



June 12, 1989

Dear Citizen's Advisory Forum Member:

Enclosed is a copy of the minutes and attachments from the Citizen's Advisory Forum meeting held at the EPA Public Information Office October 26, 1988. Please review the minutes for completeness and accuracy.

The next meeting is scheduled for **June 29, 1989 at 4:00 p.m., at the US EPA Public Information Office.** Sister Margeen Hoffmann will be chairperson.

Bill Muszynski, Acting Regional Administrator and Kevin Bricke, Niagara Frontier Program Manager, will be in attendance at this meeting to address the items on the attached agenda.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Storr".

Mary Ann Storr

Enc.

CITIZEN'S ADVISORY FORUM

June 29, 1989

AGENDA

- I. Introduction and opening remarks from Sister Margeen
- II. Review and approval of the minutes of the previous meeting
- III. Discussion of topics
 - Summary of Niagara River Toxics Management Plan
Coordination Committee Meeting
 - Overview of US/Latvian Seminar at Chautauqua Institute
 - Proposed Development of Coastal Waters
 - Other Items
- IV. Schedule for next meeting

CITIZEN'S ADVISORY FORUM

Minutes of the October 26, 1988 Meeting

The meeting of the Citizen's Advisory Forum (CAF) was held at the United States Environmental Protection Agency (US EPA) Public Information Office, Suite 530, 345 Third Street, Niagara Falls, NY. The following were in attendance:

Tom Adamczyk	Nancy Aungst
Mike Basile	Karen Blake
Susan Bloss	Kevin Bricke
David Brook	Peter Buechi
John Chilcott	Diane Heminway
Sr. Margeen Hoffmann	Carol McElroy
Dave Miller	Bill Muszynski
Barbara Newcomb	Margaret Randol
Craig Slater	Mary Ann Storr
Charlie Tenerella	

- 1. Introduction and Opening Remarks:** The meeting was called to order at 4:15 p.m. by the Chairman, David Miller of Great Lakes United. Dave Miller announced that he is leaving his position at Great Lakes United to accept a position with the National Audubon Society located in Albany. He expressed his appreciation for the cooperation which he has enjoyed during his association with the CAF. He praised the spirit and concept of CAF and wished the group continued success.
- 2. Approval of Minutes:** The minutes from the June 13, 1988 meeting were reviewed and approved.
- 3. Summary of Niagara River Toxics Management Plan Coordination Committee Meeting:** Kevin Bricke reviewed the revised draft of the Niagara River Plan. Using slides, Kevin gave an overview of the goals and objectives of the "Plan," including the mechanisms to be used to achieve the reduction of toxic chemicals to the Niagara River. Kevin also reported that the Remedial Action Plan (RAP) portion of the plan will be redrafted; at the Coordination Committee meeting, the public expressed an interest in a bi-national RAP on the Niagara River, rather than separate Canadian and New York State RAPs. Kevin concluded his presentation with an explanation of the management structure of the "Plan," and its provisions for keeping the public informed and obtaining public involvement in future changes.
- 4. Non-agriculture Pesticides:** Tom Adamczyk, Deputy Chief of the Registration Division, EPA, has been involved in registration of pesticides since 1966. Tom addressed issues and questions during an open discussion forum. There was much discussion on repetitive and accumulative exposure from

different sources. Tom stressed that there has to be improved labeling of exposure risks for professional applicators and better identification of "inert" ingredients. He informed the group that only 10% of non-agricultural pesticides are applied by professional lawn care companies. He also said that he gets more complaints about utility companies spraying right-of-ways than about lawn care companies. Tom pointed out that the phrase in the law "Unreasonable adverse effects" is very hard to define, and this puts a burden on the EPA as the enforcement agency. He said that attempting to change the law would involve a lengthy process but suggested measures that would minimize exposure. Using public service messages was recommended to better educate the public and to reiterate the fact that just because a product is registered with EPA, it does not mean it is "EPA approved." His final comment was that "if you have a concern about a product, don't use it."

5. **Agenda for Next Meeting:** Members may submit suggestions for agenda items to Sister Margeen Hoffmann or Mary Ann Storr. Bill Muszynski suggested the possibility of having someone from Agency for Toxic Substances and Disease Registry (ATSDR) give a presentation on health assessment.
6. **Scheduled Date for Next Meeting:** The next CAF meeting will be scheduled to coincide with the next Coordination Committee meeting. As soon as a date is chosen, members will be notified. Sister Margeen is Chairperson for the next meeting.
7. **Adjournment:** The meeting was called to a close at 6:40 p.m.

Respectfully submitted,



Mary Ann Storr

A T T E N D A N C E S H E E T

MEETING CAF DATE 10/26/88 1 of /

	Name	Address/Affiliation
1.	Kuni Bruke	USOPA
2.	Bill Maszynski	USEPA
3.	Tom ADAMCZYK	USEPA
4.	CHARLES TENERELLA	USEPA
5.	JOHN CHILCOTT	UAW LOCAL 686
6.	Mike Basile	USEPA
7.	MARY ANN STARR	EPA Public INFORMATION OFF
8.	Barbara Newcomb	HELP
9.	Carol McElroy	49 Park Rd. Pittsford, NY 14534 RAMF
10.	Diane Hemmway	COPE 1149 Dunlop Rd. Medina, NY 14103
11.	Karen Blake	HELP 9582 Middle Rd. East Concord, NY 1405
12.	David Miller	GLC Buffalo, N.Y. 14222
13.	S.R. MARGEEN HOFFMANN, OSF	GLU. (Bd. V.P.) 4421 Lower River Rd. Stella Niagara, NY 14144
14.	Margaret Randal	EPA
15.	Craig Slater	NYS Atty General
16.	PETER BURECHI	NYS DEC REGION 9
17.	DAVID BLOK	USEPA (212) 264-2658
18.	Nancy Runyest	Ecology & Environment
19.	Susan Bloss	EPA. Public Info. Office
20.		
21.		

Please Print

Please Print

LESS TOXIC LAWN CARE IN WESTERN NEW YORK
 [compiled by Help Eliminate Lawn Pesticides (H.E.L.P.)]

FOR INFORMATIONAL PURPOSES ONLY:

NOTE: "Natural" organic fertilizer mixtures contain kelp, bone meal, greensand, fish meal, etc. Some brand names are Earth-Rite, Ringer (very expensive), and Fertrel. Don't be fooled by "synthetic" organics!

Also ask your garden center for safer natural pesticides.

Chem-Free Lawns - Jay Kolby: (716) 675-2529
 170 Angle Road, West Seneca, N.Y. 14224

- * natural lawn care systems: natural fertilizers, biological controls, natural grub control
- * specialist in reducing and eliminating use of pesticides
- * distributor for Earth-Rite lawn care products

Wright Lawn and Tree Care Co. - Dick Stedman: (716) 741-3336
 9505 High St., Clarence Center, N.Y. 14032 (main office)

- * organic products for lawns
- * horticultural oil, Bt, and soaps for shrubs & trees; tall trees aren't sprayed because of drift; offers systemic pesticides injected into the bark of trees (this is not for fruit trees and, although this method of pesticide use is better for people, we question its effects on squirrels, birds and other wildlife.)

IPM or INTEGRATED PEST MANAGEMENT: is using the least toxic biologic or organic products and practices to minimize damage and maintain plant health. Cultural practices (fertilizing and pruning) included. Ideally, pesticides are only used when problems develop to the point of endangering plant health and no other methods are available. CAUTION: NOT EVERYONE USES THIS DEFINITION!

Contact your County Co-operative Extension Service or Dr. Norman Hummel, Cornell U., 20 Plant Science Bldg., Ithaca, NY 14853, or call (607) 255-1629, for fact sheets "Lawn Care Without Pesticides."

IPM Consultations - Ken Brown: (716) 652-7638

- * this is not a spray or landscape company, but a consultantship

FOR UPDATED INFORMATION ON NATURAL LAWN CARE COMPANIES, "CONTACT" PEOPLE IN YOUR AREA, & OTHER PESTICIDE CONCERNS, CONTACT:

Karen Blake: OR Send a legal-size, stamped, self-addressed envelope to:
 (716) 592-3728 HELP, c/o 205 Boncroft Dr.,
 9582 Middle Road #28 Buffalo, NY 14224
 East Concord, NY 14055 Other H.E.L.P. phone numbers: (716) 674-7841 and (716) 648-4060.

IMPORTANT: IF YOU HAVE ANY HEALTH COMPLAINTS OR OTHER CONCERNS REGARDING LAWN (OR OTHER) PESTICIDES, H.E.L.P. URGES YOU TO CONTACT YOUR STATE AND FEDERAL AGENCIES: DEPARTMENTS OF HEALTH, ENVIRONMENTAL CONSERVATION; ATTORNEY GENERAL'S OFFICE, & EPA. OUR LEGISLATORS DON'T KNOW HOW EXTENSIVE THE PROBLEM IS UNLESS YOU TELL THEM! WRITE OR CALL YOUR STATE AND FEDERAL LEGISLATORS!!!

LESS TOXIC LAWN CARE IN WESTERN NEW YORK
[compiled by Help Eliminate Lawn Pesticides (H.E.L.P.)]

NEW YORK STATE AND NATIONAL ORGANIZATIONS WORKING ON PESTICIDES:

Environmental Planning Lobby (EPL) / NY Environmental Institute
(518) 462-5526
33 Central Avenue, Albany, NY 12210
* pesticide and other environmental legislation

New York State Legislators working on pesticide issues:
Assemblyman Francis Pordum Senator John Daley
Assemblyman Maurice Hinchey
* Call EPL or H.E.L.P. for phone numbers and addresses or
contact them directly.

Attorney General Robert Abrams, New York State Department of Law,
State Capitol, Albany, NY 12224
* "Lawn Care Pesticides: A Guide for Action" - What current
and potential lawn care customers should know about the
possible risks of exposure to lawn care pesticides.

Also local, state or national Audubon Society and Sierra Club.

The National Coalition Against the Misuse of Pesticides (NCAMP)
(202) 543-5450
530 7th St., S.E., Washington, DC 20003
* "Pesticides and You," quarterly newsletter - \$12.00

Rachel Carson Council, Inc.: (301) 652-1877
8940 Jones Mill Road, Chevy Chase, MD 20815
* pamphlets and publications on pesticides & their hazards.

The Bio-Integral Resource Center (BIRC): (415) 524-2567
P.O. Box 7414, Berkeley, CA 94707
* experts on urban pesticide alternatives (ants/termites/etc.)
* "IPM Practitioner" & "Common Sense Pest Control Quarterly"
* for membership details and catalog, send \$1 and SASE.

Natural Gardening Research Center
Hwy. 48 - P.O. Box 149, Sunman, IN 47041
* ask for the newest "Guide to Natural Control of Garden
Insects, Diseases, and Animal Pests"

The Necessary Trading Co.: (703) 864-5103
602 Main St., New Castle, VA 24127
* catalogue and information on organic products - specify home
and garden or agriculture

Rodale Press, Inc.: (215) 967-5171
33 E. Minor St., Emmaus, PA 18049
* "Rodale's Organic Gardening" Magazine
* "New Farm" Magazine
* pamphlet - "Resources for Organic Pest Control" - \$1.

WE AND THE ENVIRONMENT ARE ONE. EACH OF US CAN MAKE A DIFFERENCE.
TOGETHER, WE CAN MAKE A BIGGER DIFFERENCE, MORE QUICKLY!

"LAWN CARE" CHEMICALS



Q. WHAT ARE "LAWN CARE" CHEMICALS?

A. A lot more than just fertilizer. They include toxic pesticides in "weed & feed" products applied by lawn spraying companies or sold by the bag or bottle in hardware stores, garden shops etc. to "control" weeds, insects, crabgrass, dandelions or fungus.

Q. WHO USES "LAWN CARE" CHEMICALS?

A. If you or your neighbors hire a "lawn care" spraying company or buy any of the pesticides listed above—YOU DO.

Q. CAN "LAWN CARE" CHEMICALS MAKE ME OR MY FAMILY SICK?

A. YES! Pesticides used in the name of "controlling" weeds, insects, etc. are toxic—cide means kill. Many people mistakenly believe these are "magic bullets"...harmful only to "pests" or "weeds". Nothing could be further from the truth. These chemicals are called broad-spectrum biocides, which simply means that they are poisonous to many kinds of life including you...your family...your neighbors...your pets...fruit and shade trees...garden plants as well as birds and other wildlife.

These chemicals include components of Agent Orange, nerve-gas type insecticides, artificial hormones and products the Federal Government has been prohibited from using on its own uninhabited property. Some names are: 2,4-D*; Bensulide; Captan*; Dacthal*; Diazinon*; Dicamba*; Dursban*; Mecoprop* Pendimethalin and Chlorflurenol.

So called "inert" ingredients comprising up to 99% of a pesticide formula may be more toxic than the "active" ingredients. Yet, EPA has allowed dangerous "inerts" such as Xylene, Benzene and Dioxin to be kept secret from the public and unlisted on the label.

Officially "banned" pesticides, such as DDT or EDB, have been reclassified as "inert" ingredients and allowed to remain in pesticide formulas without notice to the public. EPA was able to hide the reclassification of DDT for over 12 years.

* indicates a pesticide registered with faked health tests (see below)

Q. HOW CAN I OR MY FAMILY BE POISONED BY "LAWN CARE" CHEMICALS?

A. Poison is absorbed through the skin, by mouth, and by breathing sprays, dusts or vapors. You or your children may be poisoned if you: apply chemicals or are present during application; touch contaminated grasses, shoes, clothing or lawn furniture; or put contaminated toys or fingers in the mouth.

Q. ARE "LAWN CARE" CHEMICALS SAFE WHEN DRY?

A. NO! Pesticides may remain active for a month to a year or more, during which they can release toxic vapors. Breathing vapors—even from neighbors lawns—or playing on or mowing contaminated grass can cause illness. Calling a pesticide biodegradable is misleading. This only means it can change into other chemicals—which can be more toxic than the original.

Q. WHY DOESN'T MY DOCTOR DIAGNOSE PESTICIDE POISONING?

A. Doctors receive little training in the hazards of pesticides. Many mistakenly believe pesticides are as carefully regulated as drugs. Your doctor may misdiagnose the symptoms of pesticide poisoning as "allergy" or "the flu". Some doctors may even tell you that your symptoms are psychosomatic or "all in your head". Except for industrial accidents, poisoning is rarely considered as a cause of illness. Tests to confirm it are expensive and rarely performed.

Q. WHAT ARE THE SYMPTOMS OF "LAWN CARE" PESTICIDE POISONING?

A. They are deceptively simple. Pesticides attack the central nervous system and other vital body centers. Exposure may produce one or more of the following symptoms: sore nose, tongue or throat; burning skin or ears; rash; earaches or infections; excessive sweating or salivation; chest tightness, difficult breathing, asthma-like attacks, coughing; muscle pain, discomfort, twitching, seizures, temporary paralysis; tissue swelling, arthritis-like complaints, headache, eye pain, blurred or dim vision; numbness or tingling in hands or feet; nausea, vomiting, cramps, diarrhea, incontinence; anorexia, anxiety, suicidal depression, irritability, angry outbursts, disturbed sleep, hyperactivity, learning disability; fatigue, dizziness, unexplained fever, irregular heartbeat, elevated blood pressure, nose bleeds, menstrual irregularity, spontaneous bleeding, stroke, death.

People with no apparent symptoms after pesticide exposure may still be harmed. Long-term problems associated with "lawn care" poisons include: lowered male fertility; miscarriage; birth defects; chemical sensitization; immune suppression; cataracts; blindness; liver and kidney dysfunction; heart disturbances and cancer.

A recent study by the National cancer institute found that farmers exposed just a few times a year to these same chemicals have cancer rates that are up to six times greater than the general population.

Q. ARE PEOPLE ACTUALLY GETTING SICK FROM LAWN CHEMICALS?

A. Yes. This is a real problem, not mere theory. Many people throughout the United States are chronically ill for months at a time as a result of the increasing use of lawn pesticides. In some cases, this illness is actually life threatening. Each "lawn care" season, many are forced to leave their homes and jobs, sometimes permanently, in order to escape pesticide induced illness.

Q. WOULD THE GOVERNMENT ALLOW CHEMICALS ON THE MARKET IF THEY WEREN'T SAFE?

A. Unfortunately yes. Most people mistakenly believe that EPA protects us from harmful pesticides. EPA, itself, makes no such claims. Labelling pesticides "safe", "harmless", or "non-toxic to humans or pets" violates Federal Law. According to Congress, 9 out of 10 pesticides lack minimum health testing. Executives of Industrial Bio-Test Labs were recently given jail terms for faking health and safety tests for 200 of the most common pesticides. Yet, EPA has allowed these poisons to stay on the market.

Q. CAN "LAWN CARE" CHEMICALS CONTAMINATE MY DRINKING WATER?

A. Yes. Both pesticides and fertilizers can and do migrate into public and private wells. Unfortunately there is no systematic program or requirement to test drinking water for pesticide contamination.

(over)

Q. HAVE I THE RIGHT TO KNOW ABOUT TOXIC PESTICIDES I AM EXPOSED TO IN MY NEIGHBORHOOD?

A. NO. Most spray companies don't tell their customers, neighborhood residents or their employees, which chemicals they use and the known health effects from them. Neither will they notify you in advance before they spray your neighborhood. Some distribute misleading information about the safety of their products by word of mouth or in "factsheets". The largest applicators have banded together to use the courts and the legislatures to prevent passage of laws that would give you the right to know. Accurate information on the health effects of toxic pesticides is available in the textbooks and government reports listed below.

Q. WHAT ARE THE ALTERNATIVES TO TOXIC "LAWN CARE" CHEMICALS?

A. Ask yourself, "What did I or my family do before the mass promotion of lawn chemicals?" For most the answer is little or nothing. Yet, you and your lawn survived. You both still can. The "lawn care" industry is a recent creation by chemical firms to expand the market for aging farm chemicals. Skillful advertising, has created an imaginary ideal of the "perfect" green lawn, along with an artificial desire in you to have one. In truth, there is no such thing as a perfect lawn, no matter how much time or money you spend. The key to a healthy lawn is rich, healthy soil. Poisons and chemical fertilizers can actually destroy healthy soil.

FOLLOW THESE TIPS TO A HEALTHY LAWN WITHOUT UNHEALTHY CHEMICALS

Mowing—let it grow! Close, frequent cutting stresses grass plants. Weed seedlings need sun. Grass 2 1/2--3 inches tall shades out weeds and holds soil moisture. Mow when dry, at evening or cool of day. Keep blade sharp. Leave nitrogen rich clippings behind to degrade into soil building compost. Scatter or rake up any large clumps of clippings for use as compost or mulch.

Fertilizer—chemical fertilizers add salt to the soil, kill soil building microorganisms, promote soil compaction, shallow roots, thatch and fungus growth. Their quick fix of green, creates a dependence for the next quick fix—turning your lawn into a junkie. Grass clippings, compost and manure are better answers, returning needed bacteria and enzymes to the soil along with nutrients. Including clover or other nitrogen fixing plants in your lawn can make it self-fertilizing.

Pesticides—kill worms, beneficial insects. Healthy lawns don't have insect problems. Weed killers can harm gardens, trees, shrubs and breed resistant weeds. They also kill nitrogen fixing (self-fertilizing) plants in the lawn and can contaminate garden produce.

Dandelions—cut them out at the root, several inches below ground. Reseed bare spots. Despite the ads, most won't grow back. Or...Live with them. They only look "bad" twice a year. A quick mowing fixes that. In August they may be the only green spot in your lawn.

Fungus—grows in wet, thatchy, over-fertilized lawns. Drain, dry out, de-thatch, re-add soil bacteria (from compost, manure or Ringer Research—address below) then reseed. Cut-back or eliminate the use of high nitrogen fertilizer.

De-Thatch—but not until late spring or early summer (it stresses the lawn). Reseed bare spots.

Aerate—twice a year. Compacted soil promotes weeds. Add soil loosener (compost, gypsum) and reseed.

Reseed—bare spots and thinning lawns. Soak seed (mixed with annual rye) in water overnight for quick growth to choke out weeds.

Water—infrequently, deeply, in evening (if no fungus problem) or morning. Allow grass to dry out thoroughly between waterings.

Test—soil for ph, nutrients, composition to determine its condition.

Species—Choose the right ones. Bluegrass, while popular, is unsuited to most areas. Sod (deliberately grown as thatch, laid on unprepared soil) is a disaster waiting to happen. Seed planted lawns (by home owners or pro's) are better and cheaper. An 80/20 mix of fescue and rye grows well in most areas. Pick varieties that resist drought, disease, need little mowing or fertilizer, choke out weeds, suited to available light and traffic. Switch from heavily manicured lawn to alternate groundcovers, especially in hard to maintain areas. Natural landscaping uses hardier plants, is attractive, easy to maintain and encourages native wildlife.

Expense—at \$35-\$50 per treatment, chemicals cost you from \$150-\$300 per year.

Search—for lawn companies that use no toxic chemicals. They exist but are harder to find.

Be sure...be specific...you want NO pesticides or herbicides! Get it in writing!

Cross—the street for better perspective. Look at your neighbors lawn and back at your own. Yours will look better—his worse.

Think...no agency protects you from exposure to dangerous pesticides. Beware of misleading ads...educate yourself...then decide.

—FOR FURTHER READING—

Pesticides and Human Health, by William Hallenbeck PhD & Kathleen Cunningham-Burns, PhD 1985, Springer-Verlag, New York

Pesticides and Neurological Diseases, by Donald Ecobichon PhD & Robert M. Joy PhD 1982, CRC Press, Boca Raton, FL

Recognition and Management of Pesticide Poisonings, by Donald P. Morgan, MD, PhD, 1982, US EPA, Washington, DC

Toxicology, The Basic Science of Poisons, by John Doull, MD, PhD et al, 1980, MacMillan, New York

Non Agricultural Pesticides, Risks and Regulation, US Congress General Accounting Office, April 1986, Washington, DC

Pesticides, EPA's Formidable Task to Assess and Regulate Their Risks, US Congress GAO, April 1986, Washington, DC

A Bitter Fog, Herbicides and Human Health, by Carol Van Strum, 1983, Sierra Club Books, San Francisco

Faking It, by Keith Schneider, Amicus Journal, Spring 1983

Weed Free Lawns, by Elaine Mohr, Organic Gardening, May 1985

Pesticides in Contract Lawn Maintenance, Rachel Carson Council, 8940 Jones Mill RD, Chevy Chase, MD 20815

Healthy Lawns Without Toxic Chemicals, Rachel Carson Council

Weed Control Factsheet, Citizens for a Better Environment, 33 E Congress, Ste. 523, Chicago, IL 60605

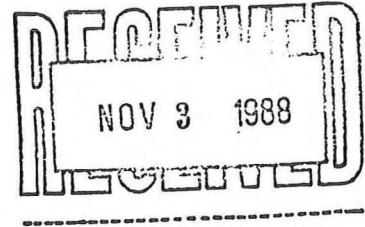
Integrated Weed Management for Urban Areas, Bio-Integral Resource Center, Box 7414 Berkeley CA 94707-0414

Success with Lawns Starts With Soil, Ringer Research Corp, 6860 Flying Cloud Drive, Eden Prairie, MN 55344

Nature's Design, the Practical Guide to Natural Landscaping, by Carol Smyser, 1982 Rodale Press, Emmaus, PA



STATE OF NEW YORK
DEPARTMENT OF LAW
STATE OFFICE BUILDING
65 COURT STREET
BUFFALO, NY 14202



ROBERT ABRAMS
Attorney General

PETER B. SULLIVAN
Assistant Attorney General in Charge
Buffalo Regional Office

Telephone: (716) 847-7149

November 1, 1988

United States Environmental
Protection Agency
Carborundum Center
345 3rd Street
Suite 530
Niagara Falls, NY 14303

Attention: Mary Ann Stow

Dear Mary Ann:

Pursuant to your request at the last Citizens Action Forum, enclosed please find the Attorney General's memorandum on the proposed household hazardous waste management bill, a copy of the bill, with amendments most recently proposed, a memorandum to Assemblyman Tokasz on the bill and a summary treatise on liability for the sponsors of household hazardous waste collection programs developed by Val Washington of our Albany office.

Also, attached is a Buffalo Evening News article regarding the Pesticide Clean Up Day held in September of this year.

If you need any other further information in this regard, please feel free to contact me.

Very truly yours,

CRAIG A. SLATER
Assistant Attorney General
Environmental Protection Bureau

CAS/cmo
Enclosures

ATTORNEY GENERAL'S LEGISLATIVE PROGRAM

1987-1988

Senate #

(No. 198-88)

Assembly #

Attorney General Robert Abrams

The Capitol, Albany, NY 12224

By:

(518) 474-7134

By:

TITLE: AN ACT to amend the environmental conservation law in relation to household hazardous waste management

DESCRIPTION: This bill would amend the Environmental Conservation Law by adding to section 27-0701 a new subdivision five to define household hazardous waste, and by adding a new section 27-0709 to require all applicants for a new or renewed solid waste management facility permit to include in the application a household hazardous waste management plan for the removal of household hazardous waste from residential waste to be disposed of at the facility. Plans submitted pursuant to the bill would be required to include a provision for maximum feasible separation of household hazardous waste from residential waste, a program of public education on the topic, a contractual agreement for proper disposal of separated household hazardous waste, and such other items as the Commissioner of Environmental Conservation may promulgate by regulation. Household hazardous waste is defined to mean consumer products used around a place of residence that contains toxic, caustic, carcinogenic or flammable substances and which are intended to be discarded. Examples of such waste include used anti-freeze, used motor oil, pharmaceuticals, household cleaners, paints, solvents, wood preservatives, aerosols, and pesticides.

EFFECTIVE DATE: One hundred twentieth day; effective immediately rules and regulations necessary to implement the bill may be adopted.

PURPOSE: This bill would reduce the amount of household hazardous wastes in municipal landfills and solid waste incinerators.

LEGISLATIVE HISTORY: New bill, 1988.

FISCAL IMPACT: None.

PENAL SANCTIONS: None.

STATEMENT IN SUPPORT: All permitted methods of solid waste disposal have environmental impacts. However, present levels of toxic substances found in treated landfill leachate, incinerator air emissions and incinerator ash need not be accepted as unavoidable consequences of solid waste disposal.

Although household hazardous wastes are known to be only a small proportion of the municipal solid waste stream when measured by weight and volume, removal of these concentrated toxics in the municipal solid waste stream should reduce levels of toxics associated with all forms of solid waste disposal. This can be accomplished by requiring separate disposal of household hazardous waste in a licensed hazardous waste facility.

The bill's requirements could be satisfied by one of several means chosen by the applicant, such as voluntary drop-off collection centers, specially designated "clean-up days", or separation at the facility. Flexibility of regulations is necessary to accommodate the differing resources, clientele and disposal methods of the applicants. Separated household hazardous wastes would then be disposed of in facilities designed to accept hazardous wastes.



MEMORANDUM RECEIVED

TO: ASSEMBLYMAN TOKASZ
FROM: CAROL KNOX
RE: A. 11616 HOUSEHOLD HAZARDOUS WASTE

SEP - 6 1988 DATE:
DEPARTMENT OF LAW 9/6/88
ENVIRONMENTAL
PROTECTION BUREAU

I am not sure if you saw the recent Albany Times-Union article on household toxic waste, so I attach a copy. Perhaps this article has created some public attention.

We decided to go ahead and prepare amendments to the bill, in case you decide to move an amended version when the Assembly returns late this month. We will deliver the amendments to your Albany office in the next few days so that you can amend the bill in time for possible action upon the Assembly's return.

Instead of being tied to solid waste management facility permit applications, the amendment would incorporate a requirement that household hazardous waste be addressed by a planning unit as part of its 10-year local solid waste management plan. We have also been more specific that the education of householders requirement must address proper disposal of household hazardous waste. Otherwise, the bill re-numbers some sections of Chapter 70.

In response to DEC's comments on the bill, we first note that they support the bill, at least "in concept". We disagree with DEC that our definition offers insufficient guidance. We have continued to avoid a more detailed definition of "household hazardous waste" in order to afford municipalities and counties maximum flexibility in deciding what materials they would like to deal with. Thus, they can tailor their response to particular problems, develop strategies based on local markets for used materials, and make decisions based on feasibility of various options, which can differ from locality to locality.

DEC raises the question of liability, as has the League of Women Voters. We do not believe that the spectre of potential liability should deter localities from engaging in household hazardous waste collection activities. I hope that Val Washington's paper, another copy of which is attached, is helpful on this issue.

We agree with DEC that our bill failed to incorporate household hazardous waste into the larger solid waste management Hierarchy and standards as reflected in L. 1988, Ch. 70. We believe that our proposed amendment addresses this concern.

Thank you for your interest in this issue. We think it is an important one and look forward to continuing to work with you on it. Of course, please feel free to contact me concerning this matter at (518) 474-7134.

CAROL S. KNOX

Att.

cc: Wally John
Rick Morse
Susan Weber

bcc: Sarah Johnston
Val Washington
Peg Burlew ✓

LBDC

9/6/88

G22:

Pig Hunter

ENVCONLA

(Makes provisions relating to household hazardous waste management)

En Con L. household haz. waste

By

Amend ASSEMBLY BILL NO. 11616 as follows:

Strike out all after enacting clause and insert

Section 1. The environmental conservation law is amended by adding a new section 27-0102 to read as follows:

§ 27-0102. Definitions.

1. For purposes of section 27-0107 of this title, "solid waste" shall have the same meaning as set forth in subdivision one of section 27-0701 of this article, but shall not include source, special nuclear or by-product material as defined in the atomic energy act of 1954, as amended, or hazardous waste which appears on the list or satisfies the characteristics of hazardous waste promulgated pursuant to section 27-0903 of this article or low level radioactive waste as defined in section 29-0101 of this chapter.

2. "Household hazardous waste" means consumer products or materials used by consumers in or around their places of residence that contain toxic, caustic, carcinogenic or flammable substances and which are intended to be discarded and otherwise constitute solid waste, including but not limited to: used anti-freeze, used motor oil, pharmaceuticals, household cleaners, paints, solvents, wood preservatives, aerosols, and pesticides.

§ 2. Subdivision one of section 27-0107 of such law, as added by chapter seventy of the laws of nineteen hundred eighty-eight, is amended to read as follows:

1. Purpose and scope. (a) A planning unit may undertake and complete a timely process leading to a local solid waste management plan for such unit for at least a ten-year period. For purposes of this section and section 27-0109 of this article, "planning unit" shall mean a county, two or more counties acting jointly, a local government agency or authority established pursuant to state law for the purposes of managing solid waste, or two or more other municipalities which the department determines to be capable of implementing a regional solid waste management program.

(b) The local solid waste management plan shall:

(i) characterize the solid waste stream to be managed in the planning period;

(ii) assess existing and alternate proposed solid waste management programs and facilities;

(iii) address to the maximum extent practicable the comments and views expressed by concerned governmental, environmental, commercial and in-



MEMORANDUM RECEIVED

TO: ASSEMBLYMAN TOKASZ
FROM: CAROL KNOX
RE: A. 11616 HOUSEHOLD HAZARDOUS WASTE

SEP - 6 1988 DATE:
DEPARTMENT OF LAW 9/6/88
ENVIRONMENTAL
PROTECTION BUREAU

I am not sure if you saw the recent Albany Times-Union article on household toxic waste, so I attach a copy. Perhaps this article has created some public attention.

We decided to go ahead and prepare amendments to the bill, in case you decide to move an amended version when the Assembly returns late this month. We will deliver the amendments to your Albany office in the next few days so that you can amend the bill in time for possible action upon the Assembly's return.

Instead of being tied to solid waste management facility permit applications, the amendment would incorporate a requirement that household hazardous waste be addressed by a planning unit as part of its 10-year local solid waste management plan. We have also been more specific that the education of householders requirement must address proper disposal of household hazardous waste. Otherwise, the bill re-numbers some sections of Chapter 70.

In response to DEC's comments on the bill, we first note that they support the bill, at least "in concept". We disagree with DEC that our definition offers insufficient guidance. We have continued to avoid a more detailed definition of "household hazardous waste" in order to afford municipalities and counties maximum flexibility in deciding what materials they would like to deal with. Thus, they can tailor their response to particular problems, develop strategies based on local markets for used materials, and make decisions based on feasibility of various options, which can differ from locality to locality.

DEC raises the question of liability, as has the League of Women Voters. We do not believe that the spectre of potential liability should deter localities from engaging in household hazardous waste collection activities. I hope that Val Washington's paper, another copy of which is attached, is helpful on this issue.

We agree with DEC that our bill failed to incorporate household hazardous waste into the larger solid waste management Hierarchy and standards as reflected in L. 1988, Ch. 70. We believe that our proposed amendment addresses this concern.

Thank you for your interest in this issue. We think it is an important one and look forward to continuing to work with you on it. Of course, please feel free to contact me concerning this matter at (518) 474-7134.

CAROL S. KNOX

Att.

cc: Wally John
Rick Morse
Susan Weber

bcc: Sarah Johnston
Val Washington
Peg Burlew ✓

POTENTIAL FUTURE LIABILITY FOR SPONSORS
OF HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAMS

by Val Washington
Assistant Attorney General

(This analysis is excerpted from a research paper prepared by Albany Law School's Government Law Center on behalf of and under a grant from the New York State Environment Facilities Corporation. Ms. Washington is an adjunct professor at Albany Law School and was a member of the research team which produced the report, "State and Municipal Liability for Household Hazardous Waste Collection Days and Programs," published by EFC in the spring of 1988.

This analysis does not constitute an opinion of the Attorney General, but, rather, is offered by his staff as general guidance to municipalities and other possible sponsors of household hazardous waste cleanup programs.)

As New York State and its municipalities explore ways to manage their solid and hazardous waste problems, many localities have experimented with household hazardous waste collection projects. Despite the obvious benefits of getting toxic waste out of our households and preventing their entry into our environment, fear of liability has arisen as an obstacle to the institutionalization of this kind of undertaking. The purpose of this analysis is to further an understanding of the potential liability for household hazardous waste programs.

LEGAL BASES FOR LIABILITY

The federal government responded to the need for hazardous waste regulation with two major statutory schemes: the Resource Conservation and Recovery Act of 1976 ("RCRA"), amended in 1984 to strengthen its hazardous waste provisions, and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA," also known as "Superfund") amended in 1986 by the Superfund Amendments and Reauthorization Act ("SARA").

RCRA regulates hazardous waste "from cradle to grave," meaning it is tracked from the moment of its generation to its final disposal, and can only be stored, treated or disposed of at permitted facilities. Liability follows the waste as it moves through its life cycle; the facilities involved in the cycle are

held to strict standards of care and accounting. However, RCRA exempts certain categories of solid waste that would otherwise come within the definition of hazardous waste from the exacting requirements of the statute. Household hazardous waste is one such category; as long as household wastes are not mixed with non-exempted hazardous wastes, liability for household hazardous waste does not exist under RCRA. This anomalous class of waste can, therefore, be legally disposed of at municipal landfills under the statute.

New York has received the necessary authorization from EPA to run its own RCRA styled program and, like the federal regulations, New York's regulations exempt household hazardous waste from the definition of hazardous waste. New York's regulations also make it clear that the sponsoring of household hazardous waste cleanup days "by community or government organization on a not-for-profit basis" will not require a solid waste management permit - though there is a specific requirement that sponsors contract with permitted transporters and manifest the waste for proper hazardous waste disposal. Since the very purpose of a household hazardous waste cleanup day is to ensure that collected materials are handled in an environmentally sound manner, this special requirement is not seen as an unnecessary burden.

There is no special exemption for household hazardous waste or household products containing "hazardous substances" under CERCLA. This is where concern over liability begins. CERCLA was enacted to provide mechanisms for the cleanup of toxic dump

sites, thousands of which are known to exist across the country. In addition to creating a "Superfund" to help finance the cleanup of the worst of these sites, CERCLA also clearly established liability for toxic dump cleanups in four classes of "responsible parties:" (1) owners or operators of the dump at the time hazardous wastes were disposed of, (2) current owners and operators, (3) transporters of the wastes, and (4) generators of the waste. The term "generator" is the shorthand, common-usage term for "any person who . . . arranged for disposal or treatment, or arranged with a transporter for transport, for disposal or treatment, of hazardous substances owned or possessed by such person." Any of these parties can be sued by a state or the federal government for costs expended toward cleaning up the site, and for damages to natural resources. The federal government may also sue to force the responsible party to perform the cleanup.

Expenditure of cleanup costs is justified whenever there is a "release" or a threatened release from a "facility" (informally referred to as the dump) of a hazardous substance, defined very broadly to include a very long list of materials, including hundreds found in household waste. A total cleanup can be ordered if there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release. Thus, a sponsor of a household hazardous waste cleanup day will be a generator under CERCLA when the waste is sent for disposal, and may end up a responsible party if the final disposal site ultimately leaks and requires remediation.

According to a number of sources, some municipalities, including several in New York State, are fearful of organizing household hazardous waste cleanup days - despite the many potential benefits to the community in doing so - because of this possible future liability.

Significance of the Potential for Future Liability

A legal advisor to a municipality would have to explain that potential CERCLA liability stretches into the indefinite future, as long as the hazardous waste generated by the municipality at a household hazardous waste cleanup day continues to contain "hazardous substances," no matter how many times it changes hands. The advisor would also warn that, under CERCLA, this liability is "strict," meaning that it applies without any necessary finding of fault; and, except for some limited circumstances, it is also "joint and several," meaning that each and every responsible party can be held to pay 100% of cleanup costs at a leaking site where perhaps hundreds or thousands of others have had their wastes sent (though a responsible party singled out in this way would have a right to seek contribution from the responsible parties). All of this is certainly unnerving to any potential generator of waste. But how great is the actual risk of liability being triggered and a household cleanup sponsor incurring this kind of financial devastation?

Since there has been no actual litigation against a municipality for disposal of specifically collected household

waste, the answer to the question is necessarily speculative. For some very good reasons, however, it is tempting to speculate that the risk is small indeed. Even the most successful cleanup days cannot result in accumulated waste that begins to rival the vast amounts of industry-created hazardous waste which ultimately ends up at the same disposal site. The only two sites licensed to bury hazardous waste in New York have received thousands of tons of waste from industrial clients; it is hard to imagine a municipality generating more than a tiny fraction of 1% of this amount in the same period. While in theory every generator of waste at a given site is jointly and severally liable regardless of quantity contributed, in practice the small contributor is far less vulnerable than the large contributors. Such small contributions are specifically recognized in SARA's de minimis settlement provisions, which call for expedited settlement with responsible parties whose contribution constitutes only "a minor portion" of the total cleanup cost.

Given a choice of potentially responsible parties at a leaking dump site, and given the prosecutor's advantage of joint and several liability, a plaintiff in a CERCLA lawsuit, usually either the federal government or a state government, will choose large, well-heeled defendants to obtain the amounts of money needed for an adequate cleanup. The prosecutor will also likely choose to sue a few rather than all responsible parties to save government legal and technical resources needed to present a case. SARA contemplates such selective prosecution in specifically recognizing rights to contribution.

Liability is also somewhat diluted by the fact that the municipal generator shares liability for the same collected household hazardous wastes with the transporter and the disposal facility, either or both of which could be tapped if financially viable. It should be noted in this context that financial viability is a prerequisite to obtaining a permit to operate a disposal facility. A municipal cleanup day sponsor is simply not an attractive target in this scenario. As will be discussed, EPA has come just short of promising not to sue municipalities under CERCLA for household hazardous waste contributions to toxic dumps.

The prognosis is a little more complicated than the government's inclination to sue or not sue, however. Again, defendants who are sued by the state or federal government have the right to seek contribution by impleading, or expanding the suit to, other parties who are also potentially responsible. These "third parties" can in turn implead "fourth parties" and so on. The first defendants will be the very large contributors, the next circle of defendants will be large, the next group sued will be medium sized, and so on. Thus, it is possible that the tiny municipal contributor will ultimately get brought into the litigation. However, such protracted and complex litigation is very expensive and at some point the impleading will end with the larger responsible parties covering the costs of the contribution of small generators. But even if a municipality is brought in, its share of the cost will likely be very small relative to the total cost of cleanup. Only the defendants originally sued are

burdened with the "joint and several" standard of liability; all impleaded defendants are only liable for contribution of an apportioned share of the total cost.

Another factor that has a great impact on the significance of the risk associated with potential liability is how the waste is disposed of. Clearly, if it is going into a landfill it will continue to exist as hazardous substances, though in a legally "secure" site. Each of these land burial facilities must meet exacting standards to obtain a license. And, again, the owners or operators are also required to show financial stability and sufficient resources to address foreseeable problems. Yet there is no guarantee that the landfill will always be secure and will not some day pose an environmental threat, thereby triggering liability for those who contributed to it. Strict record-keeping under the cradle-to-grave requirements of RCRA virtually guarantees that identification of all potentially responsible parties will be possible.

If the waste is burned, on the other hand, future liability is certainly less troubling, in that wastes are virtually destroyed by incineration, at least from a legal prospective. Some hazardous substances may remain in the bottom ash or fly ash after incineration, usually heavy metals. It is therefore possible that the release of hazardous pollution from buried ash at a future date will trigger liability. But again, if the ash is securely disposed of, as it legally must be, the risk is probably insignificant, particularly for small contributors.

The incineration process also releases pollutants into the atmosphere, though presumably within limits set by air pollution control laws, regulations and permit conditions. One of the few defenses available under CERCLA is for releases of hazardous substances that take place pursuant to federal permit. The defense is also available for releases permitted under a state program authorized by the federal government, such as New York's air quality program. Thus, if air emissions from an incinerator are ultimately held to constitute releases from a CERCLA facility, perhaps after they cease to be airborne and collect in a particular location, those responsible for those releases likely have a defense to liability.

In sum, a municipality is protected from established, though theoretical, potential future liability for the sponsorship of household hazardous waste cleanup days both by the de minimis nature of the enterprise and by the strict standards to which disposal of the waste is held. In addition, liability for a release at a "secure" landfill is arguably less likely than liability for a release at a municipal solid waste landfill not designed for hazardous waste.

LIMITING LIABILITY

It is frequently suggested that the state should enact a law that specifically exempts the sponsor of a household hazardous waste cleanup project from future liability, or limits liability

to negligence or to gross negligence, and to intentional misconduct. Some states have done this.

The principal flaw in this approach is that the source of liability is federal law, which cannot be amended by a state statute. A state could exempt a person from liability imposed by state law, so that to the extent state law is employed to obtain remediation at a given site, a municipality can be protected. If the state wishes to rely on CERCLA, however, for any one of a number of reasons, no potentially responsible party under that statute can be protected by state law since liability is created by the federal statute. It should also be kept in mind that others besides the state government may use CERCLA to initiate or recoup the cost of a cleanup, including the federal government and anyone who has incurred cleanup expenses; clearly these plaintiffs cannot be deprived of a legal claim granted under federal law by an amendment to state law.

In 1987, the New York State Legislature passed a law exempting those who are employed to help clean up a toxic dump site from any other liability beyond that resulting from their own negligence, gross negligence or reckless, willful or intentional misconduct. The new state law does help contractors, but only because it complements federal law. Under the 1986 Amendments to CERCLA, cleanup contractors first obtained an exemption from the otherwise broad federal liability, again,

except for their own culpable acts. This raises the possibility of federal amendments to exempt municipalities. Such a change in the law has been suggested by others but no viable bill has been proposed to accomplish the change.

The general approach and policy direction of CERCLA argue against a municipal exemption. CERCLA is oblivious to traditional concepts of culpability and fairness. Its answer to the question of who pays (at least in the first instance) is based, in large part, on expediency and the sense of urgency that followed Love Canal. This approach is exemplified in the concept of strict liability and the limited defenses available under CERCLA. Cries of innocence and good intentions are meant to fall on deaf ears. Logically, and philosophically, therefore, requests of Congress for special exemption should also be summarily dismissed. To the extent that such an exemption has been granted to contractors, two explanations come to mind:

(1) arguably the contractor is part of the solution and not a cause of the problem and, therefore, should not be thrown in with the problem causers, and (2) the industry that consulting engineers now comprise and its insurers are capable of bringing toxic cleanups to a standstill if they so choose, a power that local governments, no matter how well organized, could probably not match.

Another approach to limiting liability has been employed under some household hazardous waste collection programs, whereby the state or municipality has attempted to transfer potential future liability to the contractor hired to pick up and transport

the material to the disposal facility. For example, Connecticut, by statute, requires municipalities running collection days to contract with a licensed transporter or waste collection company. The contract is to specifically require the contractor to identify itself as the generator of the waste collected.

Unfortunately, CERCLA liability cannot be transferred; SARA is explicit in this regard. The fact that a contractor signs as generator does not take away that status from the organizer of the collection effort. Again, a generator is defined as one who "arranged for transport or disposal." Prosecutors would have every right to look behind the signature on a manifest in search of the actual arranger. They may not have reason to do so if satisfied that the self-designated generator will take full responsibility. The fact remains, however, that any thorough search for potential responsible parties will uncover the municipal sponsor of the collection.

A municipality might be somewhat more successful in limiting its liability by having the contractor agree to a hold harmless clause. A hold harmless provision in a contract is certainly valid between the signatories thereto and there is nothing in CERCLA to invalidate it. Liability will necessarily still be with the real generator; the contractor has simply agreed to cover that liability. A hold harmless clause is only as viable as the contractor, however, and, to the extent that contractor is unwilling or unable to follow through if liability is imposed, a municipality is not protected.

In the face of the difficulty of otherwise limiting liability, EPA has been asked by municipalities to help protect them from liability in their household hazardous waste collection efforts. For example, in May of 1984, the League of Women Voters of Massachusetts specifically asked the federal Agency if it could offer an exemption from liability under CERCLA to towns in Massachusetts which had residential hazardous waste cleanup programs. In response, EPA complimented the Commonwealth for its "sound requirements for the safe and proper handling of hazardous wastes" and stated that EPA had "no intention of taking enforcement action" against a town given compliance with state guidance. Since then, EPA has grappled with the idea of issuing non-prosecution promises for household hazardous waste programs. To date, EPA has decided against providing such guarantees as a general policy matter because, among other reasons, "'no action' promises may erode the credibility of EPA's enforcement program by creating real or perceived inequities in the Agency's treatment of the regulated community."

From the EPA's communications on the subject it seems clear that government prosecutors are troubled by the prospect of municipal leaders incurring responsible party status for their efforts to remove household hazardous waste from their communities. This concern is hinted at in the EPA statement that the "policy against no action assurances does not preclude EPA from fully discussing internally the prosecutorial merit of individual cases or from exercising the discretion it has under applicable law to decide when and how to respond or not respond

to a given violation, based on the Agency's normal enforcement priorities." While this position falls short of a promise not to prosecute, it does add something to the analysis of the significance of the risk of incurring future costs based on CERCLA liability. On the other hand, just because government plaintiffs are loathe to sue local governments under these circumstances does not mean that other parties in search of cleanup cost contributions would be.

CONCLUSION

As a general proposition, liability follows responsibility. To the extent that a local government has accepted or has been given responsibility for hazardous waste management, there exists the possibility of incurring financial loss as a result of performing in furtherance of that responsibility. While the sponsors of the household hazardous waste cleanup efforts cannot totally eliminate this potential, there is good reason to believe that the significance of the risk is probably not great. Moreover, if it is the goal of the municipality to reduce environmental contamination and do what is most likely to protect the public health, the question of potential liability should probably not be the determining factor in setting waste management policy. Given the arguably small risk posed by CERCLA - particularly when compared to the very real potential for liability already inherent in many municipal functions - sound

environmental planning should provide the principle basis for decision-making, with risk management following as a secondary consideration.

A Place to Dispose of Your Pesticides

Your August 19, editorial, "Just Put It in the Garage," discussed the problem of proper disposal of pesticides and other household hazardous wastes, as well as the environmental impacts associated with these wastes. The editorial indicated it is better to keep certain hazardous materials in a secure place at home until a proper disposal method is available, rather than place them out with the trash. I fully agree with the opinions expressed in The Buffalo News.

I am pleased to announce that the Erie County Department of Environment and Planning will conduct a Pesticide Cleanup Day on Saturday, Sept. 17 at Erie County's Tonawanda Highway Garage at Military and Ensminger Road from 9 a.m. to 2 p.m.

On that day Erie County residents will be able to drop off leftover pesticides, one of the most threatening groups of substances found in the home.

There is a limit of two gallons of liquids and 20 pounds of solid pesticides. The pesticides must be in the original labeled container and the participant must certify the wastes were generated by household use. We will also accept waste motor oil and lead acid batteries, two common wastes which often go unrecognized as harmful to the environment.

Our first Pesticide Cleanup Day is co-sponsored by the Erie County Environmental Management Council, the Cooperative Extension Association of Erie County and the League of Women Voters. The project would not have been possible without generous contributions from 49 businesses located in our area. I want to thank all those who will help make September 17 a success.

I hope this campaign will help to increase the environmental awareness of all our citizens. Ideally, residents will think twice about the types and quantities of hazardous products they purchase. Of course, we should all continue to be careful with the materials we are tempted to throw out.

If you are not sure, store it in a safe place and call the Erie County Department of Environment and Planning at 846-6370 for information. We are planning similar drop-off programs in the future which will include other hazardous wastes.

DENNIS T. GORSKI
County Executive
Buffalo

Buffalo News
9/15/88

Buffalo News
Friday, September 9, 1988

2 Area Groups Explore Sharing Recycling Units

By BARBARA O'BRIEN

Maintaining separate recycling facilities will be cheaper than combining plants serving towns in the northeastern and southern sections of Erie County, local officials learned Thursday.

Members of South Towns Solid Waste Management Board and the Northeast Solid Waste Management Board discussed pooling their resources at a dinner meeting in the Orchard Downs in Orchard Park.

The two boards are expected to review cooperation in recycling during the next month. The state has mandated separation of all household refuse for recycling by September 1992.

"Our recommendation is to consider co-management in separate facilities," said Paul F. Dudden, vice president of Barton & LoGuidice, a consulting firm.

The consultants released results of a study of the potential for inter-municipal cooperation on recycling.

It showed the total cost for the northeast and South Towns operations for recycling facilities and satellite receiving centers for recyclables to be \$2.66 million.

Placing a large materials-recovery facility in the northeastern section of the county and a large satellite-collection facility in the South Towns is estimated to cost \$2.68 million.

A third option, to recycle glass containers in the northeast and newsprint and corrugated paper in the South Towns would cost \$2.97 million, the report estimated.

"They have to get together to talk about the details," said John R. Finster, Erie County's solid waste management program coordinator.

The Northeast Solid Waste Management Board includes 14 municipalities, representing about 250,000 people. The South Towns board is in the process of being formed. So far, 15 communities have joined.

If all 23 southern communities sign on, the group would represent about 160,000 people.

Those attending the meeting, which included supervisors, mayors, and other municipal officials, also discussed lobbying efforts for state funding.

BACKGROUND

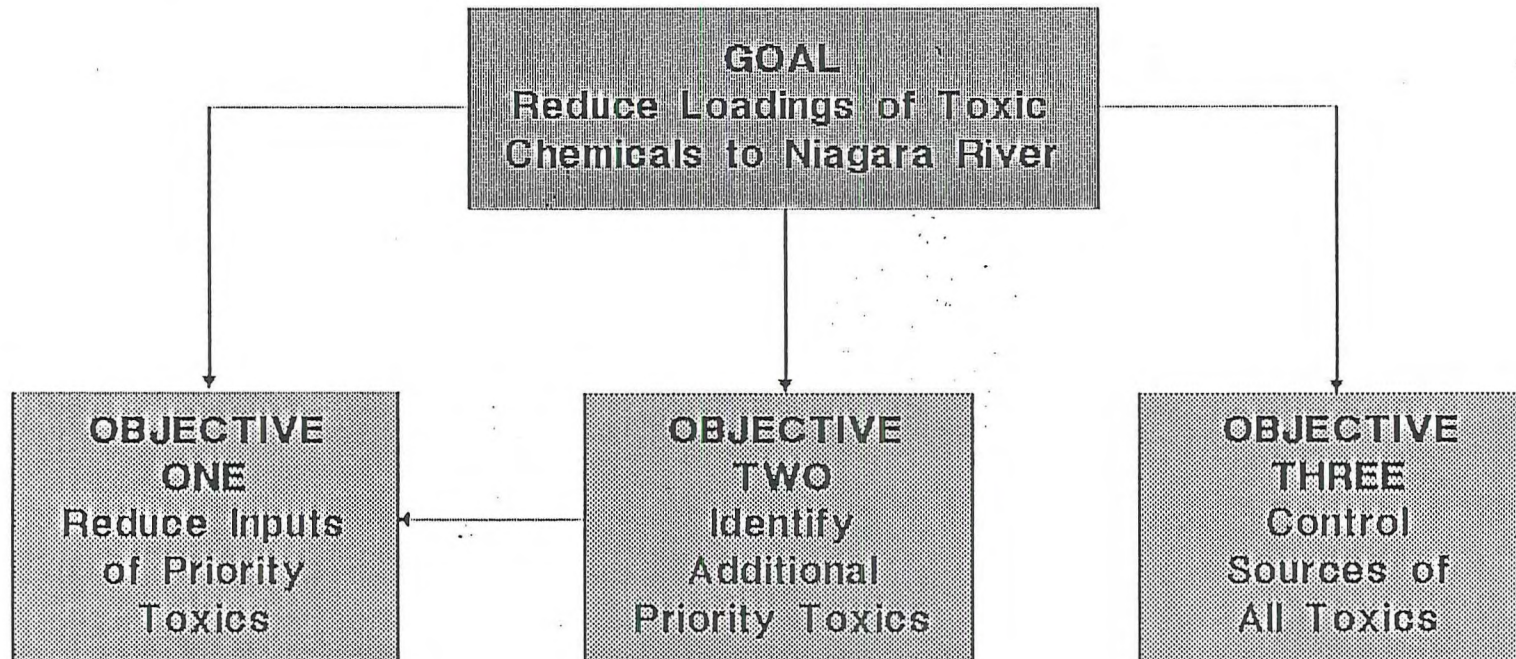
- February 1981: Establishment of Niagara River
Toxics Committee (NRTC)
- October 1984: NRTC Report
- October 1984-
September 1986: Individual Agency Action Plans
and Initiatives
- October 1986: Initial Four-Party Work Plan
- February 1987: Niagara River Toxics Management
Plan (NRTMP)
- Declaration of Intent
- Four-Party Work Plan
- July 1987: First Update of NRTMP
- October 1988: Revised NRTMP

ACCOMPLISHMENTS

- Preparation of "Upstream/Downstream" Reports
- 80% Reduction in New York Point Sources of "EPA Priority Pollutants"
- 60% Reduction in Ontario Point Sources of "EPA Priority Pollutants"
- Identification of Initial List of Toxics for 50% Reduction by 1996
- Preparation of Initial Estimates of Loadings Entering River from U.S. Hazardous Waste Sites
- Other

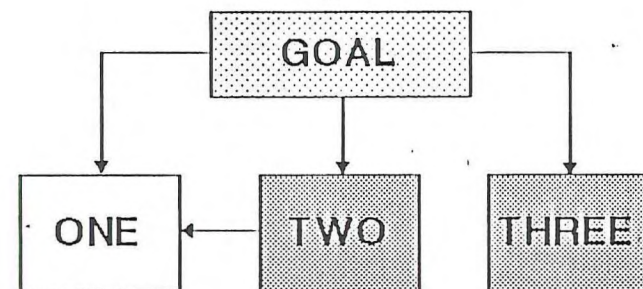
NIAGARA RIVER TOXICS MANAGEMENT PLAN

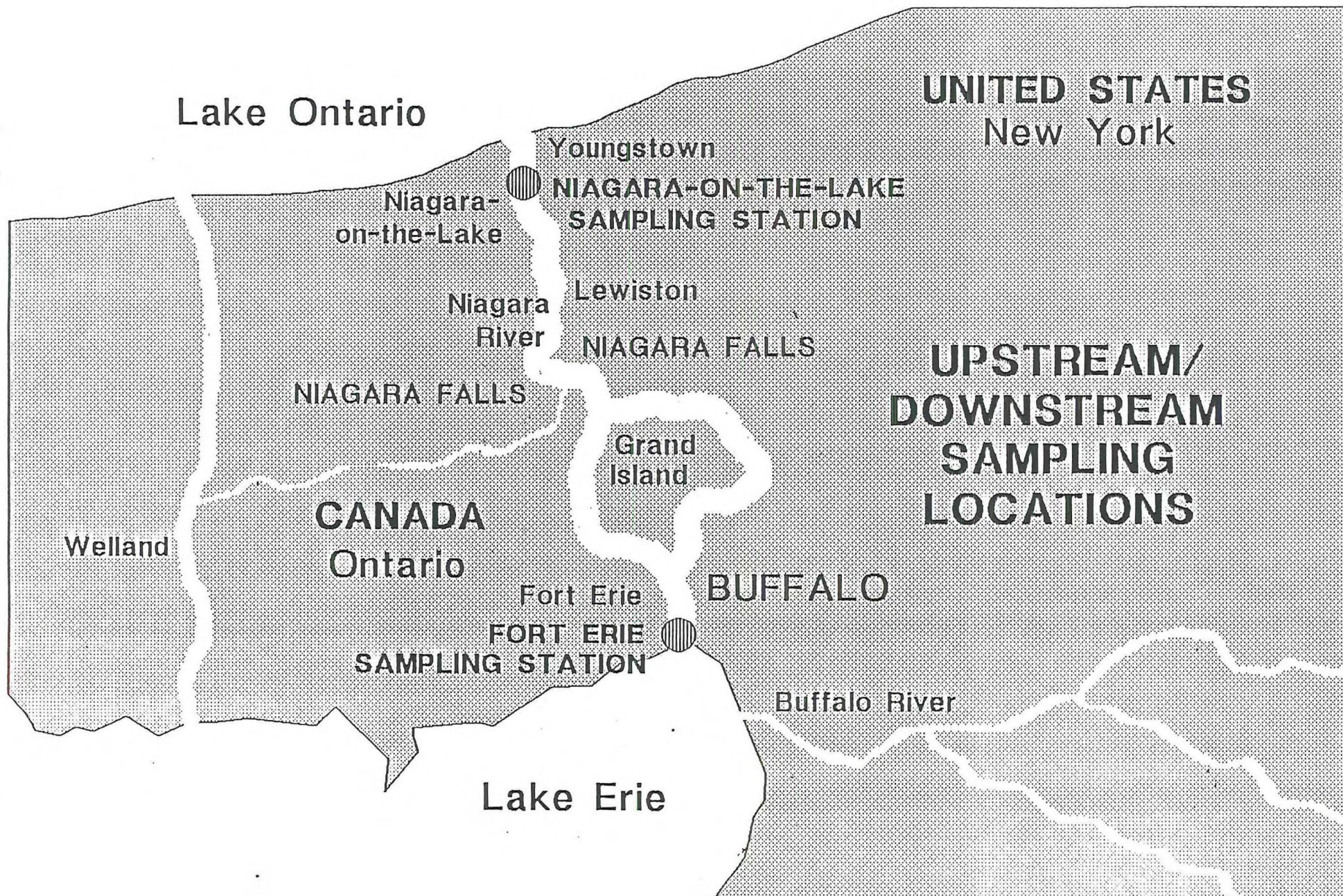
Goal and Objectives



PRIORITY TOXICS

- 15 Toxics Selected for Priority Attention
- Seven of 15 Found in Niagara River Water Column at Levels that Exceed Standards and Criteria
- Nine of 15, Including One of Seven from Above, Found in Lake Ontario Sport Fish at Levels that Exceed Existing Standards and Criteria





SIGNIFICANT SOURCES OF PRIORITY TOXICS

Toxic Chemical	Niagara River	Upstream Great Lakes
Benz(a)anthracene	X	X
Benzo(a)pyrene	X	
Benzo(b)fluoranthene	X	
Benzo(k)fluoranthene	X	
Chlordane		
Chrysene		X
Dieldrin		X
Hexachlorobenzene	X	
Mercury	X	
Mirex	X	
Octachlorostyrene		
PCBs (Total)	X	X
DDT and Metabolites		X
Dioxin (2,3,7,8-TCDD)	X	
Tetrachloroethylene	X	X

NIAGARA RIVER LOADINGS TOXICS FOR 50% REDUCTION

In Kilograms per Day; Assumes ND=0

	Up- stream	Differ- ential Load	Non-Point Source Component	Point Source Component
Benz(a)anthracene	1.0486	0.5618	0.5618	0.0000
Benzo(a)pyrene	ND	0.9930	0.9930	0.0000
Benzo(b)fluoranthene	ND	1.4630	1.4130	0.0500
Benzo(k)fluoranthene	ND	1.5180	1.5180	0.0000
Tetrachloroethylene	166.44	312.46	306.686	5.6800
Mirex	ND	0.0140	0.0140	0.0000
Hexachlorobenzene	ND	0.1789	0.1590	0.0201

NIAGARA RIVER LOADINGS TOXICS FOR 50% REDUCTION

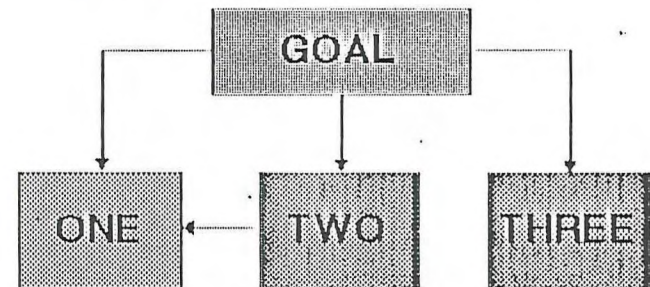
Mercury, Dioxin, PCBs

- Mercury, Dioxin, PCBs Included on List of Toxics for 50% Reduction
- None of These Chemicals Show Positive Niagara River Differential Loading
- Each of These Chemicals Has Known, Current Niagara River Sources
- 50% Load Reduction Targets Will Be Generated Based on Point Source Loadings Data and, If Possible, Based on Independent Estimates of Non-Point Source Loadings

PRIORITY TOXICS

Toxics for 50% Reduction Facility/Site-Specific Schedules

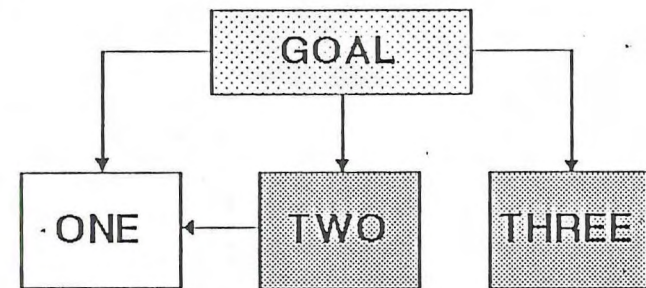
- Point Source Schedules Completed by March 1989
- Waste Site Schedules
 - By June 1989 in U.S.
 - By December 1989 in Canada
- Annual Progress Reports on Load Reductions



PRIORITY TOXICS

Upstream Great Lakes Sources

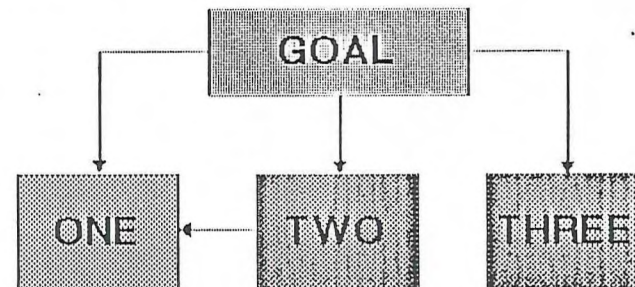
- At Least Six Priority Toxics Have Significant Upstream Great Lakes Sources
- Alert International Joint Commission
- Request Responsible Juristictions To Take Corrective Action



PRIORITY TOXICS

Improve Loadings Estimates

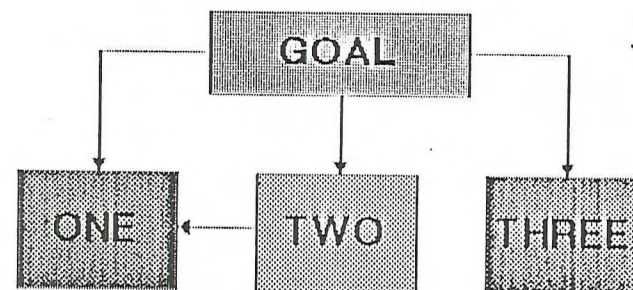
- Not All Significant Sources of 15 Priority Toxics Identified
- Need To Improve Loading Estimates
- Activities Include:
 - Improvements in Point Source Estimates
 - Improvements in Non-Point Source Estimates
 - Mass Balances



IDENTIFYING ADDITIONAL PRIORITY TOXICS

Categories of Toxics

- I. Ambient Data Available
 - A. Exceeds Enforceable Standard
 - B. Exceeds More Stringent, but Unenforceable Criterion
 - C. Equal To or Less Than Most Stringent Criterion
 - D. Detection Limit Too High To Allow Complete Categorization
 - E. No Criterion Available



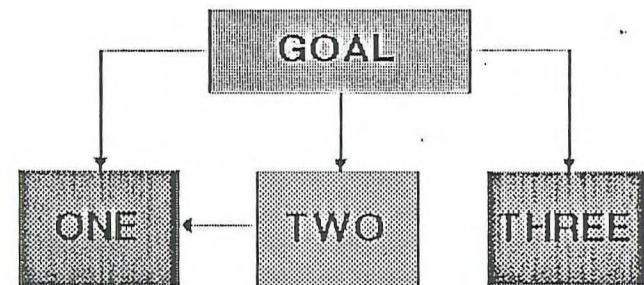
IDENTIFYING ADDITIONAL PRIORITY TOXICS

Categories of Toxics (Cont.)

II. Ambient Data Not Available

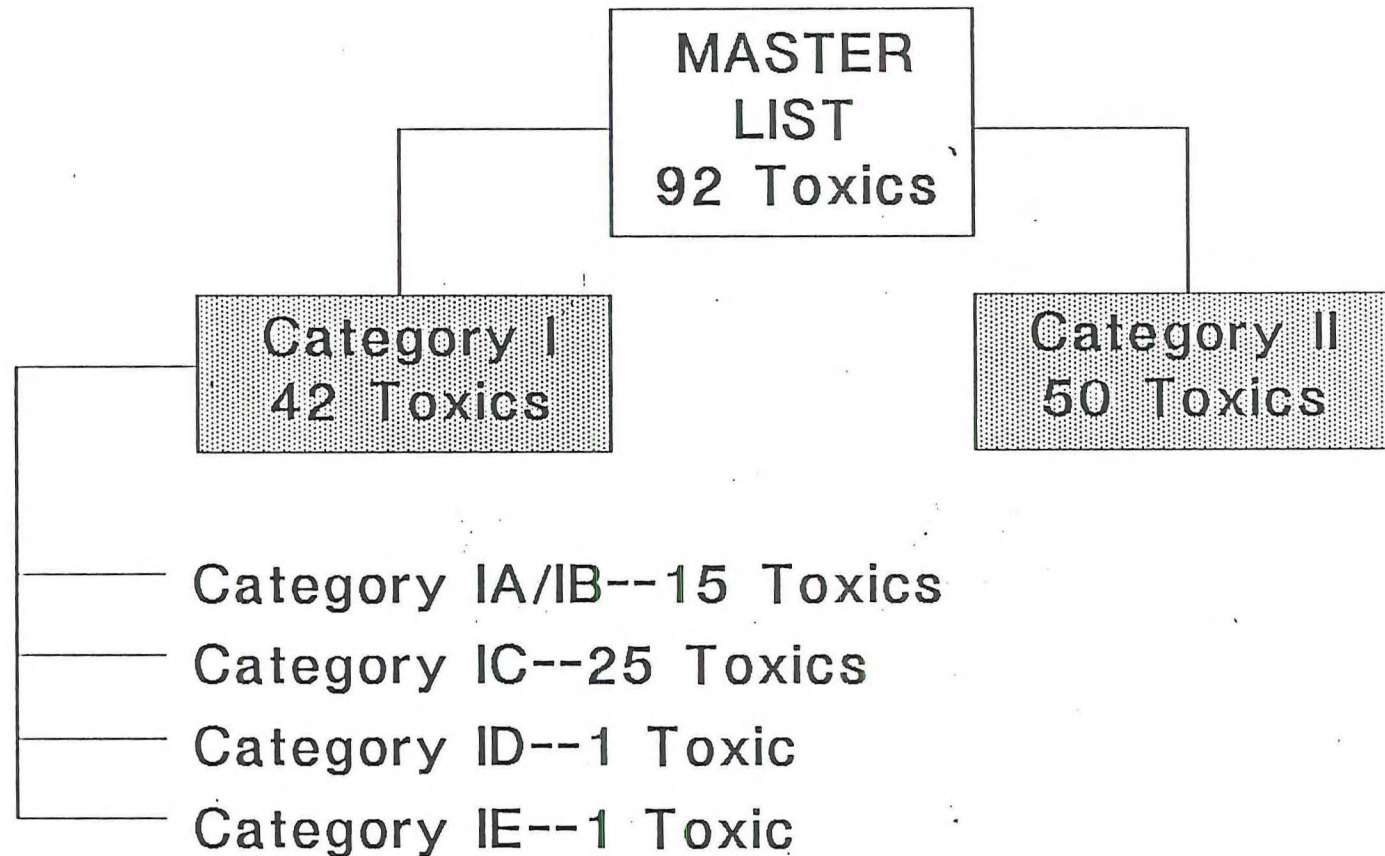
A. Evidence of Presence In or Input to River

B. No Evidence of Presence In or Input to River



IDENTIFYING ADDITIONAL PRIORITY TOXICS

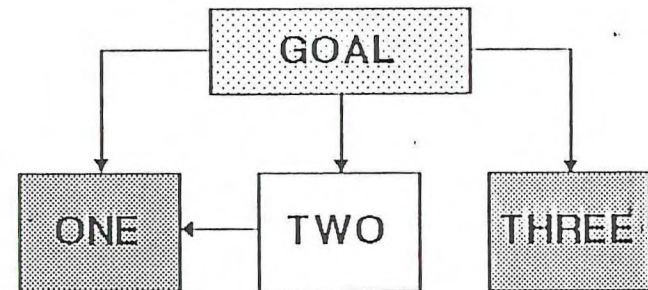
Preliminary Results



IDENTIFYING ADDITIONAL PRIORITY TOXICS

Actions

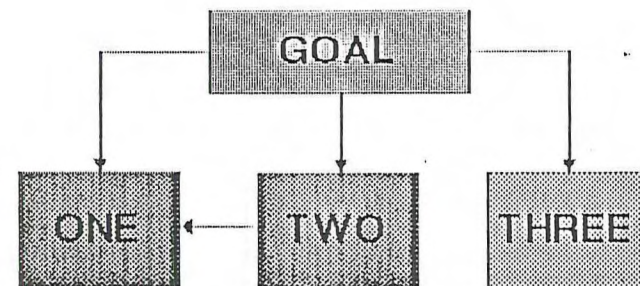
- Expanded Ambient and Source Monitoring
- Development/Use of Improved Analytical Protocols
- Development of Criteria and Standards
- Additions to List of Toxics for 50% Reduction



CONTROLLING SOURCES OF ALL TOXICS

Comprehensive Point Source Program Status Reports

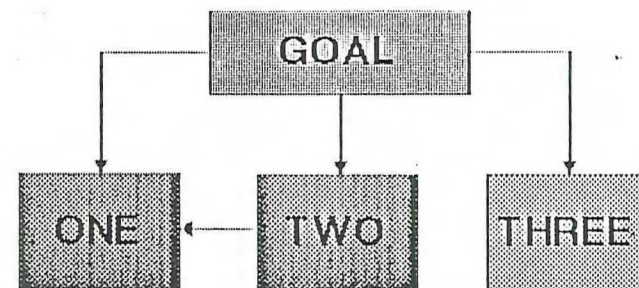
- June 1989, and Annually Thereafter
- United States
- Canada



CONTROLLING SOURCES OF ALL TOXICS

Point Source Loadings Progress Reports

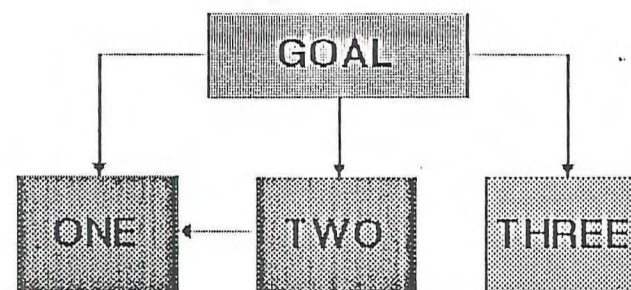
- September 1989 and Annually Thereafter
- United States
- Canada

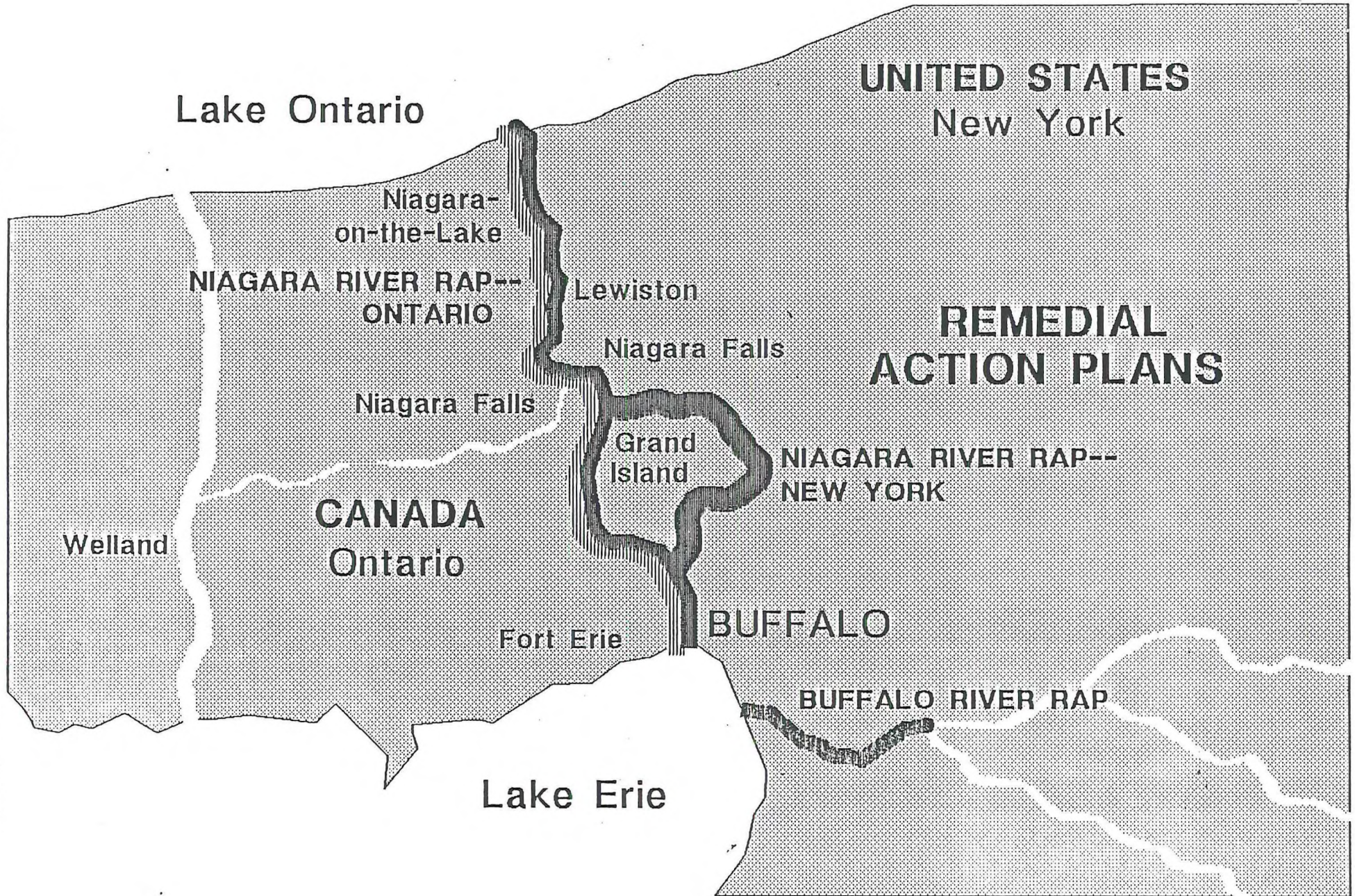


CONTROLLING SOURCES OF ALL TOXICS

Comprehensive Non-Point Source Program Status Reports

- June 1989 and Annually Thereafter
- United States
- Canada





Lake Ontario

UNITED STATES
New York

Niagara-on-the-Lake

**NIAGARA RIVER RAP--
ONTARIO**

Lewiston

Niagara Falls

**REMEDIAL
ACTION PLANS**

Niagara Falls

Grand
Island

**NIAGARA RIVER RAP--
NEW YORK**

Welland

CANADA
Ontario

Fort Erie

BUFFALO

BUFFALO RIVER RAP

Lake Erie

COMMUNICATION AND REPORTING OBJECTIVES

- To Ensure All Sectors of Population in Niagara Area Are Informed About Plan and Its Progress
- To Provide for Involvement of These Groups in Changes or Modifications to Plan as Work Proceeds

COMMUNICATION AND REPORTING

Principal Features

- **Coordination Committee Open Meetings**
- **Status Reports**
- **Plan Updates**
- **Document Availability**
- **Public Comment Periods**

MANAGEMENT STRUCTURE

