

July, 1984

SENATOR DOMENICI, MR. RUCKELSHAUS:

MAYOR KINNEY HAS REQUESTED THAT I TESTIFY TODAY REGARDING MANAGEMENT OF HAZARDOUS WASTE AT THE LOCAL LEVEL. AT FIRST BLUSH, IT MIGHT APPEAR THAT HAZARDOUS WASTE WOULD NOT BE A SIGNIFICANT ISSUE IN A RELATIVELY UNINDUSTRIALIZED AREA SUCH AS ALBUQUERQUE LOCATED IN THE ARID SOUTHWESTERN UNITED STATES. WHILE IT IS TRUE THAT WE MAY NOT HAVE THE VARIETY AND VOLUMES OF HAZARDOUS WASTE THAT ARE GENERATED IN HEAVY INDUSTRY AREAS, WE DO HAVE OUR OWN TYPE OF PROBLEM WHICH WE HAVE NOT YET FULLY DEFINED AND ANALYZED, AND WHICH PROBABLY REPRESENTS ONLY THE TIP OF THE ICEBERG IN TERMS OF THE REAL PROBLEM WHICH WILL BECOME MORE EVIDENT IN FUTURE YEARS. OUR WATER RESOURCES IN THE VALLEY AREA, ARE SHALLOW AND CAN BE POLLUTED EASILY. IMPROPER DISPOSAL OF HAZARDOUS WASTE FOR THE PAST 30 SOME YEARS IS ONLY NOW BECOMING BETTER UNDERSTOOD. HAZARDOUS WASTE HAS BEEN DUMPED ON OUR MESAS AND OUR ARROYOS, ALONG RIVER BANKS AND DITCHES, ALONG HIGHWAYS, IN VACANT LOTS, IN LANDFILLS AND SEWERS, AND IN ALLEYS FOR MANY YEARS. IT IS PROBABLE THAT MIGRATION AND LEACHING OF SUCH WASTES INTO THE GROUND WATER TAKES MORE TIME IN THIS AREA THAN IT WOULD IN THE EASTERN UNITED STATES DUE TO THE MEAGER ANNUAL PRECIPITATION. THEREFORE, WE MAY YET FEEL THE POLLUTION IMPACT IN OUR WATER SUPPLIES CAUSED BY IMPROPER DUMPING DURING THE PAST SEVERAL DECADES. WE KNOW OF SOME OF THIS, AS EVIDENCED BY THE POLLUTION ANALYZED IN TWO CITY WATER WELLS AND A NUMBER OF PRIVATE WATER SUPPLIES IN THE VALLEY AREA. AS YOU KNOW, THIS SPECIFIC ISSUE HAS BEEN DESIGNATED UNDER THE SUPERFUND PROGRAM.

HAZARDOUS WASTES FROM LARGER GENERATORS DO NOT REPRESENT A SERIOUS PROBLEM INASMUCH AS THEY ARE PROBABLY REASONABLY WELL IDENTIFIED, LICENSED AND REGULATED UNDER THE FEDERAL-STATE HAZARDOUS WASTE PROGRAM.

THEREFORE, THE MAJORITY OF THE UNREGULATED HAZARDOUS WASTES IN THIS AREA COME FROM HOUSEHOLDS AND SMALL BUSINESSES WHICH ARE NOT SUBJECT TO THE FEDERAL-STATE PROGRAM REQUIREMENTS. AS YET, WE HAVE NO SYSTEM FOR REGULATING THE STORAGE, TRANSPORTATION, TREATMENT AND DISPOSAL OF SUCH WASTES, THEREFORE THEY ARE VARIOUSLY DISCARDED INTO LANDFILLS AND SEWERS AS WELL AS STREWN ON OUR MESAS AND VALLEY LANDSCAPES.

I BELIEVE THE DRAFTING AND ENACTMENT OF THE HAZARDOUS WASTE PROVISIONS OF THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT INADVERTENTLY PRECIPITATED A MAJOR PROBLEM IN THAT IT FAILED TO TAKE APPROPRIATE NOTICE OF THE ESSENTIAL ROLE OF LOCAL GOVERNMENTAL ENTITIES IN THE MANAGEMENT OF HAZARDOUS WASTES, AND EFFECTIVE HAZARDOUS WASTE MANAGEMENT MUST REPRESENT A COORDINATED PARTNERSHIP INVOLVING FEDERAL, STATE AND LOCAL GOVERNMENTS, AS WELL AS GENERATORS, TRANSPORTERS, DISPOSAL FACILITY OPERATION AND VARIOUS CITIZEN GROUPS. ITS ONLY REASONABLE TO CONCLUDE THAT LOCAL GOVERNMENTAL OFFICIALS MAY BE THE FIRST TO KNOW OF HAZARDOUS WASTE INCIDENTS; MAY BE THE FIRST ON THE SCENE, MAY BE THE FIRST TO BE CONTACTED FOR RELIABLE INFORMATION, AND ARE EXPECTED TO INSURE CLEAN-UP FOLLOWING A SPILL.

IN THE ALBUQUERQUE AREA, WE ARE DESIGNING A HAZARDOUS WASTE MANAGEMENT PROGRAM TO ENHANCE AND COMPLEMENT THE FEDERAL-STATE PROGRAM, BUT SUCH A PROGRAM IS NOT ENVISIONED OR ENCOURAGED THROUGH THE FEDERAL-STATE PROGRAM, NOR DOES IT RECEIVE PLANNING AND IMPLEMENTATION FUNDING.

AS YET, I DO NOT FEEL THAT STATE AND LOCAL OFFICIALS IN NEW MEXICO ARE SUITABLY PREPARED TO HANDLE A SIGNIFICANT HAZARDOUS WASTE INCIDENT. THE LAST NEW MEXICO LEGISLATURE ENACTED A HAZARDOUS WASTE ACT WHICH DOES NOT ADEQUATELY ENVISION THE ESSENTIAL ROLE OF LOCAL GOVERNMENTS. REALISTICALLY, HAZARDOUS WASTE INCIDENTS IN THIS AREA MUST BE HANDLED

INITIALLY, AND PERHAPS ON A CONTINUING BASIS, BY LOCAL POLICE AND FIRE OFFICIALS WHO HAVE THE MANPOWER, THE EQUIPMENT, AND THE TRAINING TO REACT TO SUCH AN EMERGENCY. STATE OFFICIALS COULD NOT POSSIBLY RESPOND ON THE PROPER SCALE OR IN THE PROPER TIMEFRAME EXPECTED TO OFFER CONSULTATION AND COORDINATION UNTIL SOME HOURS AFTER-~~THE-FACT~~. OUR CITY OFFICE OF EMERGENCY PREPAREDNESS HAS WORKED WITH LOCAL LAW ENFORCEMENT OFFICIALS, FIRE OFFICIALS, AND OTHERS LARGELY ON ITS OWN VOLITION. BUT REALISTICALLY, THERE CONTINUES TO BE INSUFFICIENT PLANNING AND COORDINATION WITH STATE AND FEDERAL OFFICIALS ----- PROBABLY DUE TO THE STATUSTORY AND REGULATORY DESIGN OF THE FEDERAL-STATE HAZARDOUS WASTE PROGRAM.

REGRETABLELY, A PUBLIC AND OFFICIAL ATTITUDE HAS DEVELOPED THROUGHOUT OUR NATION THAT STORAGE AND TRANSFER, TRANSPORTATION AND TREATMENT, AND DISPOSAL OF HAZARDOUS WASTE SHOULD BE HANDLED BY THE PRIVATE SECTOR. I FULLY SUPPORT THIS WHEN THE PRIVATE SECTOR IS ABLE AND WILLING TO EFFECTIVELY HANDLE THE TASK AND MAKE A PROFIT IN SO DOING. IN AN AREA SUCH AS THIS, PRIVATE SECTOR INVOLVEMENT HAS THUS FAR FAILED TO MATERIALIZE. IT IS INTERESTING TO NOTE THAT WE HAVE LONG ACCEPTED THE FACT THAT SOLID WASTE MANAGEMENT CAN BE HANDLED BY LOCAL GOVERNMENT, LIQUID WASTE CAN BE HANDLED BY LOCAL GOVERNMENT, AND AIR POLLUTION MANAGEMENT THROUGH MASS TRANSIT MECHANISMS CAN BE HANDLED BY LOCAL GOVERNMENT. BUT CURIOUSLY, HAZARDOUS WASTE MANAGEMENT TREATMENT FACILITIES HAVE FREQUENTLY NOT BEEN SEEN IN THE SAME LIGHT.

IN THE ALBUQUERQUE AREA WE ARE NOW TAKING INITIAL STEPS TO PROPOSE GOVERNMENTAL FUNDING FOR A PROPERLY LOCATED HAZARDOUS WASTE STORAGE AND TRANSFER STATION AND A PROPERLY LOCATED TREATMENT AND DISPOSAL OPERATION. AS AN ENVIRONMENTALIST, I PREFER THE PROPER MANAGEMENT AND REGULATION OF SUCH OPERATIONS IN THIS AREA OVER THE PRESENT

INDISCRIMINATE AND DANGEROUS DUMPING OF HAZARDOUS WASTE IN OUR ENVIRONMENT. THERE MAY BE THOSE WHO DO NOT BELIEVE WE SHOULD HAVE SUCH HAZARDOUS WASTE MANAGEMENT FACILITIES IN THIS AREA, BUT I SUGGEST THAT SUCH FACILITIES ARE MORE DESIRABLE THAN THE CURRENT PRACTICES WHICH POLLUTE OUR ENVIRONMENT.

WE SHOULD HOPE THAT EPA, THROUGH REGULATION, CONSULTATION, RESEARCH, DEMONSTRATION AND FUNDING WOULD ENSURE THE DEVELOPMENT OF WASTE EXCHANGE, RECYCLING, RESOURCE RECOVERY, AND CHANGES IN MANUFACTURING PROCESSING DESIGNED TO ELIMINATE SOME HAZARDOUS WASTES AS END PRODUCTS AS SUPERIOR ALTERNATIVES TO "SECURE LANDFILL DISPOSAL".

SENATOR DOMENICI, MR. RUCKELSHAUS, IN CLOSING, LET ME SIMPLY SUMMARIZE MY TESTIMONY BY EMPHASIZING THE NEED FOR A PARTNERSHIP WITH LOCAL GOVERNMENT IF HAZARDOUS WASTE PROGRAMS ARE TO EFFECTIVELY PROTECT OUR ENVIRONMENT AND THE PUBLIC'S HEALTH.

THANK YOU.

LARRY J. GORDON  
DIRECTOR  
ENVIRONMENTAL HEALTH  
& ENERGY DEPARTMENT