

WHAT ARE THE PLANS FOR YOUR STATE'S HAZARDOUS WASTE?

While residents from Maine to California have been fighting their local governments over proposed solid waste incinerators, they may have neglected to note that the **EPA** is demanding that states have plans prepared for the handling of in-state hazardous waste by **October 17, 1989**. **Waste Not** is concerned that this may herald in state appointed hazardous waste commissions, utterly unresponsive to local concerns, and that these commissions will unfold scenarios for in-state incineration of hazardous waste. The following report details the issue, information available, and actions that can be taken.

FROM POISON TO PREVENTION

by Sanford J. Lewis

Attorney, National Toxics Campaign Fund

Under the Superfund Amendments and Reauthorization Act (**SARA**), states are required to prepare hazardous waste **Capacity Assurance Plans** by **October 17, 1989**. These plans will specify the states' hazardous waste management strategy for the **next twenty years**. These plans are a serious matter. **Any state which fails to submit a satisfactory plan to the EPA may be cut off from all federal Superfund monies for cleanup of past hazardous waste dumpsites.** The preparation of these plans places the states at a critical juncture. Will your state try to force its communities to accept the siting of more hazardous waste facilities, especially incinerators? Or will it move to a real solution, by reducing toxic chemical usage and waste production? The **EPA** and many state officials are using the **Capacity Assurance Planning** process to press for more waste facilities, especially incinerators. They have not yet heard the message that a fundamental change is needed in the way our nation addresses its toxic chemical and hazardous waste issues.

ON AUGUST 17 YOU CAN HELP TO PROMOTE THE NONBURN SOLUTION TO TOXIC WASTES. That will be a National Day of Action, in which the **National Toxics Campaign Fund (NTCF)** will work with grassroots groups to release its new report, **"From Poison to Prevention."** The report documents the need, and feasibility of using **Capacity Assurance Planning** process to shift the nation from facility siting to the reduction of wastes and toxic chemicals.

EPA FORCING STATES TO SITE HAZARDOUS WASTE FACILITIES. Early this year the new **EPA** Administrator William K. Reilly began taking severe, aggressive action against some states to force them to site hazardous waste facilities. For instance, Administrator Reilly has been holding a hearing to revoke the State of North Carolina's authority under the Resource Conservation and Recovery Act (**RCRA**). If the hearing is decided against that state, the **EPA** would effectively strike down a law there which interfered with a particular facility's siting. Similar attempts by the **EPA** to alter state policies are also underway in regard to Louisiana, Tennessee and South Carolina. The current Administration has made it clear that it intends to use and even bend its legal powers to force the states to site facilities. The **EPA** has been promoting incineration as the **"technology of choice"** for solvents and sludges that will be rerouted out of landfills as a result of the **RCRA** land disposal ban that goes into full effect May 1990. Yet as the **NTCF** report shows, hazardous waste incineration is a failed technology. Even so-called state of the art incinerators are plagued by toxic emissions, accidents and corrupt and incompetent operators. In addition to poisoning local air and water, toxics incinerators contribute to global atmospheric problems. For instance, chlorine and flourine compounds emitted by incinerators cause harm to the ozone layer.

22 BILLION POUNDS OF TOXICS ARE DUMPED EACH YEAR INTO THE ENVIRONMENT. Worst of all, burning toxic wastes or otherwise **"managing"** wastes after they are created deals with only a symptom of the toxics crisis, and detracts from fundamentally needed solutions. At least 22 billion pounds of toxics per year are dumped into the environment, including those discharged into the water and air. Americans are bombarded with toxics in

Printed on recycled paper, naturally

the workplace and in consumer goods. Toxics incineration does little to curtail this range of problems. In recent months, there has been a nationwide upsurge of proposals for new incinerators. Yet the EPA's own 1987 survey showed that incineration capacity will continue to exceed the growth of waste streams between now and 1992. Nor is there a proven need for more toxics burners beyond that time. Toxics reduction and waste reduction techniques are capable of yielding dramatic cutbacks in the amount of waste generated in the US. For instance, the Congressional Office of Technology Assessment has stated that with government encouragement, a 50% cut in waste production should be achievable over a five year period. Toxics reduction and waste reduction are good for the economy as well as the environment. Companies that have gone the extra mile and reduced their toxics usage and waste production have discovered that this shift actually saves money. In some cases the savings are in millions of dollars per year. Yet the EPA gives only lip service to reduction strategies and instead is increasingly focussed on getting the state's to establish **more facilities**. Under EPA's policies, reduction of toxic wastes and chemicals is entirely a voluntary matter for America's businesses. The EPA has not adopted any enforceable requirements for industries to implement or even to study reduction measures. NTCF's survey of 21 states conducted for the report found that the states are generally following the EPA's lead on these issues. Only four of 21 states surveyed claimed that reduction strategies would play a major role in their capacity assurance plans. What is worse, almost all of the states surveyed are writing their **capacity assurance plans** behind closed doors, and plan to "spring" these plans on the public this fall as a fait accompli! The blame for this closed process lies as much with the EPA as with the states, since the EPA does not require the states to involve the public in capacity planning. While people in other countries are standing in front of tanks to create democracy, our supposedly democratic government is quietly cutting deals to compromise our health as well as our rights to set public policy. If ever there were a time that the American public needs to stand up and be heard on behalf of environmental democracy, now is that time!

The **National Toxics Campaign Fund** report, **FROM POISON TO PREVENTION**, calls for state and federal policies which:

- ** Establish a 5 year moratorium on the siting and licensing of new incinerators and land disposal facilities.
- ** Rely upon "front end" waste reduction, not siting, in the state capacity assurance plans that are due this October. No state should be planning new facilities in its CAP. Instead, each state should use the plan to establish policies for waste reduction and toxics usage reduction.
- ** Require industries to conduct comprehensive audits of the availability of toxics reduction and waste reduction measures on a binding timetable.

WHAT YOU CAN DO: Press conferences and protests are being planned in many states on August 17, two months before the **October 17** deadline for **capacity assurance plans**.

Activists will be calling on their Governors to open the process of **Capacity Assurance Planning** to the public, to adopt moratoria on siting, and to establish toxics reduction requirements.

TO LINK WITH ACTIVISTS IN YOUR STATE contact Linda Wallace Campbell of the NTCF at 205-652-9854. For groups fighting haz. waste incinerators please inform Linda of the details.

FOR A COPY OF THE REPORT "FROM POISON TO PREVENTION" send \$15 to

National Toxics Campaign Fund
 37 Temple Place, 4th Floor
 Boston, MA 02111
 Telephone: 617-482-1477

Waste Not # 63
*A publication of
 Work On Waste USA,
 a non-profit corporation dedicated to the
 promotion of sound resource
 management policy.*

*Annual Subscription Rate: \$25.
 Students & Seniors: \$10. \$20
 Consultants &
 for-profit organizations: \$100.*

*Letters, articles and calls from the public
 welcome.*

Paul & Ellen Connett, Editors
 82 Judson Street
 Canton, New York 13617
 (315)379-9200

Printed on recycled paper. naturally