Dist, Gen'l.

-Both general land disposal facility exemptions discussed above (location and waste characteristics or double-liner standards) may apply to these facilities.
-Disposal of liquids in these facilities is restricted to 10% per Part 265 requirements (See March 24, Page 8).

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INTENT OF ASBESTOS SECTION 8(a) RULE ELABORATED BY EPA

The asbestos Section 8(a) rule to be published soon by EPA was spelled out in more detail in a publication July 20 required by the Paperwork Reduction Act.

The agency said that under the proposed rule: "Producers, importers and processors of asbestos (will be) required to submit data on emission and waste disposal of asbestos to identify activities for which control of asbestos exposure is necessary and to judge how regulatory or voluntary actions would affect exposure levels and competitive markets" (See July 14, Page 2).

Other TSCA proposed forms noted in the Register which are being considered by the Office of Management and Budget were:

-- Request for resubmission of PCB exemptions (See June 23, Page 2).

-- Review of agreements with states on remedial toxics planning and implementation.

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LATEST EPA LOVE CANAL STUDY SAYS SURROUNDING AREAS HABITABLE

Based on a report released by EPA, the Department of Human and Health Services (HHS) has made a determination that houses beyond the first two rings of homes immediately surrounding the Love Canal area are as habitable as homes in other surrounding areas.

The study performed by EPA concentrated on multimedia environmental monitoring and sampling and an extensive hydrogeological investigation. HHS said that based on the information compiled in the EPA study and assuming that adequate methodology was used, "The Love Canal area, outside Area 11, is as habitable as the control areas with which it was compared." This judgment is contingent on the requirements that "Area 11 (the canal itself and the land occupied by the two rings of home surrounding it) be constantly safeguarded against further leakage from the canal and that cleanup is required for existing contamination of local storm sewers and their drainage tracts," HHS said.

The study, which was intended by the agency to be a showcase for EPA research and analytical techniques on areas contaminated with hazardous waste, has already received criticism from other federal agencies such as the National Bureau of Standards. During the drafting phase of the report, the National Bureau of Standards raised objections about the agency's monitoring techniques and other problems with the study such as method detection limitations.

While NBS did not withdraw these objections it did subsequently give the report a limited sanction. In a letter to EPA, Raymond G. Kanner, Deputy Director of NBS stated:

> "The methods of analysis used by EPA for water, soil and sediments and air are generally acceptable methods and represent the state of the art. As we stated in our review, although there are difficulties in implementation, the number, nature and frequency of analyses of quality assurance samples specified by EPA should have been adequate to maintain quality control."

EPA Collects More Than 6,000 Samples

The study said the agency collected a total of 6,853 field samples of water, soil, sediment, air and biota. Of these samples 6,193 were analyzed and 5,708 were validated, involving the analysis of an additional 5,743 samples, a total of 11,451 samples. The total cost of the study was $5.4 million.

EPA limited the number of chemicals that each sample was analyzed for due to budgetary and time constraints, the report said. In selecting the chemicals for analysis, EPA collected samples of air and leachate directly from the former canal prior to field sampling and analyzed these samples comprehensively, reviewed the results from previous environmental monitoring studies conducted by both the state of New York and EPA and inspected the records of the Hooker Chemical and Plastics Corporation to determine the nature of the wastes deposited there. Using this information EPA constructed two lists of targeted substances -- a list of approximately 150 substances for water/soil/sediment/biota samples and a list of 50 substances for air samples.

Sampling at the site included the installation of 174 groundwater monitoring wells and the collection of 171 soil samples.

EPA Acknowledges Limitations on Study Results

The study was conducted under "severe budgetary and time constraints," but the "critical nature of the problem at Love Canal, involving a large number of nearby residents, meant that the monitoring program conducted by EPA had to be initiated quickly, be thorough, and of high quality. Consequently, a number of decisions were made by EPA concerning the design and conduct of the monitoring studies, that have potential influence on the interpretation of the study findings," EPA said.

The report listed five study design decisions which may have affected the study results. First the geographical size of the area forced the agency to formulate a statistical survey design to determine the extent and degree of environmental contamination in the Declaration Area that was attributable to Love Canal. Second, samples were analyzed only for selected substances. Third, because of the state of emergency declared by President Carter at the site, a three-month time constraint was imposed on sampling. Fourth, the routine living area had to be sampled when the living space was unoccupied, again limiting the time period for sampling. Although nearly all residents were cooperative, some sampling of less than 10% was not conducted because Declaration Area residents refused cooperation.

EPA concluded:

"The results of the EPA multimedia environmental monitoring program conducted at Love Canal during the summer and fall of 1980 revealed a limited pattern of environmental contamination restricted mainly to the immediate vicinity of the inactive hazardous wastes landfill. The data suggested that localized and highly selective migration of toxic chemicals through soils had contaminated a few ring 1 houses located mainly south of Wheatfield Avenue. The data also revealed that substantial residual contamination was present in those local storm sewer lines originating near the former canal, and was also present in the surface water and sediment of area creeks and rivers at locations that were near to and downstream from the outfalls of those storm sewer lines.

"Apart from these findings, the Declaration Area exhibited no clear evidence of Love Canal-related contamination in any environmental medium monitored. Also, in all media monitored, the data revealed that the occurrence and concentration levels of monitored substances observed in the Declaration Area could not be attributed in a consistent fashion to the migration of contaminants from Love Canal."

LOVE CANAL STUDY RESULTS IN ADDITIONAL $7 MILLION IN SUPERFUND EXPENDITURES

The new Love Canal study which EPA and New York said confirmed the effectiveness of the canal's leachate collection system has given EPA the additional information it needs to complete the clean-up of Love Canal, the agency said (See preceding story).

On July 15, immediately after the study was released, EPA and the state of New York signed a cooperative agreement committing $7 million to the clean-up of Love Canal. New York will be the lead agency in the remaining clean-up efforts.

While the EPA study showed that the outward flow of chemicals from the canal had been stopped and the direction of the near surface groundwater flow has been redirected back into the site to the on-site treatment plant, local storm sewers near the former canal as well as surface and sediments of creeks and the Niagara River near these sewer outfalls are contaminated.

The cooperative agreement lists seven tasks to clean up the remaining contamination. The tasks include cutoff of utility lines and installation of an expanded cap, extended site containment, north end storm and sanitary sewer cleanup, Black and Bergholtz Creek clean-up, Delta area cleanup at 102nd Street, and the cleanup of lift stations and sanitary sewers west of the site.

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INDUSTRY/STATE ASSOCIATIONS REACH AGREEMENT ON UNIFORM MANIFEST

As the comment period closes on EPA/DOT's proposed uniform manifest, the Hazardous Materials Advisory Council (HMAC) and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) have reached an agreement on their one remaining disputed issue, the vehicle i.d. number.

While the compromise is only an agreement between the two trade associations, the two associations represent the industry/state clash that has arisen over the uniform manifest issue and gives a solution which may be acceptable to states and industries and perhaps EPA (See May 26, Page 34; and June 23, Page 23).

The agreement on the vehicle i.d. number, which was not required on the EPA/DOT proposed form, has four provisions. The provisions described by an HMAC representative are that the vehicle i.d. number will be entered by the generator except in cases where the waste will be moved into another vehicle. In this instance the number will be filled in by the transporter.

There will be no separate box on the form for the number. States that require such a number will instruct the generator or transporter to put the number in the special handling box. Only one vehicle i.d. number will be required. In instances where the disposer state requires the i.d. number, that number will be used.

If the disposer state has no such requirement, then the generator state requirement and i.d. number would be used. Where neither the generator state nor the disposer state require an i.d. number, no i.d. number may be required.

In these circumstances states may require the use of the vehicle i.d. number but in no instance may the federal government require a vehicle i.d. number on the form or use such a requirement for enforcement purposes.

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