

REPORT TO THE BOARD OF DIRECTORS
MANUFACTURING CHEMISTS ASSOCIATION

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SOLID WASTES MANAGEMENT COMMITTEE

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The primary Solid Wastes Management Committee (SWMC) concern is for legislative proposals for so-called "Hazardous Waste Materials". For the last several years the SWMC reports have indicated legislative activity during the previous year and the expectation of restrictive legislation the following year. Although I am pleased to say that these forebodings have not come to pass, I quickly note that the current situation is quite similar to that of past years -- legislation may well be passed during this election year. The first significant act dealing with solid waste was passed in 1965 and the second legislative action followed in 1970. During 1975 there was legislative activity in this area and, assuming five years to be a reasonable gestation period, 1976 could be the year. This legislation will not be as far reaching as that being proposed for toxic substances, but it will significantly impact chemical process industry (CPI) operations.

Since the last SWMC report to the Board, there have been nine major legislative proposals, either actual bills or working drafts, concerning solid waste. Of these the Senate Public Works Committee Bill S. 2150 sponsored by Senator Jennings Randolph and the House Interstate and Foreign Commerce Committee, Subcommittee on Transportation and Commerce working draft as sponsored by Congressman Rooney, are the two most likely candidates for enactment. The Administration has not sponsored a bill but has indicated general support of S. 2150. We expect that each proposal will reach its respective floor in May.

Although with some undesirable provisions, Senator Randolph's bill is certainly the more acceptable of the two proposals. Both documents contain "Hazardous Waste" sections, but S. 2150 is much less complicated and it does not require federal approval for all permits for waste transport, treatment and storage, but rather concentrates on state implementation of a permit system similar to current air and water requirements. The Rooney proposal requires permits at both levels. In addition it addresses several

areas not included in S. 2150 such as product and container control as a means of source waste reduction and tax incentives for recycling. We believe that the Rooney working draft will be modified to resemble the Senate Public Works proposal.

Whatever the final form of the legislation, MCA will strongly espouse the concept of performance requirements for waste disposal rather than the predetermination or specification approach currently being fostered. Waste should be deemed hazardous only after its toxicity, quantity and disposal site have been carefully considered. Predetermination of a waste disposal method without investigating each of these parameters is counterproductive because this restricts development of new technology and precludes the use of viable alternatives appropriate to specific geographical areas or to available equipment. MCA will contend that the authority over the areas of packaging, transportation and storage of waste materials continue to be vested in the U.S. Department of Transportation. Should adoption of a permit system be unavoidable, we will advocate that the disposal site rather than the generator be the permittee and that state implementation of the permit system under federal guidelines is preferred over direct federal intervention. Finally, to provide for reasonable regulatory requirements from both a technical and economic viewpoint, we will strive for sufficient time constraints and flexibility in any legislation to accommodate the dearth of technology and disposal cost data currently available to us.

Many of the states, most notably Texas and California, have passed solid waste management legislation dealing with hazardous wastes. Because this legislation has preceded federal hazardous waste disposal activity, it is quite likely that the EPA may adopt those concepts fostered by these states which have proven to be most workable. SWMC monitors "Bellwether" states for concepts which might be incorporated into federal regulations. In addition liaison is being maintained with the National Solid Waste Management Association (NSWMA) to monitor its efforts to develop a legislative guide for use by each state.

SWMC legislative activity is directed almost solely to disposal of hazardous wastes. Chemical packaging has not been raised as an issue to date. Should this occur, SWMC will ask the Chemical Packaging Committee's assistance on this matter which is of vital importance to the CPI from a marketing as well as disposal viewpoint.

A secondary but very important SWMC concern is meaningful liaison with the EPA. Solid waste control is unique among environmental concerns because the EPA has had a relatively long lead time to perform research and gather data to establish regulations on a more scientific basis while still complying with the stringent time frame expected in the enabling legislation.

SWMC feels it important, especially in view of EPA's intent, to present MCA positions at every opportunity. During the past year there have been three salient examples of SWMC work with EPA:

First, during our May 20-21, 1975 meeting, EPA's Office of Solid Waste Management Programs (OSWMP) representatives made a presentation on an EPA \$5.4 million landfill project being conducted with the state of Minnesota. This project is intended to determine the effectiveness of modern landfill design and operational techniques. Several member companies are following this work closely. Second, on December 4, 1975, at one of four EPA public meetings on hazardous waste, the Chairman of SWMC presented comprehensive testimony on behalf of MCA in response to a formal EPA request for such information. The EPA is now developing synopses of the various comments as a basis for its position on legislation and on subsequent regulations. Finally, a meeting was held with personnel from the EPA's Solid and Hazardous Waste Research Division, Municipal Environmental Research Laboratory in Cincinnati, Ohio in conjunction with a regular SWMC meeting. SWMC members have repeatedly expressed a desire to investigate the possibilities of contracting research work to fill existing data gaps in the area of landfill disposal of potentially hazardous wastes. To avoid duplication it is important that we ascertain the scope of EPA research activities. The EPA presentation and suggestions were well received and very beneficial in guiding us toward an appropriate research activity, to be identified by our Technical Subcommittee.

A compendium of 15 successful case histories of waste recycling or residue disposal is being developed by the Technical Subcommittee. This document will provide positive CPI input to various legislative and regulatory proposals with respect to the significant amount of current work within industry on disposal of potentially hazardous wastes.

A joint subcommittee, composed of representatives of the SWMC and Water Resources Committee, was formed in 1974 to develop guidelines for deep-well disposal. This document has just been published.

The concept of land use regulation continues to disturb SWMC members and representatives of the other environmental committees. Land use legislation could be the most insidious tool available to those who would punitively regulate the CPI. Forms of land use regulation are currently embodied in federal air, water and coastal zone management legislation, and several land use proposals have been made relative to solid waste disposal. As a result of the total environmental implications of this issue the Task Group on Land Use, consisting of two representatives from each of the three environmental committees, was established at the SWMC's request. The group is to review the question of land use with respect to possible implications on CPI operations and to make appropriate recommendations to the MCA Board for action. During its organizational meeting the Group concluded that, prior to developing recommendations for MCA Board action, there is a definite need to ascertain current CPI status with respect to all existing federal and regional land use legislation. Because of the legal nature of the activity, MCA staff through the Joint Subcommittee on Environmental Law (JSEL) or other legal source has been formally requested to develop this information for the Task Group by July 1, 1976. The Task Group will then develop its recommendations to MCA by September, 1976.

The question of JSEL continuation, under review by the Legal Advisory Committee for some time, has reportedly been resolved in that JSEL will remain intact and function in a manner yet to be defined. We have been assured by MCA staff that legal assistance will be available upon request. At present at least two formal requests have been made to JSEL by SWMC seeking legal assistance. These include upcoming proposals on solid waste legislation and the land use issue. In order to properly address these important issues it is imperative that legal as well as technical expertise be readily available. To date, in keeping with past JSEL performance, we have not received indication that consideration of our requests has been initiated. If we are to effectively influence and combat unacceptable legislative proposals, adequate legal assistance is a must.

With the exception of the JSEL question, some progress has been made in improving internal MCA communications and organizational difficulties which were highlighted in the previous two SWMC reports. As per recommendations of the Ad Hoc Committee on Environmental Affairs, two meetings have been held between environmental committee chairmen and various MCA staff to discuss MCA administrative procedures and methods by which MCA can act

in a more unified and timely fashion. As a result of these meetings several measures have been recommended to foster improvement. One of these provides for Government Relations Department input into environmental committee meetings on a continuing basis. A member of the Government Relations staff has been assigned to work with SWMC in liaison capacity. This in addition to the consistent and competent efforts of our current Staff Secretary should be beneficial to SWMC activities.

To insure that a continuing dialogue is maintained among all facets of MCA environmental affairs, I recommend that a meeting of environmental committee members and appropriate MCA staff be held annually to provide a forum for exchange and coordination of information from all relevant sources, review of MCA administration procedures and resolution of issues involving more than one of the environmental committees.

In conclusion, SWMC is concerned with the ultimate disposal of potentially hazardous wastes. Of all the areas of environmental control, ultimate disposal most readily reflects the need for a total environmental control approach. We may see significant successes in air and water pollution abatement processes. But what has the CPI really accomplished if these successes are negated because we are unable to dispose of the abatement process residues or other potentially hazardous wastes in a technically and economically feasible manner? We believe that, if the legal, governmental and technical expertise which should be available to us through MCA auspices can be combined into timely action, we need not be the weak link in the chain of total environmental control.

Dennis P. Bridge, Chairman