CBE SUGGESTS ADMINISTRATION PURPOSELY DELAYED HAZARDOUS WASTE RULES

With several environmental groups clamoring for a U.S. District Court to put more pressure on Environmental Protection Agency to issue a binding schedule for implementing hazardous waste regulations, another group is planning to add a new twist to the issue. Citizens for a Better Environment contends the agency has purposefully delayed developing a schedule for the hazardous waste rules and will ask the court today to take action against top-level EPA personnel.

The group goes before U.S. District Judge Gerhard Gesell today in Washington, D.C., to ask permission to enter a discovery action to find out whether grounds exist to cite EPA Administrator Douglas Costle and others with a contempt citation. Today's hearing was set by Gesell to discuss the announced delay in the hazardous waste rules which was announced by EPA in an Oct. 15 report to the court (TMN, Oct. 17, 1979, p. 331).

CBE attorney Bill Forcade told TMN that his group thinks EPA top brass may have been pressured by Carter Administration officials to sit on the rules in the interests of inflation fighting and regulatory reform. He suspects Costle may have been lying to the court in the EPA quarterly progress reports and will try to convince Gesell to allow the investigation.

Meanwhile, Environmental Defense Fund and Environmental Action are asking that Gesell set another schedule for the rules in order to keep the heat on EPA. In a Nov. 28 prehearing submission, EDF and EA point out that the latest schedule still leaves uncertain the date for finalizing major portions of criteria defining hazardous waste and standards for treatment, storage and disposal. Not only is this delay inexcusable, they contend, "but it will have a ripple effect, since states are awaiting the Federal regulations before implementing their own programs, and the waste disposal industry is unable to assure would-be customers regarding the legal sufficiency of disposal sites until the regulations are issued."

Three actions are urged by EDF and EA. The first would have the court require either EPA Administrator or the Assistant Administrator for the Resource Conservation and Recovery Act personally appear before Gesell at the hearing. Gesell should issue a new schedule in a revised order which would direct EPA to act on all aspects of the regulations by April 1980. Finally, EPA should be required to file short monthly reports on the progress of the rules.

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PCB LANDFILL DISPOSAL FACILITIES LISTED BY EPA

Several facilities for the disposal of materials containing polychlorinated biphenyls have been approved by Environmental Protection Agency recently. The facilities are all landfill operations. There are still no approved commercial PCB incineration disposal facilities, though General Electric Co. has permission to operate an on-site incinerator.

Facilities which can accept outside waste for landfill disposal of PCBs are: Newco Chemical Waste Systems, Inc., 4526 Royal Ave., Niagara Falls, N.Y. (716) 285-6944; SCA Chemical Services, Inc., 1550 Balmer Rd., Model City, N.Y. 14107, (716) 754-8231; Waste Management of Alabama, Inc., P.O. Box 1200, Livingston, Ala. 35470, (205) 652-9529; Newco Chemical Waste Systems of Ohio, Inc., 5092 Aber Rd., Williamsburg, Ohio 45176, (513) 724-6114; Casmalia Disposal, 539 Ysidor Rd., P.O. Box 5275, Santa Barbara, Calif. 93108, (805) 969-4703; Nuclear Engineering Co., Inc., 9200 Shelbyville Rd., Suite 526, P.O. Box 7246, Louisville, Ky. 40207, (502) 426-7160; Chem-Nuclear Systems, Inc., P.O. Box 1269, Portland, Ore. 97205, (503) 223-1963; Wes-Con, Inc., P.O. Box 564, Twin Falls, Idaho 83301, (206) 734-2733.

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THE RITEWOOD EGG CO. is back in the egg producing business, more than two months after the firm was forced to destroy more than 500,000 hens that were contaminated with PCBs after the Idaho PCB Incident (TMN, Sept. 19, 1979, p. 303). Ritewood's hens were contaminated after eating feed that was laced with the toxic compound. A company spokesman said that it will take Ritewood at least a year to get production back to normal levels.

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