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2 MR. KELLER: I am the Regional  
3 Director for the State Environmental  
4 Conservation Department in New Paltz  
5 New York and have been asked by  
6 Commissioner Flacke to officially repre-  
7 sent him here today and read into the  
8 record a prepared statement and then  
9 I'm prepared to answer as many questions  
10 as I have answers to that you may want to  
11 present.

12 I do thank you for the opportunity  
13 to present this statement on behalf of  
14 the Environmental Conservation Department.

15 This agency, as well as our sister  
16 state agencies, would hope to utilize the  
17 information submitted to this Committee  
18 on Hazardous Waste in pursuit of health,  
19 safety and environmental quality in New  
20 York and we applaud the investigatory  
21 efforts of the Committee.

22 The information garnered should  
23 clearly indicate the magnitude of the  
24 in-place hazardous waste problems in New  
25 York State as well as the concern for

1  
2 future disposal needs and practices.

3 My department would hope in the  
4 near future to determine the source, nature  
5 and location of hazardous waste disposed  
6 of in New York State and recommend necessary  
7 remedial, legal and legislative actions  
8 concerning such sites.

9 We feel that sites should be iden-  
10 tified on a priority basis. The criteria being  
11 the volume of hazardous waste received.  
12 However non-attention, the stigma associated  
13 with priority one or two sites immediately  
14 creates a relationship with health hazard.  
15 In this instance, it is our recommendation  
16 that, one, objectives be so stated that there  
17 is little opportunity for confusion rela-  
18 tive to the priority assigned to a specific  
19 site, and, two, that any discussion of priori-  
20 tization be enhanced so as to clearly  
21 indicate that a specific listing does not,  
22 at this time, promote an imminent environ-  
23 mental health or safety rating of any site.  
24 A subsequent investigation should and  
25 would result in the determination of

1  
2 potential site impacts.

3 Priority one sites are clearly  
4 issues of concern because of volume of  
5 hazardous waste materials deposited and  
6 priority three sites are described as  
7 unlikely recipients of significant waste.  
8 Priority two is therefore relegated as  
9 the category for all sites with a potential  
10 for the presence of hazardous waste in  
11 significant quantities and we would suggest  
12 that this category is too broad.

13 There are sites, which having  
14 received material have been closed in  
15 conjunction with state and federal regu-  
16 lations. There are other sites where  
17 compounds of lesser health and environ-  
18 mental significance have been placed.

19 We would recommend that within  
20 priority two subcategories be considered.

21 The physical characteristics of the  
22 site and the compliance activity...operated.

23 The DEC has developed an interim  
24 strategy which reacts to the most critical  
25 issues presented by Love Cannel, while being

1  
2 flexible enough to be incorporated into  
3 a final state strategy to be developed  
4 in the near future.

5 In summary, the strategy requires  
6 that certain actions be taken by these  
7 distinct groups.

8 Number one would be completion  
9 of the activities of the inter-agency  
10 task force already in existence includ-  
11 ing some additional assistance in delineat-  
12 ing the most significant priority two sites.

13 B, at the Albany staff level, completion  
14 of a state wide identification program for  
15 hazardous waste disposal sites and contami-  
16 nated ground water, lake and river sedi-  
17 ments. Also establishment of an emergency  
18 response team of specialists from both the  
19 Environmental Conservation Department and  
20 the Department of Health capable of react-  
21 ing where a determination of imminent  
22 threat to health or the environment has  
23 been made.

24 I think this can be emphasized.

25 Just before I came here this morning, one

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of the conservation officers in my office reported to me a fifty-five gallon drum floating in a stream, wading through a reservoir for water supply and we had absolutely no idea what that fifty-five gallon drum was and I have absolutely no way of sending anyone in there safely with the equipment needed to do anything about removing it and taking care of it safely.

Finally, the development of a state wide strategy for addressing management and control necessary to protect health and the environment from hazards of inactive dumps.

That completes my prepared statement. I will answer any questions.

VOICE: (Question inaudible)

MR. KELLER: I think the major problem with toxic waste in Region III is not having any control of it, not knowing where they are and when discovered, not having the finances or the resources that I just indicated to take care of the

1  
2 problem.

3 SEN. DALY: But you have some idea  
4 right now - for example, of the toxic  
5 waste that are produced in this area  
6 based on the products that are produced  
7 in this area.

8 MR. KELLER: Yes, we do have - I  
9 think you are referring to the Hazardous  
10 Waste Survey that we did back in 1977  
11 and that survey was a sampling. The  
12 people that headed up that survey in our  
13 Albany office indicated to me that it is  
14 probably ninety percent accurate as far  
15 as having a handle on the waste generated  
16 state wide.

17 SEN. DALY: Are you doing anything at  
18 the present time to monitor that waste,  
19 finding out what is happening to that  
20 waste and whether it is being handled  
21 properly or not?

22 MR. KELLER: Not really.

23 SEN. DALY: In other words, you don't  
24 know what is happening to the waste in the  
25 area?

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2 MR. KELLER: No, we don't, in all  
3 candor.

4 VOICE: Do you have waste sites?

5 MR. KELLER: We have suspected  
6 waste sites. Some of them that we do  
7 suspect have been subject to much publicity  
8 in recent days. Others have been on-going  
9 sites. They are subjects of departmental  
10 hearings right now or legal enforcement  
11 actions, both by this department and the  
12 State Attorney General's office.

13 ASEM. HINCKEY: Are they serious deposits?

14 MR. KELLER: We suspect, but have  
15 not been able to clearly identify that  
16 this is the case and we sincerely hope  
17 that as a result of the hearings and  
18 the enforcement actions that we have in  
19 the courts right now that the test borings  
20 and monitoring wells that we are requiring  
21 to be put down are going to indicate to us  
22 whether or not we do have a significant  
23 health hazard or serious water pollution  
24 problem on our hands. Now, we do know  
25 that in many areas within the region, I

1  
2 have polluted ground water.

3 SEN. DALY: I'm sorry, I didn't hear  
4 you.

5 MR. KELLER: I say that many areas  
6 within the region, we do have polluted  
7 ground water from improper disposal  
8 practices of toxic or hazardous substances.

9 VOICE: (Question inaudible)

10 MR. KELLER: I am prepared to give  
11 you just a quick run down on the more  
12 significant ones that we are aware of  
13 and are working on.

14 In the Village of Suffern in Rockland  
15 County there is a contaminated public  
16 water supply. Three out of four public  
17 water supply wells are contaminated with  
18 trichlorethane number two. It's a  
19 suspected industrial source, but we have  
20 not been able to pin it down. Again, we  
21 can't pin it down because our investiga-  
22 tory efforts require the drilling of test  
23 holes where we can put down perforated  
24 pipe and collect samples of the ground  
25 water or anything that accumulates in the

1  
2 test hole for a laboratory analysis and  
3 we have to do this and trace it back to  
4 the source of origination.

5 If I want to do any of that inves-  
6 tigatory work, I have to call the regional  
7 engineer in Poughkeepsie from DOT and ask  
8 him if he can break the drilling crew loose  
9 and do it for us as a favor and as an  
10 example of inter-agency cooperation and  
11 I might say that they have been very good  
12 about it, but they are not at my beck and  
13 call and we do not begin to do anywhere's  
14 near the amount of investigatory work that  
15 we think we should be doing.

16 Now, let me go on and answer the  
17 question about the contaminated sources.  
18 The discharge on the Suffern well has  
19 been eliminated, we think, but the pollu-  
20 tion still persists. In other words, it  
21 doesn't appear to be getting stronger, so  
22 we think it has been eliminated.

23 West Nyack, again in Rockland County,  
24 sixteen private wells, trichlorethane.

25 They are closed and they have been hooked

1  
2 into a public water supply. They were  
3 fortunate. They had a public water supply  
4 handy that they could hook into.

5 SEN. DALY: Can I interrupt you for  
6 just a second. What is the source of  
7 that?

8 MR. KELLER: Don't know.

9 SEN. DALY: You don't know where the  
10 chemicals are coming from?

11 MR. KELLER: No, we have been unable  
12 to identify where it is coming from.

13 SEN. DALY: Are there dump sites in  
14 the area?

15 MR. KELLER: Industrial sites and  
16 we suspect that some of this may be from  
17 leaking underground storage tanks where  
18 this material was deposited years ago and  
19 the company may no longer be in business  
20 or it still may be in business, but not  
21 using those particular chemicals in their  
22 processes any more and all of a sudden,  
23 sometime in the future, they begin to leak.

24 CHAIRMAN FANNIS: What is the chemical you  
25 are finding in the drinking water?

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MR. KELLER: Trichlorethylene.

CHAIRMAN FRANKS: Which is what? Where does it come from?

MR. KELLER: Trichlorethylene, as I understand it is an ingredient of dry cleaning fluid. It's a cleaning solvent and I would guess that Dr. Redman probably is in a better position to answer that one, than I am. I'm sure his chemistry is much better than mine. Mine was never good when I was in school.

In the Village of Brewster, Putnam County, one out of two well fields, nine public wells included in that one field trichlorethylene contamination and they are running on the other field now, but they do not have the solution to that one in hand. That's one also that DOT has agreed to do some test borings for us in cooperation with the Putnam County Health Department in an effort to try and trace the plume back to the source. We suspect that it is coming from the waste from septic tanks that was picked up by

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2 a waste scavenger and deposited there and  
3 it was a good place to get rid of domestic  
4 sewage because of the percolation distance  
5 to the ground water, but apparently, it  
6 was a very poor one to get rid of any  
7 septic waste that might have been contami-  
8 nated with industrial solvents such as  
9 this and this has gotten into the ground  
10 water and contaminated it.

11 VOICE: (Question inaudible)

12 MR. KELLER: Absolutely and in fact,  
13 the one in Putnam County unfortunately  
14 right now, they are taking water supply  
15 out of a stream, I believe, with a pump  
16 and charcoal filter provided by the  
17 State Office of Disaster Preparedness and  
18 quite frankly, if we have a drought this  
19 summer, I don't know what they are going  
20 to do because we don't think and water  
21 supply is really not our business, but  
22 it's our opinion that the flow in the  
23 stream probably is not going to be enough  
24 to continue that as a viable source of  
25 water.

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2 VOICE: (Question inaudible)

3 MR. KELLER: Not that I am aware  
4 of. There is one in Dutchess and I'll get  
5 to that in a minute.

6 Crotona in Westchester County, one  
7 public well, trichlorethylene again. It's  
8 been permanently closed. They tried to  
9 purge it by pumping and have been unable  
10 to do so. They have drilled a new test  
11 well and they are using that now for the  
12 water supply and if that continues to  
13 hold up and doesn't draw that leachate  
14 plume into the water supply, then they will  
15 probably continue that well on down and  
16 try and increase the volume of water that  
17 they are producing out of that well and  
18 make that the water supply.

19 Armonk in Westchester County, ten  
20 wells, public water supply, over fifty  
21 parts per billion of trichlorethylene.  
22 People have been told not to drink it or  
23 boil it and they are still using it. The  
24 wells are still on line and the people are  
25 still using it. No identified source.

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2 VOICE: (Question inaudible)

3 MR. KELLER: No, we hope that is  
4 not happening. Where the contaminates  
5 apparently came from septic tank scavengers,  
6 we have agreed with them to close those  
7 sites and they are no longer in use. We  
8 absolutely refuse to permit their continued  
9 use. They came to us with an application  
10 for a permit to use the site and we said,  
11 nothing doing. Again, we are still trying  
12 to identify that that's in fact where it  
13 is coming from and not some other source  
14 that we may not even suspect right now  
15 and that is what we hope to prove with  
16 the borings that DOT is doing for us or  
17 will be doing for us shortly.

18 We go from those toxic and hazard-  
19 ous chemicals that we use to something that  
20 we use all of the time, although I under-  
21 stand that we are about to use less and  
22 less of it and that's gasoline petroleum  
23 based product contamination.

24 Woodstock - Maurice is very familiar  
25 with it. He and I have been on that one

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for two years now trying to arrive at a solution for six to seven private wells that are contaminated with gasoline up there and we have not been able to get those people new wells and produce the desired results which is water that they can use. They have been hauling water from outside and they have also been using water contaminated with gasoline.

Circleville, Orange County, we have two private wells contaminated with gasoline down there and that one is giving DOT fits. They are the ones that are,

that are working with it primarily as a result of the Oil Spill Contingency Fund, but they are having trouble cleaning those wells up.

Kanogo Lake in Sullivan County; an unknown number of private wells right now are contaminated and because it's a summer community, we probably are not going to know until all of the residents have been there at least once this year and tried their water supply.

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VOICE: Contaminated with what?

MR. KELLER: Gasoline. These are all gasoline contaminated.

Hyde Park in Dutchess County; trailer park over there, they are attempting to purge the wells right now, but we have no idea whether or not they are going to be successful and if unsuccessful, what they are going to do for a water supply.

I think that when it comes to the matter of gasoline contamination, there are a couple of things that we have got to do. We've got to put gasoline stations and their underground storage tanks on a regular testing and inspection basis. They have got to be tested periodically so that tanks that may be estimated as thirty year useful life, because of soil conditions don't deteriorate in twenty years and then all of a sudden begin to leak and contaminate water supplies and any of the other environmental insults that go with a leaking underground storage tank. I think, in addition to that, that there

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2 should probably be a requirement at the  
3 expense of the station operators or the  
4 companies that they put in monitoring  
5 wells around those tanks to the water table  
6 to test and sample those periodically or  
7 that they test and sample periodically  
8 and send us reports from independent  
9 labs that they are clean and in fact,  
10 that their tanks are not leaking because  
11 the volatility of gasoline in attempting  
12 to test for underground leaks and with  
13 the present day equipment is somewhat  
14 less than perfect. DEC before the  
15 (five minute gap in tape)

16 And then Westchester is 19th with  
17 8,000 tons, but again remember that could  
18 be a very misleading figure in Westchester  
19 because of the high number of communities  
20 that are sewered.

21 VOICE: (Question inaudible)

22 MR. KELLER: Absolutely. We have  
23 land fills right now within the region  
24 that are under investigation by the  
25 Organized Crime Control Task Force and

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2 with that stigma attached to some of those  
3 land fills, people that live in the vicinity  
4 that might be willing to testify are very  
5 reluctant to come forward.

6 ASSEMBLYMAN HINCHEY: Do you think that organized  
7 crime is involved in the carting business  
8 and is also engaged in the very lucrative  
9 business of illegal disposal of toxic  
10 substances in some of these land fills?

11 MR. KELLER: Absolutely. Not only  
12 in the land fills, but I think any place  
13 that they can get rid of it.

14 It was probably three months ago  
15 that a tank truck containing probably  
16 six or seven thousand gallons of Lord  
17 knows what, came into this state, was  
18 seen just pulling the plug and spreading  
19 it on the land down around Stewart Field.  
20 It was reported to us. We dispatched the  
21 Conservation Officers and the State Police  
22 to try and head them off or head the trucker  
23 off at the New York - New Jersey border and  
24 we missed him, but subsequent investigation  
25 by the Conservation Officers found someone

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2 who was in business in Middletown, New  
3 York who had arranged for that. I don't  
4 think that was the way that the company  
5 in New Jersey intended it to be disposed  
6 of, but he accepted a fee from the company  
7 for \$500 and said, I'll take care of it  
8 for you and then he told the trucker,  
9 because of his familiarity with the  
10 vacant land around Stewart Field, where  
11 he could get rid of it and as a result  
12 of bringing that individual in for  
13 questioning, he admitted that he had  
14 set it up and we got a \$1,000 out of  
15 him in a civil compromise. Unfortunately  
16 because we didn't have the witnesses that  
17 we really needed for his activities, we  
18 did the civil compromise for a \$1,000  
19 because we felt that was better than  
20 trying to take it to court where we felt  
21 we had a rather poor case.

22 ASSEMBLYMAN HINCHEY: Is your office cooperating  
23 with the District Attorney's in counties  
24 involved in this investigation?

25 MR. KELLER: Absolutely.

1                   SENATOR DALY: I'm interested  
2 in this individual. Does he own a com-  
3 pany? Does he act as an individual  
4 entrepreneur? What is the type of  
5 operation? I'm talking about the gentle-  
6 man (inaudible) I gather he came from  
7 New Jersey; is that right?

8                   MR. KELLER: It came from New  
9 Jersey. It was dumped in New York and  
10 the truck went back to New Jersey. The  
11 individual is in business in New York  
12 and that information is a matter of  
13 public record. I don't have his name  
14 right here, but it certainly could be  
15 made available to you.

16                   ASSEMBLYMAN HINCHEY: Have you  
17 located any toxic waste in any of the  
18 land fills around the region?

19                   MR. KELLER: Yes, we have located  
20 toxic waste. Most of the toxic waste  
21 that we have located are not in quantities  
22 that give us great cause for concern. It's  
23 not unexpected to find those materials in  
24 these land fills because of home owner use  
25 of the products, then they go out in the

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2 trash with everything else and eventually  
3 find their way into the land fills and  
4 give you traces of these compounds.  
5 Whether or not that is going to pick up  
6 significantly in the future, we don't  
7 know, but that's why we are insisting  
8 in a good many instances where we suspect  
9 a land fill may not be as secure as the  
10 owner - operator is telling us that we have  
11 these test borings so that we can test  
12 the soil samples and also that we have  
13 the monitoring wells where we can take  
14 samples of the leachate in the ground  
15 water and continue to lab test that to  
16 see whether or not something that may  
17 be there and still securely contained  
18 in a container, all of a sudden begins  
19 to leak and come in.

20 We have one land fill where we are  
21 concerned about it in Rockland County.  
22 We think it is very close to ground water.  
23 The town is spending about \$40,000 to do  
24 the test borings in the monitoring wells.  
25 We know that there is leachate coming out,

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but additionally, the Spring Valley Water Company, not too far from there, has just drilled three new wells for water supply and we are very much concerned that if they bring those wells on line, the withdrawal of that water may, in fact, pull the leachate out of the land fill into the water supply.

ASSEMBLYMAN HINCHEY: Are there any producers, to your knowledge, of exotic, hazardous substances that may cause a serious problem in terms of fire or potential explosion or anything of that nature?

(Public Hearing continues on following page.)

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MR. KELLER: Not that I am immediately aware of.

The term exotic, I believe, has been coined by the Delaware Basin Commission, and my understanding of the term exotic is that that applies to what we commonly term toxics.

SENATOR DALY: And what you are telling us is that there appears to be a problem, particularly when you start talking about toxic wastes appearing in wells, and where you are having a situation where toxic wastes are being discharged into our drinking waters.

MR. KELLER: I think that one concern, maybe more than the surface contamination, since surface contamination, I feel, is something that we can get at, and if we get ahold of it, we can find it, but if it goes underground, I cannot define the magnitude of the problem; it is a guessing game.

SENATOR DALY: What you are telling us, and what I'm interpreting, is that you

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feel there is a lot of work to do, and you really haven't started yet.

MR. KELLER: Yes, we are just getting started.

SENATOR DALY: Would you go back and review for me, then, what you feel as the Regional Director for Environmental Conservation in this area, is required to solve this problem which you now have, which is potentially a greater problem.

MR. KELLER: I think the first thing, and this is something which has been stated before me by Commissioner Flacke on many occasions, is that a manifest system should be created so that we know what is being generated, and where, and who is using it, and what the ultimate disposition is.

Along with a manifest system, you certainly have to have the personnel that can check the records of the companies, and check and make sure that everything adds up.

SENATOR DALY: What you are saying

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then is with this manifest system, you are talking primarily of the transportation of toxic waste.

MR. KELLER: The manifest system --

ASSEMBLYMAN GRANNIS: The concept of cradle-to-grave.

SENATOR DALY: I am going down the list, particularly transportation from out of the state into the state, and transportation intra-state, where it is made, and how you are going to handle it.

MR. KELLER: And where it is disposed of, and how.

There is a certain amount lost in the manufacturing process. I think we have to know where it is coming from, and going to.

SENATOR DALY: That is number one.

MR. KELLER: That has to be number one.

SENATOR DALY: Now, number two.

MR. KELLER: Number two is -- you can go almost any way you want to, but number

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2 two is the ability to be able to react in  
3 an emergency situation, and also to pre-  
4 vent emergency situations with something  
5 along the lines of a contingency fund,  
6 which should be paid for by manufacturers,  
7 similar to the oil spill contingency fund  
8 to handle accidents that occur in trans-  
9 portation, or in fires, or in explosions  
10 of chemical plants.

11 First of all -- when I say "I," I  
12 mean, we, the State of New York, because  
13 I don't care who handles it, just as long  
14 as someone does. We have to be able to  
15 respond to these accidents, and clean  
16 them up immediately.

17 We have to respond with knowledgable  
18 people, with the proper and safe equipment,  
19 so that they can go in there, and I won't  
20 have to worry about losing personnel.

21 I don't care if it is the "canary  
22 in the birdcage" situation that miners  
23 used to use.

24 Quite honestly, the instructions  
25 I give to my personnel when they go out is

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do not get close enough to it until you know what you are dealing with.

So that --

SENATOR DALY: Number three?

MR. KELLER: Number three then, obviously, has to be the clean-up ability of the sites like the Love Canal. The -- or the making of the disposal sites at least secure enough so that we can continue to let that material rest in place.

It may be more hazardous to try to clean it up than it would be to make the area reasonably secure.

Then, to get at the ground waters, and try to figure out a way of extracting that ground water and treating it, turning the water to irrigated residue in an environmentally sound manner.

I think those -- really, if you get those three things in place, I would breathe a lot easier, and probably sleep a lot better.

ASSEMBLYMAN ZAGAME: Just on this point, regarding our ability to deal with

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the problem, maybe you are aware that most of us, I guess, who are here, are co-sponsoring a bond issue, which would provide one hundred fifty million dollars for sites around the state, for proper disposal.

Do you have any comments as the man on the scene?

MR. KELLER: We do not have the proper resources.

ASSEMBLYMAN ZAGAME: But even if we give you more money, don't you eventually have to deal with the problem of where to put these wastes so that we don't contaminate the ground waters.

MR. KELLER: Absolutely.

Absolutely.

And if we had disposal sites that were acceptable to all parties concerned, and ones that aren't going to be worse than the ones we are trying to solve now, I think it would be quite ways toward alleviating the problem.

Maybe one of the other things that

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we need to institute is something similar to what we have done in the field of law enforcement for the fish and wildlife laws.

We have cards that we distribute to interested sportsmen called the HOW card, which is the How To Help our Wildlife card.

It is not a big card, and it is very brief, in it's contents.

It has some blanks and some questions, so that the person, when they have the card, if they see a suspected violation, they merely have to fill that in and return the card to the department with their name and address, and we have been able to come up with some very successful prosecutions as a result of citizens serving as witnesses.

I think -- I not only think, I strongly believe that citizens of New York State have got to become more acutely aware of the problem, and have to commit themselves to helping solve that problem, and that means being a witness.

We cannot cop out and say "I don't want to be involved," because they are

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involved whether they want to be or not.

There is no way, whether it be bond issues, or contingency funds, or anything else, that anyone is going to provide me or any other region in the State of New York with the money to do the complete job, especially when it comes to finding the violations and correcting them quickly. That has to be a citizen involvement.

We have already taken some steps in this region.

I have asked my staff to prepare a training course, and we will establish a card similar to that that we can give to our Environmental Management Councils, and their Conservation Advisory Councils, and train them in the use of these cards, so that they can report responsibly, and not be labelled with the stigma of being a kook or something along those lines, because they are trying to -- because they are concerned with their environment, but that is a very superficial type thing.

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ASSEMBLYMAN ZAGAME: Along those

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lines, you make a good point about

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citizen participation.

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The present situation though apparent-

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ly in Orange County, particularly, is that

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with the Organized Crime Task Force being

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involved in investigating some of the sites,

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people are not willing to come forward.

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Without going too much into detail

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about the investigation there, what is

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your opinion of what is happening in

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Orange County, particularly at the sites

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where investigations are ongoing?

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Is there something that we should be

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looking at more closely, and perhaps

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allocate more resources towards investiga-

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tions of that nature, to determine just to

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what extent organized crime is involved in

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the transportation of hazardous wastes, and

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their improper disposal.

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MR. KELLER: I am not sure that I

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am the one that ought to be answering this

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question.

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We have been involved in the Organi-

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zed Crime Task Force, mainly in the area of submitting information, both from the Department policy prospective, which I have presented to the Grand Jury in Rockland County, but also from an engineering prospectus, what is wrong, what do you think is out there, can you assess the particular problem for us, so that we can further our investigation?

I think that they have a much better handle on the organized crime involvement than we do.

Our knowledge is second hand, because of our working with them.

ASSEMBLYMAN ZAGAME: But do you think the violations may be serious enough so that we should go beyond the civil remedies of fines and so forth, and really press for prosecution of those people who have been involved in, perhaps --

MR. KELLER: Absolutely.

Absolutely.

ASSEMBLYMAN ZAGAME: Because I think that really as a committee we should look

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not only towards the remedies, administrative, and through bond issues, and so forth, but if we need to do investigations, that should be part of our solution.

MR. KELLER: We certainly should.

This obviously means that whoever is doing the investigatory work needs some beefing up.

The -- even the limited amount that we do, within our own department, within conservation efforts is -- could be beefed up if the -- the support was there in the form of dollars, for more personnel in that category, and I have been trying desparately not to come out as the grasping empire-building bureaucrat, because I think you well enough know that we are trying to do the job that the people want.

This problem is going to be the most significant to me in the next ten years, and the one that I would really like to get ahold of. I think we are doing a respectable job in other areas, but this one we are just starting.

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ASSEMBLYMAN ZAGAME: Thank you.

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ASSEMBLYMAN HINCHLEY: Awhile ago, the Organized Crime Task Force published a report on the activity of organized crime in the Hudson River Valley.

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Do you know if that report deals at all with the activities of organized crime and illegal dumping?

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MR. KELLER: No, I don't, because I never read the report. I would hope that it did.

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One of the areas that organized crime gets into are when they lease land and operate it for someone else. If they can sneak the material in and tip it without being accountable for it, they can pocket the money. It is a great place to launder money.

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Because of the very ability of compacting garbage and solid wastes, it is almost impossible to determine even from a landfill that has been operated for a long time, just how much that has actually occurred. That is one of the engineering

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dilemmas that we are not able to solve for the task force.

SENATOR DALY: Do -- you mentioned before that the truck, the one that you mentioned, came from New Jersey.

Do you feel that there is a greater importation of waste, and similar handling of waste in this area than we are aware of presently?

MR. KELLER: Very much so.

Very much so.

I think, based on the number of unregistered trucks that the conservation officers in my region have been able to pick up on the thruway, and on Route 17, coming in from out of state --

SENATOR DALY: Have you coordinated this or mentioned this to the State Police?

MR. KELLER: Yes, yes.

SENATOR DALY: And have they taken any action, to your knowledge, and -- in the nature of assistance to you.

MR. KELLER: Whenever called upon, absolutely.

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SENATOR DALY: How about ordinary spot checks?

Are we doing -- in other words, at the present time, are we doing a more intensive job than we were doing five years ago, or ten years ago, or even three years ago?

I ask this because you believe that waste is being brought into the State of New York, and we are not aware -- we are aware of it now, and, therefore, we should be checking on a daily basis.

Do you know of any program, state- implemented, as a result of your informing them that this is happening.

MR. KELLER: Only that they would be spot checking, just like we are, the unregistered vehicle.

But if the vehicle is registered with our department, and they come in and illegally dispose of waste, we have a tough time getting a handle on it because we don't have a manifest system.

I cannot go back and say where did you

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come from, and check with the company and see whether or not they hired them, and where they were supposed to be.

That way you can begin to fix responsibility.

Right now, the system is merely a spot check system, and if they tell me that they are going through the State or out to western New York, and it is not going into this region, it is about all I can do.

SENATOR DALY: As you know, the State, after investigating the problem, finds it impossible by Federal Constitution to ban the importation of hazardous waste from other States, as established in the case of Philadelphia v. New Jersey, which decision was made last year.

There is legislation on the drawing board in Albany, which, for example, would set up inspection sites at various locations along the State borders, and any trucks that would be coming into the State would be forced to stop and register at that site.

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That is one approach, along the lines of what you mentioned, a manifest system.

Do you have any other suggestions that the Legislature might investigate in trying to put a stop to this illegal importation of hazardous wastes into New York State?

How would you handle it?

MR. KELLER: I would get a manifest system into place, and then --

SENATOR DALY: I understand that, but I am saying now we are talking about --

MR. KELLER: You have to take off from there, and see how well the manifest system worked, and where the shortcomings were.

SENATOR DALY: Are you talking about Pennsylvania, New Jersey, Ohio?

How do we make them move up to our manifest?

MR. KELLER: I don't think we can. New Jersey has a manifest system in place, and it does not work well in New York simply because New Jersey has it.

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It may well work in New Jersey, but we need a Federal manifest system so that it has to come from that level, so that we get it inter-state.

SENATOR DALY: What you are telling us then, for the manifest system to really work, it requires Federal legislation, and not State.

MR. KELLER: Absolutely, and requires EPA's implementation of their rules and regulations for toxic, hazardous substance handling.

They are two years behind the times now.

New York has legislation already in existence, ready to implement, that would dovetail with what EPA is supposed to be getting on the books.

Frankly, it is time they got off their duffs, and did it.

ASSEMBLYMAN GRANNIS: I have just a couple of questions.

You talked about the State-wide survey of dump sites as being ninety percent

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accurate.

How many of those are in your region?

MR. KELLER: I think the survey that was ninety percent accurate was the survey of the toxic and hazardous wastes generated by all the manufacturing companies, chemical manufacturing and process users, and I think in the survey that we did of the potential sites, the sites that really could give us problems, I think we had three in the region, as I recall, and the feeling on the staff is that we probably have about six right now that we are really concerned with.

Three have been identified. The other three have not been officially recognized by the department, but we are monitoring them, and we are concerned with them.

ASSEMBLYMAN GRANNIS: But the survey which indicates the waste generated by manufacturers within your region, where is that waste going?

That is part of the survey, isn't it?

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Where did they tell you it is going?

Is it going to sites within the district, or are they shipping it --

MR. KELLER: No, there is no disposal sites, official disposal sites or a recognized or licensed site within this region.

It is either going out of the State or out to West Valley.

ASSEMBLYMAN GRANNIS: Not West Valley, West Valley is a nuclear waste site.

SCA, which is the site I visited with John last week, is that where they tell you they are taking it?

MR. KELLER: That is where they tell us they are taking it, yes.

ASSEMBLYMAN GRANNIS: That is the only place -- SCA has a dumping, a treatment facility in New Jersey, as well.

MR. KELLER: Yes, you are right, but there is also Rollins International --

ASSEMBLYMAN GRANNIS: That is another company, yes.

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MR. KELLER: That is another company, but we have done business with Rollins International as a result of a warehouse fire full of pesticides in White Plains a couple of months ago. We had approximately five tons of pesticides and water sludge really left over from the water used to put out the fire to get rid of, and Rollins International came in and crated it up and took it out of the State, took it down and disposed of it, I believe, by incineration.

ASSEMBLYMAN GRANNIS: But the survey that you know about, that the State has done, and the process is ongoing right now, they are due to come out with a report in several months of the manufacturers that are generating toxic wastes in this region, Region III, who are shipping it all out to Niagara Falls.

MR. KELLER: Or out of State.

ASSEMBLYMAN GRANNIS: It is in Niagara County, actually.

SENATOR DALY: There are two sites in

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Niagara County, Newco and SCA, which is a  
-- originally, they were located in New  
Jersey, now it is headquartered in Boston.

ASSEMBLYMAN GRANNIS: They tell you  
they are shipping it all there.

Nobody mentioned in-ground disposal  
in Region III.

MR. KELLER: No.

ASSEMBLYMAN GRANNIS: Do you have  
any particular problems with septic tank  
cleaners?

Did you mention those?

That is a problem we have come up  
with in Long Island, because the ground  
water table is very high. The septic  
tank cleaners are also a cause of concern.

We never thought much about that  
until very recently as being a cause for  
ground water contamination.

Is that a problem here?

MR. KELLER: Only very infrequently.

We have one we strongly suspect has  
been caused by a septic tank scavenger.

The region appears to possess enough good

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sites, and these are --

ASSEMBLYMAN GRANNIS: This is septic tank cleaners that are put through the septic system that I am talking about. I am not referring to a scavenger that removes the waste or deposits it, but either a homeowner or a company that uses septic cleaners to flush out the system.

Is that a particular problem that you know of?

MR. KELLER: Not that I am aware of.

SENATOR DALY: Have you received results of septic tank cleaners?

MR. KELLER: I am not sure, I cannot answer, because I am not a chemist.

ASSEMBLYMAN GRANNIS: As far as gas tanks, the leaking gas tanks or in-ground storage tanks for fuel, does your department, or maybe the Health Department, have lists of where those tanks are?

Did they require permits for those tanks?

MR. KELLER: Not that I am aware of,

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but again, that maybe be our -- our department does not.

I don't know about --

ASSEMBLYMAN GRANNIS: You are only concerned about those tanks when, in fact, you find fuel in the ground water, and then you have to backtrack to see where it might be coming from, don't you.

MR. KELLER: Absolutely. That is where we really get concerned.

I am concerned because of my involvement in the past two years having gone beyond this. I really think that we have to have a testing system and a monitoring system on these tanks.

ASSEMBLYMAN GRANNIS: And then the final question, you mentioned there are specific problems you have, and that you are really not tracking toxics unless they become a particular problem right now, so that you actually work backwards.

You wait for the problem to develop, and backtrack, and find out what is the problem, because of the absence of State

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2 laws or resources in your department,  
3 because the State hasn't enunciated a  
4 policy -- which it has not -- a clear  
5 policy of what to do with the in-ground  
6 toxics that Love Canal is just one of  
7 the examples of.

8 MR. KELLER: I think there is so  
9 many of them that we just don't know  
10 where they are.

11 These are things that took place  
12 years ago, that are still in storage,  
13 as well as some of it being ongoing, but  
14 we are more concerned with the stuff that  
15 is there, with plants that are no longer  
16 there, or the process is no longer in  
17 existence, but the material is stored  
18 there, and sometimes you have to go to  
19 retired employees in the hope that they  
20 will tell you about where that tank might  
21 have been buried on the property, and what  
22 might have been put in there.

23 ASSEMBLYMAN GRANNIS: How many sites  
24 do you have in your region, waste sites  
25 that don't have anybody that is responsible

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for them now, abandoned sites.

MR. KELLER: We are thinking of something -- up there in Oswego --

ASSEMBLYMAN GRANNIS: We know who was responsible.

That was a bankrupt company that walked away. There are sites that have been discovered throughout the State that nobody -- everybody shrugs their shoulders, nobody knows who used them, nobody knows who is responsible for them now. There are no records.

They are not active any longer. The sites have been closed.

MR. KELLER: I am not sure that we know that we have any of those situations in this region.

We suspect that most of ours are going to be found in the existing or closed landfills. That is probably where it went to, and I am not aware of any companies that did business specifically to handle wastes in this region.

ASSEMBLYMAN GRANNIS: How many secure

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landfill sites are there?

The security of a landfill site has only become an issue in relatively recent times.

I was part of the process when that was going on, when the reviews were ongoing, when Part 360 was developed to regulate some sites.

MR. KELLER: We used to think that the best place in the world for a dump was a wetland.

Some people downstream of the Hackensack River might disagree with that.

ASSEMBLYMAN GRANNIS: Let me split the question --

MR. KELLER: I don't think there is anything or such a thing as a secure landfill.

ASSEMBLYMAN GRANNIS: Either municipal or private.

MR. KELLER: We have some that we feel are a lot more secure than others, and the feeling of the engineers and experts is that if it is municipal wastes,

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2 it goes in there, and as far as industrial  
3 waste, they are probably secure enough.

4 Any that may get away will not be  
5 a significant contributor to environmental  
6 degradation, but we are getting -- we  
7 really are, we are looking at this, we  
8 are taking test borings on the existing  
9 sites, and we are saying look, ground  
10 and soils that look like they have a  
11 degree of non-permeability, that would  
12 permit us to put a landfill there or  
13 continue to operate a landfill there,  
14 and not have serious risks of environ-  
15 mental problems later on.

16 We have others that we know are  
17 leaking leachate, and we are insisting  
18 that leachate problems be addressed, via  
19 a collection system, or spray-back on  
20 the landfill, which I personally do not  
21 agree with, or treatment of that leachate,  
22 and disposal of the resin.

23 The landfills in the region -- there  
24 are approximately 110.

25 Some of them are not going to be

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permitted, and our feeling is that some of the major ones in the region have such significant problems that we are not going to permit them either, under the law.

ASSEMBLYMAN GRANNIS: That is really a broader concern than what we are looking at right now.

Our main concern is the toxic sites, the sites used to store toxics, myrex, PCB's, all of these things are persistent in the environment, and destructive to drinking water and to the health of people living near the sites, of which Love Canal is an example.

There are other sites like that in the State, hundreds of them.

We are -- as you know, we are in the process of trying to find out what is in those sites, who put it there, how long it has been there, what protections were taken, so that all of this is part of that survey that the State is going to come out with, the results of the survey

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2 that it's going to come out with.

3 The cradle-to-grave manifest system  
4 is something that is going to be in this  
5 State, but a broader application than  
6 just New York State is needed. It's going  
7 to have to be here, at least, so that we  
8 know where our own manufacturers are  
9 disposing of their wastes in the State.

10 Thank you, I have no further questions.

11 ASSEMBLYMAN WARREN: You didn't  
12 answer my one question.

13 That one site in Dutchess County --

14 MR. KELLER: Hyde Park.

15 ASSEMBLYMAN HINCHLEY: Thank you  
16 very much.

17 The next speaker will be Dr. Redmond,  
18 the Commissioner of Health for Rockland  
19 County.

20 DR. REDMOND: I am Dr. Stephen  
21 Redmond, Commissioner of Health for  
22 Rockland County, New York.

23 It is a pleasure to testify today  
24 on one of the most important issues facing  
25 all of us in New York State -- Toxic

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Wastes.

Man has always been involved in hazardous wastes -- namely his own body waste and discarded items of food, clothing and shelter.

The industrial revolution changed the type of waste from biologic to non-biologic, and it has created a sentinel marker of exposure -- the industrial worker.

The alarm of the general public concerning environmental pollution gives us an inkling as to the concern of workers over-exposure at the work site.

Indeed, early in Public Health, Sir Percival Pott described Cancer of the scrotum in chimney sweeps.

That may have been the first clear-cut worker exposure to toxic wastes.

Today there has been explosion in the exposure factor.

Asbestos affects the ship builder, brake liner and even the unsuspecting housewife who shakes out her husband's

1 work clothes.

2  
3 These fibers lodge in the lungs --  
4 and especially when combined with cigarette  
5 smoking -- initiating deadly cancers.  
6 Concern recently has been voiced over  
7 asbestos lined water supply pipes, since  
8 asbestos gives concrete great strength  
9 and durability. So far, the asbestos  
10 pipe does not seem to be a problem, but  
11 asbestos in school ceilings, hair dryers,  
12 road construction macadam and fake  
13 fireplace ashes still haunts us despite  
14 warnings, recalls and remedial repairs.

15 Newton's third law that every action  
16 has an equal and opposite reaction, is  
17 a philosophic principle which we must  
18 always keep in mind. Pollution is a  
19 problem which, if thoughtfully handled,  
20 can be controlled. We have not done a  
21 good job in using a common sense approach  
22 to protecting our environment in ourselves.

23 I have appended a list of toxic  
24 substances which fall into the following  
25 categories, and I think it would be of

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some use to have it.

I hope it will be useful, anyway.

Group one are standards transmitted to the Department of Labor.

Group two are criteria documents and recommended standards to be transmitted to the Department of Labor from 1979 through 1982.

For brevity's sake, I will not read these, but I will give you an outline of the kind of toxics that you are really all talking about, and it is always of interest to realize that I think it starts at the work site.

The list includes organic and inorganic substances -- both simple and complex. Since it is occupationally oriented, it also includes certain industrial processes, which there is evidence of hazards to human health, for example coke oven emissions, logging, pesticide manufacture and formulation, paint and allied product manufacture, the

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printing industry, synthetic rubber

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and tire making, grain handlers, wood

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preserving, dyeing and finishing textiles,

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explosives and fireworks, solder manufact-

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uring, photographic processing, et cetera.

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This approach is a sensible one,

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because the worker is exposed to extremely

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high concentrations of toxic substances

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when compared to the general public.

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Hence, my first recommendation is

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that a strong occupational health program

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be developed in New York State to be

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administered by the State Health Department,

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with a supporting occupational health

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laboratory.

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Next, let me impart some good news.

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We have a State Health Commissioner

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who is a recognized authority in the

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field of toxic substances, Dr. David

21

Axelrod. He is a concerned, thoughtful,

22

scientist-administrator. It is comforting

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to know we have a leader of his caliber

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at this critical juncture.

25

While Love Canal has preoccupied us

1  
2 -- and rightfully so -- let us remember  
3 that day in and day out toxic wastes are  
4 being dispensed in our environment.

5 Some years ago, a large mid-Hudson  
6 manufacturer had a toxic waste problem.

7 When I inquired about where the  
8 wastes are disposed of, a voice at the  
9 other end of the phone said, "Don't  
10 worry, Doc, we've got someone who takes  
11 it to Jersey." But now Jersey is worried  
12 and enacting strict regulations.

13 SENATOR DALY: They are sending it  
14 to us.

15 DR. REDMOND: My second recommendation  
16 is that a series of secure hazardous  
17 waste disposal sites be placed strategic-  
18 ally in New York State, and that we require  
19 industry by law to ship any and all toxic  
20 wastes to the appropriate site nearest  
21 them. Industry must pay for the site  
22 location, development and operation and  
23 via use, will recoup cost of operation,  
24 surveillance around the site and ultimately  
25 entombment if necessary.

1  
2 At the same time, we must encourage  
3 industry to recycle hazardous material  
4 to reduce the need for eliminating hazard-  
5 ous waste from the plant site. This will  
6 actually give us the competitive edge in New  
7 York State, and we will have to be wary  
8 of becoming a depository for other states.

9 I would like, as an aside, to point  
10 out that we have local industries in  
11 Rockland County which have taken the lead  
12 in this, and eliminated the use of toxic  
13 materials, that is, it disbursement  
14 in the environment by recycling. I am  
15 specifically talking about certain types,  
16 particularly trichlorethylene and trichloro-  
17 methane.

18 On the other hand, much more research  
19 needs to be done on how to handle various  
20 kinds of hazardous wastes. New technology  
21 may be required as in the nuclear waste  
22 problem with certification and classifica-  
23 tion or other novel technologies.

24 The Department of Health should have  
25 specific authority and responsibility for

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all this work. We need enough funding to provide them with adequate staff and monitoring ability.

We desperately need regional laboratories to conduct expanded surveillance of air, of water and food. This should be a Health Department function instead of spending it over to DEC and Agriculture and Markets.

Central accountability is probably to a multi-agency goulash. The local program can be operated out of organized local Health Departments.

Contracts could be developed with other agencies, but health problems belong in a health agency.

Finally, we need to educate the public and have them assist us in identifying areas of concern to further pinpoint potential problems. We have only just begun the arduous task of coming to grips with a problem that overshadows the control of an infectious disease -- toxic wastes.

Those are my prepared remarks.

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I would just like to briefly, if I might, turn to Rockland County and our particular problems.

As you may know, we have had some problems with contamination of ground water in Rockland County. I think we have learned one thing from this, that ground water is not sacrosanct, it is not forever pure, but may be contaminated.

Perhaps the potential problem of ground water being contaminated is worse than surface water.

It is much harder to monitor, it is much harder to do the kind of surveillance we need.

We have checked the Rockland County 57 public water supplies, and we did locate a number of problems with some of them.

You have heard about West Nyack and their problems with trichlorethylene

We had Spring Valley with perchlorethylene, which is a cleaning fluid that is used to dry clean clothes, and also

1  
2 trichlormethane.

3 By the way, trichlorethylene is one  
4 of our most common substances because it  
5 is so widely used as a metal degreaser  
6 in industry.

7 In mice it is carcinogenic.

8 In man, we are not sure.

9 Over in Suffern, we had a problem  
10 with trichlormethane: and this highlighted  
11 another problem.

12 How do you find the source of  
13 pollution?

14 How do you pin it down?

15 What do you do about it?

16 You know, when we go out to check on  
17 a sewage failure, it is very easy. We  
18 take some dye, we go out to the home, or  
19 wherever the problem is, we throw it in  
20 the toilet or the sink, and we wait a day  
21 or two, sometimes less, and sure enough,  
22 the dye comes out.

23 This way we can find where the pollu-  
24 tion is coming from.

25 But how are we going to go to court

1  
2 and prove that something that somebody  
3 dumped three, four, ten, or fifteen  
4 years ago into the ground is the source  
5 of our problem today, when, in fact,  
6 that manufacturer may not even be there  
7 any longer?

8 This is a problem that we are  
9 running into.

10 In the case of West Nyack, we have  
11 a hearing set for that on May 16th, to  
12 ascertain as many of the facts in the  
13 case as we can. I think though the  
14 penalties, if we do manage to prove who  
15 did this, are rather miniscule, and I  
16 would urge this body to enact stiffer  
17 legislation in terms of the type of  
18 penalty, because I think an economic  
19 penalty is what will deter them.

20 In fact, I think that over the  
21 criminal penalty, essentially it is  
22 the best way, from my point of view.

23 So this long term problem is  
24 something we will have a terrible time with  
25 in the future.

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I think we have other problems on the other side, which we attempted to handle in Rockland County, and that is the effects of substances on people.

We have done very little in New York State to ascertain what effects these chemicals have on human beings.

We did some physical examinations of some sixty people in Rockland County, who were exposed to tremendous concentrations of trichlorethylene.

When I say tremendous, I went out to one of those homes and I took a glass of water, thinking I would taste it, but when I got it near my nose, I couldn't drink it, it was so awful.

I think we have to find some way of studying the epidemiology, or the distribution of diseases in populations that may have been exposed to some of these chemicals, and I think we are going to have to take the lead in this because I don't see a Federal agency which is willing and ready to step in and do the

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job.

Along with this, I would strongly make a plea for the development of regional laboratories to allow us to do surveillance.

We have a terrible time at the local level trying to provide enough service to people who want their water checked. Indeed, I think we should be checking this water.

Part of the problem is the technology problem. The technology, at present, to do water testing, is a very cumbersome and a very expensive procedure.

Hopefully, newer technology will be coming down the pike within, I hope, a year or so, and give us additional capability. Meanwhile, I think we have to draw up some plans to be able to provide this service, and I think the vast majority of people are willing to assume the cost of paying for this, as well.

I think through the system of users fees, we can recoup the cost. I don't

1  
2 think we have to have a tremendous outlay  
3 on the part of government, necessarily,  
4 although I think we will have to spend  
5 some money to get it started.

6 Those are the context of my remarks.

7 ASSEMBLYMAN ZAGAME: Doctor, along  
8 those lines of water testing, it is my  
9 understanding that the Health Department  
10 has, or will submit a plan or a proposal  
11 in the supplemental budget for additional  
12 funds for this type of program on a  
13 regional basis.

14 I guess there is a facility in  
15 Buffalo, and another one in Syracuse that  
16 could be used.

17 Is there any facility in this part  
18 of the state that could be used as a  
19 regional laboratory, if it were expanded.

20 DR. RAYMOND: I think there are.

21 As a matter of fact, we are now  
22 sending our specimens down to SUNY,  
23 Stonybrook, and when you say are there  
24 facilities, I think there is physical  
25 space.

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As a matter of fact, some of the local Health Departments in Suffolk County are, for example, developing local programs, and I think through funding mechanisms we can find ways of getting these samples run, and have the State participate.

I think it is a complicated procedure. I am not looking for us building monumental facilities.

I think that would be a terrible waste of money.

ASSEMBLYMAN ZAGAME: Some of the money would have to be just for the equipment. It is very expensive, such as gas chromatographs, and things of that nature.

Are they available in this area, that is, that type of equipment?

Is it just a question of getting access to the equipment by paying enough money to use it?

I know it is very expensive to do these tests.

1  
2 DR. REDMOND: The equipment is  
3 readily available. There are a number  
4 of manufacturers that makes gas  
5 chromatography equipment. As I alluded  
6 to in my testimony, we are hopeful that  
7 liquid chromatography will soon be  
8 developed, because gas chromatography  
9 is really an experimental procedure  
10 that has been adapted to a mass problem,  
11 and one technician working efficiently,  
12 I estimate, cannot do more than 40 samples  
13 a day, working a straight shift through,  
14 because of the methodology in terms of  
15 finding the substances that are involved  
16 in the water.

17 So this is, I think, what makes it  
18 so expensive, it is a very labor-intensive  
19 system.

20 You are talking about personnel,  
21 technicians and the like.

22 ASSEMBLYMAN ZAGAME: We might be  
23 able to rely on those private concerns  
24 that have this equipment, who maybe  
25 only use it internally.

1  
2 If we could, at least, identify which  
3 firms have this type of equipment that is  
4 needed, then perhaps the Health Department  
5 could subcontract with these firms to  
6 do the work so that we don't have to buy  
7 expensive equipment for this particular  
8 purpose.

9 DR. REDMOND: It is presently a  
10 possibility. I think whatever way it  
11 gets done, the basic issue is that it  
12 has to get done.

13 ASSEMBLYMAN GRANNIS: I have a  
14 couple of questions.

15 In your statement you talked about  
16 the development of work place standards,  
17 and occupational health programs.

18 We have opted out of the State  
19 OSHA programs, and have gone into the  
20 Federal OSHA program.

21 Should we go back to monitoring a  
22 State OSHA program?

23 DR. REDMOND: I think this decision  
24 was an unwise decision. As a matter of  
25 fact, I learned recently that OSHA has

1  
2 something in the order of 350 to 375  
3 inspectors -- New York State did, I am  
4 sorry, and right now we are talking in  
5 the -- in the neighborhood of 125 to  
6 150 OSHA people, and I really feel that  
7 the mandate could be carried a little  
8 further.

9 I think there is a tremendous  
10 interface here between the work site  
11 and the environment and Public Health,  
12 and OSHA is not prepared to meet that,  
13 so what I see basically is a plithora  
14 of agencies that are basically not able  
15 to get their act together.

16 I don't have to tell you when  
17 we got into West Nyack, I was fascinated  
18 when calling down to Washington for help,  
19 I thought I would talk to some scientists  
20 in Washington, or locate a few people who  
21 were very knowledgeable people.

22 It took me a tremendous amount of  
23 time to find just one. One gentleman  
24 moved five times, and nobody had his phone  
25 number, and that was quite a Sherlock

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Holmesian exercise, trying to find where this scientist was located.

I think we can do a lot better than that.

It is not that we really don't have people, programs, and laboratories, and so forth, but it almost seems as if we have created layers and layers of bureacracy, and we don't seem to be able to hone in on the problem.

ASSEMBLYMAN GRANNIS: You talked about it in your recommendations that need to develop secure hazardous waste disposal sites.

Is that your feeling, that that is the route we ought to go, to bury the stuff in a secure site and that will end our concern for it?

Or should we be spending the amount of money or encouraging industry to spend the money and develop the technological solutions so that burning it, and possibly solidifying the heavy metals that cannot be burned, will be the solution.

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In your recommendation here, you don't seem to go further other than talking about in-ground disposal, and we found that that, at best, is referred to by some people as a temporary solution, possibly temporary for twenty, thirty years, but most of the people we have heard from before have not recommended that as the route we ought to take.

DR. REDMOND: Well, you don't think it is -- I think we are reaping the benefits -- I am not sure what word to use -- of using years and years of basic negligence, and we have a problem that just is not going to go away, it is only going to get worse.

These barrels of chemicals are starting to corrode, they are starting to crack and leak, and they are just scattered all over the place, and it is really a horrible situation.

I think on a short term basis we are going to need secure landfills.

I also pointed out that we need to

1  
2 encourage industry to recycle, and we are  
3 going to need new technology to handle  
4 some of this.

5 You know, I am not one of these  
6 people who is an environmentalist, who  
7 forgets everything else.

8 I think we live in an economic world.

9 I think we all want a better life  
10 for ourselves and our children.

11 We cannot lose sight of the fact  
12 that from an industrial standpoint, we  
13 just cannot stop industry.

14 Using that as a jumping off point,  
15 I think we are going to have a tremendous  
16 and growing problem over the next five,  
17 ten, fifteen or even twenty years, short  
18 term, and we are going to have to look,  
19 as you say, towards more long term solu-  
20 tions.

21 This is only a stop gap.

22 But we have to do something now.

23 ASSEMBLYMAN GRANNIS: Well, if we  
24 push for regional sites, which is one of  
25 the concerns we have talked about in our

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proposal for the bond issue, what will the feeling be in the Rockland County Health Department about having one of the regional sites in Rockland County?

Are we going to be faced again with the prospect of saying yes, regional sites are terrific, but not here.

DR. REDMOND: Well, you always face that.

Paul Keller and I were talking before the meeting started about solid wastes, and I am afraid until it piles up in the streets, there is no problem, if it is taken away.

I think it is much easier for State officials to bite the bullet, so to speak, than for local officials.

If you think you are having a problem, you should see our local officials squirm over such a simple thing like a landfill.

I mean, any kind of simple thing becomes magnified beyond belief.

ASSEMBLYMAN GRANNIS: One of the

1  
2 great benefits of the approach we have  
3 taken with the joint Senate-Assembly  
4 Committee, in facing this problem is  
5 that biting the bullet is fine, except  
6 that we are now looking for a solution  
7 in which people are going to have to be  
8 realistic about what the problem is.

9 What we are trying to do is protect  
10 our own industry, as well, while realizing  
11 they are going to keep on going, they have  
12 to for our economy, we are going to  
13 generate toxic wastes, and the question  
14 is what best to do with those wastes  
15 so that we don't put such an added  
16 economic burden on our own industry so  
17 that it cannot compete fairly.

18 We all sit up here and feel -- and  
19 we would love to say we would love to  
20 bite the bullet -- that the Feds should  
21 do it.

22 It is easier for them. We want them  
23 to pay for it and handle it.

24 That would be the ideal situation,  
25 because it is a national problem.

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2           Our products are traded in the  
3 National economy, and have benefitted  
4 people around the world.

5           However, that may not be the case.

6           The Federal Government has not  
7 shown a great interest in pursuing this  
8 to the degree which they should. We are  
9 going to have to make the decisions in  
10 cooperation with County health people,  
11 County Legislators, and people who can  
12 understand that somebody is going to have  
13 to have a regional site someplace, and  
14 hopefully it is not going to be a burial  
15 site, but it will be a job-producing,  
16 technical site that deals with ultimate  
17 disposal so that we don't say we got  
18 rid of it for my generation and our  
19 kid's generation, and let everybody  
20 worry about it a hundred years from now  
21 when those tanks start rusting.

22           You mentioned that these barrels are  
23 all over the place. Do you know where they  
24 are?

25           Do you have an idea of where these

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sites are; where these barrels are rusting out or is that --

DR. REDMOND: We are speculating.

It is interesting, when you find the depth of solid waste in some of our landfills, it is truly amazing. You go out to a site and you say there is just a little bit of garbage scattered around.

Just drill a hole, and you have an archeological expedition back through time. Some of these sites have been operating thirty and forty years, and you are getting compression.

A solid waste site is very interesting. You have a big, natural digester. All the organic stuff is being rotted up by bacteria, and you are left with everything that cannot be digested over a period of time. So you have all of the non-digestible components of society scattered through deep layers.

We have no idea what is in them.

ASSEMBLYMAN GRANNIS: The toxics are in barrels, and it does -- it may be

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worse in the short run, but better in the long run if we just spread it on fields and let nature take it's course, if we are prepared to suffer the consequences of having that stuff around, very accessible.

What is happening in these sites right now, they are put in barrels, the toxics are put in barrels, they are put underground, if the site is run properly, and eventually they are going to rust away,

Now, when you say you are speculating as to how -- what kinds of toxics are stored, is that part of the process that is going on between you and the State Health Department and the State Environmental Department, so that everybody can share that speculation so we can follow up on it?

Do you share that information?

When you have an idea of where a site is, is that information then shared with other -- with the other State agencies

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involved?

DR. REDMOND: Yes, we have been working very closely, both with the State Health Department and the Department of Environmental Conservation. We have also been doing some local surveys of industry.

A lot of this has been done in conjunction, where we pinpoint on-site contamination of water, we have been working out from that site, sort of in concentric circles, and unfortunately, we don't have the manpower to do the kind of survey I would like to do, but we have found that the list that we got from the State is certainly not a complete one.

We think there probably is a lot more out there than what we even know about today.

We are continuing that work right now.

ASSEMBLYMAN GRANNIS: I think the State survey is an ongoing project. Once it reaches the stage -- there was a very complete survey done in the Erie and

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Niagara County areas, and the State Environmental Department was the lead agency in the task force, a Government Task Force that represented many different agencies, and they had public hearings, and they found out all about the different sites which they didn't pick up through public participation.

I think it is very important to make that list as complete as possible.

That kind of survey that you do, when you go out, where you mention that case where you couldn't drink the water, more of that needs to be done.

You start going in these concentric circles, moving out, and that data that you develop, is that data articulated and shared or turned over to the State and compared with the survey the State DEC is doing, and also the State Health Department is doing?

DR. REDMOND: Yes, we are using that particular data which we have accumulated to hold the hearing.

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2 We think we know -- we have an  
3 inkling of where possible sources of  
4 this pollution are, and possibly we  
5 will be able to prove this in a legal  
6 manner.

7 ASSEMBLYMAN GRANNIS: One other  
8 thing.

9 You have records of the in-ground  
10 storage in this region?

11 When I asked Mr. Keller that question,  
12 he -- that is, in-ground storage of fuel  
13 tanks, let's say.

14 DR. REDMOND: No, sir, but your  
15 idea is an excellent one about permitting  
16 these.

17 I wish to point out that I think  
18 having a single layer per gasoline tank  
19 is a very poor practice. I think these  
20 tanks are not very well constructed.

21 We have had numerous instances all  
22 over the State of rupturing gas lines,  
23 tanks, and gasoline, as you know, is  
24 quite a toxic mixture of chemicals.

25 ASSEMBLYMAN GRANNIS: As it becomes

1  
2 more valuable, I imagine these people --  
3 they must have their own inventories, they  
4 know how much they buy, and how much they  
5 sell, and they know what the differences  
6 are.

7 Maybe that information -- whether or  
8 not it starts off as a pollution problem might  
9 be interesting just to give you some  
10 handle on where possibilities of leakage  
11 might come from.

12 That kind of internal monitoring,  
13 I think, is going to be in the best  
14 interest of local business. Gasoline, in  
15 my district at least, in Manhattan, is  
16 nearly a dollar a gallon, and it is still  
17 going up.

18 But that kind of information of --  
19 not having to wait for the drinking water  
20 sample that does not get to your mouth,  
21 I think would be important.

22 SENATOR DALY: Doctor, have you, or  
23 are you establishing priorities in deter-  
24 mining what are potentially environmentally  
25 dangerous landfill sites in your estimation

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that require constant monitoring.

DR. REDMOND: Well, yes, we -- actually, when you say priorities, our --

MR. DALY: When I say a priority, I am saying that -- you said that you know where definitely there are some landfill sites. You state you know where there might be some, and that there are others that you are not aware of, but you think they do exist.

Now, let's go to the first category.

Let's talk about the ones that you know are in existence. Have you done evaluations?

Is the County in the process of doing an evaluation of these different sites in conjunction with DEC, or on your own, or what you will, to determine the potential environmental danger of each site, and thereby establish your own priority as to the site you feel you must monitor constantly at the present time?

Is the County doing that?

Are they thinking about doing it?

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What is your recommendation in that area?

DR. REDMOND: We are doing it presently because of some unique situations we have in Rockland County. We are a border state to New Jersey, and most of our landfills are traversed by waterways which ultimately are used as drinking water in New Jersey. Therefore, we have basically, in Rockland County, been under the gun, so to speak, in terms of setting priorities.

We view this with bated breath.

We are looking at a disaster in the making, and we have taken steps along with DEC to prioritorize those two landfills which are the two major ones in the County.

SENATOR DALY: What are you doing?

DR. REDMOND: We have established a number of test wells. We have -- we are doing -- there is a hearing going on on one of these sites, and I understand we will be having a hearing on another one in terms of permitting these sites, so that we won't be -- we will be getting

1  
2 information about ground water around the  
3 site itself.

4 There is a realization in the County  
5 that these sites have a very limited life  
6 and yet, the people who are operating them,  
7 the townships have a responsibility that  
8 is going to probably extend for many,  
9 many years, so that we are looking for  
10 ways of handling our solid wastes, and  
11 all of this is kind of coming together in  
12 a sort of single, unified approach to the  
13 problems that we are facing in Rockland  
14 County.

15 SENATOR DALY: What you are saying  
16 then is that there are sites in Rockland  
17 that you are presently monitoring.

18 DR. REDMOND: Yes, sir.

19 SENATOR DALY: I notice you made an  
20 interesting statement.

21 I see that you recommended the  
22 Department of Health annex the Department  
23 of Environmental Conservation.

24 You said the Department of Health  
25 should have specific authority and responsi-

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bility for all of this work, including the building of a series of secure, hazardous waste disposal sites, which we placed strategically in New York State, which normally, under present State organization, would be more the responsibility of Environmental Conservation.

Do you have any reason for feeling that the Department of Health should be given the lead in that area?

DR. REDMOND: I have many reasons.

I could take another half hour of your time explaining them.

SENATOR DALY: If you could cut it down to five minutes, I will listen.

DR. REDMOND: I have been very disturbed over the process of what has gone on in New York State with respect to the creation of giant bureaucracies in an attempt to control problems, and having multi-agency jurisdiction.

I am not knocking what DEC has done, or what the Health Department has done in the past. As a matter of fact, if I were

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to knock anybody, it would be the people who run both operations, and also the Governor's office, because they are the ones, I think, that are ultimately responsible.

But the fact is that if you really want a program to work, don't give it to people to do, give it to one person to do and make sure they do it.

I think that is a rule followed strictly in the business world which we don't seem to be following very well here.

When we had the problem in Love Canal, the basic issue always seemed to evolve around health, and yet we have all of these other peripheral issues.

We have problems in public health in New York State to the extent that the Department of Agriculture and Markets has been given responsibility for the testing of milk, and, indeed, I ran into the situation where Agriculture and Markets had a better laboratory to study food-borne toxics.

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There is something wrong with that when I, as the Commissioner of Health, cannot get those results from another State agency.

We call them up, and we say could we have these results and they say we cannot give them to you, it is part of our own program.

We simply cannot afford to waste resources.

I think the taxpayers of this State are absolutely trapped, and the answer is not to create bureacracy upon bureacracy, and thereby create re-duplication, but to centralize and coordinate things much more carefully.

That is the reason for the remark I made in a nutshell.

I really feel we can get a heck of a lot better bang from the buck if we central-ize these operations other than spread them out.

MR. DALY: Thank you, Doctor.

ASSEMBLYMAN HINCHLEY: Thank you,

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Doctor.

Our next speaker is Lucille P. Pattison, the Dutchess County Executive.

MS. PATTISON: Good morning, Senator Daly, Assemblyman Grannis, Glen, and Assemblyman Zagame. I am glad that you are here and taking this testimony.

I have asked -- first of all, I would like to acknowledge two members of the Dutchess County Health Department, our Commissioner, Dr. Anderson, if he would just identify himself, our Commissioner of Health, and also sitting next to me, who I have asked to join me for this discussion, is Jack Hill, known to just about anyone in Dutchess County because he heads our Environmental Sanitation Division, and I have asked him to assist me in answering technical questions that you may have relative to the specifics in Dutchess County.

Jack Hill knows of anything there is to know, and certainly more than he cares to know, I am sure.

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I have, however, formal remarks to present first.

The handling and disposal of hazardous wastes from industrial activities can result in serious public health and environmental problems. Each year greater amounts of waste destined largely for land disposal are generated as a result of greater consumption and production and the application of environmental laws curtailing the discharge of waste in the air, rivers, lakes and oceans.

In Dutchess County, the serious problems associated with the generation, transportation and disposal of these wastes are representative of problems that exist virtually anywhere else in the State, or, for that matter, the country.

Hazardous wastes having one or more of the four characteristics of ignitability, corrosivity, reactivity or toxic, as defined in sub part A, under Section 3001 of the resource Conservation and Recovery

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Act of 1976, RCRA, are being generated by the industries of the County. Unfortunately, far too little is known about how these wastes are managed.

In occasional instances, for example I.B.M. Corporation, the type of wastes generated, their mode of transportation and storage, and their ultimate approved disposal sites are known.

For the vast majority of generators, however, this information is not presently available. One typical industry simply has all of its waste collected by private refuse carters and disposed of along with normal residential type solid wastes.

The major problem facing the hazardous waste generated, simply, is the lack of approved, environmentally sound disposal sites. Industries are presently utilizing disposal sites located in Niagara Falls, New York, and Bridgeport, Connecticut, and New Jersey. Obviously, the economics for utilizing these sites are restrictive; an educated assumption would be that, for

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the smaller generator, these wastes are being disposed of in various places throughout the County.

The twenty-one existing, approved solid waste management facilities, as part of their operational plans, specifically prohibits the acceptance of hazardous wastes. However, small quantities being difficult to identify, can obviously find their way into these facilities.

Additionally, there exists one large, unapproved landfill; no information is available regarding the composition of wastes deposited therein. Also, the Department of Health has compiled a list of thirty-two inactive refuse disposal areas whose wastes are also of unknown composition.

Realistically, given the suspected quantities of hazardous waste generated and their heretofore poorly managed disposal practices, the potential for damage is not insignificant.

Major routes for such damage are:

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- (1) Direct contact with toxic wastes;
- (2) Fire and explosion.
- (3) Ground water contamination via leachate;
- (4) Surface water contamination via runoff or overflow;
- (5) Air pollution via open burning, evaporation, sublimation and wind erosion;
- (6) Poisin via the food chain -- bioaccumulation.

In terms of what measures need to be taken in this County to manage and regulate this problem, first it is recommended that the comprehensive regulatory program established in Section 3001 to 3006 and 3010 of the Resource Conservation and Recovery Act be promulgated on schedule.

This Act will establish standards for those whose process produces hazardous wastes, transporters of these wastes, and owners or operators of facilities that treat, store, or dispose of hazardous wastes.

The "cradle-to-grave" manifest system

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2 which will be used to document the movement  
3 of hazardous wastes from the generated  
4 premises to an authorized off-site treat-  
5 ment, storage, or disposal facility  
6 appears to be an effective mechanism for  
7 waste regulation and management.

8 This program will obviously require  
9 a substantial resource commitment.

10 It is further recommended that  
11 responsibility for the implementation  
12 and enforcement of these regulations  
13 be delegated to the New York State  
14 Department of Environmental Conservation.

15 The second recommendation is to  
16 define in exact terms the extent and  
17 magnitude of the hazardous waste management  
18 problem in Dutchess County.

19 The New York State Department of  
20 Environmental Conservation has prepared a  
21 list of 85 firms which the department  
22 considers "high priority."

23 These firms report handling one of  
24 the more toxic chemicals or one for which  
25 a Federal "actionable limit" has been

1  
2 established.

3 Four of the industries on this list  
4 are located in Dutchess County. Additiona-  
5 lly, the Dutchess County Health Department  
6 has also identified another twelve  
7 industries with potentially hazardous  
8 waste discharges.

9 It is apparent that what is needed  
10 is a comprehensive survey of every  
11 industry in the County, a venture that  
12 obviously will also require a substantial  
13 resource commitment.

14 It is further recommended that the  
15 survey be conducted by the Dutchess County  
16 Health Department. When this survey is  
17 complete, priorities in terms of compliance  
18 with RCRA need to be established.

19 Finally, it is crucial that environ-  
20 mentally acceptable disposal sites and  
21 processing and storage facilities be  
22 available to local industry. Not only  
23 is the need for such facilities presently  
24 substantial, this need will increase  
25 dramatically after implementation of the

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RCRA regulatory program.

The technology for the design and construction for these facilities is presently available -- they can be built.

However, local opposition to the siting of these facilities will be enormous.

Recent attempts to site a sanitary landfill in the traditional sense in this County are indicative of what can be anticipated. Siting of these hazardous waste disposal facilities will require a great deal of effort, the assistance of all levels of government, and the participation and education of the public.

Accordingly, it is recommended that the State of New York assume responsibility for the design, the development and operation of an optimum number of strategically located hazardous waste management facilities throughout the State.

The scope of this project is felt to be far beyond the capabilities of the

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smaller entities of Government. Perhaps an organization such as the Environmental Facilities Corporation could become the responsible agency for the design and operation of these sorely needed facilities.

We are happy to hear that you are going to try to implement passage of a bond which, obviously, would take care of a portion of the problem that we have identified.

I thank you very much, and if you have any questions for myself or for Jack Hill, we will be happy to try to answer them.

ASSEMBLYMAN ZAGAME: I have just one question, because in my County, we have had a very serious problem that has arisen because of landfills that the State claims the County should have some responsibilities for in terms of the cleanup costs.

I don't know if you have gotten to that point yet in your County, but you allude to the fact that the State should assume the cost of operating the sites,

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2 and so forth, but what about for those  
3 cases where there are wastes in the ground,  
4 where a problem is found, and it is very  
5 difficult to affix liability because the  
6 industry may have gone out of business,  
7 or whatever?

8 Do you think the State should assume  
9 the cost of those cleanup operations  
10 also.

11 MS. PATTISON: As a County Executive,  
12 I could take no other standing.

13 ASSEMBLYMAN ZAGAME: I am glad you  
14 got that on the record, because we did not  
15 want Oswego County to stand alone in its  
16 feelings that it is a State responsibility.

17 MS. PATTISON: I'm sure if you ask  
18 the question throughout Dutchess County,  
19 the head administrator responsible for the  
20 budget would say exactly the same thing.

21 SENATOR DALY: Ms. Pattison, one of  
22 the things that we certainly want to avoid,  
23 as we develop, hopefully, a clearly defined  
24 and strong policy in this area for New  
25 York State, which very honestly we all

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know we don't have right now and, may I also say, unfortunately with the Federal Government's policy of not wanting to step on each other's toes, the basic issue is to avoid duplication.

What do you think the responsibility of the County Government should be in this problem area?

What can the County do?

What should it do?

What should the State not do?

MS. PATTISON: It would seem to me that it would be the responsibility of the County to identify the problem within the County. But it does seem to me that since the solution is likely to be most economically sound on a regional basis, that the solution then, once the problems are identified locally, should be the State's responsibilities.

I would make that distinction.

SENATOR DALY: Well, what I am afraid of is that if we go down the line and develop policy, and the Counties, States

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2 or Cities or municipalities are going to  
3 say that you are mandating things on us,  
4 that you should not.

5 As you know, one of the great  
6 criticisms we, in State Government, receive  
7 is that we over-mandate or over-legislate  
8 or over-regulate, particularly when it  
9 comes to mandating on local municipalities  
10 to do certain things which, of course,  
11 requires money.

12 MS. PATTISON: Landfill 360 being  
13 a very good example.

14 SENATOR DALY: Pardon me?

15 MS. PATTISON: The 360 landfill being  
16 a very good example.

17 SENATOR DALY: I think it is important  
18 that we, as we develop this policy and  
19 program, differentiate between the responsi-  
20 bilities to the various levels of Govern-  
21 ment, put them where they best belong.

22 I think it would be quite helpful,  
23 to me, and perhaps the other members of  
24 this Committee, to understand what the  
25 Counties want to do, what they feel they

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2 fiscally and technologically can do, and  
3 they cannot do, so that we don't come up  
4 with that -- as I said, that duplication  
5 of efforts.

6 MS. PATTISON: I share your concern,  
7 and I think in so many other areas.

8 We touched upon this in our opening  
9 remarks. It is largely one of education.

10 Unless Jack Hill's operation does  
11 not identify and bring to the public's  
12 attention the fact that we have a problem,  
13 the problem is not perceived until there  
14 is gas in your wells, or there is poison  
15 in your stream.

16 So that the issue is one largely of  
17 education, and if there is any way in  
18 which the State can assist local municipal-  
19 ities, in this instance, the County, I  
20 think we have made an excellent start  
21 in that direction.

22 We have to identify it locally.

23 once the laws are  
24 established by the State, it seems to me,  
25 that the County should try to make every

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effort to identify the problem.

However, the solutions, as we all know, are exceedingly costly and there, it seems to me, the State can be of greatest assistance.

Your bond concept is very sound in that regard. If we could do it on a regional basis.

We talk about location.

We know that the ideal location is always two Counties away, at least. However, as it is in the case of landfill, it would seem to me that the State does have a responsibility to identify those locations, and I, of course, would always want to have as part of the criteria, that those areas that produce in greatest quantity toxics and hazardous wastes in proximity to those locations, would be ideal.

We, in rural Dutchess County, being so close to the Metropolitan region, frequently find that the process that exists in the Metropolitan region, the

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2 solutions rest here, and I would have to  
3 go on the record and say that this is  
4 odious to this region.

5 ASSEMBLYMAN GRANNIS: This raises  
6 an even bigger question.

7 You talk about regional sites,  
8 regional facilities, and I think we  
9 agree with those.

10 You obviously have pointed to the  
11 fact that we cannot leave it up to a  
12 local veto to make the decisions as to  
13 where those sites would go.

14 Would you support the authority  
15 in the State to make that decision,  
16 and override local Governments as long  
17 as there were proper safeguards and  
18 chances for local input as to how that  
19 decision was arrived at, to designate  
20 a regional site based on, hopefully,  
21 objective criteria?

22 MS. PATTISON: If the criteria were  
23 objective, and if there were local input  
24 into developing the criteria, and if we  
25 have pleaded for our regional facility,

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2 and the State take that lead, I do not  
3 see that there is any other choice.

4 .SENATOR DALY: To continue in one  
5 other area, you talked primarily environ-  
6 mentally, and, again, I am trying to get  
7 a clearer picture of what the areas of  
8 responsibility should be.

9 Let's take the Department of Health,  
10 the County Department of Health.

11 What responsibility do you attribute to the  
12 Department of Health in your County  
13 with regard to toxic wastes, that you  
14 would want sancrosanct?

15 In other words, you say, State stay  
16 out of this area, we will take care of it?

17 MS. PATTISON: That is very difficult  
18 for me to say, as I suppose it is in  
19 every instance.

20 SENATOR DALY: I appreciate, Ms.  
21 Pattison, that this is a very difficult  
22 question.

23 May I say this, that I would like you  
24 to think about it, and I will pose that  
25 question to many other County officials

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throughout the State, and I would like input from you down the line as you give it some thought.

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I realize it is not fair to hit you with something like that, is a very complicated issue.

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MS. PATTISON: It is a fair question.

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I think one of the considerations has to be what is the problem.

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Is the problem located and generated locally? With local knowledge? With benign neglect on the part of local municipalities?

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It seems to me that we do then have some sort of an obligation.

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SENATOR DALY: We find that throughout the State, that there is benign neglect locally, and on the part of the State also.

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MS. PATTISON: Not to pick on the DEC, we, of course, have, as Jack Hill could probably go on for twenty-four hours straight, the -- a landfill in

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2 and is beyond our -- there is nothing  
3 we can do, we have done everything we can.

4 We have had to turn to the DEC.

5 We have yet to find relief.

6 I think that is only an example, in  
7 smaller detail, of what you get when you  
8 get into the other areas.

9 SENATOR DALY: Mr. Hill, I would  
10 appreciate your comment on that point  
11 that the County Executive made about the  
12 DEC with regard to permits and approvals  
13 on landfill sites in Dutchess County.

14 MR. HILL: Of course, the Part 360  
15 is under DEC, and they issue all the  
16 permits for the landfills in our County.

17 In our particular County, we have an  
18 agreement with the regional office,  
19 through Mr. Keller, in New Paltz, as to  
20 the amount of work that our Health Depart-  
21 ment does relative to this program. We  
22 basically do all the field work.

23 We review these plans, and we work  
24 very closely with the DEC, and most of  
25 the cases, they basically are issuing the

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permits for these projects.

We stated here that of the twenty-one existing landfill sites, they are either under permit, in the process of having permits issued or legal actions taken against them, or in what we call a phased out operation, where they will be closed within a period of time.

As far as the program is concerned, I feel that -- I like it the way we are doing all the work on a local level. When you become involved in the other program of toxic wastes, this is a very different ballgame.

We have discussed this in our own office, amongst our own engineers. We very bluntly and simply feel that this is a problem for the entire country.

We feel, number one, that the Federal Government, through EPA, must identify the problem. If a toxic waste is toxic in New York State, it must be toxic in Michigan and California. It must be a problem that is identified first by the

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Federal Government.

Then we feel that the rules and regulations and the identification then as promulgated through the EPA should then be assigned to each individual State, assuming that they will accept that responsibility.

I know in New York's case, they will.

The State then would implement these rules and regulations. They then will delegate to the local Health Department, whichever ones desire it, so they can be staffed to do it, and wish to carry out the rules and regulations.

We all should be working under the same rules and playing the same game, and not playing baseball with a football.

This is a very, very technical and difficult problem. We still feel, in conclusion, that regional sites has to be the answer.

I agree with other testimony presented, that when we feel a problem has to be solved in our County, we have the interim,

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existing and future problems.

You have toxic wastes today.

We do not have an approved site in Dutchess County to handle any of these wastes. They either are hauled out or they are dumped indiscriminately throughout the County, over which I have no control.

You must have regional sites.

You must have technology to diminish and minimize these types of wastes, but no matter what technology you develop, you are always going to have some waste.

We are not talking about just putting them in the ground, and then having a problem twenty years from now. We are talking about a disposal that is ultimate, period.

SENATOR DALY: I gather we can count upon you to sell the voters of your County on the bond issue.

MR. HILL: You certainly can.

SENATOR DALY: One question.

Just as an example, you mentioned one site out of compliance, and you are

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having trouble with DEC.

Out of compliance!

Are toxic wastes involved in that particular site?

MS. PATTISON: We don't know.

Let me defer to Jack on that subject.

MR. HILL: This is a landfill that is being operated right now in the town of Poughkeepsie. Basically speaking, they are supposed to be the normal solid waste.

SENATOR DALY: Owned by the town?

MR. HILL: No, sir, this is privately owned.

Our office, through our own Dutchess County sanitary code, initiated and implemented full administrative procedures as far as we could go.

We issued the Commissioner's orders.

We levied fines.

The owner of the site chose not to comply with our Commissioner's directives. We received -- requested assistance to close the site down through the -- our County attorney, and through our County

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Sheriff.

It was their decision that we should not initiate this action, and that it should be turned over to the New York State Department of Environmental Conservation because of Part 360.

So at the present time it is being carried out through the action of the State. They have submissions by their engineers, and this has been going on now for approximately nine months, and this is the site we were referring to.

We will have a mountain created, and by the time something is done, the mountain will be there, and it will probably never be removed.

What is going into this site, we do not know.

There are truckloads and truckloads that come in of garbage, but we do not know what is in that garbage, and I'm sure that nobody has checked it.

ASSEMBLYMAN GRANNIS: If I could just comment, we would like to go with the

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2 Federal rules and regulations, I think  
3 that makes a lot of sense.

4 The RCRA regulations are not going  
5 to be promulgated timely. There will  
6 be hearings on them probably for another  
7 year.

8 That leaves us in a dilemma.

9 Do we wait for the Federal Government  
10 to act, as slow and inadequately as it  
11 will act?

12 Or do we move ahead?

13 I think Love Canal has shown us  
14 that we don't have the luxury of being  
15 able to wait. We have to make a decision.

16 Ms. Pattison, I know you made  
17 reference to those rules and statements.  
18 We have to make the decision, don't you  
19 think, and thereby lead the country in  
20 trying to deal with a very serious problem  
21 in our State for the basic reason of  
22 protecting the health and welfare of our  
23 people. We may be out of sync with the  
24 Federal Government, but it is going to be  
25 their responsibility to catch up with us.

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They are using our models now.

We have more studies and surveys than any other State in the country.

MS. PATTISON: I was in Washington last week, and I was paying a call on Senator Moynihan on another subject, and this subject did come up, and he did express his interest and concern relative to New York State, and I, needless to say, reiterated our position, that there has to be cooperation between the three levels of Government, and I -- while we do concern ourselves with the mandates, I assure you that I, as representing Dutchess County, feel that the problem is of such magnitude, that the expenditure of money for the bond, as you define it, is something we will support.

SENATOR DALY: We would much prefer action and not words from Washington.

May I add, for emphasis, that as far as I'm concerned, we have been literally deserted by the Federal Government with respect to the problem we found in the

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2 Western part of the State. They have been  
3 dragging their feet too long in a period  
4 of time without final rules and regulations  
5 being promulgated.

6 The environment is National in scope,  
7 and the laws should be National in scope,  
8 and we should live under the same laws  
9 Nationally, and I hope the day comes  
10 shortly when we will be.

11 MS. PATTISON: We have to make it  
12 clear whose authority it is to enforce  
13 the rules and regulations, because we have  
14 time and time again seen, particularly  
15 when it comes to environmental matters,  
16 laws that are more or less clear, but  
17 what never seems to be clear in our mind  
18 is who is going to enforce them, and what  
19 kind of backup are we going to get from  
20 the next level of Government.

21 SENATOR DALY: That is why I asked  
22 you the question I did before.

23 ASSEMBLYMAN HINCHLEY: Those are some  
24 very practical considerations.

25 You have answered this question in

1  
2 part already, but to what extent do you  
3 feel you have a cooperative relationship  
4 with the State agencies involved with this  
5 particular project, Department of Health,  
6 Department of Environmental Conservation,  
7 specifically.

8 MS. PATTISON: I will defer to Jack  
9 on that question. He works on a daily  
10 basis with these two agencies, and I will  
11 defer to Jack Hill.

12 MR. HILL: Sir, my only experience  
13 with a Committee of this type has been  
14 watching Committee sessions on television,  
15 and this is the first time in my life I  
16 have ever had an opportunity to address  
17 a Committee like this, so I am going to  
18 give you an honest, frank opinion of my  
19 experience, the Dutchess County Health  
20 Department, and this, sort of, is an  
21 adjunct to what Dr. Redmond already said.

22 Very honestly, we feel there is too  
23 much bureaucracy at the State level. We  
24 are the local arm for the New York State  
25 Health Department, and the New York State

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Department of Environmental Conservation.

Also, the EPA, when we are involved in Federal projects, and we have two or three Federal projects in our County, one that I have been working on for eight years, and the progress is miniscule.

It makes me very disturbed when I feel, as a taxpayer, that we have such a bureaucracy when we don't need it. I still feel, and this goes right to the top level of the State of New York, you should have one department relative to our total environment, one entity, one entity to be responsible to it.

The recent activity in Pennsylvania, with Three Mile Island, is another very good example of this. We have monitoring stations in Dutchess County. One of our stations was in trouble. We had to go out on an emergency and change the filters continuously for twenty-four hours.

We received conflicting directives, first of all, from DEC, then, from the Health Department, to the point where we

1  
2 were absolutely crazy. We just ran it  
3 our way.

4 We sent the results to DEC, all  
5 remarks had to come out of the Health  
6 Department.

7 It was just complete chaos, as far  
8 as I was concerned.

9 You need one entity.

10 They can spread out and assign  
11 different parts of the environment system to  
12 bureaus or divisions, call them what you  
13 want to, but you need one entity.

14 Our relationship in Duchess is very  
15 good. We work closely with DEC. We work  
16 closely with the State Health Department.

17 Some of their own rules and regulations  
18 conflict. You have to go through both  
19 departments and it is very cumbersome and  
20 time consuming, and it is not necessary.

21 We have an excellent engineering staff,  
22 and many of the functions we complete  
23 ourselves through their cooperation.

24 ASSEMBLYMAN HINCHLEY: Insofar as  
25 your request of the Department of

1  
2 Environmental Conservation to enforce  
3 these regulations concerning this landfill  
4 that has been requested, are you satisfied  
5 with their progress?

6 SENATOR HILL: I have to be satisfied  
7 with their progress because of the nature  
8 of the Part 360. It is more of a permit-  
9 issuing Statute, and it is not the type  
10 of Statute where you can go in and initiate  
11 very definite action, like closing a  
12 landfill down immediately because of an  
13 imminent problem.

14 The problem that we run into with  
15 any landfill, until you arrive at one that  
16 you are dealing with in the Western part  
17 of the State, is the word potential. When  
18 you talk with -- about potential to lawyers,  
19 and there are lawyers on the other side,  
20 many judges and lawyers will not initiate  
21 any actions based on a potential health  
22 hazard.

23 So we can throw it all in the river.

24 All of our work is based on potential.

25 Why do we have plans for air pollution?

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What about asbestos?

What about lead in the water?

We have all of these problems.

It is all potential. As far as they are concerned, they are following Part 360, it is a cumbersome Statute, and they, unfortunately, in this case are confronted with two attorneys retained by the private owner who go into court, they appeal, and you know the court procedures, it is a long and cumbersome procedure.

They are doing everything they can legally.

ASSEMBLYMAN HINCHLEY: If it were up to you in this particular instance, would you close that landfill down?

MR. HILL: That landfill would have been closed a long time ago. If I had the authority, it would be closed in just one hour.

ASSEMBLYMAN GRANNIS: Subject to the same restrictions, Mr. Hill, that DEC has, there are Constitutional requirements for

1  
2 new processes and we have built that into  
3 this system.

4 You say it is cumbersome, and I think  
5 everybody agrees, that it is part of the  
6 process.

7 We are not yet prepared to give  
8 people the authority to make the unilateral  
9 decision. I understand the problem.

10 MS. PATTISON: May I emphasize one  
11 point here?

12 I think what Jack was saying is that  
13 there may be a flaw in the Statute which  
14 says, as I understand it, that until there  
15 is a problem, you don't have any real  
16 authority to implement.

17 We know that this particular landfill  
18 is a potential problem, but until the dan-  
19 ger has actually been demonstrated, and  
20 proven, that there is no action that can  
21 be taken.

22 ASSEMBLYMAN GRANNIS: Part 360 is  
23 a departmental rule, but we will take a  
24 look at that because that kind of a rule  
25 procedure can be changed after a hearing by

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the DEC.

On the followup of this issue of the Federal Government's responsibility, I would hope you would use your office as a County Executive, through the New York Association of County Executives, and the State Association of Counties, and through your own Congress members and Senators, that you let your views be known about the need for Federal action, because we have pushed, and I know Senator Daly has, and we all have, but again, it is going to take our big and influential Congressional delegations to push the fact that this is not a New York State problem.

We do not know whether we export or import more wate. It is fine to talk about stopping the importation, but if we find out that we are exporting more than we are importing, we may be cutting our own throats.

MS. PATTISON: Our Congressman and Senators are well aware of the problem, but I think your coming to the various

1  
2 regions around the State really does a  
3 great service, because it gives the public  
4 a forum, and public officials a forum, as  
5 well as anyone else involved, to express  
6 their views, and bring their ideas to the  
7 attention of the public, because we do  
8 not think of their being a problem until  
9 we have a Love Canal.

10 ASSEMBLYMAN GRANNIS: Thank you,  
11 Ms. Pattison.

12 ASSEMBLYMAN HINCHLEY: Our next  
13 speaker is Mr. Joseph Poillucci, from the  
14 Duches County Legislature.

15 MR. POILLUCCI: Mr. Chairman, and  
16 distinguished members of the State  
17 Commission, my name is Joseph Poillucci,  
18 Majority Leader of the Duches County  
19 Legislature, and a former Chairman of  
20 the Environmental Control Committee of  
21 this Legislative body here in Duches  
22 County.

23 Let me, at the outset, express my  
24 thanks and appreciation to this Commission  
25 for the noble and venture you have under-

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taken.

Some of the statements I will make will be redundant, but nevertheless, battling fourth in the lineup, this is to be expected.

SENATOR DALY: I am sure you are a heavy hitter.

MR. POILLUCCI: At one time, sir, but seriously, this is a very serious problem, and I can appreciate your concern.

What faces you people in the future, not only at the State level but also, from the tone of your questions and statements, it is not your problem or solely a State problem, it is our problem, meaning officials, people of industry, people in business and in all walks of life, and I think that has to be made known loud and clear, that we may be the leaders of government, but it takes full and complete cooperation in order to undertake any task, and to hopefully have a successful conclusion that will

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benefit all.

So in that regard, I will read my brief testimony into the record.

Every day a new horror story about improperly handled chemical wastes toward toxic substances makes the news. Unfortunately, it has taken such incidents as Love Canal and the closing down of commercial fishing on the Hudson to recognize the problem.

In other words, we, in Dutchess County, feel that toxic wastes is a problem over in Niagara County, namely, Love Canal. We don't have a Love Canal in this region, so we are not too concerned or too alarmed, but believe me I can see this becoming a State problem and a National problem, and as such, there is a reason for me being here, it is our problem.

What's troubling me even more is that I am not aware of any plans by either the County or the State to handle the problem. In this area, we have been lucky that a serious problem has not

1  
2 developed as a result of the many train  
3 derailments and tractor trailer truck  
4 accidents that occur.

5 On many occasions, toxic chemicals  
6 and hazardous wastes were being transported  
7 in these vehicles.

8 I think it is incumbent upon the  
9 State Government to publicize plans for  
10 the handling of such emergencies. The  
11 State should also embark on an intensive  
12 program to identify dump sites where  
13 toxic substances have been placed to make  
14 public those findings.

15 When cleanup is determined as  
16 necessary, the cost should be borne by  
17 those people responsible. If it was a  
18 Government project, the cost must be the  
19 burden of Government. Likewise, if  
20 private industry is the same, they should  
21 bear the cost.

22 In addition, I would think a bond  
23 should be posted by industries involved  
24 in the use of toxic or hazardous substances.  
25 This would insure that cleanup funds would

1  
2 be available if and when cleanup becomes  
3 necessary.

4 The unfortunate thing is that  
5 Government has failed miserably to solve  
6 the very serious problem of the handling  
7 of hazardous wastes. The various  
8 responsible Government agencies must  
9 immediately commit themselves to a priority  
10 program that will result in the development  
11 and implementation in the program pro-  
12 cedures and the technology to safely  
13 handle hazardous wastes.

14 We have heard that many times before.

15 One area of particular concern is  
16 the handling of nuclear waste. As  
17 columnist James Wieghart says in The Daily  
18 News in April:

19 "There are now 72 nuclear power  
20 plants operational in the United States,  
21 and 90 or more under construction or in  
22 the planning stage. Each reactor will  
23 produce as a by-product tons of lethal  
24 radioactive materials which will continue  
25 to be dangerous for thousands of years.

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2 "Yet, despite twenty-five years or  
3 more of study, no one has come up with  
4 a safe means of disposal."

5 One of the suggestions made to deal  
6 with the problem is to expand the powers  
7 of State Commissioners involved. I would  
8 favor this, providing that such additional  
9 powers would result in better protection  
10 of our people and quicker action to get  
11 something constructive accomplished.

12 Finally, there are some things that  
13 can be done to reduce, in the future,  
14 conditions found in the Love Canal area.

15 First, improve the procedure for  
16 location of hazardous waste dumpsites.  
17 We have said continuously this morning,  
18 we don't know where these sites are.

19 Number two, better control by the  
20 State in overseeing operations of such  
21 sites.

22 Three, reduce the need for energy,  
23 which would reduce the demand for nuclear  
24 power, and in that category, I would state,  
25 A, the development of a State energy

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conservation program, B, approval of container legislation on the State level, C, establishment of recycling programs on the State and local levels, D, require the use of 50 percent recycled paper for all Government agencies -- in other words, create a market for recycled paper. Right now, virgin paper is cheaper than recycled paper. However, if you create a demand for recycled paper, it would make it more feasible to produce -- E, the encouragement and increased production of the use of coal, F, increase efforts and incentives for the development of alternate forms of energy, such as solar, geothermal and the like.

In conclusion, let me say that I will do all that I can on the County level to work with you, and assist you in the development of effective legislation, procedures, rules, regulations and controls, to help eliminate and correct many problems that we have with energy, toxic substances and chemical wastes.

2 Now, as a start in that area, I'm  
3 going to recommend to the Chairman of  
4 our Community Services Committee that a  
5 special sub-committee be formulated to  
6 look into and become active in the area  
7 of toxic substances and chemical wastes.  
8 Heretofore, we have not had such a  
9 committee on the Legislative body in  
10 Dutchess County, but believe me, effective  
11 almost immediately, I will attempt to  
12 implement this sub-committee.

13 If you have any questions of me, I  
14 would be glad to respond. These are just  
15 my thoughts on this very serious and  
16 critical problem. Again, I thank you for  
17 coming to Dutchess County and holding this  
18 hearing.

19 ASSEMBLYMAN FINCHLEY: Thank you.

20 SENATOR DALY: Thank you.

21 ASSEMBLYMAN GRANNIS: I have just  
22 one --

23 MR. POILLUCCI: I just wanted to  
24 state to Maurice that a lot of people  
25 have not signed up to give testimony,

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and would you be asking questions of them before you adjourn today?

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ASSEMBLYMAN HINCHLEY: We will not be asking questions of anyone unless they come forward to testify, but anyone who is here who may come in during the day is certainly welcome to come and say to us anything they want.

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ASSEMBLYMAN GRANNIS: If you want to testify, would you please sign up in the back, and anybody who comes later, should be asked to do the same.

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MR. POILLUCCI: They may wish to make comments, or wish to ask questions of the body.

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ASSEMBLYMAN GRANNIS: The one concern on the bond issue, which is an idea we are obviously looking at, requiring the posting of some security to deal with these wastes long after they are generated and disposed of in the ground, you are asking for a bond in perpetuity in many cases because some of this material will live hundreds and thousands of years, and it is difficult

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2 to get this ongoing commitment, and one  
3 of the reasons we have talked about and  
4 mentioned the fact that the State should  
5 monitor this program, to be paid for  
6 through user fees, is because the State  
7 will be around as an ongoing entity,  
8 whereas corporations may or may not,  
9 but still you are dealing with problems  
10 that are going to be with us if we bury  
11 this material for years and years to  
12 come.

13 You know, the problem of nuclear  
14 waste is that in some instances the  
15 half life is twenty thousand years or more.  
16 The half life of some toxics that are  
17 being generated, because of the way they  
18 are being disposed of in barrels, is  
19 maybe decades, maybe centuries, we just  
20 don't know.

21 MR. POILLUCCI: Did you say it would  
22 not be practical to ask the posting of a  
23 bond?

24 ASSEMBLYMAN GRANNIS: We are not sure.

25 You are asking for the creation of a

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bond inperpetuity, because you cannot say it is for a definite life.

MR. POILLUCCI: Also, there are other instances where you have firms that go into business, and in six months or a year or five years later, they go out of business, and that is relatively a short period of time.

ASSEMBLYMAN GRANNIS: We are aware of that kind of problem, too.

MR. POILLUCCI: I don't feel that the Government should be constantly the scape goat, or should have to ask the taxpayers to put up money for these kinds of things.

ASSEMBLYMAN GRANNIS: We are looking, and I know the --

MR. POILLUCCI: It is the fact that business utilizes the resources of the area they live in, and as such, should be a responsible citizen of that area and that region.

ASSEMBLYMAN GRANNIS: We are in very much accord on this, that there ought to

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2 be a user fee, that the cost of disposing of  
3 waste should be a cost of doing business,  
4 but obviously corporations will not swallow  
5 those kinds of costs, they are cast on to  
6 consumers, but we are in complete agreement  
7 on that.

8 The State is not going to be the  
9 regular, ongoing funding source for these  
10 kinds of operations.

11 In certain cases, we may have to be  
12 on abandoned sites, otherwise it is our  
13 sincere hope that we will have legislation  
14 that will create a system of self-financing  
15 through user fees.

16 MR. POILLUCCI: It came out earlier,  
17 someone mentioned a possibility -- I think  
18 it was Senator Daly that said or asked  
19 do you require a permit when you install  
20 an oil or gas tank into the ground, and  
21 I think the answer was in the negative,  
22 no.

23 SENATOR DALY: One of the other things  
24 that we are thinking about doing is perhaps,  
25 let us say we are successful in getting

1  
2 our disposal sites, we are seriously  
3 considering including a surcharge, and  
4 building a fund of monies which could be  
5 used in case of an emergency.

6 Let us say we set a fee -- we raised  
7 twenty five million dollars, and we set  
8 it aside as a pool to handle any environ-  
9 mentally unsound sites that we found later  
10 on. It would be paid for by the manufactur-  
11 er, and used to clean up the site along  
12 the lines of what you are talking about,  
13 so the State doesn't have to, and the  
14 taxpayers of the State do not have to pick  
15 up the cost, and that is one of the things  
16 that you are doing.

17 ASSEMBLYMAN HINCHLEY: I don't think  
18 you will find anybody on this committee who  
19 is in disagreement with the general princi-  
20 ple that the people responsible ought to  
21 be the one to pay for it.

22 MR. POILLUCCI: Absolutely.

23 SENATOR DALY: Thank you, sir.

24 ASSEMBLYMAN HINCHLEY: Thanks very  
25 much for being with us.

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2 Our next speaker is Mr. Stoyell M.  
3 Robbins, an engineer in the City of  
4 Poughkeepsie.

5 MR. ROBBINS: I am Stoyell M. Robbins,  
6 the City engineer to the City of Poughkeep-  
7 sie.

8 It is rather appropriate that I am  
9 following Mr. Poillucci, since it is  
10 somewhat on the same topic that I will  
11 speak.

12 I wish to thank the Committee for  
13 the opportunity to present some ideas  
14 on the control of toxic wastes.

15 A part of the topic which I wish  
16 to address is "Who should bear the cost  
17 of preventing damage to the environment  
18 and to public health caused by toxic  
19 wastes?"

20 I consider the answer to be clearly,  
21 "The producer of the toxic waste."

22 By this, I mean the total cost to  
23 include the cleanup of any damage already  
24 produced, the financing -- through taxes --  
25 of the Federal, State, and local monitoring

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2 and enforcement units and, again, through  
3 taxes, the establishment of an adequate  
4 fund to insure that cleanup is accomplish-  
5 ed even though the producer is no longer  
6 able to complete that requirement.

7 The taxes I speak of are special  
8 taxes against the producers.

9 I am sure many will disagree with  
10 this approach. However, I believe I can  
11 present a rational specification for it,  
12 even though I am fully aware of some  
13 of the economic dislocations which may  
14 be caused.

15 I'm using the term social cost to  
16 cover the full cost to society of all  
17 acts and materials associated with the  
18 production, use, and ultimate disposition  
19 of a product.

20 The first premise is that the full  
21 social cost of any good or service should  
22 be included in the actual cost to the  
23 producer of that good or service. To make  
24 this point obvious by exception, consider  
25 the cartoon of the typical "Free

1  
2 Enterprise" child selling lemonade at  
3 a grocery box stand for a nickel.

4 Many variations of this are about in the  
5 summer.

6 Actually, this is not free enterprise  
7 at all. Without mamma's jug, lemons, sugar  
8 and water, the business would  
9 not last long, as any restaurateur could  
10 tell you, on a profit margin of five  
11 cent lemonade.

12 There are many costs involved in  
13 any business, and all of them should be  
14 properly taken into account in setting  
15 the price of the commodity.

16 If something is easily marketable  
17 because all of the costs are not properly  
18 allocated, and the price is lower than it  
19 should be, someone will have to pay the  
20 cost.

21 If it is allocated to overhead, then  
22 the particular product may show a large  
23 margin of profit while the business goes  
24 bankrupt.

25 In the case of toxic waste disposi-

1  
2 tion, it may be spread into the public  
3 sector where it is being paid for by  
4 general tax monies -- that is, by everyone.

5 This is only one step removed from  
6 the previous case -- the company shows a  
7 good profit while the public goes bankrupt.

8 What I am really trying to say is  
9 that after I buy a nickel's worth of  
10 lemonade on the street, I don't want to  
11 go in the house and find that I also  
12 supplied the sugar.

13 The second premise is that the  
14 right to stay in business is based on  
15 production of a good or service at a  
16 price others are willing to pay. If this  
17 cannot be done when the full social cost  
18 is properly allocated, then society has  
19 decided in the marketplace that the good  
20 or service is not socially acceptable  
21 and should not be produced.

22 When costs are not properly allocated  
23 to price, society is given wrong informa-  
24 tion -- in the form of prices -- and makes  
25 wrong decisions.

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2 To illustrate this point, let us  
3 assume that Company A makes widgets and  
4 sells them for twenty dollars each.  
5 Company B makes gadgets which will perform  
6 the same function and must get twenty-two  
7 dollars for them to stay in business.

8 Society chooses widgets, and Company  
9 B goes out of business.

10 Later, it is found that the waste  
11 products from Company A is polluting the  
12 adjacent stream and must be treated. The  
13 cost of treating its waste -- a problem  
14 Company B did not have because of different  
15 materials -- forces Company A to raise  
16 the price of widgets to twenty-five dollars.

17 Society has made a wrong decision  
18 based on incorrect data.

19 If a company wishes to give wrong  
20 data -- price -- to society by incorrectly  
21 allocating cost internally -- such as  
22 considering a treatment facility as over-  
23 head when it really is required for only  
24 two or three of a hundred products --  
25 society has little control of the situation.

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However, when the incorrect allocation of cost factors is relegated to society in general, or some other segment of society, such as neighbors, those down-stream or down-wind, society has a right and, indeed, an obligation to act to see that the cost factors are put in proper perspective.

I am requesting that you, as the legal representatives of our society, act in a manner which will guarantee that the full social cost of toxic waste is allocated in such a manner that it must be properly applied to prices of products which force its production. That is, producers should be required to dispose of wastes in such a manner that it cannot affect others.

I believe the preferred manner should be the treatment such as to render it non-toxic before disposal. I am not sure it is currently feasible, but I believe the goal should be that no product would be permitted which produces a toxic by-product

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2 until it was demonstrated that the toxic  
3 by-product can and will be rendered  
4 harmless.

5 The disposal of toxic wastes should  
6 include disposal of non-toxic wastes of  
7 a nature that will combine with other  
8 natural or waste products to form toxic  
9 materials. It should also include the  
10 control of toxic substances which may be  
11 "disposed of" in normal use.

12 This would include such materials as  
13 pesticides and herbicides. These also  
14 have social costs far higher than actual  
15 cost.

16 In addition to the regulations to  
17 control the disposition of toxic wastes,  
18 there must be funds for the monitoring  
19 of compliance with the regulations and  
20 for enforcement.

21 In addition, the Government must  
22 have the facility to clean up any serious  
23 situation even though the producer is no  
24 longer available, or even in business.

25 Such a situation now exists in Elizabeth,

1  
2 New Jersey.

3           Research is needed on the possibility  
4 of a recombination of non-toxics or  
5 increased toxicity of toxics in nature or  
6 in a disposal site. There is also wide-  
7 spread pollution caused by improper  
8 disposal of toxics which must be cleaned  
9 up.

10           That is the end of my prepared testi-  
11 mony. I have just a couple of more  
12 comments to make.

13           I agree with one of the previous  
14 speakers on some of the levels of govern-  
15 ment and the interaction at various  
16 levels of bureaucracy, and the need, not  
17 only the ones that I expressed, but the  
18 need for a change in toxicity in disposal  
19 sites or in nature, but also the effects  
20 of some of these toxics on the human body.

21           Thank you.

22           I would be glad to answer any questions  
23 you might have.

24           I think these -- the problem in the  
25 generation of this funding to cover these

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2 materials is because the local governments  
3 just do not have the financial capability  
4 to handle these products.

5 Our consultant engineers, for example,  
6 have given us estimates that will double  
7 the cost of our work production if we go  
8 to the procedures to remove some of the  
9 toxics that are now in the Hudson River,  
10 which is the source of water for the  
11 City and Town of Poughkeepsie.

12 SENATOR DALY: What are they recommend-  
13 ing, filtration?

14 MR. ROBBINS: They are not exactly  
15 recommending it, because the toxic levels  
16 are not within the EPA guidelines to be  
17 a serious problem. However, it is to be  
18 considered, and they are talking of activa-  
19 ted carbon filtration and, of course, the  
20 installation and operation of such a plant  
21 would be approximately equal to the present  
22 cost of water production.

23 ASSEMBLYMAN HINCHLEY: How much of  
24 the County of Dutchess is on sewer treatment  
25 facilities, do you know offhand?

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MR. ROBBINS: I don't know that off-hand. There are many treatment facilities far beyond the City. I am only familiar -- I have not been in the area very long, and I am only familiar with the treatment facilities in the City.

ASSEMBLYMAN HINCHLEY: How many households are there in the City, about?

MR. ROBBINS: In the City?

Within the City itself, about sixty-seven -- well, I am not sure how many households, but we have about sixty-seven hundred water customers, and some of those would be industrial and commercial, so the households would be probably more in the neighborhood of about six thousand.

But there is also water that we sell wholesale to the Town of Poughkeepsie and I haven't any idea what their number of households is, but I would assume that their consumption is more by households than it is in the City, and their consumption is significantly greater than the actual City's consumption.

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ASSEMBLYMAN HINCHEY: Thank you very much.

We are going to take a ten minute break and allow everybody to stretch a little bit.

(Whereupon, a ten minute recess was taken.)

ASSEMBLYMAN HINCHEY: Very well, gentlemen, let's proceed.

The next speaker will be Mrs. Conrad Link.

MS. LINK: Mr. Chairman and members of the Committee I thank you very much for this opportunity. I have a statement made by my husband, who could not be here, therefore, I brought over this tape, and I would like to play this tape, it will take only two or three minutes.

(The following is a statement by Mr. Conrad Link, submitted on tape.)

"Statement on hazardous dump sites and toxic substances regulation in New York State.

"There is no adequate Government

1  
2 response to deadly waste emergencies.

3 The proof of that is the Love Canal and  
4 the fact that there are thousands of  
5 such similar dumps across the State,  
6 some smaller, some larger. And the  
7 fact that this very hearing insists on  
8 fifteen copies of prepared text proves  
9 that Government is incapable of acting.

10 "It says it is conducting a hearing,  
11 but through typical bureacracy, it hobbles  
12 the speaker before he or she can be heard.

13 "In order for Government to be ade-  
14 quate in anything, it must first be  
15 sincere and that is the first shortcoming.

16 "Any identification of the hazardous  
17 waste dumpsites must simply be: That is  
18 a hazardous waste dumpsite which has any  
19 amount of biologically destructive poison.  
20 The classification of such a site must  
21 simply be: The definition of the total  
22 weight of biologically active material  
23 that this poison can destructively alter.

24 "Thus, a mercury battery thrown out  
25 on the side of the road constitutes a

1  
2 hazardous waste dumpsite. If through years  
3 of dissemination at that point, it can  
4 destructively alter the life of one  
5 thousand pounds of living things,  
6 then it would be a thousand pound site,  
7 assuming that in the end it could be  
8 reduced to a completely non-poisonous  
9 substance. This is the only identification  
10 and classification.

11 "By this means of appraisal, the  
12 worst offenders in magnitude and in effect  
13 can be readily discerned. Thus, probably  
14 the biggest hazardous dumpsite in the  
15 State is the entire State. It may be so  
16 because tons and tons of non-degradable in-  
17 secticides have been poured on the land,  
18 that have destructively altered the life  
19 of billions of pounds of life.

20 "Locally, how much radioactive waste  
21 has been surreptitiously buried at the  
22 seven hundred plus acre United Nuclear  
23 Development Corporation site in Pawling?

24 "How much poison have the apple  
25 farmers of the Hudson Valley dumped into

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the water tables?

"How much dangerous chemicals has Technical Tape dumped in Beacon, or some convenient site?

"What does the local garage do with it's waste anti-freeze?

"How many deadly chemical poisons are the local hospitals dumping into the Hudson River?

"Who should pay?

"Those who are responsible will probably die before one cent of reclamation money is extracted from them. But at least the inheritors of their profits should pay: The chemical industries, in total, should pay for all hazardous chemical waste reclamation and disposal; the nuclear industries should pay for all of their wastes.

"Secondary profiteers should pay the proven proportionate amounts that such use contributes to the cost of their products; thus, if it is proven that there is a twenty percent usage of

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chemicals in the cost of automobiles, then the auto industry must pay that proportion of the total chemical cost which twenty percent of their cost represents.

"There is only one assured way of handling a hazardous waste: Prevent it.

"This means oxygenation of the source; reduction of certain chemicals; chemical combination to produce and eliminate an inert substance; and no creation of radioactive substances.

"No, there should be no tax that ought to be imposed on a generator of hazardous wastes because there should be no such generators allowed at all.

"Any hazardous materials which is created must be converted, before dumping, into an inert and biologically non-destructive substance; that is the obligation of the creator of such material. If that is not done, then the creator must be stopped from all operations without exception.

"Removal of existent poisons must be done by (1) Discovery by extensive soil

1  
2 and water sampling, subject to all chemical  
3 and physical tests; (2) In situ chemical  
4 conversion to inner substances; (3) Or,  
5 where that is impossible, entire removal  
6 and mass treatment at a plant designed  
7 for that purpose; (4) Re-extraction of  
8 radioactive waste, concentration if possi-  
9 ble, and ejection from earth into the sun.

10 "Love Canal could not have originated  
11 if we had conscientious citizenry. That  
12 is the only possible prevention of future  
13 such cases. This can happen only upon  
14 the return of adult moral responsibility  
15 among the entire population, and government  
16 should be an inspired leader in that  
17 direction."

18 (End of recorded statement of Conrad  
19 Link.)

20 MRS. LINK: May I make a statement  
21 of my own?

22 Again, I thank you very much for  
23 my turn to speak to this occasion.

24 I feel there are a few suggestions I  
25 would like to make, and also some comments.

1  
2 I cannot speak the way my husband  
3 can speak, my language is not quite  
4 adequate, but I will try my utmost.

5 Number one, I feel it is so important  
6 that we, the people of the whole nation,  
7 should take a good look at twentieth  
8 century technology, and see what that  
9 technology is doing to us. We simply  
10 cannot live with a twentieth century  
11 technology growth and nineteenth or  
12 eighteenth century knowledge.

13 It seems to me, most of the population  
14 is ignorant in understanding chemistry.  
15 Therefore, I would like to request of you,  
16 the members of this Committee, that you  
17 introduce a bill through the State Senate  
18 and Assembly that would force whoever  
19 becomes a Legislator of State Government,  
20 including the Governor, take a course in  
21 chemistry, so that you, the Legislators,  
22 people who control the means of people's  
23 lives, have the basic background, knowledge  
24 and chemistry.

25 Therefore, when the expert comes to

1  
2 testify, like in this situation, that you  
3 understand such explanation, and probably  
4 you may be able to question intelligently.

5 I am most concerned that everybody  
6 should understand the nuclear theory that  
7 atoms are the whole universe, therefore,  
8 we must understand our human body, the  
9 mind, this death, whatever, that we are  
10 moving in and around.

11 This is my first request.

12 Secondly, I have attended many planning  
13 Board meetings, local and County. Now, at  
14 all those meetings, most of the concern  
15 focuses on one point, zoning, where the  
16 industrial area should be located, and  
17 likewise with commercial and residential  
18 areas, however, nonperforming ordinance.

19 In my opinion, and my husband has  
20 suggested many times, before a going  
21 system came into being, that performing  
22 ordinances are more important than geograph-  
23 ical zoning because many a time small  
24 operations can produce more hazardous  
25 material, while big operations can create

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very little hazardous materials.

Therefore, one cannot restrict with zoning, but one should restrict with performing ordinances.

Number three, going back to understanding chemistry. Now, if the people understood chemistry, then we will have the -- the ordinary housewife will be using soap instead of detergent.

If you go to the market, you can see there is no soap, except just one company which produces soap, Ivory Snow, or Ivory Flakes, but there has been occasions in the past when I could not get the soap I use for washing, and now I would have to resort to detergent.

This is probably because of the lack of knowledge in the public's mind.

Also, I would like to make another comment, there was some gentleman who spoke previously and said something about citizens involvement.

Now, my husband and I came to many meetings and expressed our findings from

1  
2 our studies, and spent our time doing this,  
3 but it has been -- there has been no  
4 response.

5 I came here many a time and spoke in  
6 front of the County Legislators and never  
7 once, did anyone call me to tell me whether  
8 my statement was wrong or correct, or  
9 whatever. Therefore, it is discouraging  
10 for a lay person, an interested citizen,  
11 to involve themselves in any civic matters.

12 Last week, I would like to mention to  
13 you that about ten years ago, or even  
14 twenty -- not even twenty, but ten years  
15 ago, at this time of the year, on a  
16 beautiful spring day, you would hear  
17 birds chirping, chirping very noisely in  
18 the morning. Today, you hardly hear any  
19 birds chirping.

20 When I was driving today from my  
21 place to here, which takes me about a half  
22 hour to get here, hardly any birds did I  
23 see.

24 And those moths, or caterpillars,  
25 whatever, all over the place, you could

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see them, and I know there will nobody --  
I mean, there are no birds that will pick  
those, because there are no birds to pick.

The last thing I would like to say  
is this: About a month ago I had a little  
quarrel with my eleven year old daughter.  
The quarrel itself was not that important  
because I don't remember what it was about,  
and we are really loving each other and  
hugging and kissing now, but at that time,  
at the end of the quarrel, my eleven year  
old said, "Who cares, mommy, by the time  
we get old enough, it will be like Soylent  
Green."

I don't know if any of you have seen  
the movie called "Soylent Green."

It pierced my heart, you know, and  
it seems to be coming a fact, that Soylent  
Green will be here soon.

I am very much concerned about this.

Please, listen to my husband. He is  
a brilliant person, I must say, and he can  
offer you any kind of suggestion, techni-  
cally, scientifically, almost anything.

1  
2 He knows very many things.

3 He will offer all of this to you  
4 freely.

5 Therefore, if you are concerned,  
6 please keep his name in mind, and he  
7 will charge you nothing.

8 I thank you very much.

9 ASSEMBLYMAN GRANNIS: I don't think  
10 anybody disagrees with anything you said  
11 about requiring everybody to take chemistry.

12 I have to rely on other experts for  
13 that knowledge. Frankly, I don't think I  
14 could pass a chemistry course now.

15 Maybe that is my problem, and maybe  
16 that is why we have gotten to where we  
17 are, but I think we have experts that do  
18 know in this State, that know the chemical  
19 problems, and that we should rely on them.

20 MRS. LINK: You cannot rely on the  
21 people, so called experts, if you don't  
22 have the knowledge. You have to have a  
23 knowledge.

24 ASSEMBLYMAN GRANNIS: We have so  
25 many subjects that we have to have knowled-

1  
2 ge of, banking subjects, science subjects,  
3 and all different kinds of subjects, and  
4 sometimes you do have to rely on experts,  
5 and if they are wrong, we do solicit other  
6 opinions from outside sources, and we try  
7 to put them all together and see whose  
8 wrong and whose right.

9 That is part of our job.

10 We have people in the Legislature from  
11 many different backgrounds with many  
12 different concerns, and a great deal of  
13 expertise in certain areas, and we rely  
14 on them.

15 MRS. LINK: Most of them are lawyers,  
16 and usually don't take a course in chemis-  
17 try before they graduate law school.

18 ASSEMBLYMAN HINCHLEY: Thank you,  
19 Mrs. Link.

20 The next speaker will be Mr. Gerald  
21 Chiumento, Member of the Mayor's Advisory  
22 Committee on Drinking Water of the City  
23 of Poughkeepsie.

24 MR. CHIUMENTO: Good afternoon. I  
25 am so glad that you have not seen fit to

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pass the City of Poughkeepsie by.

I do respect all of you gentlemen, I know your backgrounds, and particularly of your concern for citizens, and citizen participation in government.

I did not -- I just prepared a brief ten minute presentation because I thought I would be held to ten minutes, and I did not get too deeply into PCB's or the toxic chemical problem here in Poughkeepsie in our drinking water.

However, I have a statement that I would like to present, and if you have any questions, I will be happy to respond.

I will give you some views on citizens concerning the chemical problems of Poughkeepsie and their views on this problem, and the means to solve these problems.

I strongly believe that there should be an expansion of the enforcement powers of State Health and Environmental agencies. I believe their staff and their budget should be increased. More investigators

1  
2 should be added, as well as more laboratory  
3 technicians.

4           You are not going to do the job of  
5 testing adequately if you don't have  
6 laboratory personnel, and if you don't  
7 have investigators to check on these  
8 toxic dumpsites to make studies.

9           The supervision should be very strong.

10           A rotation program for investigators  
11 should be developed in order to minimize  
12 the possibility of cozy relationships with  
13 industries or municipalities.

14           The reason I say that is just based  
15 on human nature, people will tend to get  
16 friendly with people they're in contact  
17 with every day, and I don't think they  
18 would do as diligent a job as if they  
19 were rotating, and I think a rotation  
20 system should be developed in that line.

21           I would like to see County health  
22 officials divorced from any local control  
23 or funding, and be a complete part of the  
24 State program.

25           I don't think that we have a serious

1  
2 problem here in Dutchess County, and I know  
3 Jack Hill has been at odds with the City  
4 in the City's opposition to the activated  
5 carbon filtration system, but I do know  
6 from what previously you said that he did  
7 have problems in this area dealing with  
8 municipal officials.

9 There should be strict enforcement  
10 of present laws, as well as any new laws  
11 that are enacted. Long jail terms should  
12 accompany heavy fines for violators. In  
13 the past, both State and Health Department  
14 and Department of Environmental Conserva-  
15 tion officials have been too lenient with  
16 violators.

17 This practice must stop. If the  
18 Attorney General's office is needed to  
19 report these laws, it should be utilized.

20 Areas near industries should be  
21 checked thoroughly.

22 New and former dumpsites should be  
23 identified. Core samples should be taken  
24 and tested as well as leachate from these  
25 dumps.

1  
2 The reason I think the core samples  
3 should be taken is that they would discover  
4 any potentially harmful substance that  
5 may be in containers that may leak in the  
6 future.

7 Locally, the former dump on Route 44,  
8 Duchess Turnpike, where a shopping plaza  
9 is now located, should be studied for  
10 environmental harm. Casper Creek, a small  
11 stream, flows through this area. There is  
12 very little ground cover and strong odors  
13 are emitted there.

14 You can smell them any time during  
15 the day, they come out in the drainage  
16 system there.

17 I do think that other dumpsites should  
18 be investigated in Dutchess County, as well  
19 as elsewhere.

20 To further protect the public, spot  
21 checks and testing of well water should be  
22 conducted throughout the State for toxic  
23 or other contaminants. Known sources of  
24 pure water, whether they be small springs  
25 or large reservoirs should be vigorously

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protected from pollution.

Now, I go to a spring to get my drinking water, in Cornwall, New York, which comes from Storm King Mountain, and the people zealously protect that spring. Some teenagers were creating a disturbance there recently, and they wanted to see -- the officials wanted to close it down.

The people got together there, and they went to a Town meeting, and they demanded that that be kept open, and I think that these sources of water should be checked to make sure that the public is getting good water. They should not be falsely led to believe that all of these springs are good sources of water, because they may be contaminated.

The great majority of dumpsites, in the Hudson Valley are located along the Hudson River or on streams which empty into the Hudson River and without a doubt most contain varying amounts of hazardous wastes, which eventually

1  
2 contaminate the river and our drinking  
3 water.

4 Industrial and municipal sewages  
5 charges add millions of gallons of liquid  
6 containing toxic materials into the river  
7 every day. PCB's now contaminate the  
8 entire river.

9 Granular activated carbon systems  
10 must be installed by communities who  
11 drink the Hudson River water, or other  
12 sources of pure water must be provided,  
13 to protect the public health.

14 State and Federal funds should be  
15 made available for these projects.

16 Now, another thing that we have been  
17 up against, as a citizen's group, is trying  
18 to get accurate information.

19 Some agencies can be very difficult.  
20 We have been promoting the granular  
21 activated carbon filter in Poughkeepsie  
22 for three years. We have gone to the  
23 City to undertake water quality tests,  
24 which they rather stubbornly resisted,  
25 the attitude being let's not say anything

1  
2 bad about our drinking water.

3 Now, just lately, I read in the  
4 Poughkeepsie Journal that -- this is  
5 getting back to information which is  
6 contradictory -- that Hudson River  
7 shad is now safe to eat, and they have  
8 set new limitations.

9 We were led to believe that the  
10 limitations would be lowered to two  
11 parts per million. Well, for some  
12 reason the FDA raised them to five  
13 parts per million, and we were told  
14 that they fell within that category of  
15 five parts per million, or less, based  
16 on testing, which we were led to believe.

17 Now, I checked out a report issued  
18 by the Environmental Protection Agency  
19 themselves, and according to their  
20 own records, the only shad tested last  
21 year in 1978 were tested at Poughkeepsie,  
22 New York. Two shad were tested in May  
23 of 1978, which contained ten -- an average  
24 of 10.2 parts per million.

25 Later on, in June of 1978, thirty-

1  
2 two shad were tested. None of them fell  
3 within the range of the average range of  
4 five parts per million. They were all  
5 above.

6 They averaged six parts per million  
7 with some shad, showing some with as much  
8 as 11.9 part per million.

9 If they will allow this to happen --  
10 incidentally, they are at odds with the  
11 Health Department, because the Health  
12 Department issued an advisory warning,  
13 warning people not to consume more than  
14 a half a pound of fish weekly from New  
15 York State waters. This was emphasized  
16 particularly for young children and  
17 pregnant women.

18 This is the kind of thing we are  
19 up against.

20 I would like to let it go there,  
21 and if you have any questions -- incidenta-  
22 lly, I should point out that we have met  
23 a great deal of resistance trying to get  
24 accurate -- the problem has been trying to  
25 get information to the Council, and anything

1  
2 that comes from me, as a layman, nobody  
3 will believe.

4 We try to get information from the  
5 EPA. I have learned recently that they  
6 have updated information on granular  
7 activated carbon filtration.

8 The Environmental Protection Agency  
9 has information based on studies of  
10 European usage of granular activated  
11 carbon filtration systems, which have  
12 been successful, and in this report  
13 they dispelled all of the myths that  
14 have been publicized locally against  
15 carbon filters.

16 They are told it is a safe and  
17 effective means and a cost-effective  
18 means to treat water with toxic chemical  
19 contamination. PCB's actually cling to  
20 the granular activated carbon like flies  
21 to fly paper.

22 The problem now -- we have convinced  
23 the common Council of the City of Pough-  
24 keepsie that there are PCB's in the river  
25 to test that we have taken, and the State

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Health Department has taken through the years, and we had them convinced that it should be done, and now they are telling us that they cannot afford it.

They have never taken the correct responsibility in setting priorities in the City of Poughkeepsie for Federal money. They had millions and millions of dollars poured into Poughkeepsie.

We have been very fortunate here.

We have been fighting for this thing for three years. The Poughkeepsie Journal has done an excellent job in bringing out information to the public, as well as the radio stations here, so that the public is well informed, and there is no reason for them not acting on it.

In fact, what we have done, we have started -- we have just about ended a petition drive, and we have had thousands of citizens sign this petition, and I will read it to you.

"We, the undersigned --" this will

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sum up the feelings of the people and how we feel -- "We, the undersigned, consumers of the City of Poughkeepsie drinking waters, are fully aware of the following facts:

"That the City of Poughkeepsie Community Development budget contains an appropriation for two hundred thousand dollars for the sole purpose of purchasing granular activated carbon filters;

"That a granular activated carbon filter is an effective method for removing PCB's and other toxic chemicals from drinking water;

"That the Hudson River, the source of the City's water supply, is contaminated with PCB's and other toxic chemicals;

"That the common Council has not yet taken any action to purchase a granular activated carbon filtration system despite the appropriation of money for it's purchase, do for the sake of our health and safety, and the health and safety of our children, and

1  
2 future generations, petition the common  
3 Council of the City of Poughkeepsie to  
4 take immediate action to purchase and  
5 install a granular activated carbon  
6 system."

7 This has been signed by over  
8 three thousand citizens in the City  
9 of Poughkeepsie, including twenty-five  
10 physicians from St. Francis Hospital,  
11 and I don't know how many from Vassar  
12 Brothers Hospital who endorsed this  
13 filter.

14 It has been endorsed by Beck,  
15 from EPA, and by Peter Burling of DEC,  
16 and Jack Hill, our own Health Administrator  
17 has endorsed it, also Rosalie Hotis (phoen.  
18 spelling) and a lot of members of the  
19 Duches County Legislature have also  
20 endorsed it.

21 I had hoped to present new information  
22 to you.

23 I asked for this updated information  
24 from EPA on granular activated carbon  
25 filtration so that we would have this to

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present with the petition to the common Council.

Ten days have passed, and I don't have this updated information.

I am sure if they had that, it would convince them it would be a way to go.

Now, the City engineer spoke, Mr. Robbins, and he mentioned the cost factor. He said it would double the cost.

Well, there are many things that he has not pointed out.

The study taken by O'Brien and Greer, which was a study of granular activated carbon filtration, did show that if the Town citizens would still purchase water from the City of Poughkeepsie, if they were to share in this, it would only cost us forty-four dollars per year for a family of four to put this into effect.

It is a high figure, and I'm sure that would be reduced if it went out for competitive bidding. If we could get some Federal money -- you see, a lot of the cost is based on bonding the thing,

1  
2 and the interest on the bond, and no  
3 funds of our own are being put into it,  
4 nor Federal, nor State Funds which  
5 could be very cost effective for us.

6 They are telling us now that there  
7 is no way that the Town will go along  
8 with this, they are lying, because the  
9 Town has already indicated that they  
10 would go along with anything that would  
11 improve the water quality in the City of  
12 Poughkeepsie. In fact, they gave us --

13 ASSEMBLYMAN GRANNIS: Can I just  
14 interrupt for one second?

15 We are trying to figure out what we  
16 are going to do from a State Legislative  
17 point of view. I understand your  
18 frustration in not having anybody  
19 locally make this decision on the  
20 granularly activated carbon filtration  
21 system.

22 That is not a role that, I don't  
23 think, we are going to play here, so if  
24 you could try and direct your remarks to  
25 specific concerns, the data that you have,

1  
2 and the information that you have, rather  
3 than the internecine, fighting and  
4 disagreement between different agencies.

5 We also have to make a decision,  
6 not on the basis of what -- which person  
7 does or does not want the filter here,  
8 but on the basis of what we, in the  
9 Health Department advise.

10 So if you could direct your  
11 attention to the facts and the figures  
12 rather than to who is right and who is  
13 wrong, and who is listening and not  
14 listening, it would help us a great  
15 deal.

16 MR. CHIUMENTO: I would like to  
17 wrap it up by saying that I think both  
18 the Federal Government and State Govern-  
19 ment are culpable as far as PCB's being  
20 dumped into the river. That is our main  
21 problem.

22 They allow PCB's to be dumped under  
23 the broad specification of chlorinated  
24 hydrocarbons, and they do have the  
25 responsibility to help this City if there

1  
2 is a financing problem here with this  
3 program.

4 SENATOR DALY: Where is the closest  
5 place that you can send the charcoal after  
6 it is loaded to be regenerated?

7 MR. CHIUMENTO: This study -- I don't  
8 want to go -- the study did include  
9 methods of treating carbon, but we were  
10 led to believe that it did include  
11 reactivation of carbon, with furnaces in  
12 the City.

13 SENATOR DALY: You would include  
14 your own regeneration facilities?

15 MR. CHIUMENTO: Yes.

16 SENATOR DALY: Check the cost of  
17 those furnaces out, that is high tempera-  
18 ture incineration, which is really very  
19 expensive and energy-intensive.

20 ASSEMBLYMAN GRANNIS: I have one  
21 more question on cost.

22 You say there is two hundred thousand  
23 dollars in the City budget.

24 MR. CHIUMENTO: We were first led to  
25 believe that the two hundred thousand

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dollars would just about cover the cost of one particular method of carbon application, that would be replacing the filters with granular activated carbon.

We were told by a firm that dealt in the installation of carbon systems, Calgon Corporation, that a hundred fifty thousand dollars would be the most -- the biggest part of cost, and that would include carbon installation for the filter beds, and replacing sand, and that the other fifty thousand would be enough to implement it.

Of course, the O'Brien and Greer study went into reactivation, which you just mentioned, and more costly equipment being installed.

SENATOR DALY: You should ask yourself the question, too, if you are really thinking of incinerating, which is interesting, why go through the charcoal infiltration system, when you can use the incinerators just to burn the PCB's?

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ASSEMBLYMAN GRANNIS: You have to capture them first.

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MR. CHIUMENTO: I am sorry if I got carried away on my own personal problems, but it is frustrating when you are trying for three years to get something so basic to the protection of people.

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Poughkeepsie should have been a prime concern. In the beginning, the State was interested in taking studies up and down the river, which was good.

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Hotpoint should have been picked out. But in the meantime, I think it was very callus of the State not to have protected Poughkeepsie by installing a granular activated carbon filtration system.

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There are sixty such systems in the United States now just for taste and odor problems, so that it is not a new technique. It has been used in Europe for many years.

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All you have to do is pick up the phone and get information and have the system installed, it is no big deal, and

1  
2 yet, the State did give us quite a bit of  
3 opposition. They wanted to study it out.

4 Now that it has been recommended,  
5 we find that there may be a financial  
6 problem, as far as financing the installa-  
7 tion of the system.

8 ASSEMBLYMAN GRANNIS: Thank you.

9 We are certainly looking into this.

10 Until you actually hear the testimony  
11 that we have heard about it before, about  
12 the particular problems that John and I  
13 were just talking about, I don't -- this  
14 is purely -- I'm not speaking for the  
15 Committee, but it is our feeling that  
16 you should not have to wait in any parti-  
17 cular situation, not just Poughkeepsie,  
18 until people really come down with diseases  
19 to say now is the time to put in the  
20 filter.

21 I don't know what the costs are. I  
22 don't know whether your figures are right.

23 You are talking about millions of  
24 dollars, but I think that something ought  
25 to be done. We will certainly look at

1  
2 that as part of our overall legislative  
3 approach to what we think ought to be  
4 done.

5 SENATOR DALY: Just one comment.

6 Have you looked at the contracts for  
7 private industry for the purchasing of  
8 the loaded charcoal?

9 It would seem to me that if you are  
10 going to build an incinerator, it would  
11 be awful to use it just to regenerate  
12 your charcoal, which might last for six  
13 months before you would have to regenerate  
14 it again.

15 You would have an incinerator sitting  
16 around waiting for that, which seems awfully  
17 costly to me.

18 MR. CHIUMENTO: Some studies have  
19 shown that it is cheaper in the long run  
20 to furnish fresh carbon as it becomes  
21 exhausted. If you want the optimum system,  
22 you could replace your sand filters with  
23 reactivated carbon, and you could install  
24 what are usually called cylinders or  
25 columns of carbon, and have both, or else

1  
2 you could take an option, you could use  
3 your sand filtration that you presently  
4 have, and use that to actually filter  
5 the water, and now to make the water  
6 cleaner use carbon so that the carbon  
7 would last longer, which would be a  
8 backup system, which will be the cheapest  
9 system to use.

10 From what I have observed, it would  
11 work in Poughkeepsie.

12 I do not want to get too involved,  
13 that is why I didn't put this into my  
14 statement. There are over one hundred  
15 thousand people that drink the water here,  
16 plus a lot of people work in Poughkeepsie,  
17 they meet in Poughkeepsie's restaurants,  
18 and they should be protected.

19 ASSEMBLYMAN HINCHLEY: We appreciate  
20 your problem, and we thank you for bringing  
21 it to our attention.

22 The next speaker will be Frances E.  
23 Dunwell.

24 MS. DUNWELL: My name is Frances  
25 Dunwell, and I am the Executor Director of

1  
2 the Center for the Hudson River Valley.  
3 I have a written statement here for you.

4 In my statement I neglected to put  
5 any information about the center itself.  
6 I would like to let you know that the  
7 center is a regional, environmental  
8 organization which covers the whole  
9 range of environmental issues affecting  
10 this region. We are a coordinating  
11 organization. We work with various  
12 groups and individuals, and have been  
13 very concerned about the problems of  
14 toxic wastes, in the Hudson Valley.

15 Since September, the center has  
16 participated in a project of the  
17 Environmental Protection Agency to  
18 identify critical toxic issues in the  
19 Hudson Valley, and to develop a strategy  
20 to improve public participation in agency  
21 decision-making.

22 Through the EPA toxics project, the  
23 center has interviewed environmentalists,  
24 local government officials, industry  
25 representatives and other constituencies.

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The project is not yet complete, however, certain conclusions can already be drawn.

The groups we have interviewed have consistently raised the concern that the Hudson Valley is not prepared to respond to a hazardous waste emergency. Clear line the responsibility between the local, State and Federal Government have not been drawn.

Communication between these different levels is inadequate.

Emergency measures have not been established.

This lack of preparedness is disturbing at a time when Federal officials are predicting that the Hudson Valley will be the next area of the State to face major toxic and hazardous substance contamination.

Another issue raised by numerous constituencies is the need for better registration of toxic and hazardous substances.

It is the general consensus that

1  
2 situations such as Love Canal could be  
3 identified or avoided if New York State  
4 establishes a system to track hazardous  
5 and toxic materials from their source  
6 to their disposal.

7 "Cradle-to-grave" registration would  
8 eliminate clandestine dumping of such  
9 material. It would clearly identify the  
10 areas where they have been disposed.

11 New York would have a record identify-  
12 ing specific substances that are present  
13 at any time in any location.

14 Our registration system for toxic and  
15 hazardous substances does not solve the  
16 problem, however. Of equal concern to the  
17 group we interviewed is the need for  
18 regional disposal sites.

19 One reason that we witnessed illegal  
20 dumping in New York State is that disposal  
21 sites have been insufficient and adequate.  
22 New York cannot crack down on disposal of  
23 toxic and hazardous waste without providing  
24 additional facilities for disposal.

25 Based on our study of this problem in

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the Hudson Valley, the center goes on record in support of legislative action to establish a "cradle-to-grave" registration system coupled with measures to provide additional disposal facilities. This should go a long way toward protecting the public from future health hazards resulting from the use and disposal of toxic hazardous wastes.

However, there are other problems which will remain unresolved without appropriate State and Federal action. For decades, hazardous substances have been improperly disposed of in New York State.

We are now witnessing a major contamination of public water supplies and land from early disposal practices. The experience of PCB's in the Hudson and an array of substances at Love Canal has demonstrated that enormous social and economic costs are involved in responding to the problem. People have had to leave their homes, municipalities have had to

1  
2 upgrade their water treatment facilities.  
3 The cost of cleanup have placed an unreason-  
4 able burden upstate.

5 Such formula must be established to  
6 share the burden of toxic contamination  
7 among the involved parties. Clearly,  
8 the producers and users of hazardous  
9 substances must accept partial responsibil-  
10 ity.

11 However, the cost of past neglect is  
12 too great to expect private enterprise to  
13 bear the whole burden. It is the center's  
14 position that the State and Federal  
15 Government must participate in meeting the  
16 expenses required to protect public health.

17 We are facing severe problems right  
18 now.

19 Only with State and Federal coopera-  
20 tion can we adequately respond to the  
21 immediate needs of New York residents.

22 We propose that a cleanup fund be  
23 established to provide the capability to  
24 respond to current and future problems  
25 resulting from contamination of the State's

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land and water.

A final concern which has been voiced by participants in the EPA project is the need for preventative action.

Several worthwhile measures include research and development of improvements to our current technology so that the use of toxic and hazardous substances can be decreased, the establishment of regional testing facilities to provide a monitoring system, an implementation of recycling program for hazardous materials.

Much of this can be implemented by private enterprise, however, this action must be supported by State and Federal policy.

Regulatory agencies must be prepared to respond to technological improvements with their permitting procedures.

Tax incentives can be established to reward the private sector for reduction in the use of hazardous substances.

In some cases, State and Federal financial support will be required to

1  
2 prevent future public health hazards.  
3 The alternative is in action which will  
4 place even greater burden on future  
5 generations. The center gives full  
6 support to the efforts of the State  
7 Legislature to deal with this serious  
8 problem now.

9 That concludes my prepared statement.  
10 I am available to answer any questions,  
11 and I know that there has been a number  
12 of issues raised this morning that you  
13 might want to discuss with me.

14 SENATOR DALY: Well, some of the  
15 comments made before, some of the ideas  
16 that we have expressed, that the -- both  
17 Committees, both sub-Committees, are  
18 looking at, include many other things  
19 that you include in here, and -- for  
20 example, one of the possibilities is  
21 the establishment of a surcharge on  
22 hazardous waste, and hazardous by-products  
23 which would be used to form a giant fund  
24 of twenty-five or fifty million dollars,  
25 which would be used, in turn, to go into

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those areas where you could not pinpoint an immediate responsibility. In other words, when somebody has left it there, it is not owned by a company right now, and use that money to clean it up.

Is that the kind of program you are thinking about?

MS. DUNWELL: Yes, I think that is very appropriate.

One of the problems that we have is that we have a backlog of problems from years of inaction and neglect, and part of this has been from the lack of knowledge. I think we are just now beginning to understand the magnitude of the problem. Nevertheless, the problem is there. It needs to be dealt with.

I think the cost would be really much too high to be able to expect any single one source to pay for it, and I don't expect the State to pay for it, and I don't expect the Federal Government to pay for it, nor the private sector.

I think we have to have a means to

1  
2 share the cost.

3 SENATOR DALY: Do you have any  
4 feelings on who should maintain and operate  
5 the regional waste disposal sites that we  
6 have talked about, and that you mentioned  
7 in your testimony?

8 Should it be operated and maintained  
9 by the State, or should you turn it over  
10 to private industry?

11 MS. DUNWELL: Well, one of the  
12 concerns that was raised this morning is  
13 the problem of bureaucracy and the  
14 ineffectiveness of government. I think  
15 that is a problem we have to deal with.

16 I personally am not prepared to make  
17 the decision whether it ought to be the  
18 State or whether it ought to be private  
19 enterprises. I do think frequently we  
20 have been able to observe that private  
21 enterprise can come in and do some types  
22 of work more efficiently at less cost than  
23 the government.

24 One of the things that I did want to  
25 raise is that a concern that has been

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discussed a great deal here today is the assignment of responsibility between local, State and Federal Government.

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That is an issue which has not been resolved, and I think deserves a great deal more attention than it has received. I mention the projects that we have been doing, and I interviewed many different constituencies, such as environmentalists, local government and private sector, and invariably people are saying that the most severe problem we have is that our Government agencies are not able to work together, and we do not have clearly outlined lines of responsibility between the local, State and Federal Government.

So that one of the things that the center is proposing to do is a follow-up project for EPA to convene a task force in our region where we can begin to establish some of these lines of responsibility.

SENATOR DALY: That would be very

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interesting. I would like to see that.

MS. DUNWELL: We might ask to be part of it.

ASSEMBLYMAN GRANNIS: When will the report be finished.

MS. DUNWELL: We are in the process of writing our final report now. We will be completing our interviews next Monday, and our report will be on the typewriter on May 18th.

ASSEMBLYMAN GRANNIS: The issue of the -- being able to react to a crisis, the State certainly recognized that at Love Canal, and we have developed that -- we heard from the Health Commissioner and the Transportation Commissioner and the Environmental Commissioner, and they have developed the REACT team, which is an inter-agency team to avoid some of the problems that you have talked about, not knowing who is responsible, and not having one main lead person who filters the material back, both to the public and to the agencies involved, and is able to make the

1  
2 decision on behalf of the State without  
3 making a great diversification of responsi-  
4 bility.

5 It is done that way with oil spills.

6 We have managed to develop that kind  
7 of reaction capability for oil spills.

8 MS. DUNWELL: I know there is  
9 evidence that we have that kind of prepared-  
10 ness in the Hudson Valley. Possibly there  
11 is an alert team that can be moved in and  
12 rapidly generate that kind of thing, but  
13 we did interview Commissioners of Health,  
14 and we worked through the organization  
15 called the Hudson Valley Regional Council,  
16 which is representative of four County  
17 local governments, and they kept on  
18 repeating to us, we do not have any  
19 clear lines of communication.

20 If a problem occurs, the people are  
21 going to call us first, and we simply  
22 don't know how to respond because we are  
23 not able to rapidly get information from  
24 the sources that we need it from, and  
25 frequently we are not tied in as well

1  
2 to the present. There are a lot of  
3 communication problems that need to be  
4 resolved.

5 ASSEMBLYMAN GRANNIS: Some of them  
6 can be resolved, and some cannot be  
7 resolved from the legislative initiative.

8 When you hear that there is no  
9 proper access to the press, that is an  
10 indictment of themselves, and there are  
11 certainly no process that we can affect  
12 to change that.

13 MS. DUNWELL: I did want to make  
14 that clear today, that there are certain  
15 problems that will require State policy  
16 and legislative action, but the regulatory  
17 problem is equally severe, and I think  
18 part of the problem is that we have  
19 poor communication between State agencies,  
20 between different levels of government,  
21 and -- well, I think that really is the  
22 main problem.

23 Of course, we also have duplication  
24 of functions, which was brought up several  
25 times today.

1  
2 ASSEMBLYMAN GRANNIS: Will those  
3 be pointed out in your report?

4 MS. DUNWELL: Not extensively. We  
5 did not go into comprehensive studies  
6 of what the duplication is in different  
7 areas.

8 What we did was kind of a brain-  
9 storming activity with people that know  
10 the problem, many of whom were here  
11 today, to bring the issues to light  
12 for discussion, to outline the plan of  
13 action that is needed, that we could  
14 begin to work on.

15 Part of that will require legislative  
16 action, but I think that public interest  
17 groups, such as our own, can work with  
18 agencies, can work with the public to  
19 try to bring about some of the other  
20 things that should happen.

21 ASSEMBLYMAN GRANNIS: Outside of  
22 your report, if you could possibly let  
23 us know where this duplication exists,  
24 that is something that makes no sense at  
25 all. If it can be ironed out, we will

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try to do that.

MS. DUNWELL: One of the things that was brought up today, and in our study, was that you have duplication in the area of testing. You have Agriculture and Markets testing and you have the Health Department giving certain types of tests and you have the Department of Environmental Conservation doing certain types of tests, and there are probably a dozen State agencies that are testing for different toxic contaminants.

If we could consolidate some of those laboratory facilities, if we could consolidate some of these funds, we would eliminate much of the overlap that we now have in the State Government.

ASSEMBLYMAN GRANNIS: Does Agriculture and Markets have separate facilities than the Health Department?

MS. DUNWELL: I thought that was mentioned this morning.

SENATOR DALY: They do.

ASSEMBLYMAN GRANNIS: We are well

1  
2 aware of the problems of the strain on  
3 the Health Department laboratories because  
4 of Love Canal. That is a priority testing  
5 program for them, and it has meant that a  
6 great many other areas have not received  
7 the attention that you have talked about,  
8 and that other people know has to be given,  
9 and there is money now in the supplemental  
10 budget, and Assemblyman Zagame previously  
11 spoke about that, to provide additional  
12 laboratories for the Health Department.

13 We have not resolved who is testing  
14 for what yet.

15 MS. DUNWELL: I think it is important  
16 to know, and there has been a lot of  
17 discussion today about the problems of  
18 agencies talking to each other, and  
19 bureacracy, and it is not my personal  
20 opinion that we need less action by  
21 by Government. I think Government needs  
22 to get it's act together so that it can  
23 respond more efficiently, but I would  
24 not advocate that we back off on some of  
25 these provisions that we now have.

1  
2 I think they are very important, but  
3 I do think that they can be done more  
4 efficiently and more effectively.

5 As an example of a regulatory problem,  
6 I know of a small industry in the mid-  
7 Hudson Valley, which has to use electro-  
8 plating. Electroplating is a highly  
9 polluting system. This company was able  
10 to find out about other technologies  
11 that were available, developed out of  
12 State, basically by Minnesota Mining  
13 and Manufacturing Company which has  
14 been a leader in developing less polluting  
15 technologies, of systems that they could  
16 use to accomplish the same objectives, but  
17 do not use their electroplating system.

18 They purchase a system with a provis-  
19 ion in their contract that they could  
20 return it if the State did not give them  
21 a permit for it.

22 They had to return it.

23 New York State was not prepared to  
24 give a permit for a system that they did  
25 not know about. They're afraid of what

1  
2 they might be getting into, what they  
3 don't know, even though it was clear that  
4 the system would actually have a lesser  
5 impact on the environment in the area than  
6 the current system.

7 Furthermore, it would have saved the  
8 company money.

9 So they had obviously incentive to  
10 seek that, but that is the kind of regula-  
11 tory problem we have, and I think that needs  
12 to be solved.

13 While it is not something that the  
14 Legislature can pass a bill for, I think  
15 that it is something that the Legislature  
16 can keep on top of and try to put pressure  
17 on our agencies to respond a little bit  
18 better.

19 I think that concludes my comments,  
20 unless there are any other questions.

21 ASSEMBLYMAN ZAGAME: There is also  
22 a bond issue that has been proposed by  
23 Assemblyman Grannis and Senator Daly that  
24 you might want to take a look at, as far  
25 as the assigning of financial responsibil-

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2 ity for this program is concerned.

3 ASSEMBLYMAN GRANNIS: Thank you very  
4 much.

5 ASSEMBLYMAN HINCHLEY: Judith Kessler  
6 is the next speaker.

7 Is Judith Kessler here?

8 (No response.)

9 ASSEMBLYMAN HINCHLEY: Very well,  
10 Tom Whyatt.

11 MR. WHYATT: My name is Tom Whyatt,  
12 and I am with the Hudson River Sloop,  
13 CLEARWATER. I am the Environmental  
14 Director.

15 I apologize for not having a written  
16 statement prepared, but with your per-  
17 mission, I would like to reserve the  
18 privilege of submitting a written statement  
19 to supplement my comment at the hearing  
20 today.

21 CLEARWATER is the public interest  
22 group which is devoted primarily to the  
23 aquatic resources of the Hudson River and  
24 it's tributaries. We have approximately  
25 5,000 members in New York State.

1  
2 We operate a large sloop, which is  
3 a replica of the sloops that sailed the  
4 Hudson River a century ago.

5 ASSEMBLYMAN GRANNIS: I am well  
6 aware of it, I was married on it.

7 MR. WHYATT: We have the pleasure  
8 of many traditional functions taking  
9 place on our boat.

10 We take out about 10,000 people a  
11 year to see the Hudson and Long Island  
12 Sound.

13 I am very pleased that some of you  
14 have personal experience with CLEARWATER,  
15 and I hope that the rest of you will  
16 avail yourselves of the opportunity.  
17 We are up in Albany a number of times  
18 during the year.

19 Now, I have -- I am speaking today  
20 as kind of a public interest bureaucrat.  
21 I am going to talk about some of the  
22 problems which I have found in dealing  
23 with toxic substances as a private citizen,  
24 but as a private citizen who has the job  
25 of working full-time to solve some

1  
2 environmental problems. The particular  
3 area that CLEARWATER has assigned to me  
4 is the water quality and the life in the  
5 Hudson River.

6 Toxic substances is a major water  
7 problem as it affects river life, and the  
8 life of the river, and the edibility of  
9 the fish caught in the Hudson.

10 I would like to say one of the  
11 problems which has surprised me in the  
12 few months that I have been working in  
13 this particular area is a sense of real  
14 helplessness that the Government bureau-  
15 crats have felt to solve the environmental  
16 problem. I was disappointed to hear Mr.  
17 Keller this morning who is a highly profes-  
18 sional and very concerned person, with  
19 an important job in the Department of  
20 Environmental Conservation, admit, very  
21 frankly, as he put it, his own inability  
22 to deal with specific toxic problems, his  
23 own inability to locate poison substances  
24 in his region of New York State, his  
25 inability to send someone out to deal with

1  
2 them.

3 I don't have pat answers to solve  
4 these problems, but I would like to  
5 discuss some of them.

6 One thing is -- I don't mean this  
7 as a backhanded salute, but the effort  
8 that is now being undertaken, which I  
9 assume will turn into some major  
10 legislative approach, is way, way too  
11 late.

12 The effort should have been taken  
13 before anyone now in the Legislature  
14 was born, but I do commend you gentlemen,  
15 and others that you are working with,  
16 for recognizing at this point the need  
17 for this kind of initiative.

18 But for the Hudson River, you are  
19 too late.

20 The Hudson River now has produced  
21 health problems to those who drink it's  
22 water, have produced problems for those  
23 who eat it's fish, and has cost consider-  
24 ably in terms of the commercial values  
25 of the river, and the people who made

1  
2 their living from the river in the past.  
3 It was very labor intensive. Culturally,  
4 it was highly valuable.

5 For the commercial fisherman, this  
6 problem exists, and I know that there is  
7 nothing you can do to solve that in ten  
8 years, twenty years, a generation, or two  
9 generations, and the same goes for many  
10 other areas of the State.

11 I think one thing we have to recognize  
12 is that this is a problem that now requires  
13 not only a sense of urgency, but an attempt  
14 to make up for generations of situations  
15 that have led to the Hudson contamination,  
16 and to the Love Canal, and to countless  
17 problems which we will probably not know  
18 about until the hospital records begin to  
19 show them.

20 The small area I have been working in  
21 is water quality standard.

22 The Department of Environmental  
23 Conservation is Federally and State  
24 required responsibility to establish the  
25 standards for pollution allowed in the

1  
2 waters of the State. The present water  
3 quality standards affecting toxic substances  
4 are unworkable.

5 I would like to read a letter which  
6 the Conservation Department had written  
7 to one of CLEARWATER's members who urged  
8 the Conservation Department to adopt some  
9 specific numerical standards limiting  
10 toxic ingredients in the surface waters,  
11 fresh waters of the State.

12 Part of that letter responded by  
13 saying that "Water environment will still  
14 be protected from endangerment by such  
15 potentially hazardous substances as pesti-  
16 cides and other organic chemicals with  
17 our SPEDES Discharge Permit System as  
18 well as case-by-case handling of other  
19 pollution problems."

20 Now, this is a DEC official, assuring  
21 a member of the public that there is now  
22 a legal system that will protect water from  
23 endangerment.

24 Now, this is an absurd situation  
25 when water is not being presented from

1  
2 endangerment, but has already been  
3 seriously affected. The law, which is  
4 being referred to, I presume, is a  
5 Section of the Environmental Conservation  
6 Law which provides, "The water quality  
7 standards for hazardous, poisonous  
8 substances, in amounts that will be  
9 injurious to fish life, or which, in  
10 any manner, shall adversely affect  
11 flavor, color, or odor thereof, or impair  
12 the waters for any best usage, as deter-  
13 mined for the specific waters which are  
14 assigned to each case."

15 Now, there may be only one lawyer  
16 up there, but you are all law makers, and  
17 you all recognize a useless law, I am  
18 sure.

19 That is not a law which will protect  
20 waterways from toxic substances.

21 This is a law which puts on the  
22 Conservation Department an unmanageable  
23 burden, on a case-by-case basis of proving  
24 that a particular discharge actually will  
25 destroy the fishery value or the drinking

1  
2 water value of the waterway.

3 Now, that is the current law, the  
4 proposed toxic standards, the two tables  
5 which were proposed last September, by  
6 the Department and which have now been  
7 withdrawn, would be a significant improve-  
8 ment because they would establish numerical  
9 values, allowable levels of toxics in  
10 the fresh waters and surface waters of  
11 the State.

12 This is far from the answer, but  
13 it gives the Department an enforcement  
14 guideline which requires that they prove  
15 a discharge wages a level of the contamin-  
16 ant to above a specified guideline. It  
17 means the company can know whether it  
18 is violating standards or not.

19 It also means that the State can  
20 improve the standards that are being  
21 violated.

22 In the present case, General Electric  
23 PCB case, which went on for months, cost  
24 tremendous amounts of money, ended up in  
25 a settlement because of the tremendous

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difficulties in reaching the burden of proof, this illustrates the kind of problems we face.

Now, this situation stems from the fact that we basically rely on the Federal Government to provide a legal basis for controlling toxics and other discharges in the waterways of our State.

We are now waiting for the Conservation Department to establish water quality standards by 1983 which will provide swimmable waters for the State.

I won't go into a six hour commentary on the EPA's role in this, or the DEC's role in this, or the role of the 1972 and 1977 Federal Water Pollution Control Act Amendments, and I cannot even begin to go into all of the details that are more complicated than than the Tax Law, but the fact is that we basically have Federal Law which is producing a situation which is overseen by the Federal Environmental Protection Agency which then oversees what the State and DEC is doing about cleaning

1  
2 our waters up.

3 I don't see where the Legislature  
4 of the State of New York fits in at the  
5 moment, unless a legal situation is set  
6 up whereby they can act.

7 Now, an opportunity for the State to  
8 set up it's own legal requirements, which  
9 may be stricter than what was worked out  
10 through compromise at the Federal level,  
11 may be possible, but I don't know.

12 I would like to read one more letter  
13 the Conservation Department wrote to  
14 another member of CLEARWATER.

15 The other member has also written  
16 urging the adoption of these toxic  
17 standards.

18 "The scientific evidence of the  
19 degree of toxicity of many compounds must  
20 be given great weight, but at the same  
21 time, we do not live in a risk-free  
22 society."

23 Now, this is a statement by the  
24 Director of the Pure Waters Division,  
25 a one sentence excerpt in defending a  
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1  
2 rather lengthy process the Department  
3 is about to undergo in determining toxic  
4 standards.

5 Well, I know we do not live in a  
6 risk-free society, but at present, we  
7 have no laws which are protecting the  
8 waterways from known carcinogens.

9 We don't have to consider that we  
10 are trying to live in a risk-free society,  
11 if we try to regulate where we can known  
12 risks to human health and known risks  
13 to the environment.

14 This is the kind of attitude which  
15 may not represent the personal thinking  
16 of the people involved in the State  
17 regulatory agencies, but it is the kind  
18 of thinking we get when we are faced with  
19 conflicting pressures from industry and  
20 commerce, and a weak legal basis for  
21 effective action.

22 They begin to have to say well, we  
23 need more facts. We need to -- we need to  
24 build a stronger case before we can adopt  
25 regulations which will protect the public.

1  
2 Well, this is a fairly liberal  
3 attitude in an area in which it would  
4 seem to me that the conservative approach  
5 would be preferable, the conservative  
6 approach being the recognition of known  
7 risks, and the attempt to reduce those  
8 risks as soon as possible, knowing that  
9 already there are cancer causing poisons  
10 in our environment, and that maybe one  
11 in four people in the country are going  
12 to get as a result, mostly, of environmen-  
13 tal causes.

14 Maybe it is one in six people in the  
15 country that will die of cancer.

16 These are known problems. They are  
17 faced with a regulatory situation which  
18 requires the kind of burden of proof which  
19 will not exist. We will not be able to  
20 prove PCB's drinking water at certain  
21 levels will give a human being cancer.

22 We are not white rats. We cannot  
23 segment off some of us into a pollution-  
24 free environment, and give some of us  
25 ten parts per billion PCB's per day in

1  
2 our food, and some of us twenty parts  
3 per billion.

4 We will never be able to prove  
5 to a scientist's satisfaction that some  
6 of these problems -- that these are  
7 definite problems, but we certainly  
8 already have the evidence in terms of  
9 overall carcinogenicity of the problem,  
10 and in terms of Rhesus monkeys, we  
11 certainly have evidence to justify taking  
12 action to protect the human population  
13 from many carcinogens.

14 There are a series of needs which  
15 I have recognized, that I think could  
16 be provided for the State through legisla-  
17 tion.

18 One of them -- you must recognize  
19 this is a tremendous effort that is going  
20 to require real courage from members of  
21 the Legislature who earnestly want to  
22 establish toxic controls.

23 The Department of Conservation last  
24 year tried to establish some controls on  
25 the traditional toxics, as well as cadmium

1  
2 and other poisonous ingredients, and they  
3 were faced with awesome pressure from the  
4 Governor, from Mr. Dyson's Department,  
5 who ripped apart proposals, not all of  
6 them, they were too thick, but some papers  
7 representing them.

8 If you do expect to get effective  
9 control, this will be a courageous act  
10 on your part; and I think the kind of  
11 information that must be flowing through  
12 your minds, from what you have heard over  
13 the last few days, and what you'll be  
14 hearing, I sympathize with you, I am sure  
15 you are hearing a lot which you would be  
16 able not to hear, and problems that you  
17 wish you could solve, but this is a  
18 difficult legislative process.

19 You will face very selfish and short-  
20 sighted, and ranting and raving opposition,  
21 if you actually manage to get substantial  
22 toxic control legislation through.

23 You are getting put on the spot, but  
24 I think in the long run, if you are able  
25 to face this, and recognize that the

1  
2 people that you don't hear from are the  
3 people who are not organized enough to  
4 have an Executive Director, and a large  
5 staff of people up in Albany to protect  
6 and present their interest, these people  
7 are the people that you are, in effect,  
8 going to represent and going to be  
9 protecting, and, as a member of a public  
10 interest group, which has a very small  
11 staff, I intend to do what I can to help  
12 support good legislation, and your  
13 legislative efforts.

14 Another thing which is needed is a  
15 way of documenting, on a local basis,  
16 toxic problems around the State.

17 You heard Mr. Keller, who I believe  
18 is in a position to know what can be done  
19 about toxic problems in his district.

20 He knows some of them, but he has  
21 trouble getting the information together.

22 I just recently got a study of some  
23 blue crabs from Haverstraw that were done  
24 by N.Y.U.. I sometimes find scientific  
25 studies coming my way.

1  
2 They, the blue crabs, are showing  
3 very high levels of cadmium. Anyway, the  
4 four blue crabs that were tested in  
5 Haverstraw had reasonably high levels,  
6 measured in Parks Pavillion, in their  
7 system.

8 We know that people catch blue  
9 crabs and eat them. There is man near  
10 where I live who claims to eat two hundred  
11 blue crabs a year, who lives on Constitu-  
12 tion Island, which is a place with a long  
13 history of cadmium having been dumped there.

14 It may take a lot to accumulate this  
15 information. We need to have the people  
16 in townships and villages and Cities  
17 and Counties know what their local problems  
18 are. The information has to be provided  
19 without necessarily pinpointing the finger  
20 at who has done it, because as soon as  
21 we have to find out who has done it, then  
22 we begin to meet some burden of proof  
23 problems that cause public officials to  
24 be unwilling to say what is going on,  
25 because they are not in a position to

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take some of the blame for it.

I am not saying that personal criminal liability is a desirable thing, but we do need an initial focus on what the threats are, and we have to get that information, and make it available to the public.

As someone who has a small section of the public who I can reach, who are concerned with the environment, and with human health, I can say that I, and a number of other public group organizations, will be more than willing to help disseminate the information, if there is a way for us to get it.

I found out about some possible toxic problems in dumps from a landfill list that the DEC was putting together. I understand the Committee was finally able to get the -- the Conservation Committee was finally able to get some of this information for the record.

I, as a member of the public, was lucky enough to know someone who sneaked in and zeroxed some of the information.

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In view of the problems that the DEC identified, one of the things on the list was plutonium rates.

They were appalling.

I did not hear that mentioned as a major toxic problem today. Mr. Keller was apparently not aware of it.

Maybe someone crossed that off the list before it was published. Maybe someone feels sorry for a certain person.

Maybe someone went out and said this is not plutonium.

Maybe it was a mistake that it was put on the list at all.

I don't know how that kind of thing is identified, but just to think of plutonium wastes at that level is just appalling.

This kind of information needs to be effectively documented and brought to the public's attention, and there is where we will have a strong political base for a strong toxic control legislation, and without this information being

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known to people -- we can worry about Love Canal, but people around here will vote with regard to information about Duchess County.

In the documentation we need is on health impact of poison.

This is a very tricky issue. I have heard responsible members of the State Health Department reassure me and reassure the public about PCB's and cadmium.

Regarding two specific questions that I had asked, based on the fact that it is difficult to prove toxic effects from PCB's and cadmium, and the level that can be proven to be taken in by human beings, a certain individual went on to say, just think about sugar, think about all the other things that we get that are bad for us, so that put in the context that I could get run over by a truck tomorrow, almost any problem can seem of lower urgency, but the fact is that the health impacts of these poisons

1  
2 are not well documented in human beings,  
3 and in wild life, and there is not a  
4 reasonable system set up in hospitals  
5 across the state, at least that I know of,  
6 and I am hardly an expert on this, but I  
7 have tried to get some of this information,  
8 and there is no reasonable reporting  
9 system that allows people to learn of  
10 incidents of cancer, and other kinds of  
11 problems that can be cross-referenced  
12 to local toxic problems, such as problems  
13 in drinking water.

14 If this thing started twenty years  
15 ago, it would be helpful now because cancer  
16 is beginning to show up now. This, insti-  
17 tuted now, will be helpful twenty years  
18 from now.

19 The cancer rate is now one in three  
20 or one in four, and I don't know what it  
21 will be twenty years from now, but it will  
22 be nice, to say by then, at least we know  
23 what caused it, and start the thing off.

24 There are two other points that I feel  
25 can be dealt with in perhaps a study, or

1  
2 some such process. I hope I can deal  
3 with this with the Conservation Department:  
4 Our attitude about regulatory decisions.

5 One of them is determination as to  
6 whether there is a safe level of exposure  
7 to particular toxic substance.

8 Is five parts per million a safe  
9 exposure level to PCB's in fish, from the  
10 Hudson River?

11 Is there any level of exposure to a  
12 known carcinogen which is safe?

13 Now, scientifically, there is no  
14 evidence that there is a safe level. Now,  
15 what we could do is establish a kind of  
16 probability curve, exposure at this level  
17 will produce this probability of carcino-  
18 genic or other health problems in a  
19 community.

20 I think this kind of thinking, now  
21 as I understand it, is the approach that  
22 the Federal EPA is taking to toxic control,  
23 and is an approach which should be  
24 incorporated in thinking at the same level.

25 We should not be dealing with a

1  
2 regulatory system or a legislative system  
3 that feels that there is a way to lower  
4 levels to a safe level of exposure to  
5 any known carcinogen when, in fact, that  
6 merely is a reduced probability of  
7 population control, and when you are  
8 dealing with millions of people, it is  
9 a one percent exposure, that is a lot of  
10 people, or if it is a one percent cancer  
11 rate, or a half percent, that is a lot of  
12 people being affected.

13 I think we have to get away from the  
14 safe level and become more open in decis-  
15 ions which are actually decisions to  
16 expose any percentage of our population  
17 to a possible health problem, and if that  
18 kind of thinking becomes more public, than  
19 the other half of this problem, the cost  
20 benefit ratio, becomes a little more  
21 clearer to understand.

22 Is there a way of assessing discharge  
23 treatment costs against human health  
24 problems?

25 Is the number of cancer deaths

1  
2 something which can be given a value,  
3 which can be balanced against the amount  
4 of money it is going to cost to include  
5 treatment?

6 Well, in fact, we probably have to  
7 do that, but we can, by more accurately  
8 assessing what the costs are, economic  
9 costs and human costs, of exposure to  
10 carcinogens. By that process we can  
11 make it more clear that we are comparing  
12 human values versus economic values and  
13 since the human values are very hard to  
14 show in terms of dollars, right now what  
15 we have is just millions of dollars of  
16 economic values and sort of a vague  
17 balance over here, which is so and so  
18 dying.

19 Well, if we can identify locations  
20 of health problems, and the severity of  
21 health problems, then we have a good,  
22 firm balance to compare against the  
23 known dollar values and employment  
24 problems that the treatment of wastes  
25 can produce.

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These are two areas which require a lot of information to be developed or gathered in the state. Right now, neither the Health Department or the Conservation Department have really the mandates nor the personnel, nor the expertise to do this.

That concludes my statement.

I thank you very much for your attention.

Are there any questions?

ASSEMBLYMAN GRANNIS: I have just one particular question.

When you are doing the risk cost analysis, are you coming out with a conclusion that we can tolerate no risk at any cost?

MR. WHYATT: I have not done this kind of analysis. My feeling is that we do not have enough information to assess the risk. We have plenty of information to assess the cost, and when we have to make regulatory decisions on well proven dollar costs versus very vague guesswork, estimate kinds of risks, then we do not

1  
2 necessarily get a sound regulatory decision  
3 as a result.

4 ASSEMBLYMAN GRANNIS: TSCA is designed  
5 to deal with toxics that are in the  
6 environment now, in the marketplace now.

7 It is a long process. I understand  
8 there are sixty thousand of them.

9 They are coming on the market at a  
10 thousand per year.

11 This act provides that there should  
12 be a preliminary screening to which ones  
13 pose or might pose a problem.

14 We know that there are some that do  
15 cause problems, but it is the screening of  
16 the agents on the market now that cause  
17 serious problems.

18 We are all pleased with hindsight  
19 in these issues, that is something we all  
20 accept.

21 Myrex was one we did not know about.

22 PCB's was one.

23 DET was one.

24 Mercury was one.

25 We have only looked at the benefit

1  
2 side and not the risk side, and I think  
3 TSCA, the Toxic Substance and Control Act,  
4 is the way to start doing that.

5 It is late, I admit, but it is a  
6 way to evaluate the risk in a manner more  
7 heavily than we ever did before.

8 MR. WHYATT: I recognize that. I  
9 recognize the number sixty thousand.

10 I also know that probably in New  
11 York State we could identify a much  
12 more reasonable number that we know about  
13 right now, such as PCB's, cadmium, and so  
14 forth, which maybe we could get to work  
15 on.

16 ASSEMBLYMAN GRANNIS: Why aren't  
17 those picked up in the state SPEDES  
18 program?

19 MR. WHYATT: What do you mean picked  
20 up?

21 ASSEMBLYMAN GRANNIS: The SPEDES  
22 program does set numerical limitations.  
23 There are restrictions that are written  
24 into the permits, or the ones that I have  
25 seen, which will deal with specific

1  
2 limitations on what can and what cannot  
3 be discharged.

4 Some of them require pretreatment.  
5 Some require other kinds of things.

6 There are other kinds of pretreatment  
7 requirements that are put in before  
8 discharge into municipal systems in other  
9 cases.

10 Why don't you think that that is a  
11 handle for doing what you want to do, which  
12 is severely limiting any kind of discharges  
13 into the waters.

14 MR. WHYATT: Well, for two reasons.

15 One is that the evidence in the water  
16 shows that it has not worked.

17 ASSEMBLYMAN GRANNIS: The SPEDES  
18 program itself is fairly recent.

19 MR. WHYATT: It was proceeded by the  
20 Federal program, and there has been a  
21 series of controls in theory since 1972,  
22 and maybe in the eighties we will see the  
23 results of this kind of control system.

24 ASSEMBLYMAN GRANNIS: We are living,  
25 as you mentioned -- the speaker before said

1  
2 we were living with PCB's problems that  
3 were caused in the past, and these PCB's  
4 will be in the Hudson River now forever.  
5 Myrex will be around forever.

6 My understanding, and my belief is  
7 that these programs were designed to deal  
8 perspective with many other problems  
9 that you talked about, which is severe  
10 limitation, and, in effect, the elimination  
11 of many known toxics.

12 MR. WHYATT: They are designed to do  
13 that, and as a regulatory system, however,  
14 they do not have effective control over  
15 toxic substances which -- are you familiar  
16 with the NYPIRG EDF report?

17 ASSEMBLYMAN GRANNIS: Yes.

18 MR. WHYATT: This shows -- all right.

19 This shows the kind of toxic discharge  
20 problems which are not -- do not even  
21 appear on the SPEDES permits. Maybe they  
22 should, but they don't.

23 Maybe the Federal law if properly  
24 read would require it.

25 Or maybe the State law, if properly

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read would require it.

But, in fact, the companies do not necessarily report -- they may not even know about this. They may not do an extensive chemical analysis.

ASSEMBLYMAN HINCHLEY: That is the question.

We have the SPEDES permit process in existence. If we were to add to it, is there any way that could be adjusted to meet this need, or is it a total waste?

I mean, you seem to be saying that the SPEDES thing is not working at all. I have my suspicions about it, that it does not work effectively.

MR. WHYATT: It does not identify many toxic discharges, including problems -- poisons which are produced by chlorination, chlorine combining with other organic chemicals in the treatment process, in the discharge process.

This is another thing that the EDF report documents.

I don't have the scientific background

1  
2 to explain what the chemical combinations  
3 are, but the fact is that sewer treatment  
4 plants produce, in their treatment and  
5 discharge, toxic substances. These are  
6 chlorinated hydro-carbons that end up  
7 out in the river or the stream that  
8 the discharge goes into.

9 I am not sure how this SPEDES permit  
10 at the moment can be adjusted to control  
11 this.

12 I am not sure if our SPEDES permit  
13 can control a discharge of chlorinated  
14 hydro-carbons which the company has not  
15 reported as being part of it's discharge,  
16 and the state -- the DEC does not have  
17 the ability now to go out and sample these  
18 discharges on a reasonable basis to locate  
19 the problems.

20 But, you know a mere environmental  
21 group with much lower staffing, was able  
22 to identify industries that are known to  
23 discharge, known to have toxics in their  
24 discharges, which have discharge permits  
25 in the Hudson Valley, and the permits do

1  
2 not include those toxics.

3 We may say well, this is merely a  
4 regulatory problem and the DEC should get  
5 on it. The DEC has not gotten on it for  
6 one reason or another.

7 SENATOR DALY: Is there verification  
8 of that study?

9 What study are you talking about?

10 MR. WHYATT: I am not the one who  
11 should present this, a fellow named Walter  
12 Haynes, has he appeared before you?

13 He can give you the background on  
14 this.

15 This is just one sample that I, as  
16 someone involved in this from the private  
17 citizen's point of view, recognizes that  
18 there are some toxic discharges which are  
19 not being controlled by the present State  
20 law and regulations which are supposed to  
21 control toxic discharges.

22 Now, if the -- I would be surprised  
23 to find that the department has sampled  
24 the discharges from companies in the  
25 Hudson Valley, because they don't presently

1  
2 have the capacity to do that except on a  
3 very tinny basis.

4 I cannot even get them to sample a  
5 good number of striped bass in the Hudson  
6 River because of limitations.

7 So, again, this is a regulatory  
8 problem to some extent, but it is not  
9 going to be solved by us thinking that  
10 the DEC better get on the stick.

11 They, in fact, should be moving in  
12 the other direction.

13 ASSEMBLYMAN HINCHLEY: Thank you  
14 very much.

15 Morton Laffin, a Member of the  
16 Duches County Legislature.

17 MR. LAFFIN: I would like to thank  
18 you gentlemen, Senator, Maurice, and  
19 Members of the Assembly and the Senate  
20 of the State of New York for coming down  
21 here and having a public hearing related  
22 to toxic wastes in Duches County.

23 I have a brief statement to make.

24 I am not a chemist. I am not an  
25 expert in the field. Perhaps, if Mrs.

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Link was still here, she would take me up on that, as she did you.

I would like to, on behalf of the residents of the Town of Poughkeepsie, and Dutchess County, please to reiterate to you the importance of the peace of mind that the public is looking for with regard to this problem.

We have many, many people living in this community who pay taxes, as you know everybody does, and who pay their water bills, and so on and so forth, but are afraid to make use of the drinking water from the Hudson River, and have to go out and purchase bottled water because of their fears.

Whether this fear is well documented or not, I am not sure. I am not an analyst or a chemist to any degree at all, but I do know that the constituents that I represent, and incidentally are also your constituents are concerned with this problem.

We thought that the state was going

2 to take a very definite step forward when,  
3 in September of last year, we knew that  
4 the Federal regulations, nationwide, for  
5 water quality and toxic control were going  
6 to be adopted in the proposed revisions  
7 of New York State qualifications and  
8 standards of quality and purity, and  
9 specifically table 4, which were pesticides,  
10 and table 5, which is other organic  
11 materials.

12 As pointed out by Mr. Whyatt, some  
13 of us were shocked at the attitude towards  
14 this new standard and level of enforcement  
15 by several commissioners in the New York  
16 State government.

17 Since that time, I have not heard,  
18 and I don't know if the public had been  
19 made aware of any of the other programs  
20 that you are pursuing with regard to  
21 establishment of toxic control legislation.

22 I realize, as Mr. Whyatt does, that  
23 for many of us, myself included, this  
24 particular generation of residents, along  
25 the Hudson, the problem is never going to

1  
2 be solved, and it is not something that  
3 is going to help us, however, we are  
4 looking to insure the future of other  
5 generations along the Hudson, and we  
6 will just reiterate that we want to take  
7 full scope of this problem and please  
8 give us all the public information, all  
9 the information that you can, all the  
10 education materials at your disposal,  
11 so that we may, in turn, say that we  
12 are taking positive steps, or may even  
13 be able to contribute to your investiga-  
14 tion.

15 On that note, I would like to close  
16 and say thank you for allowing me to  
17 speak.

18 SENATOR DALY: Thank you very much.

19 ASSEMBLYMAN HINCHLEY: Is there any-  
20 one else who would like to make a statement  
21 before the Committee, before we adjourn?

22 If not, thank you very much.

23 (Whereupon, at 2:40 p.m. this hearing  
24 was concluded and adjourned.)

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