the people who live in this nation's greatest city must solve in controlling the disposal of hazardous waste in and around their individual neighborhoods.

We are particularly interested in

1
2 the real danger you face from the illegal
3 dumping of toxic materials practiced by
4 unscrupulous waste disposal companies and
5 so-called "midnight haulers" who flagrantly
6 ignore state health and environmental
7 regulations in conducting their business
8 activities.

9 We also are concerned about similar
10 dumping practices in nearby ocean waters
11 and the discharge of hazardous wastes into
12 a municipal sewer system, which lacks the
13 facilities to treat these substances.

14 The information and guidance you
15 provide us will help guarantee our success
16 in drafting strong, responsible legislation
17 to stop the uncontrolled disposal of toxic
18 substances and the polluting effects of
19 these materials.

20 We are committed to working with you
21 to achieve this goal and we pledge to
22 persevere until our recommendations become
23 law.

24 After having explained our purpose,
25 Senator Daly, do you have anything to say?

1
2 SENATOR DALY: I think you've summed
3 it up very well, and we should proceed
4 with the witnesses.

5 CHAIRMAN GRANNIS: Our first witness
6 is Terry Agriss, the Regional Director from
7 the State Department of Environmental
8 Conservation.

9 MS. AGRISS: Thank you, Assemblyman
10 Grannis, and Senator Daly.

11 My name is Terry Agriss, and I am
12 the Regional Director for New York City
13 of the New York State Department of Environ-
14 mental Conservation.

15 As people throughout New York State
16 in recent years have become more aware of
17 the grave dangers of toxic wastes, New
18 York City has fared somewhat better than
19 other parts of the State.

20 We are fortunate in that we have not
21 suffered with a Love Canal, nor been faced
22 with serious impurities in our drinking
23 water.

24 In the Department of Environmental
25 Conservation Statewide Industrial Chemical

1
2 Survey, New York City had few known hazar-
3 dous sites, and none of those were of
4 high priority for immediate investigation.
5 This is not to say, however, that we, in
6 New York City, are not confronted with
7 a significant hazardous waste contamina-
8 tion of our environment.

9 In reviewing the United States
10 Environmental Protection Agency's 1973
11 report on the disposal of hazardous wastes,
12 one is struck by how far we have come,
13 and by how far we can go in containing
14 toxic chemicals.

15 Since 1973, Congress has enacted
16 two very important pieces of legislation --
17 the Toxic Substances Control Act and the
18 Resource Conservation and Recovery Act.

19 And last year DEC's Hazardous Waste
20 Control Program was given new impetus when
21 the State Legislature passed the Industrial
22 Hazardous Waste Management Act.

23 But State statute is, in large measure,
24 specifically keyed to the issuances by
25 EPA of regulations on hazardous waste

1
2 identification, a manifest system, and
3 requirements for long-term maintenance
4 and monitoring of sites. Without those
5 Federal regulations, our State law is
6 essentially without clout.

7 It is, therefore, absolutely essen-
8 tial that EPA issue final regulations
9 quickly and in a form that will ensure
10 effective management of hazardous wastes.

11 While our hazardous waste manage-
12 ment to date has functioned independently
13 of RCRA, we need the full pressure of a
14 manifest system to ensure that the hazar-
15 dous wastes that we are generating today
16 do not create the Love Canals of tomorrow.

17 In conjunction with the manifest
18 system, the Federal Government must pro-
19 vide incentives for the development of
20 appropriate disposal facilities. The
21 Federal Government must also encourage
22 new technology.

23 Incineration, biodegradation,
24 chemical decomposition/detoxification
25 and solidification are among the longterm

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solutions to the hazardous waste problem. These technologies can be substitutes for land disposal through grants, tax incentives, technical assistance, and other means.

The Federal Government must assist us in the establishment of regional hazardous waste treatment and disposal facilities.

The nearest accessible, comprehensive industrial-waste disposal facility, Rollins Environmental Services, is located in Southern New Jersey. The costs associated with such disposal are hardly conducive to good disposal practice.

Though no one wants such disposal facilities "in their backyard," convenient regional disposal facilities are badly needed.

So while awareness of the issues surrounding hazardous waste disposal have expanded greatly since 1973, our tools to deal with those issues are not yet fully in hand.

1
2 In addition to new Federal regula-
3 tions, we need far more resources than
4 are available at present, if we are
5 ever to gain control of the situation.

6 While manpower shortages are
7 acute, perhaps the most grave problem
8 is lack of sufficient training for
9 staff.

10 Hazardous waste is generally very
11 complicated both in the nature of the
12 waste and its effect on health and the
13 environment. The training now avail-
14 able to staff is limited. This results
15 in tremendous overloads on those few
16 individuals with the expertise to direct
17 investigations and clean-up of hazardous
18 waste sites.

19 The consequence is, unfortunately,
20 also unavoidable delays in development
21 of corrective programs.

22 Insufficient resources also trans-
23 late to lack of rapid access to state
24 laboratory analysis. Experiences of
25 many months' delay in receiving sample

1
2 analyses strongly inhibit decisive action
3 on clean-up procedures.

4 Additionally, better coordination
5 of many governmental agencies' involved
6 in hazardous waste issues would undoubtedly
7 improve all of our response capabilities.

8 At this time in New York City, at least
9 ten local, state, federal and regional
10 agencies have overlapping responsibilities
11 for addressing hazardous waste situations.

12 In general, cooperation among all
13 of these agencies has been excellent,
14 but one cannot help but think that some
15 unnecessary redundancy is occurring while
16 other needs may not be adequately addressed.

17 To highlight some of the problems
18 confronting us in attempting to eliminate
19 known hazardous situations, let me address
20 some specific cases in New York City.

21 A depression on some property
22 owned by the City of New York's Department
23 of Real Estate in College Point, Queens,
24 has been filled with waste oil dumped
25 illegally by waste oil haulers over a

1
2 number of years.

3 In attempts in the past year to
4 remove the waste oil, which was found to
5 be contaminated by PCB's, we have en-
6 countered numerous technical diffi-
7 culties, lack of approvable disposal
8 sites, changing governmental regulations,
9 and general frustration.

10 This is at a site where the owner
11 of the property has been cooperative
12 and has appropriated funds to dispose
13 of the contaminated oil.

14 The second instance involves
15 Positive Chemical Corp., which is a
16 case in which the Department of Environ-
17 mental Conservation discovered an
18 exceedingly sloppy, illegal operation on
19 Staten Island which was causing oil and
20 a variety of chemicals to enter a wet-
21 land and surrounding surface waters.

22 DEC issued a Summary Abatement
23 Order to the chemical firm and managed
24 to contain the damage.

25 The third instance is numerous

1
2 oil leaks to surface waters surrounding
3 New York City have been identified, and
4 steps are being taken to contain the
5 oil already in the waters and halt
6 additional flow.

7 These steps are being taken
8 largely in conjunction with the Coast
9 Guard to contain the oil already in
10 the waters and halt additional flow.
11 The creation of the new Oil Facility
12 Licensing Program, jointly administered
13 by DEC and New York State Department
14 of Transportation, should substantially
15 mitigate these seepage cases in the
16 future.

17 Although these examples may seem
18 small next to some of the cases in the
19 State, we must realize that New York
20 City, surrounded by water, has used its
21 surface waters as a very convenient
22 waste receptacle for hundreds of years.

23 We now know such easy solutions
24 too often come back to haunt us.

25 I will be pleased to answer any

1
2 questions you may have. I have with
3 me today James Reed, who is the Regional
4 Supervisor for Solid Waste, and Richard
5 Newman, who is the Regional Supervisor
6 for our Water Program.

7 CHAIRMAN GRANNIS: Thank you
8 very much.

9 I have a couple of questions
10 for you.

11 On the Statewide Industrial
12 Chemical Survey, you were asked to
13 identify generators as well as dis-
14 posal sites. Wasn't that part of the
15 survey process?

16 MS. AGRISS: Yes, that was.

17 CHAIRMAN GRANNIS: And generators
18 in the City, wasn't that part of -- are
19 those names available? Will they be
20 available in the report?

21 MS. AGRISS: They are in our files.
22 Whether they are available, I would have
23 to check in terms of confidentiality.

24 CHAIRMAN GRANNIS: What is
25 happening with the waste they are

1
2 generating? That is the real issue.

3 They are generating some toxic
4 wastes, and where do those wastes go
5 now?

6 MS. AGRISS: Much of the wastes
7 in fact, are washed down the drain.
8 Industry in this City does pay a sur-
9 charge to the New York City Water
10 Resources Department, and generally
11 the wastes are put through the water
12 treatment plant.

13 CHAIRMAN GRANNIS: Do you know
14 which industries, because -- because
15 there is no treatment for some of these
16 wastes right now, some of that just
17 goes out into the water.

18 MS. AGRISS: That is true.

19 Generally, my understanding is
20 the hazardous waste that we are most
21 concerned with, that would be going
22 through the treatment plants, or
23 directly overboard, would deal with
24 small metal platers, so they would
25 be heavy metals that we would be most

1
2 concerned with.

3 CHAIRMAN GRANNIS: Those companies
4 have permits, or do they pay a fee to
5 dump into the City sewer system?

6 MS. AGRISS: If I may ask Mr.
7 Newman, he might better answer you.
8 There is a fee, I believe.

9 MR. NEWMAN: Basically, just a
10 rental. They don't generate the type
11 of waste that would cause them to have
12 an additional surcharge required of
13 them.

14 CHAIRMAN GRANNIS: What about
15 the discharge of toxics though? Heavy
16 metals are one kind of toxic waste,
17 but PCB's and some of the other kinds
18 of toxics, we have a whole list, or
19 we have seen a whole list of different
20 kinds of things associated with dry
21 cleaning establishments, for instance,
22 and other kinds of --

23 MR. NEWMAN: There is still an
24 awful lot of work that has to be done
25 to identify those that made a practice

1
2 of maintaining that sort of operation.

3 Generally speaking, where we
4 have found that sort of operation, we
5 have required that it be discontinued,
6 but I think we have merely scratched
7 the surface.

8 CHAIRMAN GRANNIS: How did you
9 go about identifying the people for
10 the Statewide Survey, the toxic
11 generators?

12 MS. AGRISS: The generators were
13 identified back in 1976.

14 MR. NEWMAN: Just out of indus-
15 trial listings, that is all.

16 CHAIRMAN GRANNIS: Did you do
17 any surveying of these companies to find
18 out which wastes were being generated?

19 MS. AGRISS: This was a mail-sur-
20 vey that was undertaken. We had very
21 good response to the mail survey, and
22 for those companies that did not respond
23 in a timely way, we had undertaken
24 some legal action, and received
25 excellent response thereafter.

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2 CHAIRMAN GRANNIS: And for the
3 companies that don't dump their wastes
4 in sewers, they use haulers, local
5 haulers, don't they?

6 MS. AGRISS: Yes. DEC does,
7 as you know, have a waste hauling
8 permit program in the City of New York.

9 Again, we are just beginning
10 to scratch the surface of the problem
11 there, generally, where we have found
12 that the waste haulers are not operating
13 in a particularly sound, environmental
14 manner, and we are, as I say, just
15 beginning to get a handle on that
16 situation.

17 CHAIRMAN GRANNIS: Do you have
18 any estimates of what the quantity
19 is, the total quantity that is generated
20 in the City?

21 MS. AGRISS: Not to my knowledge.

22 CHAIRMAN GRANNIS: What about
23 the amount of sewage sludge which is
24 also a problem?

25 MS. AGRISS: The amount of sewage

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sludge which is being generated now is approximately 200 dry tons per year, and that is expected to go to approximately 500 dry tons -- I'm sorry, per day.

CHAIRMAN GRANNIS: Does the City have any more accurate information than the State does on toxic wastes that are being dumped into the sewers?

MS. AGRISS: Not to my knowledge. The City has recently created a Hazardous Waste Panel that consists of a number of City agencies, and we have asked to be a member of that Panel.

CHAIRMAN GRANNIS: Who is the head of that?

MS. AGRISS: Frank McCardle, Commissioner of New York City's Department of Environmental Protection.

CHAIRMAN GRANNIS: Do you know what their mandate is? I haven't heard about their creation.

MS. AGRISS: Generally, it is to look at the situation of hazardous wastes.

1
2 I don't know of specifics, in terms of
3 whether it would be an inventory that
4 would be undertaken, but I don't
5 believe --

6 CHAIRMAN GRANNIS: Does the
7 City do monitoring of -- any monitoring
8 at all of the wastes that are going into
9 the sewage system?

10 MR. NEWMAN: Yes, they do.

11 They have a unit that has been
12 around for a while, an industrial waste
13 unit, and they are around for the
14 purposes -- the City has had a sewer
15 use ordinance on the books for quite
16 a few years now.

17 There is a limited number of items
18 that they regulate fairly tightly,
19 basically with the purpose in mind
20 of protecting the collection system and
21 the sewage treatment plants from severe
22 upsets.

23 To that extent, when they detect
24 a problem, they do look back in the
25 system to see what the problem might

1
2 be. They do attempt to look for some
3 of these prohibited materials.

4 They have not fully brought
5 their sewage ordinance into conformance
6 with the various recently promulgated
7 Federal pre-treatment guidelines, so
8 there is a bit of updating that has to
9 be done with that ordinance.

10 CHAIRMAN GRANNIS: The State now
11 has no guidelines for measuring or
12 requiring the measurement of toxic
13 discharges, under the permit programs,
14 the SPEDES program, do they?

15 You don't measure toxic effluents.

16 MR. NEWMAN: Not true, we do.

17 If we perceive that a particular
18 industry will be discharging a parti-
19 cular type of hazardous substance, we
20 do attempt to set that up as a monitoring
21 requirement, and we do attempt to set
22 an effluent limitation.

23 We are speaking here of direct
24 discharges to receiving water, as opposed
25 to an industry that would be connected

1
2 to the municipal sewer system, which is
3 really for the pre-treatment program
4 to deal with. We haven't really cut
5 into that at all.

6 CHAIRMAN GRANNIS: Do you
7 monitor the effluents from the sewage
8 plants of the City?

9 MR. NEWMAN: It is done by the
10 City themselves, and by the Interstate
11 Sanitation Commission, it is done for
12 us.

13 CHAIRMAN GRANNIS: Do they con-
14 tain toxics?

15 MR. NEWMAN: They contain the
16 metals. We have not looked at all that
17 many organic toxics yet, but there are
18 substantial amounts of heavy metals
19 there.

20 CHAIRMAN GRANNIS: Is there a
21 reason you have not checked for the
22 organic toxic wastes?

23 MR. NEWMAN: It is a matter of
24 getting around to do them all, and the
25 laboratory capacity of the Interstate

1
2 Sanitation Commission --

3 SENATOR DALY: Where are you
4 checking?

5 MR. NEWMAN: At the municipal
6 waste treatment plants.

7 SENATOR DALY: You are checking
8 the sludge, is that where you are checking
9 it?

10 MR. NEWMAN: In terms of what we
11 are requiring the City to do, there are
12 two programs now, the ISC's and the
13 City's.

14 We are not doing it ourselves
15 directly. The City is obliged, under
16 our Operation and Maintenance Grant
17 Program, to check monthly, plant ef -
18 fluents, plants' effluents in sludge, for
19 all three of those items.

20 SENATOR DALY: And you are not
21 checking the sludge for toxic content?

22 MR. NEWMAN: At the moment, it
23 is just the heavy metals, as opposed
24 to the organics. There might be one or
25 two, such as PCB's, that the Interstate

1
2 Sanitation Commission looks at, but
3 certainly not the 65 items that have
4 been published by the Federal Government
5 to be considered in the pre-treatment
6 program. We have not gotten that far
7 yet.

8 CHAIRMAN GRANNIS: Whose
9 laboratories do they use for this
10 testing?

11 MR. NEWMAN: They use their own,
12 the City of New York or the Department
13 of Environmental Protection uses their
14 own industrial wastes laboratory at the
15 New Town Creek Facility.

16 CHAIRMAN GRANNIS: Where is the
17 Interstate Sanitation Commission labora-
18 tory?

19 MR. NEWMAN: On the West Side of
20 Manhattan.

21 SENATOR DALY: Ms. Agriss, you
22 mentioned that the sludge generated is
23 going to increase from 200 to 500, and
24 is that because of the development of
25 new waste treatment facilities?

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MS. AGRISS: Yes, that is.

SENATOR DALY: And when will that occur? Do you have a timetable?

MS. AGRISS: Between now and approximately 1989.

SENATOR DALY: Right now you are just dumping the sludge; is that correct?

MS. AGRISS: That is correct.

SENATOR DALY: You take the sludge out and dump it?

MS. AGRISS: That is correct, the City has four sludge vessels that it uses to dump it. As you know, there is a 1981 deadline for halting sludge dumping.

SENATOR DALY: That brings me to my next question.

What plans are underway for the handling of that sludge?

MS. AGRISS: The City right now has just about completed a facility, under Section 201, under the Federal Clean Water Act regarding the interim solution on the halting of ocean dumping

1
2 of sludge. The interim solution would
3 be a de-watering process, composting and
4 land application to parklands and other
5 undeveloped property.

6 SENATOR DALY: Well, let's follow
7 that through.

8 You are going to remove the water.

9 MS. AGRISS: That is correct.

10 SENATOR DALY: And solidify it
11 to a degree, compost it, and use it in
12 the parks?

13 MS. AGRISS: That is correct.

14 Generally, the parklands where
15 the application would be heaviest are
16 dedicated parklands although not generally
17 used as parks. These are largely areas
18 that have previously been used for
19 municipal landfills, sanitary landfills.

20 SENATOR DALY: And you are not
21 checking for toxic wastes, I gather in
22 the sludge itself right now?

23 MS. AGRISS: Actually, the studies
24 that have been done, recently completed,
25 have included checking for toxic

1
2 chemicals, as well as heavy metals.

3 SENATOR DALY: Well, then, what
4 process would be used to remove the
5 toxic chemicals, the PCB's or what you
6 will, from the compost before it is used
7 in these landfill situations?

8 MS. AGRISS: Generally, the worst
9 problem we have in terms of contamination
10 of the composted sludge that would be
11 applied to land is heavy metals. There
12 is no plan that I am aware of to remove
13 those metals -- rather, the sludge, the
14 compost does not meet USDA standards
15 for application to croplands, however,
16 there will be a requirement that the
17 land to which this compost is applied
18 be in perpetuity not used for the raising
19 of any foodstuff.

20 SENATOR DALY: You are just talking
21 about heavy metals now, you are not
22 talking about organics.

23 MS. AGRISS: That is correct.

24 SENATOR DALY: And you are not
25 sure how much, what the organic content

1
2 is, or the toxic content is.

3 MR. NEWMAN: I don't think the
4 complete spectrum has been run. This
5 list is almost endless now of organic
6 toxics, pesticides, and so forth.

7 I don't think we have a complete
8 handle on all of the organic contents
9 of the City sludge.

10 SENATOR DALY: Well, is there any
11 program underway to check the organic
12 content of that sludge before it is used
13 as compost?

14 It would seem to be that-- par-
15 ticularly in New York City, as Assembly-
16 man Grannis mentioned, where there are
17 dry cleaning operations, there are also
18 metal finishing operations, you do have
19 a number of those which use chemicals
20 for cleaning purposes which can create
21 toxic chemicals as a byproduct.

22 MS. AGRISS: Yes, the studies that
23 have been done by the consultants to the
24 City on their sludge disposal plan have
25 not raised the issue of toxic chemicals

1
2 as being particularly significant in
3 the compost.

4 SENATOR DALY: Then they have
5 tested them.

6 MS. AGRISS: My understanding
7 is they have looked at it.

8 MR. NEWMAN: The emphasis was
9 on the heavy metals, however.

10 SENATOR DALY: I see.

11 At the new sewage treatment
12 facilities, will there be any provision
13 for a filtration process, a process
14 for activated charcoal -- you mentioned
15 the new treatment facilities, and I am
16 asking, is activated charcoal treatment
17 being considered?

18 MR. NEWMAN:: It is not likely
19 to be, and it has not been up to now.

20 SENATOR DALY: Because of the
21 cost factor?

22 MR. NEWMAN: Generally we are
23 talking in terms of secondary treatment,
24 and nothing beyond that.

25 SENATOR DALY: We don't know really

1
2 how many organic chemicals you do have
3 in that sludge that is being generated.

4 MR. NEWMAN: They are all there,
5 it is just a matter of the quantity that
6 has to be determined.

7 SENATOR DALY: We don't know the
8 quantity then.

9 MR. NEWMAN: Not for all of them,
10 not for every single substance, and at
11 least not as of yet.

12 I might add, though, that in the
13 near future, in order to cut into the
14 pre-treatment program that seems to be
15 mandated by the Federal Government as a
16 condition for getting any future grants,
17 the entire laundry list of organics
18 has to be looked at, and the sources
19 have to be identified.

20 This is a fairly long-term
21 program, and I don't think the Agency
22 is even sure how we are going to go
23 about it in New York City.

24 SENATOR DALY: Do you feel that
25 before you make that final decision on

1
2 how the sludge should be handled, and
3 where it should be placed, that you
4 would need to know the organic content
5 of the sludge?

6 MR. NEWMAN: I frankly don't see
7 the importance of what we are going to
8 plan to do with it in the interim. All
9 indications that we in the City have
10 received thus far on the tests that
11 have been done, the on-going tests of
12 the effluents, what is in the sludge
13 presently does not indicate that the
14 concentrations of the types of chemicals
15 you are speaking of are that significant.

16 Again, the biggest problems that
17 we seem to be faced with are in the area
18 of heavy metals.

19 SENATOR DALY: The aqueous wastes
20 that would be generated after you dewater--
21 after you make the sludge, that will just
22 be dumped?

23 MS. AGRISS: That will be rerouted
24 into the treatment plants.

25 SENATOR DALY: And from there, where

1
2 does it go?

3 MS. AGRISS: It goes overboard.

4 SENATOR DALY: What kind of treat-
5 ment does it receive in the treatment
6 plant?

7 We talked about filtration before,
8 and you said no filtration treatment.

9 MR. NEWMAN: It will receive
10 primary treatment and biological treat-
11 ment-- primary and secondary, depending
12 on the location.

13 Now, one of the tentative sites
14 for one of these de-watering facilities
15 is the treatment plant in the Bay Ridge
16 section of Brooklyn, and right now they
17 have a modified aeration process, and
18 that is what they are likely to have
19 until the facility is upgraded, and
20 that is strictly a biological treatment,
21 there is no primary treatment associated
22 with it.

23 MS. AGRISS: Senator, I might
24 add that the City is just now completing
25 its 208 plan.

1
2 One of the comments we have
3 made, that the Citizens Advisory
4 Committee on that 208 Plan has made,
5 is that the issue of toxics has not
6 been sufficiently addressed, and that
7 is an issue that we are very interested
8 in proceeding with.

9 There is a Federal study that
10 is just beginning, one by the National
11 Oceanographic and Atmospheric Administra-
12 tion, and again one of the strong
13 recommendations that DEC has made is
14 that toxics be the major focus of that
15 study.

16 SENATOR DALY: That answers my
17 next question.

18 ASSEMBLYMAN ZAGAME: I have a
19 question about existing sites, and
20 possibly illegal sites.

21 You mentioned at the beginning
22 of your testimony that there are very
23 few known sites in New York City. The
24 problem we have encountered in other
25 parts of the State is that we only seem

1
2 to know about the legal sites, and then
3 at the end of your statement you alluded
4 to some of the illegal sites.

5 Are you looking for illegal
6 sites?

7 Do you have a mechanism whereby
8 you are able to try to probe inquiries
9 from people in the City of New York
10 about illegal dumping?

11 MS. AGRISS: Yes, we do. It is
12 somewhat limited, however.

13 This is done both through the
14 Solid Waste Unit in the Regional Office,
15 and through our Environmental Conserva-
16 tion officers.

17 Actually, one of the examples
18 I gave, the site on Staten Island, was,
19 in fact, discovered by an environmental
20 conservation officer who was following
21 a waste oil truck and found that it was,
22 in fact, dumping illegally.

23 So in that case, the system
24 works very well.

25 ASSEMBLYMAN ZAGAME: What was done

1
2 in that case?

3 Was an action brought to recover
4 damages?

5 MS. AGRISS: Yes, we brought a
6 summary abatement order against the firm,
7 and the waste oil hauler to really con-
8 tain the situation

9 There was an administrative pro-
10 ceeding brought against the company.

11 There was substantial clean-up
12 operations that we did require of the
13 companies involved, they actually
14 cooperated very effectively.

15 There was a fine that was paid of
16 \$5,000.

17 In addition to that, the cost of
18 the clean-up operation ran well into
19 the hundreds of thousands.

20 ASSEMBLYMAN ZAGAME: What were
21 the companies that were involved, can
22 you tell us?

23 MS. AGRISS: Positive Chemical
24 Corporation, and Samson Tankers.

25 ASSEMBLYMAN ZAGAME: You think a

1
2 \$5,000 fine was sufficient to stop
3 them from doing it in the future?

4 MS. AGRISS: The reason that the
5 fine was that small, and I admit that it
6 is not very substantial, was that the
7 cost of clean-up that they cooperated
8 in very effectively was, in fact, very
9 substantial and continues to be substan-
10 tial to the companies involved.

11 Since we could have the voluntary
12 actions, we felt that a much larger fine
13 would act as a disincentive to the
14 clean-up operation, and we felt that
15 was what the ultimate goal really was.

16 ASSEMBLYMAN ZAGAME: Let me take
17 that a little further, if I might.

18 There are some legal dumps in
19 the City of New York, one that I just
20 passed the other day, the Arthur Kill
21 Landfill in Staten Island.

22 MS. AGRISS: That is right.

23 ASSEMBLYMAN ZAGAME: Do you know
24 of any wastes that may have been dumped
25 illegally into such legal dumps as

1
2 Arthur Kill?

3 MS. AGRISS: I would hazard a
4 guess that undoubtedly happens. However,
5 it probably happens less in City facili-
6 ties than in many other areas around
7 the state.

d#1
8 The City facilities, particularly
9 such as Arthur Kill, the Fresh Kill
10 site, at any number of points along
11 the waste stream, you have an observer
12 from the City Sanitation Department
13 who actually watches the trucks unload
14 into a transfer station, and who actually
15 watches as the barges are being unloaded,
16 which tends to, again, act as a
17 disincentive to dumping hazardous
18 wastes.

19 ASSEMBLYMAN ZAGAME: Assuming that
20 some of them do get into these landfills,
21 do you test at all? Do you drill wells
22 or test the landfill sites for the
23 presence of chemical wastes, or do you
24 check leachate from those sites of
25 chemical wastes?

1
2 MS. AGRISS: At the moment we
3 are involved in an extensive program
4 with the City's Department of Sanita-
5 tion testing -- well, drilling testing
6 wells at Fresh Kills and other landfill
7 sites, and also checking for visible
8 leachate in an attempt to develop
9 systems to contain leachate, and make
10 the landfills eligible for 360 permits.

11 ASSEMBLYMAN ZAGAME: Thank you.

12 CHAIRMAN GRANNIS: Ms. Agriss,
13 let me just come back to this survey
14 that was done.

15 If the wastes are not going into
16 the sewers, do you know of other sites
17 they are being transported to?

18 MS. AGRISS: There are undoubtedly
19 numerous wastes that are, in fact going
20 into the sewers.

21 In terms of other legal disposal
22 facilities, they are truly somewhat
23 limited in this area, which is one of
24 the very serious problems that we have.

25 As I mentioned in my testimony,

1
2 there is a site in southern New Jersey
3 that is used. There is another facility
4 that is situated in Newark, New Jersey,
5 which is somewhat closer.

6 There are some problems with that,
7 however.

8 There is a site upstate, in
9 Niagara County, and one disposal facility
10 that we are looking at now, and we are
11 hopeful it will be usable, which is in
12 Canada.

13 CHAIRMAN GRANNIS: Are there toxics
14 being dumped legally in any city landfills?

15 MS. AGRISS: No, no.

16 CHAIRMAN GRANNIS: Does the
17 City monitor these programs as well,
18 besides DEC, referring to sewage dis-
19 charges?

20 There has been a concern that the
21 City does nothing. Periodically, they
22 will go out when there is a particular
23 problem, it knocks out a sewage treatment
24 plant, but that they don't do much to
25 follow up because of either lack of

1
2 concern or lack of manpower.

3 Is that --

4 MS. AGRISS: There certainly is
5 a lack of resources in the City. They
6 do have the Bureau of Industrial Waste
7 in their Water Department, and that is
8 an active bureau.

9 CHAIRMAN GRANNIS: Do they have
10 advisory powers, subpoena powers, or
11 what?

12 MS. AGRISS: Not to my knowledge.
13 I believe we have somewhat stronger
14 enforcement capability.

15 CHAIRMAN GRANNIS: Does that bureau
16 act as an agent for the State?

17 MS. AGRISS: No.

18 MR. NEWMAN: They are enforcing
19 their own sewer use ordinance.

20 SENATOR DALY: Before you mentioned
21 that the plans for the new sewage
22 treatment facilities did not take into
23 consideration the possible presence and
24 danger of toxic organics; is that right?

25 MS. AGRISS: The actual facilities

1
2 being constructed are not designed at
3 this time to remove toxics.

4 SENATOR DALY: Then you also
5 mentioned that recently the Federal --
6 the EPA, the Federal Government sent
7 out a directive stating that toxics --
8 stating that toxic organics should be
9 considered, in any treatment plant in
10 the City.

11 MS. AGRISS: I think what Mr.
12 Newman was alluding to was the pre-
13 treatment standards, where the indus-
14 tries will, in fact, have to remove,
15 I believe there are '65 toxic chemicals
16 that are -- standards are being developed
17 now regarding the treatment of these
18 65 toxic chemicals prior to the waste
19 stream getting into the sewers, going
20 to municipal plants.

21 SENATOR DALY: In other words,
22 it would be prevented before it got to
23 the -- be stopped before it got to the
24 treatment plant?

25 MS. AGRISS: That is correct, and,

1
2 Senator, that also affects what is in
3 the sludge.

4 SENATOR DALY: Again, I keep
5 getting back to the question, and I
6 imagine -- I can imagine the millions
7 and hundreds of millions of dollars that
8 are being spent in developing these
9 sewage treatment plants, but it seems
10 to me that you are telling me that they
11 are ignoring the possibility of toxic
12 wastes, chemical toxic wastes, and on a
13 presumption that there is not a suffi-
14 ciency of that kind of waste in the
15 system, which could create any problem.

16 Now, that is the way I am
17 interpreting the way you told me, and
18 correct me if I am wrong.

19 MS. AGRISS: Perhaps we have
20 mislead you.

21 The Federal program for pre-
22 treatment would, as I mentioned, be at
23 the site of the industry. In the
24 City, this is, in fact, a very serious
25 problem because you have numerous small

1
2 businesses that might be using these
3 toxic chemicals. The effluents from
4 those industries, however, once pre-
5 treatment is imposed will, in fact,
6 be free or very limited in the amount
7 of toxic chemicals that is in that
8 stream.

9 SENATOR DALY: We talked about
10 dry cleaning establishments before, con-
11 tinuing to use that as the example.

12 How many dry cleaning establish-
13 ments do you have in the City of New
14 York?

15 The chemicals that they use,
16 how are they disposed of right now?
17 They are probably being dumped right
18 now into the sewage system, aren't
19 they?

20 MS. AGRISS: Jim Reed can answer
21 that.

22 MR. REED: When you are talking
23 about trichlorethylene and the other
24 materials that are used by the dry
25 cleaning industry, it is not to one's

1
2 advantage to put this into the sewers.
3 It is a very expensive chemical. What
4 we have in the City, and is very
5 possible to do, with chemical waste
6 in Astoria, they will take this soiled
7 material from you, reprocess and filter
8 it, and so forth, and give it back to
9 you at a fraction of the cost of new
10 material, so it is not to the advantage
11 of the dry cleaner to put it into the
12 sewers.

13 SENATOR DALY: You are not finding
14 any trichlorethylene in the sewer system
15 of New York, or do you know if it is
16 there?

17 I use that as an example.

18 We are finding, as we go through-
19 out the state, this is a rather common
20 contaminant wherever we go. That parti-
21 cular chemical seems to show up a great
22 deal.

23 It is used, as you know, in the
24 cleaning process of many products.

25 MR. REED: It is also used in very

1
2 many, many cleaning operations other
3 than dry cleaning.

4 SENATOR DALY: I am using all
5 types of cleaning operations as an
6 example.

7 Let's talk about metal finishing.

8 MR. REED: That is where any of
9 it that does get into the sewer system,
10 it would come from these metal cleaning
11 or metal finishing operations, and this
12 is the one that specifically the Federal
13 government pre-treatment program would
14 aim at.

15 So there is, in the future, hope
16 that this will be removed from --

17 SENATOR DALY: Can I sum it up
18 this way --

19 MR. REED: If we can do something
20 about it now, that would be to our
21 benefit.

22 SENATOR DALY: The only thing I
23 am concerned about is that you seem to
24 be depending upon this being handled
25 before it gets into the City system, and

1
2 all I am saying is there any way that
3 the City, or the DEC, do they have any
4 way of constantly monitoring the City
5 system to make sure it is not getting
6 in, and again, being composted, and
7 transferred to other parts of the City
8 or other areas of the state.

9 MS. AGRISS: Senator, I would not
10 presume to say that we are doing as good
11 a job as we would all like to be able
12 to do.

13 SENATOR DALY: I am looking to the
14 future.

15 MS. AGRISS: In the future, we do
16 believe that pre-treatment is going to
17 have a very substantial effect, that
18 combined with monitoring that is done
19 by the City and is done by the Inter-
20 state Sanitation Commission, I do believe
21 that we will have a reasonable handle
22 on the situation.

23 SENATOR DALY: I don't want to beat
24 this horse to death, but I have one
25 last question.

1
2 Do you feel that the realization
3 that we have been given lately, due to
4 the Love Canal, and the situation in
5 Michigan and other states, but par-
6 ticularly in New York State and New
7 Jersey, is going to affect the type of
8 sewer system, treatment system that
9 you are developing in New York City,
10 or do you think New York City will
11 stick pretty much with the plans that
12 were developed as you explained them
13 before?

14 Will there be anything added,
15 subtracted, changed, as far as the
16 sewage treatment system is concerned
17 in New York City, to take into considera-
18 tion the possible damage that could be
19 done by toxic chemicals?

20 MS. AGRISS: I think it is
21 certainly possible that at some point
22 in the not too distant future, the
23 City is going to have to look, and
24 we will have to look very closely at
25 the trade-offs between imposing a very

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strict pretreatment system on, as I mentioned before, numerous small businesses versus doing something at the plant itself.

The cost of removal of the toxics, heavy metals at the plant would be exorbitant.

On the other hand, the cost to the City in terms of its economy, the effect on small businesses which actually make up the bulk of the businesses in the City of New York, could also be very detrimental to this City.

I think it will be a very difficult tradeoff between plant versus pretreatment.

SENATOR DALY: I am asking your opinion in this area now.

Assemblyman Grannis mentioned before our idea of the bond issue, that he and I and Assemblyman Zagame -- I just might note we have been joined by Senator Solomon, from Brooklyn, who is a member of the Toxic Sub-Committee.

Getting back to my question,

1
2 starting with the premise that we have
3 to stop putting this junk in the ground,
4 and in our water, and the best way to
5 do it is to detoxify it, and actively
6 handle it so that we detoxify it, using
7 the most modern state of the art facili-
8 ties, incineration, and other things that
9 you mentioned in your statement, solidifi-
10 cation, reclamation, and that to be
11 able to do it properly in one facility
12 would require a large sum of money, best
13 done by the state on a regional basis.

14 We are not sure how many regions
15 they are talking about.

16 We could be talking about four
17 major sites in New York State, or we
18 could be talking about eight, or we could
19 be talking about two, with some smaller
20 sites acting as satellites.

21 What do you think we should take
22 into consideration as far as New York
23 City is concerned, as we develop that
24 concept, realizing we are starting with
25 a concept right now, we are trying to

1
2 bond the money, get the money so that
3 we can take the first giant step forward,
4 and that would be the concern?

5 What would you advise us to be
6 on the lookout for in the development
7 of that theory as far as New York City
8 is concerned?

9 MS. AGRISS: First, let me say,
10 it is my personal opinion that such
11 a facility is absolutely essential, and
12 that unless a disposal facility that
13 is environmentally sound and easily
14 accessible is developed, we will
15 continue to have illegal dumping
16 throughout this area, throughout the
17 state.

18 If such a facility were to be
19 sited anywhere in the Metropolitan area,
20 one of our largest concerns is air
21 emissions, and we would want to make
22 sure that any type of atmospheric emissions
23 are well within standards that would be
24 applicable.

25 We would also like to see ways of

1
2 dealing with heavy metals. Again, that
3 is a primary concern in this City because
4 of the type of industry that we have here,
5 and perhaps a recycling process for these
6 metals, if that were to be economically
7 feasible would be something we would want
8 to see.

9 Generally, we would like -- when
10 we look to the -- rather, the survey of
11 the type of industries that are in the
12 City, and to see what kind of conservation
13 measures we can impose, then what kind
14 of recycling process would be best used
15 by this area.

16 SENATOR DALY: I know Senator
17 Solomon has talked to me several times,
18 and I know this is a major concern of
19 his, and perhaps he would like to
20 continue with some questions.

21 SENATOR SOLOMON: I do have
22 several questions.

23 One of them is with particular
24 concern to the illegal dumping, I am
25 sorry, I missed part of your presentation,

1
2 but I will glance over your statement
3 that you have handed to the Committee.

4 I represent the shorefront area
5 in Brooklyn, which has something which
6 we refer to as tobacco road. It is about
7 forty acres, which is from what I under-
8 stand by the New York Times, one of the
9 worst illegal dumping sites, maybe not
10 for hazardous wastes, as we have talked
11 about, as found in the Love Canal and Niagara
12 County area, but I am not sure, because
13 we haven't explored the sites that fully.

14 My question is, in seeing what
15 has occurred with the illegal dumping
16 in the area that I represent, I cannot
17 see any rational^e.

18 How would we be able to get the
19 people who are doing the illegal dumping
20 to take it to the processing plant in
21 New York City, because the problem seems
22 to be that in New York City, we don't
23 have the large companies per se, such
24 as Hooker in Niagara County, where we can
25 readily identify them and track them down.

1
2 It is a lot of smaller industries,
3 such as the cleaning industries or other
4 industries.

5 How do you perceive the solving
6 of that problem?

7 MS. AGRISS: The issue you are
8 alluding to, as you say, is not necessarily
9 hazardous waste, but it is, in fact, a
10 very serious problem for all of us in
11 this City.

12 Generally, the state capability
13 is somewhat limited to all illegal
14 dumping of this sort. In New York City,
15 we have a limited number of staff who
16 are available to truly patrol and do
17 investigations of this type.

18 The City Sanitation Department and
19 Sanitation Police Force is generally
20 used on these situations. I think two
21 things that have happened will be very
22 effective.

23 One is that the City Council
24 recently passed legislation allowing
25 impoundment of vehicles found to be

1
2 illegally dumping, and I think that is
3 inordinately important.

4 The second, as I understand it,
5 Commissioner Stysel (phoenetic spelling)
6 today is going to be, in fact, taking
7 a very substantial enforcement action
8 against some firms that have been found
9 to be illegally dumping.

10 We feel that this type of swift,
11 in the future swift at least, and
12 substantial enforcement activity, is
13 going to be a very large deterrent.

14 In terms again of the illegal
15 type of dumping you are speaking of,
16 one of the very serious problems we have
17 is a lack of sites right now for
18 legal disposal of refuse, construction
19 refuse, and through the establishment
20 of the resource recovery facilities
21 in the City, we will be developing
22 additional sites with less travel time
23 to them.

24 It will be less economically
25 disadvantageous for a dumper to go to

1
2 an illegal site.

3 SENATOR SOLOMON: The second ques-
4 tion, and I don't know if this person is
5 on the list of speakers, but the Superin-
6 tendent of Insurance, Albert Lewis has
7 been involved in this area for a number
8 of years, and I see that he will be here,
9 he is scheduled to speak today.

10 However, regarding the problem of
11 sludge in New York City, from what I
12 understand, former Senator Lewis has done
13 extensive investigations and we have
14 been trying to track down some of the
15 sewer system information that he has
16 used.

17 We have a severe sludge problem,
18 almost even with the problem we have in
19 Niagara County and Erie County and Upstate
20 New York, as far as toxic wastes that
21 have entered our river system, and are
22 located now at the bottom of New York
23 State.

24 Have you done any investigation on
25 that?

1
2 MS. AGRISS: Well, there was a
3 study that was done a few years ago
4 regarding toxics and bacterial contamina-
5 tion, I believe, of a site that had been
6 in the area where sludge dumping had
7 been taking place.

8 Rich, if you would like to address
9 that.

10 MR. NEWMAN: We are speaking about
11 the North Shore dumping site as opposed
12 to just the bottoms of New York Harbor.

13 SENATOR SOLOMON: The bottoms
14 of New York Harbor is what I am referring
15 to. I know what we dump off shore.

16 MR. NEWMAN: The recently, I guess,
17 completed New York City Waste Study did
18 indicate that bottom deposits throughout
19 New York Harbor will prevent the recovery
20 of the waterways for some time to come,
21 even after we turn over all of the sources,
22 because of this accumulation that has
23 taken place over the years.

24 It is true, it is out there.

25 SENATOR SOLOMON: Do you know what

1
2 is out there?

3 MR. NEWMAN: Sediments, really
4 consisting mostly of sewage sludge, which
5 had as a component, various, toxic sub-
6 stances that have been contributed by
7 industry and by other diffused sources
8 to the waste waters, and since the City
9 has been discharging material, it has
10 been accumulating on the bottom.

11 SENATOR SOLOMON: Do you have
12 any documentation as to how bad the
13 overall picture is?

14 MS. AGRISS: I think, Senator,
15 in terms of that type of information,
16 the City's 208 study is the most extensive
17 documentation.

18 ASSEMBLYMAN ZAGAME: If I might
19 just be allowed one caveat, Senator
20 Solomon, before we were talking about
21 dumping that occurred in Staten Island,
22 and it still stays in my mind that the
23 figure of \$5,000, which was assessed
24 as the penalty, is not substantial enough,
25 and that if you are going to get at

1
2 illegal dumping, it would seem as though
3 the penalties have to be higher.

4 You mentioned some enforcement
5 actions that are supposed to take place
6 today.

7 It seems to me that a \$5,000 fine
8 for some of these haulers might just
9 amount to a license to pollute rather
10 than a fine, and what we are finding
11 more and more is that it seems as though
12 the only group that has recognized the
13 importance of hazardous wastes seems to
14 be some criminal elements that have found
15 their way into this state, and are reaping
16 a tremendous profit from the illegal
17 disposal of wastes.

18 The Organized Crime Task Force is
19 now investigating that connection with
20 organized crime in Orange County. I
21 think that the fines have to be more
22 substantial, really, if you are intending
23 to get at the problem and really penalize
24 those people who are doing these things.

25 I don't think a \$5,000 fine is

1
2 going to solve any problems.

3 MS. AGRISS: I certainly agree with
4 you in terms of penalties assessed in
5 the process of litigation, and penalties
6 that we would ask for in the process of
7 litigation..

8 In this case, however, we felt
9 that in order to get the site cleaned up
10 as rapidly as possible, the best way of
11 doing that was to continue having the
12 fullest cooperation of the two firms that
13 we were dealing with, and they did, in
14 fact, spend hundreds of thousands of
15 dollars in terms of the cleanup.

16 If they had not done that, if
17 they said fine, let's go to litigation,
18 then the site would still be sitting out
19 there, and we would still have toxic
20 chemicals there seeping into the wetland,
21 seeping into the surface waters, and we
22 felt that the cleanup in the most rapid
23 manner possible, was, in fact, a very
24 substantial offset to the size of the
25 penalty that we agreed to in terms of

1
2 the consent order which was the form of
3 the action.

4 CHAIRMAN GRANNIS: I have one
5 last question.

6 We have come across, at least
7 in our hearings in Poughkeepsie and our
8 hearings on Long Island, this issue of
9 illegal dumping by such criminal elements
10 which involve tank trucks that will pick
11 up wastes, and do these things, such as
12 speed runs, with valves open as the
13 trucks drive along highways, so that
14 there is no tipping fee when it reaches
15 it's destination.

16 Is that a problem in the City?

17 MS. AGRISS: It undoubtedly is.

18 It is not something that we are
19 generally aware of. If we had better
20 information, we would try and stop it,
21 obviously. We do know that there is
22 substantial illegal hauling, pickups
23 by haulers who are not licensed with
24 the Department, who don't have an
25 acknowledged disposal site.

1
2 It is something we are very much
3 trying to get a much better handle on
4 through initial registration, through
5 much tighter control of the recycling
6 facilities, particularly waste recycling
7 facilities in the City.

8 CHAIRMAN GRANNIS: Is one of the
9 reasons because you don't have enough
10 personnel to monitor, to report, and to
11 go out and investigate some of the charges.

12 MS. AGRISS: Certainly.

13 CHAIRMAN GRANNIS: One of the
14 proposals we had discussed very briefly
15 is to provide an incentive for the
16 citizens to turn in some of these illegal
17 haulers.

18 In the instances where this
19 occurred, and complaints were acted on
20 resulted in fines, the citizens involved
21 got to share in the penalties that were
22 assessed.

23 Now, that is the kind of proposal
24 maybe we should look at here to extend
25 the eyes of enforcement agencies to

1
2 provide the financial incentives to
3 citizens.

4 Is that something you would
5 support?

6 MS. AGRISS: Yes, we are certainly
7 assisted substantially by information we
8 do receive from the public in all of our
9 programs. If we were to be advised that
10 particular trucks were seen frequently
11 at night on highways with their valves
12 open, that is something that we would
13 certainly investigate.

14 CHAIRMAN GRANNIS: Do you get
15 complaints of that?

16 MR. REED: We receive numerous
17 complaints, especially from competitors.

18 CHAIRMAN GRANNIS: Often they
19 are the best sources of information.

20 MR. REED: There is underlying
21 in New York City a great deal of illegal
22 actions.

23 For instance, there are an awful
24 lot of cars in New York City, therefore,
25 there is a great deal of waste oil being

1
2 picked up in the City, and legally this
3 should be taken to reprocessing facilities,
4 and recycled, and after testing put back
5 into the energy stream.

6 However, a great deal of this
7 material is winding up in most of the
8 oil burners in the City without any
9 pretreatment, and the reason this is
10 happening is because of inadequate staff,
11 inadequate surveillance, and not enough
12 money, tools and material to enforce the
13 existing laws that are on the books.

14 CHAIRMAN GRANNIS: Have any of those
15 people been caught?

16 I never heard about any of these
17 people being caught. I heard this charge
18 made before, but no mention of any
19 enforcement action against anyone.

20 MS. AGRISS: As I mentioned before
21 in this case on Staten Island, the way
22 that we did discover it was through an
23 Environmental Conservation officer tailing
24 a tank truck, and he was found just dump-
25 ing on the site.

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2 CHAIRMAN GRANNIS: By not putting
3 untreated, unprocessed oil through a
4 boiler.

5 MS. AGRISS: Not to my knowledge.

6 MR. REED: The idea is that members
7 of the industry will tell you off the
8 record that this is happening, and it
9 stands to reason if you look at the
10 economics of it, when you have to pay
11 fifty or sixty cents for a gallon of oil,
12 and you can get it down at the station
13 for ten cents a gallon, that you are
14 going to put this in.

15 It is an established procedure.

16 Nobody will come out and tell you about
17 it because of a code of silence, if you
18 will, that exists.

19 MR. NEWMAN: We were aware of a
20 particular case in Staten Island where
21 one fellow that was involved in salvaging
22 parts from old transformers, who was both
23 spilling the oil and PCB's directly onto
24 his property, and also selling it to a
25 gypsy scavanger, and doubtless from that

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point the substance was used as a fuel oil adulterant, so in those terms, it was probably going up in the stacks.

CHAIRMAN GRANNIS: Very well, thank you very much, Ms. Agriss, Mr. Reed and Mr. Newman.

The next witness is Steven P. Weingarten, from the Empire State Chamber of Commerce.

MR. WEINGARTEN: The Empire State Chamber of Commerce is pleased to have this opportunity to present a brief statement on hazardous waste disposal in New York State. The State Chamber is a Federation of eleven hundred individual business members and two hundred twenty local Chambers of Commerce and state-wide Trade Associations, with an underlying membership of some eighty thousand business firms.

Although many disciplines and industry types are included on the Chambers Committee on Environmental Conservation, we will not specifically address the

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eight issues listed in the Notice of Public Hearing. It is our opinion that existing Federal and State regulations are adequate to control existing or new generators, transporters, and disposers of hazardous waste.

The real and immediate problem concerns closed and inactive sites.

We would first like to review the activities of the Departments of Environmental Conservation and Health following discovery of the Love Canal problem.

Since August of 1978, we have witnessed the following:

(1) The Department of Environmental Conservation, with assistance from the Department of Health, has made a substantial start on cleaning up the Love Canal mess and on sealing off further leakage of contaminants therefrom to surrounding areas.

(2) An inter-agency task force was established with the directive to

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2 identify other hazardous wastes disposal
3 sites in Erie and Niagara Counties.

4 (3) A new office of toxic
5 substances has been created within the
6 Department of Environmental Conservation.
7 This new office has initiated a similar
8 state-wide identification program.

9 It is our opinion that the
10 Department of Environmental Conservation
11 has acted and it continues to act in a
12 prudent and timely manner.

13 Moreover, we agree with and support
14 the sensible state of protest outlined
15 by Department of Environmental Conserva-
16 tion Commissioner Robert F. Flacke at the
17 April 26th public hearing in Albany, New
18 York, which is to:

19 (1) Set inspection priorities
20 for all disposal sites as identified by
21 the Office of Toxic Substances.

22 (2) Conduct field inspections in
23 order of priorities.

24 (3) Based on needs identified in
25 the inspection, conduct sampling to

1
2 provide a scientific data base for action.

3 (4) Propose, and where appropriate
4 initiate remedial action.

5 (5) Where there is an imminent
6 threat to health or the environment, the
7 Department of Environmental Conservation
8 and the State Health Department have
9 already established emergency response
10 teams of specialists who will undertake
11 whatever immediate action is necessary.

12 In summary, we think our Department
13 of Environmental Conservation has met the
14 problem of hazardous waste disposal head
15 on. As soon as all hazardous waste
16 disposal sites are identified, a major
17 effort will be made to define the manage-
18 ment and control management necessary to
19 protect the health and the environment.

20 This information will include cost
21 of such measures and suggested legal tools
22 necessary to effect them.

23 Until this information is available
24 it is impossible to address intelligently
25 financial responsibilities or legislative

1
2 requirements. In the interim, additional
3 pressure must be exerted to force more
4 Federal involvement.

5 CHAIRMAN GRANNIS: Thank you very
6 much.

7 I have just a couple of lead off
8 questions.

9 The manifest system that will come
10 out under RCRA, is that a program that
11 the Chamber supports?

12 MR. WEINGARTEN: Yes, sir, we do
13 support the Federal legislation.

14 CHAIRMAN GRANNIS: We have our
15 own industrial hazardous control law,
16 which feeds into the RCRA program, but
17 when we originally passed our own law
18 last year, we were under the impression
19 that the RCRA regulations were going to
20 come out fairly soon, and there is now a
21 possibility that they are not going to
22 be in effect for a year, a year and a
23 half, maybe even two years.

24 One of the possibilities that we
25 have considered is to move up on the

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2 implementation date of our own law and
3 start our own manifest system much sooner
4 than might be required under the RCRA
5 system.

6 What would be the Chamber's reaction
7 to that proposal?

8 MR. WEINGARTEN: Again, two things,
9 we are hopeful that the RCRA requirements
10 will come sooner than in a year or two,
11 but secondly, as I said in the last part
12 of my testimony, we are anxiously awaiting
13 the state-wide report of the Department
14 of Environmental Conservation.

15 Again, to address the individual
16 needs of particular sites, we would be
17 willing to work with you on -- if it
18 requires legislation or other means in
19 respect to this problem.

20 CHAIRMAN GRANNIS: We know that
21 there are a number of sites. The exact
22 number ranges from four hundred to six
23 hundred, of which maybe two hundred are
24 real problem areas, so that we don't --
25 it is our feeling, we think, that we

1
2 don't need to wait.

3 That report is going to be out in
4 a few weeks, but that report is not going
5 to tell us anything that is going to,
6 at least in the beginning, shape the
7 kind of program that we have to consider.

8 I was just wondering, has the
9 Chamber taken a position, or has the
10 Chamber written to the Federal Government,
11 to EPA, to get -- to urge them to issue
12 their regulations sooner rather than
13 later?

14 MR. WEINGARTEN: Not at this point.

15 I would bring it back to the
16 Committee as a suggestion.

17 Let me -- I think at this point,
18 let me interject, that I am Director of
19 Governmental Affairs for the state Chamber,
20 and I am not an expert on hazardous wastes,
21 but I have been encouraging them, and I
22 have put before our Committee the Legisla-
23 tive proposals of Senator Daly and
24 Assemblyman Zagame and your proposals also
25 that just recently came out on four state

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2 sites, disposals of hazardous wastes, the
3 bonding issue, and again I am trying to
4 get as quick a reaction as possible, but
5 we do not have a decision on that yet.

6 CHAIRMAN GRANNIS: We have encount-
7 ered these problems before, where groups
8 will come before us and say we think the
9 Federal Government ought to act, and
10 then they do nothing to move the Federal
11 Government to act, and at times, we'll
12 go to Washington and we'll say it is a
13 state's responsibility.

14 I'm wondering whether the Chamber
15 has taken a position as far as our own
16 Congressional delegation is concerned, or
17 the EPA is concerned, or the President is
18 concerned, to get a national response to
19 the toxic problem, which may, in the end,
20 be more beneficial to your members than
21 having the state put forth its own
22 rules and regulations and laws not
23 consistent with the Federal Government's
24 approach?

25 MR. WEINGARTEN: I think with so

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2 many things happening, it is not that we
3 are really waiting, I think we should take
4 that action, yes, that is a good suggestion.

5 CHAIRMAN GRANNIS: I found that to
6 be a consistent position of Chambers of
7 Commerce, not to move ahead, and to
8 take that kind of approach until they are
9 asked, and somehow I have never been able
10 to understand why, since obviously it is
11 in your own members best interests so that
12 you won't be at a competitive disadvantage
13 with industries of other states, while a
14 national program implemented quickly would
15 make much more sense than waiting, but
16 there is always this lag, and I have
17 asked this of other trade associations
18 that have appeared before us, such as in
19 Syracuse and Niagara Falls, and nobody
20 seems to have taken the step, no letters
21 have been written, no actions have been
22 taken to contact even local Congress
23 members.

24 So I think -- I have a question
25 now about the responsibility, the financial

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2 responsibility.

3 Whose responsibility do you think
4 it ought to be to clean up the inactive
5 sites now? Should it be local government,
6 state government, Federal government, or
7 should it be the generators or the dis-
8 posers?

9 MR. WEINGARTEN: That's another
10 question I cannot answer for you at this
11 point.

12 CHAIRMAN GRANNIS: Should it come
13 from taxpayers money, or a user fee, or
14 a tax on wasted generators?

15 MR. WEINGARTEN: All I can say
16 really in response to that question at
17 this point is if we do take a sufficient
18 amount, from industry, and assuming you
19 could find the generators in all cases,
20 and you may not be able to, as you say,
21 it may be much better to go the Federal
22 way in our interest.

23 As Commissioner Flacke said, if
24 you don't have -- this issue is not add-
25 ressed at the Federal level, you have the

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2 problem if New York has an aggressive
3 type of program, not making any judgment
4 on that one way or the other, but if
5 other states are lax, there is a fear
6 that industry may, indeed, leave, or --

7 CHAIRMAN GRANNIS: That is one
8 side of the coin.

9 The other side of the coin is
10 that we are not like a convoy moving
11 with the slowest ship. We have a respon-
12 sibility to protect our citizens.

13 It is highlighted by problems
14 such as Love Canal, which is in Senator
15 Daly's district, and there are other sites,
16 both on-plant sites that are owned by
17 companies that we visited, and off-plant
18 property that are going to post problems
19 in the future, and I think it is the
20 feeling of the government, and I know
21 it is the feeling of the joint legislative
22 groups that we take action, and in some
23 cases fairly affirmative action, and not
24 wait for the Federal Government.

25 We would hope that we would have

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2 your member's cooperation in trying to
3 make sure that while we are doing that,
4 that we are treating industry fairly,
5 but recognizing the overall responsibility
6 of having to clean up some of these
7 inactive sites at some considerable cost
8 to somebody.

9 MR. WEINGARTEN: This is really
10 my purpose in being here today, to show
11 that we are concerned, very much so with
12 this issue, and although I don't have a
13 formal position, because again we are
14 dealing, our membership involves people
15 who do generate, and people who do not
16 generate, and it has been tough on our
17 part, but we are looking forward to
18 working with you on various approaches
19 and as I said, I will get back to you
20 as early as possible.

21 I don't see why we can not encourage
22 the Federal legislation and our Congres-
23 sional delegation to pass the proper
24 legislation. That is my opinion but --

25 ASSEMBLYMAN ZAGAME: It would be

1
2 very helpful if you would give us the
3 opinions of the appropriate committee of
4 the State Chamber that is dealing with
5 the bills that you have.

6 I know that you were one of the
7 first people to come to me and ask for
8 the bill that was introduced early this
9 year, and we would like to know what
10 concerns the Chamber has, because we
11 have taken different approaches on differ-
12 ent bills, and modified the approach.

13 In one bill, we tried to tag the
14 responsibility on those people who actually
15 used those old sites, and that raised
16 objections because it would be difficult
17 to find them, and to attach liability
18 after the fact.

19 In another bill, we tried to
20 create a super fund, where we would clean
21 up the sites and get a surcharge from future
22 generators of wastes in the state.

23 In the bond issue, we take a
24 similar approach to try to gather some
25 capital together to build sites for future

1 disposals.

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3 So we have put different measures
4 on the table, and before the end of this
5 session, I think you ought to get our
6 members who are involved with this
7 to sit down with us and let us know
8 which direction, of the ones I mentioned
9 is the way we should go.

10 MR. WEINGARTEN: I would very much
11 like to do that with you. You have been
12 very cooperative in presenting us with
13 material.

14 I think what the problem has been
15 is, again, there is a whole slew of
16 bills, as you say, and now we have been
17 told that the Governor is also developing
18 a program bill which may, indeed, be the
19 one that goes.

20 But maybe to do it in terms of
21 approaches, as you mentioned, is the proper
22 way to go. We would be willing to sit
23 down with all of you and our committee, to
24 work on that.

25 CHAIRMAN GRANNIS: I have just one

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2 more question regarding your statement.

3 I know you cannot do it now, or
4 I don't think so, at least, but I have
5 heard this before.

6 You say that we have under
7 existing authority the ability to
8 regulate toxic generation and disposal,
9 toxic waste disposal.

10 Could we get a memorandum from
11 you sometime in the very near future
12 delineating -- it is on the first page
13 of your statement -- delineating under
14 what existing authority do you think we
15 could do that.

16 We don't think we have the
17 existing authority now to properly handle
18 the whole toxic problem, and I know that
19 associated industries has also raised that
20 concern with me, so that if we could just
21 get an outline from you, or from the
22 Chamber, as to where you think that
23 authority is, I would appreciate it.

24 SENATOR DALY: Going along with
25 that, I am delighted, by the way, that

1
2 you feel that the DEC and the Department
3 of Health handled the situation well.

4 By the way, I agree with you,
5 that Environmental Legislation should
6 be national in scope, very definitely,
7 and we will push very hard to get the
8 proper legislation written in Washington.

9 It seems to me, since 1976, and
10 the troubles we have been having in the
11 implementation of the 1976 Act, or at
12 least it seems to me, and I am getting
13 the impression from your statement, that
14 the present method -- you are, more or
15 less, endorsing the present method of
16 handling toxic waste.

17 Most of the chemical wastes that
18 we have that are toxic are handled through
19 secure landfills, and unfortunately, we
20 do not have the facilities available at
21 the present time, although perhaps Rollins
22 in New Jersey has the closest thing to
23 what I am thinking about, but I under-
24 stand that has not got all of the capabili-
25 ties that I would like to see built into

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2 such a statement, but I seem to get the
3 impression that the secure landfill
4 method of handling toxic wastes is
5 satisfactory, according to the Empire
6 State Chamber of Commerce, and that
7 there is no need to go into the more
8 technologically advanced and more
9 expensive methods of handling toxic
10 wastes.

11 Are you telling me that in your
12 statement?

13 MR. WEINGARTEN: No.

14 SENATOR DALY: I was hoping you
15 were not.

16 Let's get back to the actual
17 handling of those wastes, and again
18 our concern, as, of course, is yours,
19 is that we do nothing to cause industry
20 to leave the State of New York. We have
21 had so much of that in the last ten years,
22 and the state, bi-partisanly, I might add,
23 is trying to correct that.

24 We have proposed a regional waste
25 treatment center. These waste treatment

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2 centers, as I said before, have the most
3 modern technology.

4 Our basic premise is that we
5 stop putting toxic wastes in the ground,
6 and we start using our expertise and our
7 monies to de-toxify any chemical before
8 we commit it to the environment.

9 We have proposed in our proposal,
10 the joint proposal, that the state, the
11 state literally plan where -- let me
12 say, we don't have the expertise in the
13 state, and I know that, but we would
14 have to work very closely with industry
15 in developing the type of essential
16 system, or regional waste disposal system
17 that would do the job, so I would envision
18 this being a joint effort going into the
19 universities, and the industries for the
20 expertise that we need, but then the state
21 to bond the plant, to pay off those bonds
22 through user fees, again charged to the
23 generators of the waste, so that the
24 taxpayers actually do not pay for it, but
25 the generators do, and that cost, of

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2 course, is spread throughout to the
3 customers, in marketing areas, which
4 would include the entire country, and
5 the entire world in many cases.

6 What is the -- has the Chamber
7 taken a position on that approach to
8 regional waste disposal sites?

9 MR. WEINGARTEN: We haven't, as
10 of yet.

11 The Environmental Conservation
12 Committee just met a week ago, and I
13 just got your legislation via the Niagara
14 Falls hearing. I came across it in
15 legislative correspondence, but I would
16 like to take a position on that.

17 Again, I cannot speak for them, but
18 we will -- I know that it is one of the
19 proposals --

20 SENATOR DALY: We are saying
21 again that the government is going to be
22 involved in something that private indus-
23 try may be involved in also.

24 I have been a strong proponent of
25 this particular approach for a number of

1
2 months now, but I would like to have input
3 from your organization when it makes its
4 decision.

5 We have, very interestingly, received some
6 very positive comments from certain
7 business and industry figures with regard
8 to the state actually doing that.

9 Thank you very much.

10 MR. WEINGARTEN: Thank you, and I
11 will get you that information as soon as
12 I can.

13 SENATOR DALY: Is Michael
14 Bonchonsky here, representing Eckardt
15 Beck, who is the Regional Director of
16 the Environmental Protection Agency,
17 Region II?

18 MR. BONCHONSKY: Good morning.

19 For EPA, I would like to express
20 our appreciation for this opportunity to
21 speak with you, and for Mr. Chris Beck,
22 our Regional Administrator at EPA, he
23 extends his apologies for being unable
24 to attend here today.

25 He does have deep concern for the
problem at hand, and asked that a
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1 statement be received. EPA estimates that 10 to
2 15 percent of the annual production of about
3 34.5 million metric tons (wet) of industrial
4 wastes in the United States is hazardous. This
5 waste has been produced for decades, and is
6 now projected to be increasing at three percent
7 each year.

8 A sizable portion of that waste is
9 generated right here in the highly industrial-
10 ized Northeast, and tons more of it are
11 already buried in the ground -- the end result
12 of industrial practices from years, even decades
13 past. In New York State, there are 488 known
14 disposal sites. In Erie and Niagara Counties
15 alone, a State/Federal Interagency Task Force on
16 Hazardous Waste has identified 215 sites.

17 This means, of course, that those of us
18 who are charged with the responsibility for
19 public and environmental safety with regard to
20 hazardous wastes are up against a problem which
21 is really two-fold. The first part involves
22 safe management of wastes now being produced
23 by industry. The second concerns the problems
24 of the past which have come back to haunt us, or
25 could yet come back to haunt us, like the tragic

1 circumstances at Love Canal, or the ones which
2 may confront us in the future from other
3 abandoned chemical dumpsites where wastes
4 were buried without adequate safeguards to
5 prevent leaching or groundwater migration.

6 From the federal perspective, such problems
7 do not stop at county or state borders. They
8 impact on the entire nation, which has already
9 been plagued with a series of incidents
10 similar to the one at Love Canal. These
11 incidents range from the Valley of the Drums
12 in Westpoint, Kentucky to the 200 mile strip
13 of highway near Raleigh, North Carolina, where
14 midnight dumpers unloaded truckloads of PCBs.

15 The problems with hazardous wastes, have
16 grown so pervasive that the Federal government
17 is now prepared to use every arrow in its
18 environmental quiver to combat them.

19 Here in New York State, for example, we at
20 EPA are implementing a forceful multi-faceted
21 program of detection, measurement, cleanup and
22 enforcement against these problems.

23 This program involves close, continuing
24 cooperation and coordination among EPA, the
25 Department of Justice, the New York State

3 1 Departments of Environmental Conservation
2 (DEC) and Health, and the State Attorney
3 General's Office. Following are some
4 highlights of the program:

5 Detection: Under the Toxics' Substance
6 Control Act, EPA is signing a cooperative
7 agreement with New York's Department of
8 Environmental Conservation under which
9 \$364,000 has been made available (on a
10 75%/25% Federal/State basis) for a pilot
11 program to develop techniques for detecting in-
12 place hazardous waste contamination and
13 defining its nature and extent.

14 The program will be carried out in close
15 cooperation with Erie and Schoharie Counties. It
16 will use state and county personnel, as well
17 as consultants, to develop and test
18 analytical screening techniques, perform
19 analyses, assess potential impacts, establish
20 priorities for action and develop management
21 plans on a county-wide basis.

22 In addition, EPA's regional office, working
23 with our Headquarters Office of Toxic Substances,
24 has nearly completed a pilot program in public
25 participation related to toxic substances.

4 1 This program has involved grants totalling
2 \$106,000 to 35 groups throughout New Jersey
3 and in the Hudson Valley of New York. These
4 groups are now preparing recommendations to
5 EPA on the best way to inform the public of
6 toxics problems and to involve them in
7 the decision-making process.

8 Cleanup: EPA has awarded a \$4 million
9 demonstration grant to DEC to continue the
10 decontamination program at Love Canal.

11 The grant, together with matching funds
12 from the State, will finance the complete
13 construction of the trench and tile
14 chemical collection system which will lower the
15 contaminated water table and draw off the
16 chemical leachate that has invaded the
17 basements of homes on each side of the Canal and
18 necessitated an evacuation of more than 300
19 families, leaving that small residential
20 neighborhood, quite literally, a chemical ghost
21 town.

22 These monies have been authorized under the
23 authority of Subtitle H, Section 8001 of the
24 Resource Conservation and Recovery Act which
25 provides funds to study the effects on health

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and welfare of improper hazardous waste disposal and methods to remedy hazardous waste and related problems.

Love Canal will therefore become an unprecedented event in yet another sense -- this time as a model in relation to other sites that pose a threat to public health and require remedial action by governmental authorities. The EPA demonstration grant will provide temporary and permanent leachate treatment as well as finance important monitoring and epidemiological studies pertaining to the health of the residents of the Love Canal area. The funds will also be used to consider rehabilitation and land-use alternatives for the homes and property contaminated by chemicals leaching from the abandoned landfill.

Enforcement: A successful program to detoxify the American environment must also include vigorous enforcement actions against the most severe polluters and worst managed operations, regardless of whether or not such environmental negligence is in the private sector or the public sector.

EPA, under the Resource Conservation and

6 1 Recovery Act, is now developing a series of
2 regulations designed to achieve cradle-to-grave
3 control of hazardous wastes. Shipping
4 manifests and reporting systems are
5 cornerstones of the program. Only permitted
6 sites may treat, store, or dispose of
7 hazardous wastes after the complete set of
8 regulations goes into effect sometime in 1980
9 (June is the current target date).

10 The fact that we are still developing
11 these regulations, however, does not mean that
12 enforcement actions will not go forward in the
13 meantime against hazardous waste disposal
14 operations against which significant cases can
15 now be made.

16 EPA announced recently a major new national
17 policy to investigate hazardous waste dumpsites
18 that are real or potential threats to human
19 health.

20 We expect that as many as 300 investigations
21 per year and 50 prosecutions of the most
22 egregious cases could flow from this new
23 policy. There will be three key elements in
24 this enforcement thrust:

25 First, the number of EPA personnel

7 1 involved in hazardous waste investigation will
2 be significantly beefed up, involving as many
3 as 50 additional staff members all over the
4 country, including Region II, being reassigned
5 to work in the program. Secondly, EPA will seek
6 a supplemental appropriation of \$131 million in
7 its Fiscal 1980 budget and approximately 190
8 staff positions to investigate dumpsites and
9 do legal case work. Finally, legislation will be
10 submitted to the U.S. Congress later this
11 month to establish a national fund created by
12 fees on industry to provide money for cleaning
13 up sites for which remedy cannot be achieved
14 by injunctive or enforcement action.

15 This enforcement program is a spearhead,
16 a harbinger of a growing arm of the law which is
17 reaching out to quash once and for all the
18 menacing problems associated with chemical waste
19 disposal.

20 A day can be foreseen in this State,
21 perhaps, when a State Trooper will pull a trucker
22 over not just to check tire pressure or vehicle
23 weight, but also to check out the nature of
24 the goods in transit, how well they are
25 packaged, where they are going, and how they are

8 1 going to be disposed of. This is not an
2 unreasonable scenario, but it illustrates a
3 direction which unfortunate circumstances are
4 forcing us to move in. And which we are
5 prepared to move in.

6 In New Jersey, EPA's Region II office is
7 exploring the funding of a joint action
8 committee with the U.S. Attorney, the State
9 Attorney General, the New Jersey Department of
10 Environmental Protection, the State Police, the
11 State Health Department and local officials
12 to attack the pernicious problem of illegal
13 dumping of hazardous materials. The aim of
14 this project is to beef up local and State law
15 enforcement capability for continual detection
16 and investigation of illicit dumping, the
17 assessment of penalties and the development of
18 ongoing control programs.

19 EPA expects to provide more than \$500,000.
20 I am encouraged by the recent public statements
21 by New York Attorney General Robert Abrams,
22 recognizing the need for a similar program. EPA
23 will explore with Mr. Abrams and the governor's
24 office the possibilities for such joint action
25 and funding in New York.

9 1 We are, of course, proceeding already with
2 potential enforcement actions in New York. The
3 Department of Justice has formed a special
4 hazardous waste strike force under Deputy
5 Attorney General Robert Moorman. The strike
6 force has been working closely with EPA's
7 regional office and with the appropriate state
8 agencies on the special problems of Niagara
9 County.

10 Nor can we ignore the contributions by
11 Federally owned facilities to the problems
12 identified in the Task Force Report. The
13 Departments of Energy and Defense have
14 cooperated fully with the development of the
15 report, and we are confident of their
16 continuing wholehearted participation as we
17 proceed to evaluate further the Priority I
18 sites and devise action plans for dealing with
19 them.

20 EPA is responsible under Presidential
21 Executive Order 12088 for helping Federal
22 facilities to comply with all applicable Federal
23 and State environmental laws and regulations.
24 The Agency's regional office is strongly
25 committed to pursuing that responsibility in

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New York State.

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The focus of national environmental policy has recently extended beyond the protection of natural resources to a more farsighted goal -- the protection of human health. But for this policy to be effective there must be a similar policy shift in the industrial sector from one of product profitability to a concern that products and industrial practices do not jeopardize human health. This same lesson cannot be lost on the public sector.

But the 35 million tons of industrial wastes now traveling through the marketplace, and among our citizenry, won't simply vanish into thin air on its own. There is no such thing as zero risk, and we cannot destroy matter. Therefore, another major thrust of our effort to come to grips with the hazardous waste problem must be one of careful siting, construction and monitoring of future disposal sites.

As the opinion polls now tell us about nuclear power plants, there are many people who react negatively to a project only when they discover that it is going to be built next door

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to them. Where we put our hazardous wastes in the future will undoubtedly be a matter of great public concern, and there must be government channels available to encourage and process maximum public input.

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Furthermore, we must conduct our activities under the knowledge that the race toward better living through chemistry is not likely to slow down. That it is a fact of American life. For the record, chemical sales in the U.S. last year exceeded a mind-boggling \$100 billion. Seventy-thousand chemical substances are now in commerce, and 1,000 more are introduced into the marketplace yearly.

The benefits produced by most of these 20th century miracle substances are difficult to dispute. They have increased our food supplies, the quality of our health care, the outputs of our economy, and our entire standard of living.

Yet, one need not look too deeply to realize the ominous problems which have accompanied our chemical advances.

In response to this growing set of problems, Congress has initiated a toxics control

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strategy which goes far beyond the hazardous

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waste disposal question. We in the

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environmental protection field have learned

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that a problem like toxics is inter-related with

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many other problems; that it cannot be

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compartmentalized and dealt with in an

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isolated fashion.

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The programs initiated by Congress,

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therefore, are as multifaceted as the problems

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which beset us. Each of these programs is

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like a separate plug, a coordinated set of

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stoppers to fill holes in a dam we now know is

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leaking unconscionable amounts of poisons into

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our environment.

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Besides the Resource Conservation and

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Recovery Act, this large mosaic of programs

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includes the Clean Air Act, which sets

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standards for hazardous waste pollutants in

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dangerous amounts into navigable waters of the

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United States; the Safe Drinking Water Act

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which authorizes EPA to set maximum

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contaminant levels for public drinking water

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systems; the Federal Pesticide Act, which

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regulates registration, treatment, disposal,

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and storage of all pesticides, including

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labeling requirements; and the Toxic Substances Control Act, which authorizes EPA to obtain data on health effects of chemical substances and to regulate the manufacture, use, and disposal of a chemical substance or mixture where warranted.

EPA plans to use this integrated strategy to the fullest and in every way possible where it touches upon hazardous waste disposal problems.

I should like to close with a tribute to the leadership and initiative demonstrated by the Joint Senate-Assembly Task Force on Toxics especially the proposal it recently put forward for a 150 million dollar State Bond Issue to construct four modern hazardous waste disposal kilns around the States.

Thank you.

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2 I will be glad to try to answer
3 any of your questions.

4 ASSEMBLYMAN ZAGAME: On behalf of the
5 Committee, let me thank you for offering
6 very detailed testimony. I am particular-
7 ly happy that you have given us a positive
8 recommendation on the bond issue, which
9 we have proposed, a one hundred fifty
10 million dollar bond issue.

11 The way that is drawn, as you may
12 know, is that the state would issue the
13 bond, and then the cost of those bonds
14 would be amortized through a system
15 of charges against industry which would
16 use the facilities, which would be
17 created through the bond issue.

18 You mentioned a super fund, a
19 national fund that has been proposed, and
20 I heard figures ranging up to five
21 hundred million dollars.

22 It seems as though that fund
23 would be directed mostly towards old
24 sites; is that correct?

25 MR. BONCHONSKY: I believe that

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2 is the case.

3 ASSEMBLYMAN ZAGAME: I guess what
4 I would like you to do is bring back the
5 message to your director, and hopefully
6 to Washington, and that is that if New
7 York State takes the lead here, and does
8 pass a bond issue, or provides for this
9 analysis of dollars for new sites, that
10 it might be to our advantage, both for
11 the future and for the old sites, to have
12 the Federal Government share in the cost
13 of constructing the new sites, and I will
14 tell you why.

15 There are above ground storage
16 areas all across the state, some in my
17 district, and some in other areas, plus
18 retrievable landfill wastes that ultimate-
19 ly might have to be moved, and in dealing
20 with the old sites, there is only one
21 way it can be done in a State like New
22 York, and that is to create new hard
23 sites.

24 I don't think the two problems
25 can be excluded, one from the other, and

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2 I would hope that when this program is
3 put in place, and I know you will play
4 some part in that, that this region would
5 press for some kind of special considera-
6 tion, should New York go out front and
7 make a commitment of that nature, that
8 we will be able to use some of the monies
9 from this super fund to match a program
10 to create sites for the future and not
11 just to deal with the Love Canals of the
12 past.

13 I think what we are trying to do
14 is prevent those from occurring in the
15 future, and I know I was a little confused
16 and concerned, when I read about the
17 national fund that was being proposed,
18 because I think it looked too much to the
19 past, and it should be better balanced.

20 Would you bring that message home?

21 MR. BONCHONSKY: I sure will.

22 The user charge mechanism that you
23 have built into that, sounds similar to
24 what we require under the construction
25 grants program for the later operation and

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2 maintenance and perhaps recovery, of some
3 of the capital cost to go to the people
4 that really cause the problem, and use
5 the facility. I think that is a good
6 idea.

7 CHAIRMAN GRANNIS: But that is a
8 user charge directed against New York
9 industry that puts us at a competitive
10 disadvantage which is a problem right
11 along when you are out front on an issue
12 like this.

13 MR. BONCHONSKY: I recognize that,
14 and in your absence Assemblyman Zagame
15 gave me his message to bring back about
16 possibly expanding the super fund to
17 participate in the construction of some
18 of these disposal facilities, as well
19 as handling old sites, as well.

20 SENATOR DALY: Let me start with
21 question one.

22 How does the EPA -- you are talking
23 about your program here.

24 All I see is programs on handling
25 present sites, establishing rules and

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2 regulations to make sure that we don't
3 dump chemical wastes improperly, but I
4 see nothing positive as far as saying
5 this is the preferred method by which
6 we should handle all of our toxic wastes
7 in the future.

8 You seem to be building your
9 rules and regulations around, again,
10 the use of the secure landfill. I
11 see nothing here which would generate
12 enthusiasm on the part of the states
13 to participate in new methods to handling
14 hazardous wastes.

15 I am getting back to the same
16 thing that Assemblyman Zagame and
17 Assemblyman Grannis mentioned to you,
18 that, of course, our study, in the
19 development of a regional waste disposal
20 method in this country, not only in New
21 York State, but in this nation, of course,
22 we are just -- we only have the responsi-
23 bility of New York State, and I don't see
24 the EPA coming out and saying we are
25 spending money to determine how we can

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2 handle, best handle PCB's or how we can
3 best handle trichlorethylene or the
4 methanes, and that one should be burned
5 by incineration at such and such a tempera-
6 ture, and one should be handled through
7 solidification, and then you can build
8 a regional plant with the following
9 facilities, which will do the job.

10 I see no encouragement from the
11 EPA to go down that line.

12 Is EPA doing anything about
13 developing new methods, safer methods?

14 Let's face it, how safe is a
15 secure landfill?

16 It is not permanent.

17 We thought the Love Canal, when
18 that was put in the ground back in the
19 forties and fifties, that was, at that
20 state in time, what the State of New York
21 then considered a secure landfill, and
22 that is only forty years ago, and we
23 won't go into what is happening with it
24 today.

25 So again, I am -- perhaps I am

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2 preaching to you, and forgive me if I am,
3 but I feel strongly about this.

4 I don't like this.

5 We are going to set up rules and
6 regulations as to how we will put things
7 in the ground, to make sure that landfills
8 last seventy years instead of thirty
9 years.

10 I'm asking what are we doing about
11 detoxifying agents before putting them
12 into the environment?

13 What is the EPA doing about
14 encouraging states and the Federal
15 Government to do that?

16 MR. BONCHONSKY: You speak about
17 what we are doing to detoxify our
18 environment, and what we are doing to
19 encourage prevention, as opposed to
20 just cleanup after the problem already
21 has been caused.

22 Well, we have a couple of Statutes
23 that do exactly that.

24 We have TSCA, which now calls for
25 the registration of chemicals before they

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2 are manufactured. For the first time, we have
3 now been given the authorities to regulate
4 the use of the chemicals, the disposal of
5 the chemicals, the actual manufacturing
6 process of these chemicals.

7 SENATOR DALY: But you are not
8 doing anything with it.

9 MR. BONCHONSKY: We are. PCB
10 regulations are out under RCRA, which
11 regulates how the material is to be
12 handled and disposed of, and ban the
13 manufacture of the chemicals, so little
14 by little, under TSCA, the regulations
15 will be promulgated, to identify and to
16 tag specific hazardous chemicals.

17 SENATOR DALY: What do you recommend
18 in the handling of PCB's after they are
19 created?

20 MR. BONCHONSKY: I am really not
21 familiar with all of the technical
22 techniques for the handling or the actual
23 disposal processes themselves.

24 SENATOR DALY: You are telling me
25 that the EPA has got certain rules and

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2 regulations which control how PCB's will
3 be handled.

4 I am asking you what are those
5 rules and regulations?

6 MR. BONCHONSKY: Well, the
7 manufacture of PCB's will be banned.

8 SENATOR DALY: Let's go beyond
9 that, let's talk about the PCB's that
10 we have created right now.

11 What does -- I will use PCB's
12 as an example.

13 You are banning PCB's but we can
14 move to other chemicals if you like.

15 What are you recommending, as
16 far as the handling of PCB's?

17 MR. BONCHONSKY: I believe it is
18 high temperature incineration.

19 SENATOR DALY: You are not saying
20 that you have to -- that you have to
21 eliminate PCB's through high temperature
22 incineration.

23 You are allowing PCB's to be stored
24 in what is called a secure landfill, are
25 you not?

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MR. BONCHONSKY: I believe so, yes.

SENATOR DALY: Yes, you are.

What I want --

MR. BONCHONSKY: You would like us to proscribe specific disposal techniques?

SENATOR DALY: Not only that, I believe that all of our environmental laws should be national in scope, since what is good for the earth, the sky and the water in New York State, is also good for the earth, the sky and water in Louisiana.

I also believe that instead of just taking the problem as we have been taking it, and dealing with it as -- with present technology, the EPA should be way out in front saying okay, from now on, nothing will be put into the environment that is not detoxified to the best that we can detoxify it in the present technology.

It would seem to me that EPA should be way out in front; here is how we are

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1
2 going to handle regional waste disposal
3 sites, or whatever, so that we make sure
4 that we don't have to put PCB's in so
5 called secure landfills.

6 You are not doing this.

7 MR. BONCHONSKY: Pretreatment
8 programs -- I think the regulations
9 designing the program, the pretreatment
10 program, is the first action that has
11 been taken to actually try to clean up
12 the sludge, to broaden the alternatives
13 available for the disposal of sludge.

14 MR. DALY: How many chemicals
15 are on the hazardous waste --

16 MR. BONCHONSKY: For pretreatment?

17 SENATOR DALY: Toxic wastes?

18 MR. BONCHONSKY: There are sixty-
19 five generic titles of chemicals, under
20 which 125 specific pollutants have been
21 identified for twenty-one industries.

22 It is very similar to the way we
23 are handling discharges into receiving
24 waters. We are now regulating indirect
25 discharges that are discharging through

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2 municipal systems into receiving waters.

3 The same regulations will apply
4 to both for direct discharges, as those
5 who are trying to discharge through the
6 back door, so to speak, indirectly through
7 municipal systems. Before the Clean
8 Water Act Amendments were passed, we did
9 not have a strong program for pretreatment.

10 As you alluded to before, you run
11 into the problem of contaminant sludge,
12 and how can you possibly move to disposal
13 on land if your sludge is contaminated.

14 Now, we have come out with these
15 regulations imposing pretreatment,
16 imposing standards to clean up the sludge.

17 SENATOR DALY: Do you think truly
18 that pretreatment standards would work in
19 the City of New York when you have all
20 of these small, little -- the small --
21 the metal cleaning shop, the degreaser,
22 and all of these dry cleaning establish-
23 ments which were all mom and pop opera-
24 tions that use chemicals which are toxic
25 in nature and have to get rid of them?

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2 You know what is going to happen
3 to those chemicals, they are going down
4 the toilet.

5 MR. BONCHONSKY: I think what you
6 are driving towards is perhaps central
7 treating through the municipal plant
8 itself. But you run into the technical
9 problems of no longer do you have an
10 isolated, easily identified waste which
11 you would have upstream, as it comes from
12 the direct discharger.

13 Now, you have a conglomerate of
14 all these electroplaters and all the
15 dry cleaners, and you start to approach
16 technical problems in the sense of their
17 being a limit for how exactly to remove
18 those materials.

19 Whereas technically, we are much
20 more able to handle it at the actual
21 discharge point, and that is exactly why
22 -- that is the rationale behind pretreat-
23 ment.

24 SENATOR DALY: You are getting to
25 my major criticism.

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You are not telling -- that is where you should be right up front, because you have the wherewithal, the Federal monies to truly develop a program, a technological program similar to the -- just as an example, when we wanted to put a man on the moon, it took us ten years, but we got the man on the moon.

But this waste program, this environmental program, seems to me just as national in scope as the energy program, and EPA should be the one up there developing the new technology of working with industry to develop the new technology and putting this out for the states to use.

You have the money and we don't.

MR. BONCHONSKY: I'm not familiar with all the details of our R & D program, but you should be aware that the largest part of the EPA's budget is for research and development abilities.

SENATOR DALY: We want to build a pilot plant in New York State. Tell us

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what to put in there, and tell us how much money the Federal Government would be willing to invest with us.

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If you can come up and tell us okay, from our studies, here is how you build it, this is what you need, this would be the cost --

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MR. BONCHONSKY: I'm sure we would work with you in the technological development of what the facility should look like.

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As far as funds, we are limited by the authorization in our Statute.

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SENATOR SOLOMON: I have a few questions, if I might.

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Senator Daly took away a good part of my line of questioning, however, I look upon when we first sat down, and we were discussing within what bounds we should hold the hearings, and we set aside atomic waste as something we did not have the wherewithal to go into with any sort of expertise, and the more I have gone into these hearings, the more I am

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2 convinced that EPA -- I would like to
3 know if EPA has put in some form of
4 program legislation, suggested on its
5 own behalf to either the President or to
6 Congress, since this is a national problem,
7 this is an area that goes side by side
8 with the disposal of radioactive wastes,
9 and the atomic energy program, almost
10 where you are going to have to have a
11 Federal agency, from my point of view,
12 and I would hate to see again a big
13 brother approach, but it will have to
14 be on a national scale.

15 Has EPA set forth any plan or
16 started to develop any EPA proposal that
17 it wants to give to Congress that would,
18 in fact, take this away from the state
19 so that we, in New York, wouldn't have
20 to put out our one hundred fifty million
21 dollar bond issue, so that, we, in New
22 York, wouldn't have to be afraid to
23 establish stringent rules as far as
24 disposal of these wastes, so it would be
25 on a national scale, as we said before?

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2 Have you people started to put
3 together any program like that?

4 MR. BONCHONSKY: I am sure you
5 are aware that the regulatory authority
6 for atomic waste is spread through a
7 few Federal agencies, particularly the
8 Nuclear Regulatory Commission, and I
9 am not familiar with whether or not we
10 have put forth any proposals for
11 specifically handling legislative
12 initiatives in that area.

13 I would be glad to get an answer
14 to that question for you.

15 MR. SOLOMON: Not only would I
16 like an answer, but I would like to make
17 the suggestion that you go towards that
18 goal.

19 As was explained here, we will
20 probably be putting part of our industry
21 in New York State in the position of
22 having to pay an additional cost, whereas
23 I do not know what state -- whatever
24 state you may take, you could take a
25 larger state with a much larger area,

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and not a concentrated population, and say we will just go along and put it into the ground for a few more years.

CHAIRMAN GRANNIS: I have a couple of questions.

The rules and regulations under RCRA, in your statement, you say 1980, the summer of 1980 is the target date.

Is that --

MR. BONCHONSKY: That is the current target date. You know --

CHAIRMAN GRANNIS: What was the original target date?

MR. BONCHONSKY: I think that we are about a year behind now. They are drafted right now. They are out for proposal.

I am sure you are aware that we have hearings in this area on the RCRA provisions a few months ago, and now it is a matter of looking at the national comment on it, and revising the regulations and promulgating them.

The process ordinarily takes about

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a year from the point in time when you have hearings.

CHAIRMAN GRANNIS: The problem with RCRA is that it only deals with new sites and active sites, it does not deal with inactive sites.

MR. BONCHONSKY: That is right, and it does not have major funding provisions, as does the Clean Water Act, to build sewage treatment plants.

There is no parallel funding program to build hazardous waste disposal facilities under RCRA, it is a limitation in the statutory authorization.

CHAIRMAN GRANNIS: Is that a recommendation that might be handed up soon to develop a program for toxic wastes along the lines of the pure waters program, which was a federal-state matching program?

MR. BONCHONSKY: I am not familiar with whether or not EPA is sponsoring that right now, actually sponsoring another major construction program. I am sure

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2 that it would raise a great deal of
3 concern, just whether it can be financed
4 on the national level to the tune of
5 something like the construction grants
6 program, which -- I mean, in the
7 Metropolitan area, I guess our cut of
8 the next authorization is around four
9 billion dollars.

10 I am not sure that they would
11 match that to build resource recovery
12 type facilities in the hazardous waste
13 area, or whether we have actually spon-
14 sored a program of that sort.

15 CHAIRMAN GRANNIS: There has been
16 a proposal floating around to use some
17 of the money of the pure waters program
18 to build a treatment facility to handle
19 toxics alone.

20 MR. BONCHONSKY: I had heard that
21 was the case.

22 Under the program, we do sponsor
23 the funding of sludge disposal facilities,
24 which is part of the water treatment
25 facility itself.

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2 We would fund an incineration
3 facility, or what we call a cold disposal
4 facility, where garbage and solid waste
5 are disposed of at the same time. We
6 would fund a portion of that incineration
7 or resource recovery facility.

8 CHAIRMAN GRANNIS: Is there any
9 ability to extend that type of authoriza-
10 tion say in the strategy for the toxics,
11 such as high temperature incineration?

12 MR. BONCHONSKY: By all means,
13 whatever technology is required, if it
14 is determined to be cost effective.
15 In fact, under the new amendment, there
16 are provisions where innovative and
17 alternative technologies must be looked
18 at before every one of these facilities
19 are built.

20 In fact, the percentage of the
21 total bill, of the total bill that we
22 will finance, increases when innovative
23 abilities are used.

24 We will then fund eighty-five
25 percent of the cost of that facility,

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2 instead of the ordinary seventy-five
3 percent of the cost.

4 CHAIRMAN GRANNIS: The funding is
5 an issue that crosses all sorts of things
6 that we are looking at.

7 The state spent twenty-two
8 million dollars on Love Canal, and we had
9 anticipated a greater participation from
10 the Federal Government than the four
11 million dollars that eventually came
12 through. It is something like an
13 experimental program, a demonstration
14 program.

15 MR. BONCHONSKY: Something like
16 an R & D type effort.

17 CHAIRMAN GRANNIS: But the problem
18 of Love Canal and the other sites that
19 we have looked at is a problem of putting
20 in the tile field to try to isolate these
21 sites, but as to continued monitoring,
22 the state is limited in what kind of
23 monitoring facilities it can provide,
24 because our laboratories are over extended
25 right now.

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2 So many of our laboratories are
3 committed to Love Canal analyses, that
4 they cannot even begin to look at the
5 other sites.

6 Is there money or input available
7 from the Federal Government, EPA, to help
8 out in the monitoring project, and in
9 the laboratory analyses, or funding of
10 laboratories, or using Federal laborator-
11 ies?

12 MR. BONCHONSKY: I think what we
13 have to do is really look annually at the
14 program of grants that are awarded to
15 New York State. We have a process that
16 we call the development of the State-
17 EPA Agreement, where instead of looking
18 at each program grant under their
19 individual statutory authorizations, try
20 to look at them as a whole.

21 For instance, if you tally up our
22 program grants that go to New York State
23 under the Statute, it comes to over thirty
24 billion dollars.

25 Now, I think we should be pushing

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2 to the boundaries of our -- of the
3 legislative constraints for how that
4 money can be used, by pushing to the
5 boundaries to be sure we are funding
6 priority problems in New York State,
7 and there is no reason why laboratory
8 facilities, if they are linked to a
9 municipal sewage treatment plant,
10 cannot be funded under the 201
11 construction grants program, to monitor
12 hazardous waste materials coming from
13 municipal systems.

14 CHAIRMAN GRANNIS: Who does your
15 laboratory analysis' now for your regional
16 office ?

17 MR. BONCHONSKY: We have a labora-
18 tory out in Edison, New Jersey.

19 CHAIRMAN GRANNIS: Is it private
20 or government owned ?

21 MR. BONCHONSKY: It is a Federal
22 EPA laboratory. It is small, but it is
23 an important laboratory, of course, to
24 us here in the region.

25 The other major laboratory in our

1
2 area is Inter-state Sanitation Commission.

3 CHAIRMAN GRANNIS: Are those
4 laboratory facilities that you could
5 impose upon to help out the state in
6 doing its analyses, the core analyses
7 and the monitoring analyses for Love
8 Canal?

9 MR. BONCHONSKY: Of course, we
10 have performed a great deal of analyses
11 for Love Canal at our Edison laboratory.

12 CHAIRMAN GRANNIS: Is that going
13 on now, is that continuing?

14 MR. BONCHONSKY: I believe that
15 is continuing.

16 CHAIRMAN GRANNIS: Because the
17 concern we have, and we are told constant-
18 ly that the lab report samples are backed
19 up in the state laboratories because they do
20 not have the facilities now of the ones avail-
21 able, to do the work, plus their ongoing
22 responsibilities.

23 MR. BONCHONSKY: There is no
24 question though that frankly the state
25 laboratories are probably more extensive

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than our own regional facilities.

If there is room, we have always accommodated the State of New York in analyzing samples. In fact, our sampling program, in which we sample effluent discharges to support the Federal permit program, which has now been delegated to the State of New York, under that program we now sample discharges for the permit program that is administered by the State of New York, so that we work very closely with the state in sampling analyses.

CHAIRMAN GRANNIS: That is people that are generating, and discharging waste, but particularly the inactive landfills, in some cases we know there are toxics, and in others we suspect there are, which are leaching now, and there is now a subterranean movement of toxics, of which Love Canal is one, and the others are Hooker sites, causing a great concern, like at Hyde Park, and some of their on-property sites, and that kind of monitoring is very expensive, and very -- I think the

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2 public right now is very concerned that
3 it shouldn't be left in the hands of the
4 folks that created the problem, and it is
5 a public perception that industry, and
6 not the Government itself, but industry
7 certainly should not be monitoring their
8 discharges at their own sites, that there
9 ought to be some overseer responsibility.
10

11 MR. BONCHONSKY: The only way
12 for us to do this is to look at all the
13 various sources of funds that are avail-
14 able to us, as I mentioned before under
15 the authorizations of each of the
16 Statutes, and to see which ones of these
17 can be channeled to solve that problem.

18 I am sure we could, through an
19 imaginative deployment of funds, meet
20 that need.

21 CHAIRMAN GRANNIS: EPA has a draft
22 proposal now for a six million dollar
23 super fund.

24 MR. BONCHONSKY: Yes.

25 CHAIRMAN GRANNIS: Which far

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1
2 surpasses a proposal by Senator Moynihan
3 and Congressman LaFalles.

4 Do you know the basics of that
5 program?

6 MR. BONCHONSKY: I really don't.

7 I'm not familiar with the prognosis
8 of whether they think it will go at this
9 point or not.

10 CHAIRMAN GRANNIS: Over what is
11 being proposed, is this an administration
12 proposal or just an EPA proposal?

13 MR. BONCHONSKY: I don't know.

14 I would be glad to find that out
15 for you.

16 CHAIRMAN GRANNIS: If it is an
17 administration proposal, that is a far
18 different message we would be getting
19 than we got several months ago from
20 Washington, that the Federal Government
21 did not think they would take an active
22 role with toxics, particularly the
23 inactive sites.

24 SENATOR DALY: Can't you apprec-
25 iate how much it would save the bureacracy

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2 if we just basically said to everyone,
3 that is a toxic waste, it will be handled
4 at the regional waste disposal center
5 at such and such a location, period, and
6 if we took our money and put it into a
7 program like that, and we didn't have to
8 go monitoring all over the place, and
9 formulating all of these rules and
10 regulations, and going down to the
11 individual small manufacturer with
12 eight people, and having to go in and
13 check his process out, here, there,
14 my God, it would seem to me, it would
15 solve our waste problem, and save a
16 hell of a lot of money at the Federal
17 level.

18 MR. BONCHONSKY: I think your
19 point is well taken, that we need
20 regional waste facilities. There is
21 no question about it, but the cost of
22 building waste treatment facilities,
23 I would say, would probably dwarf
24 bureacratic administration.

25 SENATOR DALY: What is your EPA

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budget nationwide.

MR. BONCHONSKY: Over a billion, one point one billion.

SENATOR DALY: How about the EPA grants?

You mean to tell me that EPA only spends one billion dollars a year.

MR. BONCHONSKY: That is our operating budget, yes. The grants are distributed.

SENATOR DALY: It doesn't really matter.

Let's go to a couple of other areas.

First of all, you mentioned a situation in Niagara Falls, and particularly Love Canal.

The Federal Government at that time stated that it was going to do something.

We have gotten four million dollars through a demonstration grant, but there has been no move at the Federal level to determine what Federal responsi-

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2 bilities should be when the health of the
3 people involved is definitely in imminent
4 danger, and the Federal Government, and
5 correct me if I'm wrong, has walked away
6 completely from even trying to determine
7 whether or not it should go into this
8 area, or where they should draw the
9 guidelines, or when they should become
10 involved in an area where we have a
11 disaster.

12 Everybody has called it a disaster
13 but the Federal Government did not
14 recognize it as a disaster.

15 Is the EPA trying to make a
16 determination, to your knowledge, of
17 when a situation becomes serious enough
18 for the Federal Government to declare a
19 toxic problem a disaster?

20 MR. BONCHONSKY: Well, I think
21 that the expression of our concern came
22 through Section 8001 of RCRA, the four
23 million dollar demonstration grant --
24 if you could -- at any rate --

25 SENATOR DALY: We love concern,

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but we like money better.

MR. BONCHONSKY: We don't have a demonstration grant like that for every landfill in New York State, or every hidden landfill, and we did make that attempt up in the Love Canal area, to try to pull together all of our resources. We looked at every statutory provision and authorization from which we could draw funds.

SENATOR DALY: We appreciate the demonstration grant, but that does not answer the question of when does the Federal Government declare a disaster in a situation similar to the Love Canal?

This is all I want to know.

There is no Federal guidelines, to my knowledge, nor -- and I can understand why there aren't Federal guidelines, it is a brand new problem that we have to face, and I have seen no activity at the Federal level to try to establish those guidelines.

Now, that bothers me.

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2 MR. BONCHONSKY: So you would
3 like to see guidelines by which a certain
4 set of characteristics would trigger the
5 calling of something technically an
6 emergency situation?

7 SENATOR DALY: Exactly.

8 Don't you think that we should
9 have something like that?

10 MR. BONCHONSKY: I think I could
11 bring that message back, yes.

12 SENATOR DALY: I have several
13 other areas to question.

14 At the last meeting, the hearing
15 we had with representatives from the EPA,
16 I was highly critical of -- I asked the
17 question, since we heard so much from
18 our Federal representatives, well, gee,
19 to solve this problem nationwide would
20 cost fifty billion dollars.

21 This is the figure that was put
22 forth.

23 Now, I don't know, nobody can
24 tell me where that figure came from.

25 When I talk to my co-Congressman and

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Federal Senators, they say daily, it is a fifty billion dollar problem, and the Federal Government does not have that kind of money.

At that time I submitted to you, and your two colleagues, that it was not a fifty billion dollar problem, as far as Government is concerned, because when they were looking at the sites that have to be treated, they were looking at some -- most of the sites were sites for whom we could pinpoint ownership and responsibility, and that, therefore, the Federal Government or the State Government or the local government should not pay one penny for that, but if you isolate and select those sites as the Love Canal, and I point to Niagara County as a good example of that, we have four sites up there for which we are very, very concerned, three of which we can pinpoint responsibility to the Hooker Chemical Company.

Millions of dollars are being

1
2 spent on those sites to make them safe,
3 and every penny is being spent by that
4 chemical company, and that is the way
5 it should be. The only site that is
6 receiving public monies is the Love
7 Canal.

8 So when I am told by the Federal
9 Government it is a fifty billion dollar
10 problem, well, it could well be a fifty
11 billion dollar problem, but not Federal
12 monies, not state monies, not public
13 monies, and all I asked at that time was
14 for a breakdown. If you could come in and
15 tell me it is going to cost fifty billion
16 dollars, I want to know how much of that
17 fifty billion dollar figure was based on
18 property presently owned by a corporation,
19 or by an individual for whom -- to whom
20 we could go for the payment of the clean-
21 up and how much of it is property that is
22 up in the air, such as the Love Canal?

23 I would submit to you, sir, that
24 it will be a hell of a lot less than
25 fifty billion dollars, as far as Federal

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2 monies are concerned, and I just don't
3 like hearing the figure fifty billion
4 dollars being tossed around as the
5 reason why the Federal Government can
6 not get involved.

7 MR. BONCHONSKY: I think we made
8 the point at that time that the estimate
9 arrived at nationally was based on facts
10 available at the time, data available
11 at the time, which admittedly, I believe,
12 was not as hard in detail as we might
13 have liked to see.

14 I don't have a breakdown for
15 you of how much or what kind of
16 different properties were used to
17 reach that figure, but I would try to
18 get that for you.

19 SENATOR DALY: It would seem to
20 me, when our representatives are using
21 that as an excuse for the Federal
22 Government not being involved, we
23 certainly have every right in the world
24 to have a breakdown on that to determine
25 how that figure was arrived at, and where

1
2 it comes from.

3 MR. BONCHONSKY: I am sure we
4 can get that information to you.

5 SENATOR DALY: Along that line,
6 too, the other point that bothers me is
7 to point out from the Federal Government,
8 I want to know who the Federal Government
9 feels is responsible money-wise for the
10 cleanup and handling of any future
11 Love Canals in the country, any where
12 in the country?

13 Should it be the local government
14 in their opinion?

15 Should it be the state government
16 or it should it be the Federal government?

17 I want to know what EPA, the Feds
18 feel should be the approach?

19 Who is responsible?

20 Who is responsible for paying for
21 things like the Love Canal, that is all I
22 want to know?

23 It is a very simple question.

24 MR. BONCHONSKY: I don't have
25 an administration position for you right

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2 now, and I will say that the point of
3 responsibility right now to us is really
4 defined by Statute.

5 Right now, our statutory authoriza-
6 tions are limited as to what we can move
7 in and what we can fund.

8 Our regulatory provisions are
9 very broad.

10 We can go in with you to try to
11 find out what private people, or whatever
12 might be subject to Federal regulatory
13 provisions, and Federal regulatory
14 programs.

15 We don't, however, have the
16 authority right now to go in and build
17 a regional treatment plant for you.

18 SENATOR DALY: As a result of
19 the Love Canal, are you thinking of
20 changing your policy or affecting
21 change in your policies and recommending
22 new approaches in exactly that line to
23 the Federal Legislature and the Federal
24 Executive Branch.

25 MR. BONCHONSKY: As to financing

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2 of the construction of regional
3 facilities?

4 SENATOR DALY: No, as to -- well,
5 yes, I would like to have the answer to
6 that, too, that is a very important
7 matter for the future.

8 I feel very strongly that is the
9 solution, but also, as far as responsibil-
10 ity, whose responsibility is it to
11 insert the monies, inject the monies
12 that are needed to clean up?

13 Are you telling me that you can
14 only go within your rules and regulations,
15 and there is nothing in the rules and
16 regulations that would allow you to
17 spend money to clean up the Love Canal
18 and, therefore, New York State literally
19 -- well, eighty-five percent had to --
20 New York State had to pick up eighty-
21 five percent of the cost itself.

22 Now, as a result of that, is EPA
23 saying to Congress, okay, because we
24 found out many new things and situations
25 that occurred in Niagara County, we are

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recommending a change, and that if we find any future Love Canals, this is what we think Federal input should be?

It seems to me that would be something that EPA should be doing.

MR. BONCHONSKY: I would be glad to find out whether we have formulated a proposal on that for you.

SENATOR DALY: One more area, and this is just a recommendation.

As I have gone around the state with Pete and John and Marty Solomon, I have decided that if I was in EPA or DEC, I would make sure that one area of the state I would monitor more than any other is Long Island, because Long Island gets its water directly from under the feet of the people.

We are hearing that there have been a number of wells that have been closed down because they were contaminated again with organic wastes, and as far as -- I am not saying that there is any danger right now, but as far as potential

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danger with toxic wastes, as far as its effect on the people, certainly Long Island must be put in the foreground of concern, because they depend on the water in their soil.

We, in Oneida County, get our water from the Great Lakes, and I was wondering is EPA monitoring, or is EPA concerned -- I am sure you are concerned, but what are you doing to insure that the water supply for the people of Long Island is protected.

MR. BONCHONSKY: On Long Island, you may be aware that that is only one, I believe two aquapheres in the United States that have been identified as a sole source aquaphere.

Now, the sole source aquaphere identification is a program under the same drinking water Act which now calls for the very careful perusal of every Federal project in that area, and an identification of specifically how it is going to impact that aquaphere, which

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2 includes building sewage treatment plants,
3 and industrial disposal facilities, and
4 identifying that aquaphere has been our
5 move to protect that aquaphere.

6 In addition, we funded the 208
7 program out there, and facets of that
8 program have been designing a water
9 management program and identification
10 of the extent of the problem out there.

11 SENATOR DALY: I was very impress-
12 ed with the job they have done out there
13 under the towaway program.

14 Is there any special monitoring
15 done by EPA? What is EPA's feeling on
16 these wells that have been contaminated?

17 Is there a possibility that more
18 and more wells out there will be contamin-
19 ated with these toxic wastes?

20 MR. BONCHONSKY: Well, I believe
21 what we would try to utilize are the
22 provisions of the Safe Drinking Water Act.
23 We would look to whether or not the
24 primary standards are being identified,
25 whether or not the secondary standards are

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2 being identified, and if they are, then
3 there are provisions for notifying consum-
4 ers, there are provisions for Federal
5 regulatory actions under the Safe Drinking
6 Water Act if we find that the standards
7 are being violated.

8 SENATOR DALY: You keep saying we
9 would.

10 What are --

11 MR. BONCHONSKY: We will, there is
12 no question that under our regulations
13 of the Safe Drinking Water Act, we
14 impose monitoring the water supply, and
15 we will act under the Federal regulatory
16 provisions of the Safe Drinking Water
17 Act if they are violated.

18 I think that it will become as
19 significant a program as our permit
20 discharge program has become with its
21 effluent standards and our enforcement
22 arm will meet the demands of that program.

23 SENATOR DALY: What is interesting
24 is that all of those wells were contamina-
25 ted again by toxic chemicals.

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MR. BONCHONSKY: Yes.

SENATOR DALY: And this goes back to the New York City problem.

CHAIRMAN GRANNIS: I have one more question.

Is it your feeling that there is going to be a national program dealing with toxics, an administration program.

MR. BONCHONSKY: There is no question. We already have one.

We have made --

CHAIRMAN GRANNIS: The program I am talking about, the super fund concept, the business of funding, is that a request of EPA to develop that program of the administration, or is it --

MR. BONCHONSKY: I will point out the status of the super fund, whether we are sponsoring it alone, as an agency, or together, as part of the administration.

CHAIRMAN GRANNIS: And does your agency have a reaction to the Moynihan-LaFalles proposal, their six hundred million dollar proposal that they have put forward?

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Do you have a reaction on that.

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MR. BONCHONSKY: I don't. I will find out if we have a position on that.

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CHAIRMAN GRANNIS: And the details of the EPA proposal, if we could get a clear outline of what is contained in your proposal, too.

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MR. BONCHONSKY: I would be glad to give that information to you.

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MR. WOOD: I have a couple of questions concerning your testimony.

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You indicated that approximately thirty-four million tons of wet industrial waste, that are produced in this country, of which ten to fifteen percent are hazardous, roughly four to five million tons --

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MR. BONCHONSKY: I believe the percentage, by the way, is higher in the Northeastern area, that is a national figure.

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MR. WOOD: Okay. You also project an increase of three percent per year.

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Is this a consistent increase for the

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2 last ten years that you are basing this
3 on or is this a twenty year figure or
4 what?

5 MR. BONCHONSKY: I believe the
6 increase is just attributable to the
7 development of industry, basically through
8 economic indicators. It is probably
9 based on the growth of production in
10 general.

11 You take a percentage of the
12 amount of production that is oriented
13 towards chemicals, and then they estimate
14 that industry will be growing at that
15 rate.

16 MR. WOOD: Would you consider it
17 to be an advisable alternative to begin
18 to look at the methods or ideas of
19 decreasing the amount of waste that
20 is generated particularly the toxic
21 wastes as a long-term solution?

22 MR. BONCHONSKY: We have several
23 programs that do encourage exactly that.

24 TSCA is now going to look at the
25 production of toxic wastes. We can

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2 actually go in and regulate the manu-
3 facturing process if necessary.

4 Even our permit program, by
5 imposing -- yes, by imposing the building
6 of sewage treatment plants by industry,
7 we force them to look at their manufact-
8 uring processes themselves.

9 The least waste they produce,
10 the least they have to treat at the end
11 of the line, so in a sense, we produce
12 a gradient that forces them to produce
13 less toxic wastes.

14 MR. WOOD: Do you think that
15 the proposal for a super fund would be
16 an incentive to reduce toxic wastes if
17 the funds were funded by fees from
18 generators.

19 MR. BONCHONSKY: I think the
20 most effective way to force the production
21 of less toxic wastes is by strong
22 regulatory controls on how it is disposed
23 of.

24 If we really, carefully regulate
25 how this material can be safely disposed

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2 of, there is always a cost associated
3 with that. The least material that has
4 to be disposed of, the least cost will
5 be borne by industry, and I think that
6 will automatically force them to look
7 at their manufacturing processes and
8 produce less waste.

9 MR. WOOD: There should be a
10 licensing mechanism for the handlers of
11 toxic substances, shouldn't there?

12 MR. BONCHONSKY: There will
13 be, in effect, through the manifest
14 system. We will be looking at exactly
15 this waste that is disposed of.

16 Right now, we cannot even identify,
17 for example, whether or not there is a
18 pipe from underneath the warehouse,
19 pouring it into the Passaic River, but
20 with the manifest system in mind, we
21 will be able to track it from the point
22 of production to where it goes, and I
23 think that in a sense will become likened
24 to a licensing mechanism.

25 MR. WOOD: I was a little concerned

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2 with the statement toward the end of
3 your speech that you have record
4 chemical sales, and that we are now
5 marching down the roads with the
6 chemical industry that is not likely
7 to slow down.

8 It seems to me that maybe the
9 wrong approach or the wrong attitude
10 to take, and that it may be very necessary
11 in terms of the long term cost to the
12 public health and safety of this country
13 that would slow down some of the produc-
14 tion of these chemical products, and we
15 take a very close look at the substances
16 that are being introduced into the market-
17 place.

18 We now have seventy thousand
19 chemicals that are currently in commercial
20 use, with a thousand being introduced
21 each year. There seems to me no way that
22 we could avoid the situation that we are
23 in now, where we find out that toxicity
24 exists twenty or thirty years down the
25 road, when it is almost too late to help

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the people that have been closely connected with these chemical industries, such as the situation in Love Canal or regarding the Pollution Abatement Services in Oswego, and I would think that the EPA would want to take a very close look at the overall attitude that the administration would have with regard to this.

MR. BONCHONSKY: There is no question, new chemicals have to be scrutinized.

The health tests that are performed for new chemicals will now be imposed through TSCA. TSCA, you know, imposes a sort of registration for new chemicals.

We call it premanufacturing notification. Every time a new chemical is produced, EPA has to be notified. Testing data has to be submitted to the EPA.

So that we are proposing this scrutiny that you are calling for of new chemicals before they are produced.

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CHAIRMAN GRANNIS: How long is it going to take to conduct back analyses of the subject chemicals that are under TSCA.

MR. BONCHONSKY: How long?

CHAIRMAN GRANNIS: You have broken them down into categories. Are there ones of primary concern and ones of lesser concern? Are you doing or how will you do a toxicity study at some point on those chemicals?

Is there a target date to determine how long you will take before those chemicals are screened?

MR. BONCHONSKY: I don't know what the target date is now. What we have been pushing for is to get the inventory promulgated. There is an inventory identifying old chemicals, and anything that is not on that list then would be considered a new chemical under that Statute, and subject to the premanufacturing notification.

A lot of resources have been

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poured into getting that inventory out.

CHAIRMAN GRANNIS: It deals prospectively.

The retroactive application of the manifest system regarding what was generated four years back, and where it went, is the problem we had with the Love Canal and many other sites.

We don't know what wastes were put in those sites, and we don't know what happened to them, and that would seem to me to be a logical amendment to RCRA, even if we are not dealing with the old site as far as cleanup, to at least include in the manifest system a mandate to industry to backdate their records, or to look back in their records to figure out what they produced by way of wastes, and where they put it.

That is what is happening with Hooker. We have been going through some of these records with other programs, and it is difficult to do, I realize, but --

MR. BONCHONSKY: I was going to

1 say I think from our experience up in
2 Love Canal, we might find administering
3 a program like that, from what we have
4 seen from a few chemical companies up
5 in that area, a program like that might
6 be impossible to administer.

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8 CHAIRMAN GRANNIS: You are asking
9 for information, you are not administering
10 anything at this point.

11 You have that in your request
12 for information, but within your subpoena
13 authority and your regulatory authority
14 to mandate that that information be
15 developed where it is not readily
16 available.

17 It can be done.

18 They know what they bought, and
19 they know what they produce, and you can
20 do an addition to some degree, and
21 determine what the wastes are, because
22 that is a real problem that we are having
23 in doing our inventory.

24 We know where the sites are. It
25 is hard to figure out what is in them.

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2 We have limited resources, and if
3 we were part of a bigger manifest program,
4 I think that in your rules and regulations
5 that ought to be considered, because that
6 would help us in dealing with the two
7 hundred sites that we think have particu-
8 lar toxic waste problems.

9 MR. BONCHONSKY: I have worked
10 with your industrial chemical survey,
11 and we are trying to add a few more
12 resources in some of our grants to pick
13 up a few additional staff at DEC to
14 refine that survey a little bit, but --

15 CHAIRMAN GRANNIS: I think we
16 have to, because so much of our program
17 is keyed into what you do, what the
18 Federal Government will eventually do
19 under RCRA, and that may or may not be
20 a problem.

21 We have this proposal to put our
22 own industrial hazardous waste program
23 into effect now, and not wait for your
24 rules and regulations, and conform our
25 rules and regulations later to the extent

1
2 that we can make our program consistent
3 at that point with yours, which is one
4 option we face.

5 1980. is not so far away, and I
6 am doubtful that you will have those
7 rules and regulations in effect by then.
8 You are a year behind already, and they
9 will be harder to develop in the final
10 form than you may think now.

11 MR. BONCHONSKY: Perhaps, but
12 there is a great deal of impetus right
13 now to push those regulations ahead.

14 CHAIRMAN GRANNIS: Thank you, we
15 will take a five minute recess.

16 Afterwards, we will continue with
17 the balance of our witnesses.

18 (Whereupon, a short recess was
19 taken.)

20 (Whereupon, the hearing resumed.)

21 CHAIRMAN GRANNIS: The next speaker
22 is Dr. Mathew C. Cordaro of the Long
23 Island Lighting Company.
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MR. CORDARO: My name is Matthew C. Cordaro. I am a Vice President of the Long Island Lighting Company. LILCO is an electric and gas utility serving approximately 900,000 customers in Nassau and Suffolk Counties and the Rockaway Peninsula in Queens.

I am pleased to participate in a hearing which we hope will contribute to the development and implementation of legislation for achieving practical solutions to the problem of hazardous chemical waste disposal. Despite the tragic discovery at Love Canal and the potential hazards which may lie beneath the estimated 450 similar chemical disposal sites throughout the State, you have recognized that the production, distribution and use of chemical products in New York is vital to the State's economy and to the quality of life we all enjoy. I commend you for your rational approach in seeking solutions to a controversial problem rather than adopting the politically safe course of condemning industry, proposing varieties of outright bans and prohibitions, and throwing the responsibility in the lap of the federal government.

2 1 I suggest that an equally rational approach
3 be taken in the matter of other toxic and
4 potentially hazardous substances, particularly
5 radioactive wastes. I understand that you
6 have limited your scope of concern to chemical
7 wastes, but let me suggest that this may be an
8 error, especially when it appears to open the door
9 for the application of a double standard in
10 dealing with toxic materials.

11 Yielding to perceived political pressures
12 by banning the further construction of nuclear
13 power facilities in New York State because of
14 nuclear waste issues, while at the same time
15 expressing out and out opposition even to
16 preliminary federal review of disposal sites in
17 New York, is in direct conflict with the
18 approach I understand you are taking for
19 chemical wastes. More specifically, I am not
20 aware of anybody calling for a shutdown of the
21 chemical industry. All of us are
22 acknowledging the need for regional facilities,
23 and are anxious to take whatever steps may be
24 necessary to carry out the State's
25 responsibility in this area.

Those who call for a moratorium on nuclear

3 1 power plant construction usually cite the
2 waste issue as their primary justification.
3 The effect of such a moratorium would be to deny
4 State residents the benefit of nuclear power on
5 the basis of essentially two misconceptions:
6 first, that radioactive wastes cannot be
7 safely isolated; and second, that their toxic
8 nature is severe enough to demand special
9 treatment as compared to other materials.

10 I submit to you today that radioactive
11 wastes generated at nuclear power stations --
12 because of their small volume, well known
13 chemical and physical characteristics, and long
14 history of management experience -- pose no
15 greater and possibly even a lesser problem
16 than the disposal of hazardous chemical wastes
17 for which you seek solutions through these
18 hearings.

19 Let us examine some of the facts. In
20 1971 the President's Council on
21 Environmental Quality reported that approximately
22 10 to 20 percent of the two million chemical
23 compounds known to man were in some way toxic,
24 carcinogenic, mutagenic or represented a clear
25 threat to public health and the environment.

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Furthermore, some of the 300 to 500 new chemical compounds formulated and introduced into commercial production each year could exhibit similar deleterious properties. More alarming, the Environmental Protection Agency estimates that over 90 percent of the 35 to 40 million tons of hazardous chemical wastes generated annually in the United States are presently, and likely will continue to be, indiscriminately dumped, buried and leached into countless open pits for years to come. Even if this dumping ceased today and newly generated wastes were securely isolated from the environment, existing dump sites representing millions and perhaps billions of tons of nondegradable toxic wastes in New York alone will continue to leach into the ground, threatening the potability of drinking water sources for generations to come.

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Except for the knowledge that the problem is immense, disappointingly little is known about the health effects, either short- or long-term, of the thousands of different compounds dumped in the past which now jeopardize our precious groundwater supplies.

Toxicologists are only at the frontier of what
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5 1 is likely to be a trail of unpleasant
2 discoveries regarding the toxic, carcinogenic
3 and mutagenic concentrations of these numerous
4 compounds.

5 In contrast to the dismal dossier on
6 chemical wastes, both the physical and
7 biological properties of radiological wastes are
8 extremely well understood. The half-lives of
9 radioactive isotopes are known to the fraction
10 of a second, and unlike a number of chemical
11 wastes, they decay into harmless elements with
12 the passage of time. The total quantity of
13 radioactive wastes in the form of spent fuel
14 generated annually by existing commercially
15 operated nuclear reactors, which supply 12% of
16 the electric power in the entire country, is less
17 than 1500 tons. This figure is dwarfed by the
18 1.25 million tons of hazardous chemical wastes
19 generated each year in New York State alone.
20 As in other industries, there have been
21 incidents with nuclear waste storage, although
22 no member of the public has been injured. Every
23 precaution is being taken to protect public
24 health and safety, now and in the future.
25 Virtually all the radioactive spent fuel waste

6 1 generated by commercially operated nuclear
2 reactors to date is safely isolated from the
3 public. In contrast, 9 of every 10 pounds
4 of hazardous chemical wastes generated to date
5 have been improperly disposed of, and EPA
6 admits it has no idea exactly how many chemical
7 dump sites there are or where to find them, much
8 less how to clean them up. Despite this
9 disposal record, no one has responsibly proposed
10 that the chemical industry be shut down, nor is
11 anyone likely to do so.

12 While the Federal Government has not chosen
13 the ultimate method for long-term radioactive
14 waste disposal, several options are available
15 and technically feasible to achieve permanent
16 isolation of the wastes from the environment.
17 Currently, burial of the wastes in underground
18 geologic formations, such as salt beds, salt
19 domes or granite, appears to be the most
20 desirable method. Fortunately, the final
21 selection of the appropriate permanent disposal
22 method need not be chosen immediately. Interim
23 radioactive waste storage and handling
24 practices used for decades have safely managed
25 the commercially generated wastes without harm

7 1 to the public, thereby affording the luxury of
2 time for determining the best ultimate disposal
3 method.

4 Unfortunately, Love Canal, Valley of Drums,
5 tales of midnight dumping, birth defects and
6 miscarriages associated with the dumping of
7 chemical wastes do not allow us a similar luxury
8 of time to carefully scrutinize the long-term
9 choices for the disposal of chemical wastes.
10 Secure landfilling, incineration, chemical
11 treatment and other scenarios have been
12 proposed. Are they adequate? Have they been
13 as thoroughly examined for their long-term
14 suitability as radioactive waste disposal methods
15 Considering their infinite half-life,
16 astronomical quantities and potential
17 toxicological properties, the research backing
18 these proposed methods to my mind falls far
19 short of the standards held by the nuclear
20 industry. Yet, I am confident, as I know you
21 are, that diligent and responsible work by
22 government, industry and the public will lead to
23 long-term solutions to the hazardous chemical
24 waste problem in order that we may continue to
25 enjoy our country's high standard of living --

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due in large part, as Senator Daly pointed out, to the chemical industry.

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With these thoughts in mind I must ask you, is it logical or consistent to prepare to tackle and solve the enormous chemical waste disposal issue, while turning away from the possibly less hazardous nuclear waste problem -- especially in the midst of an energy crisis when the benefits of nuclear power have never been more urgently needed. Those who would oppose the construction of any new nuclear plants in New York State "until the radioactive waste disposal problem is solved" do little to support the efforts of government and industry to reduce our crippling dependence on foreign oil through the construction and operation of additional nuclear generating capacity. Just one of the several nuclear power stations proposed to be built in New York State, LILCO's Jamesport Project, would save the equivalent of one billion gallons of oil per year. This quantity exceeds the volume of oil required annually to heat all the oil fired homes on Long Island or run all the area's commercial and industrial facilities. If converted to

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9 1 gasoline it represents all of the transportation
2 needs of the Island for one year. We cannot
3 afford to close our eyes to the potential
4 benefits of nuclear power because of an
5 inordinate fear of the toxic properties of
6 radioactive wastes -- an issue which may very
7 well be less difficult to resolve than the
8 chemical waste problem you are addressing
9 today.

10 The purpose of this statement is not by any
11 means to suggest that the chemical waste
12 problem represents a doomsday scenario. On
13 the contrary, the chemical industry has made
14 substantial contributions to the development of
15 a prosperous economy for our State and our
16 nation. In dealing with the waste problem,
17 most firms in the chemical industry have shown
18 a strong sense of responsibility. Clearly,
19 these are people of integrity who are
20 attempting to act as responsibly as they can,
21 and it is encouraging to see that the
22 legislature is attacking the problem rather
23 than the industry itself which is a necessary
24 and desirable component of the State's economy.

25 Our hope is to see the legislature extend

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this same logical view to the subject of toxic materials as a whole, including radioactive wastes, either in the course of these hearings or at some future date. I urge you as informed representatives not to endorse positions which are inconsistent with the proper and non-political consideration of the entire hazardous waste management issue. The health and well-being of the people of New York State depend on it.

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Thank you very much.

CHAIRMAN GRANNIS: Doctor, one of the problems, and an interesting part of the problem that has come up with the treatment of radioactive wastes, and we have excluded that not because we were not worried about that issue, but because that is the subject of others in the Legislature, whose responsibility it is, but they made an announcement yesterday, and I am sure you were not pleased with the statement made, that there would be no nuclear waste repositories established in New York State, and that is the bottom line of what that group came out with, but the concern that I have, and the problem in New York, and LILCO, I guess, has been involved with part of the problem, is the shipment of waste through the City, and the issue has not been handled in the most above board way, not by LILCO necessarily, but by the people that are actually doing the shipping, late night runs, without warning.

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People have seen these trucks, the big cement casks, going through the City streets without police escort and there have been reports at times in other parts of the state that these casks are being left on thruways, the cask is disconnected from the truck, and the trailer is left with some of these big tanks sitting out there for people to drive nearby.

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Now, that kind of approach is what has led to some of the near hysterical reaction to the whole question of nuclear waste, not to mention West Valley, which is in itself a major problem, and we have had very little help from the Federal Government, and they haven't let our personnel on the sites monitor what is going on.

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I don't think that the message that there is a safe and effective way of treating waste is brought home. They say possible underground storage in salt mines is one way, but I'm not sure that

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that does not just perpetuate the problem that we have with toxics, that it is there, it is the concern maybe not for us, or the next generation, but for the third, fourth or fifth generation out, since maybe it will not remain in those salt fields, that it will reach out within its half life and still pollute our waters.

I think that is part of the concern.

If that is the message that is being brought, brought by utilities as well, I think they better pool their resources to come up with some of the technological solutions to deal with this problem, which is how to deactivate.

Is the solution to completely remove it and isolate it?

DR. CORDARO: Well, I would like to comment on some of the points you made.

First of all, I am very familiar with the transportation issue. I testified before the Senate Committee on Science

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and Technology on this very subject. I have testified at the Department of Transportation hearings in New York City because it directly affects us.

We will -- if we are allowed to utilize truck shipments as a means of removing our spent fuel from our nuclear reactors on Long Island, we will have to travel through New York City.

As far as I know, and to my knowledge, the only other potential shipper of the spent fuel type of nuclear waste in New York City is the Brookhaven National Laboratory, and they are a very responsible organization, and I know of no incidents where they have shipped any materials through the City unannounced.

In fact, the whole procedure -- material in the sense of spent nuclear fuel from their reactors.

In fact, the procedure which is being adopted, whereby the only way such materials could travel through the City, would be after midnight, at night, and

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2 with a police escort, and so forth and
3 so on, was developed in conjunction with
4 the Brookhaven Laboratory, and was
5 followed throughout the course of
6 shipping.

7 Now, they have not shipped
8 material to this City for the last
9 three years.

10 Other than that entity or
11 that organization or institution, I
12 don't know of any other operator of a
13 nuclear reactor or source materials
14 similar to spent fuel, who has shipped
15 through the City, so that I am somewhat
16 confused about the allegations that
17 there are people, or there are shipments
18 going through the City unannounced.

19 CHAIRMAN GRANNIS: They were
20 brought out at the Department of Trans-
21 portation hearing. That is where I heard
22 that, and I am not -- I am just putting
23 it forth as somebody else's allegation,
24 that these shipments were made through
25 City streets, unannounced, without

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protection.

SENATOR DALY: Doctor, to clarify something for me, please, in cubic feet or volume, how much spent fuel do you generate on Long Island, by LILCO, in one year?

DR. CORDARO: In one year, the spent fuel would be -- using our Shoreham nuclear reactor as an example, which is the only plant we have a construction permit and full certification to proceed on and which we are currently in the licensing process, the operating licensing state, that plant is scheduled to go into operation in 1980, but from that facility, we would have to ship twenty to thirty tons of spent nuclear fuel off-site a year.

Now, because of the current hiatus in what the ultimate destination of that fuel will be, or whether it will be reprocessed or not, we have capacity on-site to store that fuel until early 1990's, before we have to ship any off-site, even

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2 though the units will go into operation
3 in 1980.

4 The volume or the weight is
5 approximately twenty-five to thirty tons.

6 Now, as far as the number of
7 shipments that constitutes, there would
8 be four elements per shipment, so that
9 would reduce to about thirty-five
10 truck shipments a year, and if we use
11 trucks as a means of transporting the
12 spent fuel off-site.

13 CHAIRMAN GRANNIS: I hope we can
14 ask some questions about other than
15 radioactive wastes.

16 One of the concerns we have
17 regards PCB's which are found in your
18 transformers and capacitors.

19 What happens with incapacitated
20 capacitor, and broken transformers?

21 How do you dispose of them?

22 DR. CORDARO: We have a procedure
23 developed in accordance with the rules
24 and regulations issued by EPA, and I
25 might add, to try to be responsible in

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2 this area, we had adopted procedures
3 similar to EPA's long before they were
4 a matter of law.

5 Where we find a damaged capacitor,
6 or have reported a damaged capacitor, we
7 have a procedure whereby it is taken out
8 of the field, sealed in containers, stored
9 on site in an above ground monitored
10 place, which is set aside particularly
11 for this purpose, and when we get a
12 certain amount, we ship them off-site
13 through the use of a licensed scavenger,
14 who will take them either to an approved
15 burial facility, or an incineration
16 facility.

17 Now, from what I understand, there
18 is no approved incineration facilities
19 operating right now locally for PCB's.

20 SENATOR DALY: New Jersey.

21 DR. CORDARO: So I presume that
22 they are being disposed of right now in
23 chemical landfills. But the scavengers
24 who we have contracted to carry this out
25 are licensed and are obligated to abide

1
2 by all aspects of the law.

3 CHAIRMAN GRANNIS: How long have
4 you done this?

5 DR. CORDARO: We started this
6 about six to eight years ago, and from
7 what I understand, the PCB's rules are
8 only a year or two old at this point.

9 CHAIRMAN GRANNIS: Where did the
10 concern from PCB's come from eight years
11 ago.

12 DR. CORDARO: Well, we had an
13 active environmental engineering organiza-
14 tion established approximately ten or
15 eleven years ago, and as part of its
16 investigation into all the environmental
17 impacts of utility operations, we
18 became aware of the potential dangers of
19 PCB's and in awareness of this danger,
20 we did take these precautions.

21 CHAIRMAN GRANNIS: One other
22 question.

23 On the treatment of your right
24 of ways, LILCO's right of ways, the
25 provisions for the storage and ultimate

1
2 disposal of pesticides that LILCO uses
3 on its right of ways, does that come
4 through your department as well?

5 DR. CORDARO: Well, we get
6 involved in consultation with our
7 right of way people, and that is the
8 way our Environmental Organization
9 functions. It is more of a consultant-
10 policeman of all company operations,
11 so we work in conjunction with our
12 right of way maintenance people in
13 advising them on the use of pesticides,
14 and the applicability of the new laws
15 and regulations to their operations.

16 We don't have the same problem
17 that they have upstate, because our
18 right of ways are not as extensive,
19 and the vegetation, of course, is not
20 the same kind of vegetation, with
21 heavily wooded lands that you experience
22 upstate.

23 So we do not have to resort to
24 any significant degree to the use of
25 herbicides and pesticides. We can use

1
2 hand clearing for the most part, and
3 the pesticides and herbicides that we
4 do use, we use in a small quantity,
5 if at all.

6 SENATOR DALY: Just so I can
7 relate the amount of nuclear waste you
8 have to your production, Shoreham will
9 produce how many megawatts?

10 DR. CORDARO: Eight hundred
11 twenty-three megawatts.

12 SENATOR SOLOMON: I have a
13 question.

14 Assemblyman Grannis asked you
15 a question regarding the program you
16 developed in around 1972 or 1971 as
17 to PCB's, which is approximately eight
18 years ago.

19 What happened to PCB's prior
20 to that?

21 DR. CORDARO: Prior to that,
22 I am -- I don't know for sure, but I
23 would guess that they were deposited
24 in landfill sites, like most everything
25 else up to that point in time, or up

1
2 to this point in time.

3 SENATOR SOLOMON: Did your company,
4 in it's efficient manner, keep records as
5 to where they went, or is it the problem
6 we generally have, that they were given
7 to someone to dispose of, and they were
8 never heard of or saw again?

9 DR. CORDARO: We contracted with
10 a carter and he charged whatever was
11 necessary to maximize his economic gain.

12 CHAIRMAN GRANNIS: Do you use
13 any pesticides with dioxin?

14 DR. CORDARO: We did rely on 245T,
15 but we used a very small amount of it.

16 I think our total use was some-
17 thing like ten to twenty pounds a year
18 as a total, which is very small when you
19 consider the other uses and the amount
20 that is used upstate for keeping rats
21 away, or has been used upstate.

22 But we no longer use it.

23 SENATOR DALY: What is your
24 background, Doctor?

25 DR. CORDARO: Educationally?

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2 SENATOR DALY: No, just what is
3 your Degree, what are you a doctor of?

4 DR. CORDARO: Nuclear physics.

5 SENATOR DALY: I just wondered
6 if you -- realizing that you have a
7 great deal of high temperature incinera-
8 tion and some of your -- well, your
9 furnacing operations at LILCO, do you
10 have any opinion on dioxin as to where
11 it is created and how?

12 DR. CORDARO: Not really. I
13 would rather leave it to someone who
14 is an expert on that.

15 SENATOR DALY: We have had a
16 lot of different opinions of where
17 dioxins come from, and I wondered if you
18 had one.

19 DR. CORDARO: As far as you did
20 reference the fact that we do use a lot
21 of high temperature processes in genera-
22 ting energy.

23 SENATOR DALY: There is a theory
24 that does create dioxins.

25 DR. CORDARO: In fact, we thought

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2 way back when the potential for the
3 disposal of PCB's was a problem, before
4 it was the issue it is today, we thought
5 we could possibly incinerate it at our
6 own plant, we turned away from that
7 because we did see potential problems,
8 and a lot of unknowns, and we didn't
9 want to trade one problem for a problem
10 which possibly might be worse.

11 SENATOR DALY: You would have
12 to generate more electricity to do it.

13 CHAIRMAN GRANNIS: Thank you
14 very much, Dr. Cordaro.

15 The next speaker will be Judy
16 Kessler, speaking on her own behalf and
17 also on behalf of Lois Jessup.

18 MS. KESSLER: My name is Judy
19 Kessler, and I am President of the
20 Rockland Audubon Society, Inc., and
21 also representing Rockland County
22 Conservation.
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2 Rockland Audobon Society alone
3 has approximately 530 member families,
4 and I imagine membership in the three
5 organizations totals well over one
6 thousand.

7 We have been sold a bill of goods
8 regarding our dependence on chemicals.

9 Instead of using people to weed
10 crops, we use chemicals.

11 Instead of living with insects,
12 and allowing other biological systems
13 to work, we use chemicals.

14 It is the easy and affordable way
15 to go.

16 What is it doing to the earth?

17 Critics of a long-range environ-
18 mental approach still don't seem to
19 realize that people, as another part
20 of the environment, ultimately suffer
21 from its degradation, and its suffering
22 must be measured in dollars to be
23 meaningful, then the human health costs
24 of our present situation have not even
25 begun to be measured.

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2 Taxpayers should not subsidize
3 industries by paying for the effects of
4 their dumping through cancer and clean-
5 up costs -- someone has to see that this
6 stops.

7 We must have an answer or avoid
8 the use of such toxics. The PCB con-
9 tamination of the Hudson River, and
10 awareness of PCB's toxicity do not happen
11 overnight. As far back as 1970, as a
12 teacher of French, not science, I had
13 a group of junior high school students
14 in an environmental and ecology activity
15 course in Scarsdale.

16 The center of an entire wall
17 display for one month featured the
18 plasticizers, such as polychlorinated
19 biphenol, with warnings about their use.

20 How long did it take to stop the
21 massive contamination that was currently
22 going on?

23 PCB's are still being used, if
24 I'm not mistaken.

25 Should it be?

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2 Once such a toxic is manufactured,
3 it becomes part of our environment.

4 What about plasticizers and other toxics
5 which become an integral part of our
6 existence and our landfills?

7 When dealing with such an economic
8 and political issue, is it just too late
9 to hope for strong enough controls?

10 Perhaps now that the hazards of
11 chemical pollution are receiving wide
12 media coverage, it will be easier for
13 a few more decision makers to change
14 our ruinous course.

15 Such toxics are not essential
16 to our existence. They are supposedly
17 essential for the easy, more convenient
18 way.

19 We pay in the long run for using
20 Easy-off on our ovens instead of simpler
21 substances with a little elbow grease.
22 Perhaps the only way to beat this is
23 through strong legislation prohibiting
24 the use of various toxics, though, that
25 it seems, would have to be on the national

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2 scale so as not to penalize New York
3 State by having such industries go
4 elsewhere.

5 At the very least, we should hope
6 for the following:

7 One, there must be early education
8 and action on the part of officials whose
9 job is our protection, when there is any
10 evidence that a certain substance has
11 adverse environmental health effects.

12 Two, strong laws are needed to
13 mandate such action, and punish non-
14 compliance by government and industry.
15 Penalties must be substantial, not fines
16 that make non-compliance by industry still
17 worth it.

18 Three, if generation of such toxics
19 cannot be stopped, then responsibility
20 for eventual contamination must be borne
21 by the manufacturer. I don't know how
22 this can be guaranteed, and it seems
23 absurd to allow such toxics in the first
24 place.

25 We will pay sooner or later.

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2 Four, the duration of toxicity
3 and other risks must be established for
4 each substance manufactured with isolation
5 from the environment guaranteed for that
6 duration, or the substance should not
7 be manufactured. Determination of such
8 factors should be by a group other than
9 the generator of the substances, and once
10 such a substance is manufactured, there
11 must be strict cradle-to-grave monitoring
12 by agencies that cannot be compromised
13 or lobbied into acquiescence.

14 Five, future disposal sites must
15 be overseen by strong governments. Far
16 preferable, though, would be no future
17 dumping at all.

18 Six, recycling and treatment of
19 chemicals and by-products must be made
20 more economically desirable than their
21 disposal.

22 Seven, lengthy and costly liti-
23 gations are most unfortunate. We pay
24 again. Trade-offs and plea bargaining
25 should not be tolerated, and compliance

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2 with regulations must be made more
3 profitable than polluting.

4 Eight, the cost of containment
5 and isolation of existing dump sites,
6 if it cannot be extracted from the
7 generators of the waste, must be borne
8 by all, not just those citizens who
9 stand to lose their health and their
10 life's fortune because they unknowingly
11 settled in such a location. All citizens
12 must know, through a public educational
13 campaign, that all of the money this will
14 cost is the price they are paying for
15 convenient dependence on chemicals.

16 We cannot afford not to control
17 the future generation and disposal of
18 toxic substances.

19 Thank you, those of you who have
20 taken the lead in dealing with this most
21 serious of all problems.

22 I hope that others in decision-
23 making positions will recognize the need
24 for financing adequate programs to protect
25 us all.

1
2 Thank you.

3 CHAIRMAN GRANNIS: Thank you
4 very much.

5 SENATOR DALY: Thank you.

6 CHAIRMAN GRANNIS: We have, as
7 you may have heard, and may have read
8 before, a proposal for a bond issue,
9 and we have gone back and forth discuss-
10 ing what the amount ought to be, and
11 what the state's role ought to be in
12 coming up with the money by ourselves
13 or in conjunction with the Federal
14 Government.

15 We would hope that you and your
16 organizations would take a look at that
17 bond proposal, and if it makes as much
18 sense to you as I think it does to those
19 of us who have worked with it, that you
20 would take the lead in trying to promote
21 it, writing to the Governor, and if it
22 gets on the ballot, to take the time to
23 let its presence be known to the people
24 of Rockland County.

25 MS. KESSLER: Is there some way,

1
2 if I miss it, because of my involvement
3 I do miss things like this, that I will
4 get a copy?

5 CHAIRMAN GRANNIS: Yes, we will
6 do that. We will certainly get it to you,
7 and if you have any questions, we will
8 hope you will ask.

9 I think for the most part, your
10 statement reflects a good deal of our
11 thinking about the concern for toxics.
12 I don't think we will reach a point where
13 we will ban them.

14 We recognize, as we -- they are
15 part of our lifestyle, but I think we
16 will move to drastically change that.
17 We have done so on aerosols.

18 The addition of phosphates to
19 detergents, because of its effect on
20 ground water has also been deterred.

21 I think some of the Federal laws
22 that are in existence now will deal with
23 some of the issues that you have talked
24 about in identifying some of the toxic
25 wastes that we are now generating, and

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2 we might know ahead of time, I hope we
3 would know ahead of time, that we are
4 dealing with things that would affect
5 future generations.

6 MS. KESSLER: I hope the whole
7 process does not take so long as I know
8 these processes may take when you are
9 involved in litigation and rule making.

10 CHAIRMAN GRANNIS: We are becoming
11 more cautious about what it is we put into
12 our environment.

13 SENATOR DALY: I think that is
14 very true. We are in a holding pattern
15 right now. We are hoping, along with you,
16 that if we can make a chemical that we can
17 detoxify it. We certainly have the exper-
18 tise and the knowledge to do it if we
19 apply ourselves.

20 Very frankly, we are more interested
21 in preventing than caring for afterwards,
22 and I think if it is to the former that
23 we apply ourselves, if we do it diligently
24 enough, we can make sure that we will not
25 be contaminating the earth, air or water.

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2 MS. KESSLER: How do you get overall
3 compliance on the part of citizens where
4 you have the purchasing of chemicals and
5 things like this?

6 Does that --

7 SENATOR DALY: How do you get
8 overall compliance from the citizens on
9 anything?

10 That, of course, will always be
11 a problem. That is why you have law
12 enforcement.

13 MS. KESSLER: Will there be control
14 of landfills or hopefully another method
15 of disposal than landfills?

16 SENATOR DALY: We feel, and I
17 feel, and I think I am joined by --
18 Assemblyman Grannis feels the same way,
19 that in this particular case, perhaps the
20 state has to set up the rules and regula-
21 tions, but actually, build, operate and
22 maintain, charging back the cost to the
23 generators of the waste, actually, that
24 is no great hardship on them, we are
25 finding acceptance even, would you believe,

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2 from industry in this because we are
3 giving them an alternative they presently
4 do not have.

5 They are paying large amounts of
6 money to these people who are storing
7 in landfill sites, and we would say all
8 right, now give -- you will pay us instead
9 of paying over here, and we will literally
10 go in and attempt to detoxify as much
11 of the chemical as we possibly can.

12 What the ultimate -- that is a
13 thought, that is an approach right now.

14 What the ultimate and final solu-
15 tion will be, we don't know. We are
16 working at it, I assure you, and that is
17 why we are pushing so hard for the bond
18 issue this year.

19 We feel it is great to have ideas,
20 but something like this is going to cost
21 money, and once we get that out there, once
22 we can say okay, the people of the State
23 of New York have said they're willing to
24 put their money on the line, now the
25 Federal Government has to join us because

1
2 we do think they should play a part in
3 the final solution, so that we can take
4 some of these ideas and then putting it
5 through the right experts, come up with
6 the proper solution.

7 MS. KESSLER: Thank you.

8 CHAIRMAN GRANNIS: One final point.

9 I take it you have a member of
10 Congress who represents you?

11 MS. KESSLER: Yes, we have Bob
12 Connor, he is our assemblyman. Hamilton
13 Fisch, is in Westchester, he is across
14 the river from us. Linda Ginnico, and
15 Ben Gillmore are the others.

16 CHAIRMAN GRANNIS: We would hope
17 that you would give that same message
18 to them because he and the rest of the
19 members of the New York delegation are
20 certainly very important to our cause.

21 Thank you very much.

22 Is there anybody else that wishes
23 to testify or make a statement?

24 Very well, with that we thank
25 you all for your patience, and with that,

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this hearing is now concluded.

(Whereupon, at 1:30 p.m., the hearing adjourned.)

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