

Approved April 2, 1986

Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at
Chairperson

3:30 ~~xxx~~ a.m./p.m. on March 26, 1986 in room 526-S of the Capitol.

All members were present except:

Representative Barr (excused)	Representative Patterson (excused)
Representative Foster (excused)	Representative Roe (excused)
Representative Fry (excused)	Representative Spaniol (excused)

Committee staff present:

Ramon Powers, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Representative Ed Bideau
James Trimble, Chanute, Kansas
Russ Hilton, Chanute, Kansas
Lawrence Wooster, Chanute, Kansas
Sharad Bhatia, Director, Division of Environment
Kansas Department of Health and Environment
Bob Phillips, Kansas Electric Cooperatives
Pete McGill, Waste Management, Inc.

The meeting was called to order by Chairman Ron Fox.

House Bill 3112--Hazardous waste; regulation of PCB.

Before opening the hearing, the Chairman advised the committee that because of some technical problems in the way the bill was drafted, these would be generic hearings.

Representative Bideau gave the definition for PCB and it was noted that this was classified by EPA as a toxic substance, rather than hazardous waste. Mr. Bideau's concern was that while EPA is under mandate to rid the U.S. of the substance, there are gaps in those regulations, particularly that no advance site regulation exists. In addition to his written testimony, (See Attachment 1) Mr. Bideau submitted a Memorandum on PCB Disposal Plant Proposal (See Attachment 2) and an Addendum to the PCB Memorandum. (See Attachment 3) Also distributed were copies of newspaper articles related to the Rose Chemicals Company and Waste-Tech Services, Inc. (See Attachment 4) and an article from the Wall Street Journal. (See Attachment 5)

James Trimble, an attorney from Holden, Missouri, discussed the gap in EPA regulations between the Toxic Substances Control Act (TSCA) and the Resource Conservation and Recovery Act (RCRA) which controls hazardous waste. He strongly supported the concept of Kansas and other states regulating PCB disposal and siting.

Russ Hilton, Managing Officer of G. L. Churchill, Inc., a company in Chanute which manufactures equipment for the oil industry, explained his reasons for being involved in the opposition effort to the Rose Chemicals Plant at Chanute. Mr. Hilton felt that the State of Kansas must develop a sound program of regulations to deal with the growing problem of transportation, handling, and storage of PCB's to safeguard its citizens and environment. He urged the passage of House Bill 3112 or a substitute bill.

Lawrence, Wooster, another member of the group opposing the Rose Chemicals Plant at Chanute, gave a history of toxic materials in the U.S., describing the immensity of the problem. He supported state regulations and felt that over-regulation would be preferred to under-regulation of these materials.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~xx~~p.m. on March 26, 1986.

Bill Richman, a Neosho County Commissioner, was unable to attend this meeting, but Representative Bideau said that the Neosho County Commission had expressed full support for the concept of the proposed legislation.

During discussion, Chairman Fox clarified for the committee that it was Representative Bideau's intent to regulate PCB's, disposal thereof, and siting of a plant parallel to our hazardous waste statutes.

Sharad Bhatia presented the views of the Department of Health and Environment. He spoke in support of the concept that the State should have a role in regulation of PCB facilities, but submitted recommended changes to House Bill 3112, along with his written testimony. (See Attachment 6)

Bob Phillips represented Kansas Electrical Cooperatives. He supported the proposed legislation, but stressed that it should not be over-regulated so that it would confuse the industry.

Pete McGill, representing Waste Management, Inc., testified in support of the concept and philosophy of the proposed legislation since it would parallel the hazardous waste statutes, although he saw some technical problems as the bill was presently drafted.

During discussion, Chairman Fox suggested that two bills be drafted--one dealing with siting and one dealing with post siting/operation, and that both bills parallel existing hazardous waste laws.

Representative Ott moved, seconded by Representative Acheson, that a substitute for House Bill 3112 be the vehicle for the siting portion of PCB facilities. The motion carried.

Representative Patrick moved, seconded by Representative Acheson, that a PCB facility operation bill, paralleled along the lines of existing hazardous waste laws, be drafted. The motion carried.



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: JUDICIARY
LABOR AND INDUSTRY
PUBLIC HEALTH AND WELFARE

EDWIN BIDEAU III
REPRESENTATIVE, FIFTH DISTRICT
NEOSHO COUNTY
123 W. MAIN
CHANUTE, KANSAS 66720-1790

March 25, 1986

H.B. 3112 - PCB REGULATIONNATURE OF THE PROBLEM

PCB is an abbreviation for polychlorinated biphenyl, a substance originally used as an additive to oil for coolant in electrical devices, and particularly large electric generators. EPA has classified PCB as a toxic substance and is under mandate to rid the U.S. of the substance within a stated time period. Manufacture of PCB has been prohibited since 1979. PCB is known to be toxic to humans and a carcinogen.

Due to the EPA mandate there is a large amount of pressure to dispose of PCB and several companies have ventured into the field. Most recently, incineration devices that have a high technical incineration efficiency are being employed for destruction. The City of Chanute just went through a very traumatic and serious battle over a proposal to locate a PCB incinerator adjacent to the City. The attached documents represent a chronological story of the problems encountered. Most important, the State of Kansas currently does not regulate PCB or any PCB incineration facility other than to periodically monitor air emissions. The only regulation which exists at this time is under the EPA, a federal agency.

GAPS IN PRESENT REGULATION

Under EPA enforcement of the Toxic Substances Control Act, no advance site location, transportation, design or safety regulation occurs on a PCB incineration facility. The regulation comes into play only after the facility has been constructed and a test burn occurs. Even when the facility is constructed immediately adjacent to populated areas, no advance site regulation exists. At present there are only four commercial incinerators in the United States. Cities with these incinerators have experienced substantial difficulties with them and serious regulatory problems. (See attached press clippings) A recent article in the Wall Street Journal documents several problems encountered across the country.

SPECIAL PROBLEMS WITH INCINERATORS

Under EPA regulations it is much easier to get a permit for PCB incineration under TSCA rules since no advance site plan and safety

Attachment 1

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requirements exist. The same incinerator which is used to burn PCB can also be used to burn far more hazardous substances including the acutely hazardous wastes. A facility at Eldorado, Arkansas is currently involved in a federal court suit with the county government after expressing an intent to burn dioxins in that incinerator. Given the fact that PCB should be totally eradicated from the country within the next five to seven years, it is a virtual certainty that PCB incinerators will be used for other substances in the future. What may have been initially approved as a PCB incinerator can then become a dioxin incinerator. Once in place as a PCB facility subsequent approval for a more hazardous substance would appear easier to obtain. Advance site plan, transportation and safety regulation is sorely needed.

EPA REGULATION PROBLEMS

Although Region 7 of the EPA has a good enforcement track record they inspect PCB facilities only once or twice a year. Even with their powers violations of a substantial nature have occurred. Rose Chemical, which proposed to locate in Chanute, was fined very heavily during the past two years by EPA. Violations continued and the facility was ordered closed by March 15th. The city of Holden, Missouri has encountered many problems with this facility and is now faced with an uncertain future concerning closure of the facility. Even though the EPA fined this company very heavily they are free to locate anywhere in Kansas and construct an incinerator without any regulation prior to a test burn. The company has expressed interest in coming to Neodesha, Ossawatimie and Atchison. PCB facilities are also spreading into Kansas with one at Mound Valley and one under construction at Coffeyville. PCBs are coming to Kansas, we can no longer rely solely on EPA to handle the enforcement problems. Only by regulating these facilities before construction begins can we hope to have real control over this toxic substance.

PROPOSED SOLUTION

H.B. 3112 would require the Secretary of Health and Environment to get involved in regulation of PCB and PCB facilities. Stronger criteria for approval of PCB and hazardous waste disposal facilities are included in the bill modeled after legislation adopted in Oregon in 1985. A similar bill is currently pending in the Missouri legislature. The bill also establishes firm criteria for consideration of applications for hazardous waste and PCB disposal sites which seems to be lacking from current law and KDHE regulations. Only by regulating PCB in advance, can we have meaningful control over incineration sites which will almost certainly handle far more dangerous substances in the future.

M E M O R A N D U M

Date: February 16, 1986
To: Neosho County Elected Officials
and Interested Parties
From: Edwin H. Bideau III
State Representative
Subject: PCB Disposal Plant Proposal

This memorandum is intended to serve as a summary of information received and strong concerns expressed on issues which bear upon the current proposal for location of a hazardous waste incineration facility North of the City of Chanute at the old refinery site.

FACTORS FOR CONSIDERATION AND CONCERN

REGULATORY CONTROL

State Regulation

Information obtained from the Kansas Department of Health and Environment (KDHE) indicates that there is **no state regulation** over PCB disposal or incineration in the state of Kansas. The KDHE has no advance control over site selection, safety factors, transportation and storage concerns or any other significant pre-construction factor. The only regulation of such an incineration facility would come after construction and licensure by EPA through periodic monitoring of air emissions under the state air quality standards program. Thus under current law the state cannot regulate construction of such a facility.

Local Regulation

Due to the fact that the facility is outside the city limits and there is no city three mile radius zoning, the city has no current regulatory control over such a facility. Although the city could enter into a contract with any company installing such a facility, such a contract would not survive bankruptcy. The County Commissioners have inquired concerning strict regulatory contracts and indicated that the company did not appear to be in favor of this method. The County currently has no regulatory ordinances over such a facility.

In at least two law suits across the country, one at Eldorado, Arkansas and the other at Holden, Missouri involving Rose Chemical and the City of Holden, PCB disposal companies are contesting in Federal Court the right of local government to regulate their disposal operations. Rose Chemical is contesting

Attachment 2

city zoning rules and is being sued by the city claiming pollution of the city sewer system with PCB. In Eldorado, Arkansas the company is suing for the right to incinerate dioxins in the incinerator which was originally constructed for PCB.

It is an uncontested fact that the same incinerators used to destroy PCB can be used to incinerate dioxins and other hazardous substances. Although increased permits are required, it appears that they are easier to obtain if the facility is in place and operating.

Federal Regulation

This activity is now regulated almost solely by the EPA alone and we cannot count on any help under current law from the state, city or county. EPA authorities indicate that their licensing process will take over a year and that after licensing the average inspection frequency will be once or twice a year. Under the Toxic Substances Control Act regulating PCB, a company can build the facility and store material on site without advance approval but cannot incinerate until a license is granted. This lack of advance approval for safety factors, site location and other factors is considered by many to be a large loophole in the TSCA statute.

It has been suggested that companies use TSCA regulations to obtain authority for PCB destruction intending to move to other substances, including dioxins, after the facility is in place. The experience and suits at Eldorado, Arkansas would appear to give some credibility to this argument. If PCB incinerators are to be located in Kansas it would appear that additional state and local regulation is necessary.

To What Extent Can EPA Regulation Prevent Problems?

As stated above, EPA inspections after licensure are at average 2-3 times a year unless prior problems have been encountered. The EPA has the power to issue warnings, issue formal complaints and assess fines or bring an administrative proceeding to revoke the license. All of these take time. Administrative hearings, fine collections and orders on this type of facility have taken many months to conclude on similar facilities and have not prevented violations or accidents in several instances. EPA enforcement procedures appear to be somewhat dependent upon the posture of the regulated company, the companies financial ability and attitude toward cooperative enforcement. License revocation is rare unless repeated uncorrected violations have occurred. The EPA licensing procedure is very detailed, public hearings are held but a PCB incinerator can be under construction prior to these proceedings.

THE PROPOSED FACILITY AND OPERATIONS

What Will The Role Of Waste-Tech And Rose Chemical Be?

The literature provided by Rose Chemical indicates that the two companies will be "equal partners" in the venture which is the "first of its kind in the United States". Based upon statements from the companies and the literature provided, it appears that Waste-Tech will simply run and control the incinerator under a five year service contract. Rose Chemical will provide the PCB for incineration. Based upon this and comments from KDHE and EPA it appears likely that Rose Chemical will have significant storage facilities at the site and will handle transportation of the waste to the site. If this is correct, both will have a significant role in local operations. This raises several questions. What will happen at the end of the five year service contract? What restrictions on substances to be incinerated exist? Are copies of the agreements available? Who are the officers, directors and stockholders of these companies? These questions bring into focus the track record and experience of both companies in this area of operations.

What Is The Track Record Of Waste-Tech?

The literature provided from Waste-Tech appears to show a long record of experience in PCB incineration. At the meeting with the Board of County Commissioners on February 14th, Waste-Tech was quoted as stating that it had never actually operated a commercial PCB incinerator or been licensed for such a full size working model. Statements from Waste-Tech quoted in the Chanute Tribune of February 15th indicate that the company has not previously been licensed for incineration of PCBs and has not previously incinerated them.

Previous operations by the company appear to be on research and development small size models. This raises several significant questions. Is this an experimental or new design as far as PCB is involved? Does the design tested by Waste-Tech incorporate heat transfer mechanisms which would be used to run the proposed refinery operation? Is the companies literature provided to local officials and interested parties misleading in this area? These would seem to be questions which need answers.

It is generally accepted that over 50% of accidents involving hazardous waste and PCBs occur during transportation. What is Waste-Tech's experience or record with regard to transportation and storage? Has the company ever done it before? What are the financial resources of the company and its responsibility for accidents? Even though it is said to be a subsidiary of Bechtel, is Bechtel responsible for its debts and/or obligations? In many instances subsidiary companies are created for risky ventures which the parent company is unwilling or unable to undertake. Is this the case here?

What Is The Track Record Of Rose Chemical?

Rose Chemical currently operates a PCB facility at Holden, Missouri and had previously expressed an intent to locate the PCB incinerator in that city. The company therefore has an established record in PCB handling, storage and disposal which is available for review.

The company is currently involved in a suit with the City of Holden contesting the right of the city to regulate its operations under zoning laws. The City of Holden is suing the company alleging pollution of the city sewer system and alleging significant damage to the city. Over 1,400 citizens signed a petition against locating an incinerator in Holden. Holden has a population of 2,100. One can easily conclude that Holden, Missouri probably hopes that Rose Chemicals leaves and comes to Chanute. At least one small spill from a 5,000 gallon tank trailer has been documented there. Rose and Waste-Tech officials have stated that some spills are inevitable.

Rose Chemical has a record of serious violations with the EPA.

In March of 1984 a three count formal complaint was filed against the company by the EPA charging failure to properly store PCB, failure to properly mark PCBs and PCB items. One count involved a bulk storage tank containing 3,065 gallons of 92 ppm PCB stored on a loading dock at the rear of the facility and failure to have a Spill Control and Counter Measures Plan as required. The company was assessed a fine of \$30,000.00 for these violations.

In June of 1984 Rose Chemical entered into a Consent Decree admitting certain violations including the bulk tank referred to above, Spill Control Plan violations and others. Under this order \$7,000.00 of the fine was paid and the balance was deferred placing the company on probation. In October of 1984 the company was ordered to pay the balance of the fine for failure to perform the specified corrections and the entire \$30,000.00 fine was collected.

In February of 1985 a nine count complaint was filed against the company by the EPA charging failure to properly store PCB for disposal, failure to properly store leaking PCB articles and use proper storage containers, failure to use adequate floors and curbing in PCB storage areas and fully implement SPCC plan, failure to mark PCB transformers, failure to prepare and maintain adequate records, failure to properly dispose of PCB capacitors, failure to properly dispose of PCB oil, and failure to properly dispose of PCB transformers.

In this complaint the EPA levied a fine of \$176,250.00 against the company which was the largest fine ever assessed by Region 7, EPA against any such company. According to EPA staff these were not minor administrative violations but were serious, major violations and violations of the permit itself.

In this nine count complaint the company was alleged to have kept PCB waste on hand over statutory time limits, failed to date items placed in storage and keep appropriate records, failed to immediately clean up spilled or leaking materials and failed to comply with shipping container regulations. Count 2 of the complaint specifically charged the company with keeping leaking containers, drums of solid PCB waste without metal lids, and a tank with PCB oil on the ground under a valve at the base of the tank. Improper floors and curbing, failure to have an SPCC Plan and marking violations were alleged in other counts.

Count 7 of the complaint specifically involved allegations on mineral oil claiming that the mineral oil was not decontaminated to less than 2ppm PCB as required, claiming that the EPA sample indicated oil in the processed oil tank to be 31 ppm PCB, far in excess of the required level. Many other specific violations are listed in the formal complaint and interested parties are urged to review it in full.

Rose Chemical filed an answer denying these violations but on September 25, 1985 entered into another Consent Decree. Under this Consent Decree the EPA indicated the company had demonstrated a financial inability to pay the original proposed penalty of \$176,250.00 and reduced the penalty to \$94,200.00. The company was ordered to make payment of \$46,000.00 in installments and \$48,200.00 was deferred placing the company on probation for the balance. 34 Specific and detailed requirements were imposed upon the company as a result of the Consent Decree for corrective action. **Rose Chemical has not been released or discharged by the EPA from payment of the balance of the deferred fine.** Rose Chemical was in the EPA office on Thursday, February 13, 1986 and it is my understanding that compliance was discussed at that time. It is suggested that specific inquiry should be made to determine exactly what Rose Chemical was told in this meeting concerning its status of compliance and any further action by the EPA.

It is suggested that to the extent that Rose Chemicals would have any role in transportation or storage of waste on site in Neosho County, the track record of the company with regard to storage, handling and transportation violations is very relevant to this issue and should be considered in detail. Full copies of the EPA complaints and consent decrees have been provided to the County Commission, City Commission and Chamber of Commerce.

What Guarantees Exist That Only PCB Will Be Handled?

As stated above it is generally recognized that incinerators of this type can be used on substances other than PCB and that dioxins have been incinerated in similar plants. Dioxins are much more hazardous than PCBs and are more strictly regulated, however it would appear to be easier to obtain licensure on an in-place facility for this type of substance. This issue is the subject of

the suit pending on the Eldorado, Arkansas facility and that company specifically intends to burn dioxins.

It is the stated intent of the EPA to rid the country of PCBs disposing of all of them on a stated time schedule and new manufacture has been outlawed for several years. The original target date was 1988 but has been extended. What will occur at the planned facility in five years or so after all PCBs have been destroyed? What will be burned next? **The company has stated to the County Commissioners that they are in the hazardous waste disposal business, not just PCBs.** The company did not express much enthusiasm for an strict contract with penalty clauses to prevent handling other substances and dioxins. Does not this raise the specter of dioxin as a next candidate? More questions should be asked.

What Guarantees For The Promised Jobs Exist?

The proponents have estimated that over 100 jobs would be created by the installation of this facility. The EPA staff has indicated that they estimate the incineration facility could be more than adequately run with 10 to 15 people. Doubling this for the sake of argument to 20-30, where do the extra jobs come from?

It would seem that any more jobs above this level would of necessity come from reopening the refinery. This requires some technology to transfer the heat and/or steam source produced from the incinerator. At the meeting held by the Board of County Commissioners, responding to questioning from Commissioner Richman, the engineering staff of the companies involved was unable to state any firm plans or proposals for effecting this transfer. They indicated that modifications of the designed process and machinery would be necessary. It would seem that such modifications would then bring safety factors into issue and it also seems clear that this company has no experience in conducting such a transfer when incinerating PCBs.

The city has had very poor experience with guarantees of new jobs from other companies where promises were made. This should be considered on this proposal.

What Safety Hazards Exist By Proximity To A Refinery?

It is agreed that PCBs will produce dioxin fumes when burned at a low temperature. What would the result of a major or even minor fire at an adjoining refinery be? What would the result of a fire to a storage tank be? What plans, regulations or controls are now in place or proposed to handle this risk? Transportation hazards delivering flammable products in and out of the same site location in the same traffic pattern or area would also seem to be areas of concern, particularly at a location in very close proximity to residential and populated areas.

SUMMARY

It would appear that there are several very important factors and issues concerning the proposed facility that should require additional study and review by the governmental entities involved. At a minimum, additional state and local regulation should be considered for safety factors. I intend to work on state legislation in this area. It would also appear that additional information has been developed by the public forum process which was perhaps not available to the City Commission and civic groups who have previously been requested to support the proposal.

I would propose that the City Commission indicate that it will reconsider its position and take the matter under further study and advisement. Along these lines I would recommend the creation of a special committee to review and investigate the proposal further, reporting back to both the City and County Commission. I would suggest that this committee include a member of the City and County Commission, Chamber of Commerce and technically proficient citizens. This committee could confer with KDHE and EPA officials, company officials, members of the public and recognized experts in toxicology. The committee should also could travel to both Holden, Missouri and Eldorado, Arkansas to investigate conditions and facilities at that location. Hopefully this process would give the citizens of the area a detailed and thorough review which appears to me to be necessary. In the final analysis the decision might be the same but every effort will have been made to make sure that all available information was obtained.

Respectfully Submitted

Edwin H. Bideau III
State Representative
5th District

Sources Consulted

Dennis R. Murphey, Manager of Bureau of Waste Management, Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas - in person interview.

United States Environmental Protection Agency, Region 7, Kansas City, Kansas. In person conference with William A. Spratlin, Director, Air and Toxics Division, Ronald R. Ritter, Intergovernmental Liaison, and Leo Alderman, Enforcement Officer, Air and Toxics Division.

Mr. James Trimble, Attorney for City of Holden, Missouri and Mrs. James Trimble who is a lobbyist on hazardous and toxic waste issues with the Missouri legislature and who currently has assisted in introduction of two bills in the 1986 Missouri legislature concerning PCB regulation.

Several parties including citizens and officials from the City of Holden, Missouri and Eldorado, Arkansas who indicated that due to suits in progress they would discuss the issue only off the record so that their name would not be disclosed.

In addition I have discussed the issue with several individual members of the Chanute City Commission, the City Manager, numerous local government officials in Kansas, members of the House Energy and Natural Resources Committee and I have consulted several state and federal publications on the subject. I have reviewed all written material received from Rose Chemical and I attended the public forum conducted by the Board of County Commissioners on the afternoon of February 14th.

ADDENDUM TO PCB MEMORANDUM

Date: February 26, 1986

On February 18, 1986 I called to Eldorado, Arkansas and talked with Mr. Larry Combs, Mayor of that city. I discussed the PCB plant located in Eldorado with Mr. Combs.

Mr. Combs indicated that the PCB incinerator has been there over 8 years and they have had no major problems on just PCBs. He did state however that they are in a heavy industry area, heavy chemical use and manufacturing facilities which generate and are involved with many other hazardous wastes in addition to PCBs. He even stated that the PCB operation was one of the more clean operations in the area, implying that the rest was pretty bad.

Mr. Combs indicated that several months ago, the PCB incineration company originally came out and stated an intent to handle or test burn dioxins in their incinerator. There was a large public uproar over this and the county passed an ordinance restricting incineration of dioxin. The PCB company filed suit in Federal court contesting the regulation and that suit is in progress now. Mr. Combs referred me to the prosecuting attorney of the county for more information on that suit.

The PCB company is located in an old refinery which is close to town. There was never any intent expressed to reopen the old refinery there. With regard to the EPA regulation process, Mr. Combs stated that when the company first came in, "I had more confidence in EPA then than I do now". Based upon his experience over the eight year period and the new application to incinerate dioxins he stated "I dont have as much confidence now". He indicated that although there was substantial employment at the plant, that the company handled other matters in addition to PCB disposal and had other ventures at the same site.

I next talked with Mr. Bill McLean, Prosecuting Attorney for Union County, Arkansas on the same date I talked with Mr. Combs. Mr. McLean indicated that when the PCB plant first came to town the county passed an ordinance banning PCB handling from the county. He indicated that this ordinance was taken to court by the chemical company and was thrown out since it was a total ban. This occurred several years ago.

Recently, Insko, the waste company, applied for EPA authority to dispose of acutely hazardous wastes including dioxins. The county then passed a ban on destruction or incineration of the FO series wastes on the EPA schedule which included the dioxins. The county has had to hire a specialist law firm in Chicago, Butler, Rubin, Newcomer, Saltaarelli and Boyd, to assist them in dealing with the PCB and waste disposal plant at considerable expense. The Chicago firm assisted them in drafting their ordinance. Mr. McLean is sending me a copy of the ordinance.

Attachment 3

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After the ordinance was passed Insco filed suit in Federal Court contesting it and a hearing on motions in the case is expected very soon. Mr. McLean indicated that based upon his review, TSCA has more pre-emption problems than RECRA a more recent Federal law. Insco is demanding an injunction against the county ordinance.

Mr. McLean indicated that while Insco is stating publicly that it does not intend to incinerate dioxins it is nevertheless still pursuing its application to EPA for authority to do so and is still pursuing its suit against the county. He indicated this was apparently inconsistent action. In addition Mr. McLean indicated that he has received no help at all from the Arkansas state authorities and in fact the Arkansas Attorney General and the Health Department are taking positions against the county regulation ordinance. If the Arkansas experience is any indication, once in place, local government can expect little help in controlling the incineration of more hazardous substances.

Feb. 27

Rose shuts down Holden PCB plant

By KEITH WRIGHT

Two developments emerged today in the controversy over the proposed PCB incinerator at Chanute.

One was a report that Rose Chemicals of Kansas City, partner firm in the incinerator proposal, is shutting down its chemical process PCB destruction plant at Holden, Mo., on Friday.

IN THE OTHER, following a closed meeting this morning, the Chamber of Commerce Past Presidents released a brief statement leaving that group's position favoring the project essentially unchanged. It said:

"The Past Presidents of the Chamber of Commerce voted today to continue to support the motion previously passed urging the Board

of Directors of the chamber to support efforts in actively assisting this relocation process."

The statement has no direct bearing on the position of the chamber's general membership, which remains on record in support of the project.

That endorsement is being reviewed by means of a mail ballot poll of the membership.

A cover letter signed by Audrey Davies, chamber president, says:

"At the January membership meeting chamber members had the opportunity to hear a presentation by Waste-Tech and Rose Chemicals, and thereafter passed a resolution supporting the proposed project. Any official change in the position of the chamber can only be accomplished in the same manner.

"In light of the recent positions taken by the city and county commissions, the Board of Directors of your chamber feels it is desirable to survey the membership to determine if further action needs to be taken at a March membership meeting.

"Please keep in mind that the results of this survey will not be used to change the chamber's current position. It will, however, be used to determine the need to reevaluate our position during our March membership meeting."

THE MAIL-BACK postcard asks two questions.

The first question offers three responses, "I am in favor of the proposed project," "I am opposed to the proposed project," and "I am uncertain at the present time."

The second asks, "Do you favor chamber sponsorship of a 'third-party disinterested outside expert' public panel discussion of the issues similar to the 'Meet Your Candidate' forum held prior to the last election?" to be answered yes or no.

The City Commission withdrew its official support of the project at a special meeting last Thursday, and the Neosho County Commission adopted a resolution of opposition the next day.

The report that Rose is shutting down its Holden plant was received from the editor and publisher of The Holden Progress, F. Kirk Powell.

Chris Gosch, Rose vice president, said in response to a telephone call to the firm's headquarters in Kansas City that a statement from the company

was in preparation. He was unavailable to answer a second call and no statement was received by noon.

A LETTER RELEASED to The Tribune by State Rep. Ed Bideau III earlier this week said in part regarding the Holden operation:

"At a meeting of the Chamber of Commerce board and Past Presidents Club held on Feb. 24, a representative of Rose Chemical admitted after my questioning that the Environmental Protection Agency had recently told the company it had 30 days to clean up its act or action would be taken on its license. The representative also admitted that the company was being required to resubmit applications for reapproval of its license."

Review details waste incinerator operations

Controversy over the proposed Chanute PCB incinerator has among other consequences prompted review of the operations of existing hazardous waste incinerators in the country.

The same was true at Holden, Mo., when Rose Chemicals and Waste-Tech Services proposed building the incinerator there before seeking another location because of community opposition.

A story in The Holden Progress of Sept. 5 went into the subject at some length, relying heavily on a Wall Street Journal article of a few days earlier.

THE INFORMATION published cited a list of troubles experienced by the hazardous waste incinerators in

new developments in connection with one of the plants, at Baton Rouge, La., reported in The Coffeyville Journal.

It should be kept in mind that none of the existing plants is of the type proposed at Chanute, and valid comparisons between it and the others are not possible. Rose and Waste-Tech have emphasized from the start that the Chanute plant would employ a different technology and treatment approach, which the companies maintain would eliminate problems the other incinerators have had and assure a safe operation.

Quoting from The Holden Progress story:

"Although almost all experts agree that burning toxic waste is better than burying it, the (Wall Street)

safety record so far. That track record is marred not just by operating breakdowns — some of them perhaps inevitable with such new technology — but also by a legacy of environmental violations and health concerns...

"An independent scientific advisory panel for the Environmental Protection Agency recently concluded that although incineration of liquid hazardous wastes is 'valuable and potentially safe' in theory, the agency staff has ignored several fundamental health questions. For instance, incinerators often are suspected of creating and emitting dioxins, the most hazardous compounds manufactured, but EPA has never determined how often or in what quantities, according to some members of the advisory panel."

ROSE AND Waste-Tech officials say the technology of the Chanute plant, operating at high temperature in a sealed chamber and processing limited quantities of waste at a time, would prevent the possible formation and emission of dioxin.

The Holden story continued:

"The Wall Street Journal reports that each of the nation's five commercial hazardous waste furnaces has experienced difficulties going well beyond routine operating problems.

— "In Deer Park, Texas, a Rollins incinerator was spewing toxic ash from between the kiln and afterburner when state regulators arrived for a routine inspection in 1983. During a followup visit two months later, a regulator saw PCB-laden wastes tumbling from the kiln and smolder-

ing on the ground. Earlier, the state cited the company for ignoring an emergency order and burning 1,200 pounds of PCBs an hour during a stagnant-air alert."

Rose and Waste-Tech say the incinerator they are proposing couldn't leak, would produce only sterile ash and cause no air pollution.

— "In Logan Township, New Jersey, six workers died and several others were seriously injured when a tank of hazardous waste blew up and sent explosions cascading through a Rollins incinerator site in 1977. In 1980, the Justice Department collected a \$65,000 civil penalty from the company for violating a court decree intended to limit the incinerator's emissions. In 1981, the state temporarily closed the in-

(Continued on Page 3)

More about Hazardous waste sites

(Continued from Page 1)

incinerator after excess pressure touched off an explosion in the kiln.

— "In Baton Rouge, La., (a) malfunction at the Rollins facility blew toxic waste fallout from the stack in 1982. The Louisiana Hazardous Waste Management Division reports also chronicle years of citizen complaints attributed to the incinerator and land disposal operations, including nausea, itchiness, burning eyes, sore throats, dead livestock, dirty cars, stunted tomato plants, and pecan trees that won't grow pecans.

— "In Chicago, SCA Chemical Services was fined \$12,600 by federal workplace regulators after they saw outside contractors' employees working around hazardous materials without any protective clothing or special training. SCA is contesting the citations. At an elementary school 1.4 miles downwind of the incinerator, PCBs were found at a peak level 16 times higher than at another school two miles upwind, although neither level was considered a health threat.

— "In El Dorado, Ark., where the Environmental Systems Company burns PCBs in an incinerator considered exemplary by many observers, physicians have treated six cases of a rare sinus cancer with the caseload concentrated near the incinerator. The company denies any responsibility."

ESC and the city of El Dorado are currently in litigation over company-sought authorization to incinerate dioxin.

THE COFFEYVILLE Journal story about the Baton Rouge plant, prompted by construction of the as yet unlicensed incinerator at Coffeyville, ran Sunday. It said:

"A state grand jury investigation into whether Rollins Environmental Services Inc. tampered with safety equipment at its Baton Rouge hazardous waste incinerator is expected to take several weeks.

"The incinerator has been in use to destroy polychlorinated biphenyls, or PCBs. Such an incinerator is propos-

ed by National Electric Inc. in the Coffeyville Industrial Park.

"Baton Rouge District Attorney Bryan Bush said Friday his state grand jury probe will take several jury meetings. 'It will be at least a month more,' he said."

Also on Friday, "Judge Bob Hester said he would rule Monday on whether he will sign a permanent injunction preventing investigators from turning over any information they obtain in the criminal probe to state environmental authorities, who have pending a separate civil action seeking to close the facility permanently.

"The judge already has signed an order prohibiting environmental authorities from looking at records seized from the plant.

"**BUSH SAID** he's suspicious of Rollins' motivations for trying to keep the records away from civil environmental authorities, and therefore will appeal if the judge signs the permanent injunction.

"...state investigators obtained a search warrant and seized logbooks and several boxes of records at the plant. The warrant was obtained after the investigators signed an affidavit alleging that Rollins bypassed monitoring equipment in late May or early June of 1985 so it could burn more hazardous waste material than the law permits.

"If those allegations are proved to be violations of the Louisiana Environmental Quality Act, those responsible are subject to fines of up to \$100,000 a day for each day the violations occurred and up to 10 years imprisonment.

"Rollins' Baton Rouge attorney, Emille Rolfs, denied there has been any wrongdoing by the company...Rolfs said the allegations were made by disgruntled former Rollins employees."

The story concluded with a paragraph saying Rollins obtained a temporary permit in 1984 to burn PCBs at the Baton Rouge plant but "backed down from the experiment after a public outcry by citizens and local government officials."

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March 1

County considers waste regulation

By PAUL CARTER

ERIE — The Neosho County Board of Commissioners capped off another all-day meeting Friday at the Neosho County Courthouse by discussing possible avenues for regulating toxic waste disposal in Neosho County.

Rep. Ed Bideau III, told the commission that there were options available, and precedents set, if the commission decided to draft an ordinance regulating toxic waste disposal.

Bideau suggested that a "three-pronged approach," consisting of state, city, and county regulation would be most effective.

BIDEAU HAS WRITTEN legislation aimed at getting the state government, through the Kansas Department of Health and Environment, involved in PCB regulation. He said he based some of the proposal on a successful law in place in Oregon.

"Based on what I found out, I think it can be regulated," Bideau said.

Bideau emphasized, however, that county ordinances would have to deal with specific, narrow topics.

"I think you can prohibit the incineration of toxic waste, but not all incinerators. Or perhaps prohibiting the storage of PCBs over a certain period of time, or restrict it from the proximity of flammable substances," Bideau said.

Bideau's remarks came after Gene Stone, representing Residents Organized for a Safe Environment, requested that the commission impose a 90-day moratorium on the issue.

"We were hoping to put a 90-day halt to activity at the refinery to stop a possible move-in," Stone said.

Commissioner Bill Richman cautioned that Rose or Waste-Tech may begin to establish business at the site

and the county would be liable for those start-up costs if the commission regulated an established business to a halt.

"You have to be reasonable, you can't just regulate it out of business," County Attorney Charles Bennet said.

BENNETT AND Bideau agreed that if the commission knowingly passed an invalid ordinance, the county could be liable for the loss of business suffered by the firms.

"If you do something that is plainly on its face invalid, you've got a problem with liability," Bideau said.

Along with the possible liabilities of an ill-written ordinance, would come tremendous legal fees, court time, and the possible hiring of an outside law firm if the county were sued.

Pending the drafting of an ordinance by Bideau, which was to be reviewed by Bennett, the commission took no action on the matter.

The commission said they would consider an ordinance based on the recommendations of Bennett.

At the time of the meeting, no one present had received word of Rose Chemical's announcement to not pursue the Chanute project.

However, Rose's announcement did not render ordinances concerning toxic waste disposal a dead issue.

"I spoke with a member of the Chamber of Commerce, and a member of the City Commission, and they both asked me 'What if another company with a better track record than Rose was to operate the plant, would your group still be opposed?'" Stone said.

"I TOLD THEM we are opposed to any PCB incinerator and we feel that it is an unsafe project," Stone said.

Richman, when informed by phone

(Continued on Page 3)

March 1

Rose recall PCB proposal

By KEITH WRIGHT

The proposed PCB incinerator at Chanute is dead, Rose Chemicals of Kansas City announced late Friday afternoon.

Word came in a brief telephoned statement by Chris Gosch, Rose vice president.

"Because of rising public opposition, and because timing is very critical in making a market such as this, combined with a prolonged public relations battle, Waste-Tech Services of Lakewood, Colo., has decided not to pursue plans for the project any longer," Gosch said.

Waste-Tech, partner with Rose Chemicals in the incineration proposal, would have built and operated the plant.

PROPOSED LOCATION of the incinerator was the former Mid-America Refinery grounds at the north edge of town on U.S. 169. Reactivation of the refinery was to be a coordinated objective of the project, the companies said when they announced their plans late last month.

"Any future plans for the refinery are being reassessed," Gosch said.

Gosch declined to elaborate on announcement of the project's demise, including any part current difficulties the Rose chemical process PCB disposal plant at Holden, Mo., may have played. Employment at the Holden plant was cut back drastically Friday, and the receiving of waste material and its processing were halted in steps Rose said were taken to assure compliance with Environmental Protection Agency regulations.

Immediate opposition arose to the Chanute project when it was announced, led by a citizen organization given the name R.O.S.E., for Residents Organized for a Safe Environment. Efforts included two public meetings, a telephone and letter campaign, meetings with city and county officials, advertising, assistance from state Rep. Ed Bideau III and circulation of petitions.

THE ORGANIZATION hasn't reported the number of signatures obtained on its petitions, but it has said that approximately 80 percent of the people approached in door-to-door canvass were signing.

The project received Chamber of Commerce membership endorsement at a breakfast meeting announcing it. A City Commission resolution of support followed but was later withdrawn. The chamber's position, no longer of any direct bearing, is in the process of re-evaluation through a by-mail opinion survey.



TOPEKA
HOUSE OF
REPRESENTATIVES

Dear Chanute Resident:

Several days ago the Tribune printed portions of a press release from my office on the PCB issue but did not print the specific stated reasons that I am opposed to the proposal. Due to the fact that the matter is now under consideration by the membership of the Chamber of Commerce I want to specifically state the reasons behind my decision.

1. No state or local regulation of the site location, transportation or storage at such a facility exists under current law. The Kansas Department of Health would have no regulatory role before the first burn. Even with EPA there is no advance regulation of site location, storage or handling.

2. The incinerator proposed can be used to burn other toxic and hazardous wastes including dioxin. Additional permits are needed to do so but appear to be easier to get once a facility is in place. No guarantees exist or have been offered to prevent this and handling of dioxins is a very real possibility.

3. Rose Chemicals, which would be involved in local handling and storage of PCBs under the plan, has been cited by the EPA for PCB violations at Holden, Missouri. The company was fined \$30,000.00 by the EPA in 1984. In 1985 the company was assessed a fine of \$176,250.00 for serious violations. This was the largest fine ever assessed against such facility by the Region 7 EPA office. The fine was reduced in half by a consent decree but the company is still under probation or deferral for half of the reduced 1985 fine. Apparently no information concerning these violations was presented by the City Commission.

At a meeting of the Chamber of Commerce board and Past President's Club held on February 24th, a representative of Rose Chemical admitted after my questioning that the EPA had recently told the company it had 30 days to clean up its act or action would be taken on its license. The representative also admitted that the company was being required to resubmit applications for reapproval of its license.

4. EPA regulations do not require advance approval of PCB processing site locations. Incinerators can be constructed and the location may be used for storage before a permit is issued. EPA regulation ordinarily includes inspections only 1 or 2 times each year. Fine assessment has not prevented violations of EPA PCB regulations by Rose Chemical. A Rose Chemical representative has stated that EPA fines are a cost of doing business.

5. If PCBs are burned at low temperature, dioxins are released into the atmosphere. The fire hazard of locating such a facility in proximity to a refinery producing flammable substances should be considered further.

6. Over 50% of the hazardous waste accidents occur during transportation. Rose Chemical's record with the EPA on storage and to transportation violations and the safety questions involved in truck transport of PCBs into a populated area is a cause for serious concern. A spill involving a transport truck has occurred at the Holden, Missouri facility. Rose Chemical estimates that traffic will average five PCB trucks a week.

7. Waste-Tech Services, the company that would operate the incinerator, has never operated or been licensed for commercial PCB incineration according to recent news reports. This would be its first licensed facility for incinerating PCBs. Waste-Tech was unable to provide the County Commission with specific plans for transfer of the heat source to operate the refinery.

8. Substantial questions exist on the employment estimates. The EPA staff has stated to me that the incinerator could be operated by 10-15 people. Rose Chemical has stated that 100 of those employed would be in the incinerator process.

9. Rose Chemical is currently involved in a suit with the City of Holden, Missouri contesting the city's right to regulate their operations. Holden is claiming pollution of the city sewer system. Over 1,400 people from Holden, population 2,100 have petitioned against locating this incinerator operation in their city. A suit over local regulation prohibiting incineration of dioxins in a PCB incinerator operated by another company is pending in ElDorado, Arkansas.

In my judgment the track record of this company and other PCB incineration companies shows what type of neighbor it would be in our community. I sincerely urge that the membership of the chamber follow the lead of the city and county commissioners and withdraw their letter of support. This would be in the clear public interest and would also resolve the dispute in the community. Continuing to support the proposal will only lead to severe division in the community and will inhibit future efforts at sorely needed economic development. Lets call an end to this project, get it behind us and go on to work on safe economic development.

Sincerely,
Edwin H. Bideau III

2/20/86

NEWS RELEASE

FROM: City Commission

SUBJECT: PCB Plant

The City Commission announced it is withdrawing its' previous statement of support for Waste-Tech Services, Inc. and Rose Chemical's proposal to locate at the Mid-America Refinery site. The decision is based upon overwhelming negative public reaction and the desire to avoid an extended controversy dividing the community and sapping time and energy needed for other projects. The Commission expressed a sincere hope project opponents would contribute their energy and resources to assist the Chamber and City in efforts to attract industries and jobs to the community. The companies will be notified immediately.

SETH GRAY
921 S. Evergreen
Chanute, ks. 66720

February 20, 1986

NEWS RELEASE

On Tuesday, Feb. 4, 1986 the Chanute City Commission, at the regular Commission Meeting, by the vote of all five City Commissioners, endorsed the proposal of Rose Chemical Co. Inc. and Waste-Tech Services, Inc. for the construction of a high temperature toxic waste incinerator to be located at the North edge of the City of Chanute.

Since that date there has been a great deal of additional information and factual evidence made available to me concerning the principals involved regarding their operations at Holden, Missouri. This has caused me to look further into this proposal.

With the help of the staff of the Chanute Public Library I have done massive research on this subject. Furthermore, Mr. Edwin Bideau III, our State Representative, has also performed a great deal of research on this subject and he has made this information available to me and to the other City Commissioners. Additionally, I have personally talked with local citizens who are former employees of The Mid-America Refining Company about the feasibility of re-opening the refinery. Also, Mr. Bob Walker, Chanute City Manager, has made numerous long distant phone calls to further investigate this proposal and he has kept the Commission informed about all information that he has received on this subject.

As a result of this research and study I have come to the following conclusions:

1. Rose Chemical Co. withheld certain vital information concerning the proposed incinerator.
2. The risk to the citizens of Chanute from the handling and the incineration of toxic waste is much greater than the City Commission believed at our meeting of Feb. 4, 1986.
3. The feasibility of re-opening the refinery and the employment of 130 people is very doubtful.
4. There seems to be considerable uncertainty about the future use for the incinerator five years down the road when PCB's have all been disposed of.

In view of this additional information I have changed my position and I will do all possible to prevent the location of the Toxic Waste Incinerator in or near The City of Chanute.

Signed: *Seth Gray*
Seth Gray, City Commissioner

Mound Valley PCB plant operating

Controversy over proposed installation of a PCBs incinerator at Chanute has brought renewed attention to two other southeast Kansas communities.

One is Coffeyville, where a PCBs incinerator is being built and awaits Environmental Protection Agency licensing to operate.

The other is Mound Valley, in Labette County south of Parsons, where a chemical process PCB destruction plant is in limited operation after long controversy and delay. Mound Valley has a population of approximately 500.

THE FOLLOWING is from The Parsons Sun of Jan. 22.

Although several months behind schedule, the Mound Valley PCB destruction plant is now in the process of chemically destroying PCB-contaminated liquid, according to the vice president of the firm that owns the plant.

Charles Eigsti, vice president of Trinity Chemical Co., said from the firm's headquarters in Kansas City, Kan., that the plant started cleanup operations the first week of December and now has seven

employees.

In addition, the plant is apparently meeting an agreement reached earlier between Trinity and the Environmental Protection Agency, according to EPA officials.

Leo Alderman, chief of the EPA's regional toxics and pesticides division, said from Topeka that the firm was making progress in cleaning up the nearly 13,000 gallons of PCB-contaminated oil stored at the plant for more than a year.

Eigsti said more than 4,000 gallons had already been destroyed.

Under an agreement reached between the EPA and Trinity prior to Trinity's opening the plant in October, the plant must dispose of the stored PCBs before beginning full operation, Alderman said. The plant is operating under an extended temporary permit allowing only disposal of the stored PCBs but has applied for a full-use permit.

Eigsti declined to estimate how many employees the plant might eventually hire but said hiring of two additional people was expected within 30 to 60 days.

OFFICIALS AT the plant site, an

unmarked building just east of the post office in Mound Valley, refused to comment about the plant and its operations, referring all questions to the company's headquarters.

PCBs — polychlorinated biphenyls — are suspected of causing cancer. Once widely used in mineral oil to form an insulating fluid for industrial applications, including electrical transformers, the EPA banned them in 1976 because of potential health hazards.

According to Alderman, the Mound Valley plant is removing the PCBs from the liquid by chemical reaction.

"They are detoxifying the oil itself," he said, "and breaking the PCBs down into innocuous products."

The plant has been a source of controversy in Mound Valley since October 1982, when the plant was started under the ownership of the then-called PCB Destruction Co., which later changed its name to Energy Recovery Corp. That ownership, based in Minnesota, sold the plant to Trinity in June 1985.

In April 1983, Mound Valley residents supported the plant by soundly defeating a special election

question on banning hazardous waste from the city by ordinance.

BUT SOME OF the residents subsequently filed a lawsuit against the company. It was settled out of court, with the parties accepting stipulated conditions for establishment and operation of the plant.

Later, the EPA charged PCB Destruction with violating federal regulations for the storing and handling of PCBs. The EPA filed a civil penalty against the company in February 1983, assessed an \$11,500 fine in a three-violation citation, and said it wouldn't give the plant a final inspection or license it until the fine was paid.

The plant was shut down a short time later and remained closed until its sale to Trinity.

Despite the plant's background, Eigsti said he hoped residents of Mound Valley and surrounding towns will see it as a positive addition to the area.

"We want to be good for Mound Valley, and we want to be good for Labette County," he said. "As we prosper, we hope people will enjoy the employment opportunities."

Coffeyville has PCB plant problem

The PCB incinerator proposed in Chanute is the second in the offing for southeast Kansas, some 50 miles apart in abutting counties.

The other location is Coffeyville, in Montgomery County, where construction of the incinerator is in progress and permit approval awaited. For reasons not explained, the licensing procedure is taking longer than expected.

Different companies are involved in the projects, and the technology of the PCB destruction equipment isn't the same, but there are informational aspects of probable value in comparisons and evaluations.

THERE IS also a PCB destruction plant in the area that is in limited operation, at Mound Valley in Labette County, but it uses a chemical process. It will be examined in more detail in a later story.

Following is a Coffeyville Journal report of a few days ago on the incinerator there:

A year after National Electric Inc. announced its plans for a polychlorinated biphenyl incinerator, the company's almost relentless optimism carries a tinge of anxiety.

The optimism has an ample base of support. NEI's Coffeyville plant has grown from about 15 employees to about 70 in a year; its warehouse is full of electrical transformers and capacitors waiting disposal

because they were filled with oil containing PCBs; and construction of the incinerator is moving swiftly in this winter's warm, sunny weather.

"I told them back home that God is on our side. Just look at this weather," says Bil Hawks, vice president of NEI and a native of Minnesota, as he walks through the construction area west of NEI's main building in the Coffeyville Industrial Park.

But the federal government hasn't decided if it will be on NEI's side, creating the anxiety.

The Environmental Protection Agency's Kansas City office has to license the incinerator before it can begin burning PCBs, a suspected cancer-causing material that was long used as insulation in mineral oil in electrical transformers and capacitors.

THAT DECISION was supposed to come by mid-January; instead, it's been delayed as the agency continues to review documents related to NEI's application.

Ever since announcing the project in late January of 1985, NEI's officials have expressed confidence that the EPA would first permit a test burn by the incinerator, then license it.

"We anticipated the permit process going a little quicker than it has," Hawks said. "But they are doing their

job; we are doing our job. We hope the permit thing will be over and done with soon, if just for our mental health."

EPA officials couldn't be reached for comment.

While having to deal with the EPA, National Electric ran into strong opposition over its plans. Some of that opposition has withered away in the last few months, but it did force the EPA to hold a public hearing in November on the proposal.

Still, some opponents doubt the EPA will take the public's wishes into consideration.

"They don't seem to give a damn about the public's sentiments," said Clifton Snider, an employee of Funk Manufacturing, located near NEI in the industrial park.

Snider said he based his opinion on the way the public hearing was handled, that EPA officials declined to answer why the incinerator couldn't be located in a less populated area.

Another Funk employee, Steve Ciupak, also opposes NEI's plans. He too concedes that the opposition has slowed.

"**SOME PEOPLE** approached the issue with more emotion and conflict than was necessary," he said. "There are still some big issues that I hope the EPA is taking a good hard look at."

Those issues include, Ciupak said,

whether the incinerator can be operated without liability insurance and whether the company's finances are likely to be sound.

Because of recent industrial accidents and legal judgments against corporations, liability insurance is difficult and expensive to find. NEI has consistently refused to discuss its finances.

The company has revealed the arrangement it has made with the incinerator. A partnership formed last October between Westinghouse Electric Corp. and Pyrochem Inc. resulted in a separate company, Westinghouse Electric Corp. Pyrochem Inc.

Pyrochem will be a subsidiary of NEI and Westinghouse, and will have its own management, Hawks said.

Even though NEI and Westinghouse will own Pyrochem, "we'll be customers of them just like everybody else," Hawks said. Pyrochem will be responsible for manifests, or records, of PCB waste shipped to the incinerator.

Hawks said NEI and Westinghouse hope to begin hiring management personnel for Pyrochem within 60 days.

But Hawks agrees that the focus of NEI still is to complete the federal permit process. He said the company will be ready for a test burn in the incinerator by August if the EPA is willing.

Feb 25 Past violations mar chemical companies

COFFEYVILLE — Both companies involved in proposed operation of a PCB incinerator at Coffeyville have been cited in the past for violations of hazardous waste regulations, The Coffeyville Journal reported Sunday.

The story was based on a "Responsiveness Summary" released a few days previously by the Environmental Protection Agency. A separate story in the same issue reported that a Louisiana grand jury is investigating operation of a hazardous wastes incinerator at Baton Rouge.

THE PROPOSED Coffeyville incinerator is a partnership project of National Electric Inc. and Westinghouse under a separate corporate name, Pyrochem. Reporting on the EPA summary, The Journal said the document "gave no indication that the partnership that wants to build the facility at the Coffeyville Industrial Park had any current problems that would prohibit it from proceeding with its plans."

"The EPA announced Thursday that two PCB destruction methods using chemicals had been approved for the site, and the incinerator proposal remains under scrutiny," the story continued. "The summary, which reached Coffeyville by mail Saturday from the EPA Region VII office in Kansas City, was prepared to provide answers to questions raised at a November public hearing regarding the PCB destruction proposals made by National Electric Inc., National

Oil Processors Inc. and Pyrochem, the latter a partnership between NEI and Westinghouse." National Oil Processors was predecessor to National Electric in the project, which was started more than a year ago.

"**THE NINE-PAGE** document included 25 separate items, and the EPA said that when possible similar questions were combined and one response was prepared.

"NEI was cited early last year for improper storage and record-keeping, the EPA said, and was fined \$3,900 with the violation corrected. "The facility has been inspected since settlement of the complaint and no violations of the PCB rule were observed..."

"Westinghouse, the summary said, is a large multi-national firm with many facilities... (and) the number of violations against the firm would be difficult to determine."

"The EPA also responded to questions about incinerators operated in Deer Park, Texas, and El Dorado, Ark., saying the Deer Park facility... had been cited for an air emission infraction and for improper storage. It said the El Dorado operation had been sent two warning letters for improper storage, record-keeping and disposal.

The story on the Baton Rouge incinerator said its operator, Rollins Environmental Services Inc., is under state grand jury investigation for alleged tampering with safety equipment. Rollins also operates the Deer Park incinerator.

300 attend meeting on PCB plant

Kc Star

From staff and AP reports

Chanute, Kan.—More than 300 persons attended a public meeting Friday called to oppose a proposed PCB incinerator on the outskirts of Chanute.

Martha C. Rose Chemicals Inc. of Kansas City and Waste-Tech Services Inc. of Lakewood, Colo., want to build the incinerator for potentially hazardous PCBs, or polychlorinated biphenyls.

Among those who spoke at the two-hour meeting sponsored by Residents Organized for a Safe Environment, or ROSE, was Kansas Rep. Edwin Bideau III, who represents the Chanute area.

Mr. Bideau said he opposed the plant because of the chemical company's safety record and the idea of locating the incinerator in an abandoned refinery next to the city limits.

"What we can try to do is persuade them not to come," Mr. Bideau said. "If they do, they'd better be ready for a fight."

In a telephone interview Saturday, Mr. Bideau cited two federal Environmental Protection Agency fines levied against the company—one in 1984 and the other last year. The first fine, \$30,000, was imposed for failure to properly store PCBs and mark PCB sites.

The EPA recommended a second \$176,250 fine for violations including improper records and failure to properly dispose of PCB-contaminated oil. The fine was later reduced to \$94,200 in an agreement between the EPA and the company.

Walter C. Carolan Jr., president and majority owner of Rose Chemical, said the fines were based on "allegations of administrative variations" and not safety. He said Mr. Bideau has not spoken with his company or Waste-Tech about their plans.

"We're not surprised by the opposition," he said. "We're a company trying to solve its problems, and we've not been very successful."

After Friday's meeting, Linda Ward, a resident who has carried petitions against the project, said, "I don't think anyone wants something that is hazardous to their health, or their children's health. I'm just not for anything that is this unsafe."

Rose Chemical initially planned to build the PCB incinerator in Holden, Mo., near the firm's plant, but met strong opposition there. The city manager of Chanute, an area hit hard by dropping crude oil prices, then asked the company to consider that town as an incinerator site. Chanute officials and the Chamber of Commerce endorsed the idea.

But earlier Friday, the Neosho County Board of Commissioners went on record as being opposed to the incinerator because of the proposed location, unanswered questions relating to operations at the site and public opposition.

Waiting game for PCB opponents

By KEITH WRIGHT

Following to pursue their objective to permit the construction of a proposed Chanutte PCB incinerator put a procession of speakers on stage in Chanutte Friday night.

"We're not ready to quit until we hear from Rose," Gene Stone, an organizer and spokesman for the Citizens Organized for a Safe Environment told a receptive assembly of about 400.

Stone's reference was to Rose Chemicals of Kansas City, partner in Waste-Tech Services, Greenwood, Colo., in the incineration process.

The meaning was that opposition efforts will continue until the companies abandon the project, or other means are found to block it.

The city either company has issued a statement since the City Commission withdrew its support of the project Tuesday and the Neosho County Commission adopted a resolution Friday opposing it.

Chris Gosch, Rose vice president, said previously the project would be abandoned if sufficient community opposition was shown.

FRIDAY'S PUBLIC MEETING,

held at the Central Park Building, was the second sponsored by ROSE. Attendance was approximately the same as that of the first, at the North Chanutte Community Center.

State Rep. Ed Bideau III was the principal speaker. Others were Neosho County Commissioner Don Edwards; Russ Hilton of GEO Churman; Rob Haberlein, an area self-employed mechanical engineer and ROSE supporter; and Larry Tiemann of the Fish and Game Commission.

County gives negative vote for PCB disposal

By PAUL CARTER

NEOSHO — The proposed PCB incinerator met with further disaster when the Neosho Board of County Commissioners unanimously passed a resolution opposing the project in their Friday morning meeting. The move that the county commission go on record as opposing the incineration of a toxic waste incinerator in Neosho County, due to the proposed site as well as unanswered questions relating to operations at the proposed site, and public opposition that has been expressed," said Bill Man, second district commissioner.

THE MOTION WAS seconded by Neely, third district, and agreed to by Don Edwards, first district. All county commissioners unanimously endorsed their original vote of opposition for the project Thursday evening.

The location of the proposed plant at the old Mid-America refinery was particularly bothersome to the commission.

There were too many uncertainties about the tie to the refinery," Man said. "They (Rose Chemical Co.) admitted that they had not thought about how it would

Hilton, who is a past president of the Chamber of Commerce, emphasized that he was speaking as a private citizen and not as a representative of either the chamber or his company.

He expressed three major concerns with the project, two of them relating directly to the proposed former Mid-America Refinery plant site.

Operation of the refinery in conjunction with the incinerator, as has been projected, in his opinion would create a dangerous fire risk, Hilton said. In addition, the sloping elevation of the site presents favorable conditions for the possibility of contamination of farm land and the Neosho River to the east.

The third concern he expressed was the risk involved in the transportation of the contaminated wastes to the site.

"WE ALL WANT to see Chanutte attract industry, but it should be industry for betterment of the community," Hilton said.

To that end, he said, "We must look forward and work together." As for the opposition movement, "The voice of the people can and will be heard."

Edwards related the County Commission's action and read its resolution of opposition. Tiemann spoke briefly from informational materials related to the effects of PCB contamination on birds, fish and animals. Haberlein said the plant here "is only the first battle, the waste problem will become increasingly worse, and I encourage you to be vigilant."

Bideau for the most part reviewed findings of investigation he has made

(Continued on Page 5)

tie into the refinery."

The storage of large amounts of PCB contaminated oil at a refinery which produces combustibles, and the contaminated condition of the ground around the refinery which is saturated with oil and gas spills from the past, were seen as fire hazards by the commission. PCBs burned at low temperatures produce dioxin gas.

TRANSPORTATION OF LARGE quantities of PCBs through Neosho County, and the possibility of Rose applying for permits to destroy substances more toxic than PCBs were mentioned by Edwards as factors in his decision.

"I think that transportation was a big part of the problem," Richman said. "I think a portable incinerator which moves to the location of the waste would be the way to destroy PCBs."

Commissioners said their understanding was that Rose has said that the permit process, an estimated \$500,000 per site, would prevent site to site disposal.

Rose's track record, EPA fines for improper storage, was also mentioned by the commissioners. Spills of contaminated oil would reach the

(Continued on Page 5)

More about ROSE meeting

(Continued from Page 1)

into the background of Rose Chemicals, hazardous waste disposal and its regulation.

He said that among his principal concerns are the problems Rose Chemicals has had in connection with its chemical process PCB disposal plant at Holden, Mo.; the lack of preliminary control over site selection and development, including collection and storage of the material to be processed; and the possibility of the plant being used at some future point for destruction of toxic materials more hazardous than PCBs, such as dioxin.

STATE AGENCIES WOULD have no control over the plant except in relation to emissions and air quality, Bideau said. Because of his findings, he is seeking legislation to effect state regulations for hazardous wastes but

a determination on passage is expected this session.

He said the plant opposition should work for passage of local control county or city, for the same purpose of safeguard.

As matters stand, he said, there is no legal means of stopping the plant or applying state or local control.

"The problem isn't over," he said. "We're only half way there."

After speaking, Bideau answered questions from the floor.

Stone in his remarks said he disagreed with a viewpoint that the plant opposition has divided the community. "As I see it, it's really pulling the community together. It's a positive force," he said.

As reinforcement to that position he suggested formation of neighborhood groups to promote ideas and means for economic development.

More about County Commission

(Continued from Page 1)

river system eventually because the refinery is near the gravel-based flood plain, according to the commission.

The commissioners received approximately 250 letters from concerned citizens, another factor in their decision.

No citizens opposed to, or in favor of the project appeared at the meeting. No one representing Waste-Tech or Rose Chemical was present.

COMMISSIONERS ADMITTED that their expression of disapproval, as well as the city commission's action, may not stop Rose from continuing with plans to locate in Chanutte.

"You could outlaw the plant," said County Attorney Charles Bennett. "But if you were challenged you would probably lose."

When asked about the future of the refinery site, which is being looked at by the EPA as a possible hazardous

waste site already, the commissioners were uncertain.

"I'd love to see the refinery cleaned-up and operating," said one citizen. "But I don't think I'll see it in my lifetime."

In other business, the commission heard from a concerned citizen who complained about drag racing and high speed driving on K 39 near the bridge over the new U.S. 169 bridge west of Chanutte.

The citizen said that one driver struck cows on the road at a high rate of speed, and that frequent spills were a hazard to schoolbus loading and unloading.

The commission said they would refer the matter to the sheriff's department.

Also, the commission heard from County Engineer Charles Inman regarding retirement benefits, and other matters.

Pro-con report latest highlight in PCB feud

By KEITH WRIGHT

Among developments in the Chanute PCBs incinerator controversy are a circulated report prepared by an opponent of the plant and a related statement issued by Waste-Tech Services, Lakewood, Colo.

The report, based on a personal investigation, was prepared by John Freeman, R. 1. A copy was submitted to The Tribune Thursday.

Waste-Tech is a joint venture partner with Rose Chemicals of Kansas City in the proposed incinerator, responsible for the plant's technology and operation. Its statement was received Friday by telephone from Lora Abcarian, Waste-Tech communications manager, in Lakewood.

THE BULK OF Freeman's report, which has been labeled inaccurate in several respects, relates to a number of telephone calls made attempting to obtain background information about Waste-Tech and its operations.

"My concern was the exact state or condition of the technology that would

be used by Rose Chemical and Waste-Tech Services," Freeman wrote. "Rose people have claimed 'state-of-the-art' technology, and years of verification at a plant in Idaho Falls, Idaho."

The report details the calls. Contacts listed in Idaho Falls are the Chamber of Commerce, the city's newspaper, and the Department of Energy's Hazardous Waste Dump.

A call from the dump's information officer to the Environmental Protection Agency at Boise also is listed. In addition, Freeman wrote, he called the EPA district office at Boise; the EPA regional office in Seattle, Wash.; the national EPA office in Washington, D.C.; Chris Gosch, Rose vice president; and Jerry Jelinek, Waste-Tech project manager.

According to Freeman, the Idaho Falls and EPA calls were all unproductively negative. Persons he spoke to were unfamiliar with Waste-Tech, he wrote, and told him they knew of no Waste-Tech operation

under EPA permit.

THERE ARE TWO apparent factors affecting the report's findings.

One is the possibility of confusion and misdirection in company names. Waste-Tech is a divisional spinoff from another company, Energy, Inc., which is still in existence but now corporately and operationally unrelated except that former Energy personnel are with Waste-Tech.

Waste-Tech purchased the Energy, Inc., division in full in February of 1985, Abcarian said.

The other factor is that Freeman's inquiries were made on the premise that a claim had been made for successful licensed incineration of PCBs.

There has been no such claim, and any belief or indication that there has been is a misinterpretation.

Abcarian said in response to direct question that Waste-Tech has not incinerated PCBs. What the company has said is that it has the demonstrated technological incineration capability to destroy PCBs effec-

tively and safely.

This is dealt with to further extent in the Waste-Tech statement, which follows:

"It has been brought to our attention that some concern has been expressed about Waste-Tech Services' history as a bona fide waste destruction company and our specific ability to destruct various wastes in large volume incineration.

"WTS, AS Energy, Inc., has been conducting business since 1974. WTS has operated a pilot fluidized bed incinerator (the type proposed for Chanute) under EPA Facility No. IDD 072961295, registered with the EPA regional office in Seattle, Wash., since 1983.

"We cannot explain the nature of EPA's difficulties in locating such identification for our pilot plant pursuant to Mr. Freeman's inquiry. We might suggest that he verify this registration with Kenneth D. Feigner, Chief, Waste Management Branch, at the Seattle office.

"The incinerator which destroys waste materials must prove it can maintain continuous temperature for destruction of the particular waste regardless of the incinerator's size. One of the clear advantages of the WTS incinerator is the ability to destroy waste successfully in a variety of sized units.

"The technology developed from the 8-inch and 1½-foot test facility has been successfully used in over 40 commercial incinerators up to 22 feet in diameter.

"The EPA has listed 300 of the most difficult materials to destroy. Our pilot facility over the past three years has successfully destroyed several of the 10 most difficult hazardous and toxic wastes on this list. PCBs are easier to destroy than the 20 most difficult wastes listed.

"The incinerator to be constructed at Chanute is an 8-foot-diameter unit which will maintain constant temperature control and effectively destruct injected waste at all times."

Both sides get center stage before county

By PAUL CARTER

ERIE — Neosho County commissioners heard from both sides in the proposed PCB plant issue at day-long meetings Friday.

Representatives of Rose Chemicals Inc., and Waste-Tech Services spoke in the morning, and in the afternoon commissioners heard from concerned citizens opposed to the PCB destruction plant.

The two sessions were for the education of the commission, public, and news media and provided an open forum that some feel was denied to citizens by the city commission.

THE COUNTY COMMISSION received a round of applause from the approximately 35 citizens present in

appreciation for allowing their views to be heard.

The commissioners, however, took no official stand on the project, either personally or as a governmental body.

Ed Bideau, Fifth District representative, who has asked the city commission to reconsider their approval of the project until they have more facts, was present at the afternoon meeting.

Bideau said he was present on behalf of the many concerned letters and comments he had received and also said he had no official stand on the project.

Bideau, however, questioned how cooperative Rose Chemical might be with city and county officials, and

cited a lawsuit currently being contested in Holden, Mo., between the city and Rose Chemicals.

One of the main points in dispute in the Holden lawsuit is the amount of PCB contamination that was in the sewage and water system before the arrival of Rose Chemical's plant in Holden.

Holden claims that Rose has polluted its systems. Rose claims that much of the pollution was in existence before its arrival.

TO AVOID SUCH a dispute in Chanute, it was suggested that a study be done to assess pollution in Neosho County. Concerned citizens asked if Rose would furnish such a study and puzzled over why the city

commission had not requested this for its own protection.

The plant in Holden destroys PCBs with a chemical process, not by incineration. Waste-Tech does not currently operate a commercial incinerator to destroy PCBs.

Rose Chemicals' attempt to build a PCB incinerator in Holden has been heavily petitioned against.

"Rather than spend a great deal of time and money in a place where we were not wanted, we decided to look for another place for our incinerator," said Carolan. "We look at the sites in towns that contacted us, and this site seemed to have a natural marriage with the refinery."

Bideau, who visited EPA offices in Kansas City Thursday also

presented the commissioners with copies of allegations and fines levied by the EPA against Rose.

"Is this company going to be a good neighbor?" Bideau asked. "How are they going to get along with the city and the county? How are they getting along with Holden and the EPA?"

Bideau read from the complaints filed by the EPA against Rose which cited mostly storage and handling violations such as oil on the outside of barrels, and barrels without lids on them.

According to Bideau, was assessed a \$30,000 penalty. First complaint, which would be lowered to \$7,000 if Rose complied with EPA

(Continued on Page 3)

More about County commission meeting

(Continued from Page 1)

orders in time. Rose eventually paid the entire \$30,000 fine.

A second complaint brought a fine of \$176,000 against Rose, the largest fine levied against a toxic waste company in EPA region seven. The fine was later reduced to \$90,000.

"The people I talked to at the EPA said these were not housekeeping violations. They considered them violations of the permitted methods of handling the waste," Bideau said.

INDEED, THE hazard of the project seems to be agreed upon, transportation and storage.

Citizens voiced concerns about a possible tanker spill, or worse yet, a fire at the storage site. The burning of PCB contaminated oil at low temperatures produces dioxin.

Waste-Tech engineer Jerry Jelinek told the commission that the bulk of the transportation would be done by company trucks.

Also, Waste-Tech would agree to whatever routes proposed by local government and would have workers at the plant trained for emergency clean-up. The clean-up team would also assist with environmental problems not related to the PCB plant, according to Jelinek.

A full-time safety officer would also be on duty at the plant, Jelinek said.

The two firms said that all but about 10 of the jobs at the plant would be filled by local residents and that Rose Chemicals had already received numerous applications.

Rose President Walter Carolan said that the 130 jobs would not be available immediately, because the licensing process would take up to nine months.

Jelinek gave assurances that the emissions from the plant would be 99.9999 percent free of toxic waste and that his company is recognized as a leader in incinerator technology.

Carolan sated that the fines given to Rose were not for polluting, but for not getting rid of waste in time.

"**WE CHOOSE** to be fined rather than dispose of waste illegally. I guess you could look at that as sort of a left-handed compliment," Carolan said.

Chris Gosch, vice president for Rose, said tanks on the old Mid-America refinery site were being looked at as storage facilities, but he did not know how many gallons would be stored at the site at a given time.

The intentions of Rose Chemicals after the destruction of PCBs is completed was also questioned by commissioners.

Rose claims that the destruction of PCBs will be complete within five years.

"What happens when you run out of PCBs? Will you begin to destroy other toxic wastes at the site?" ask Bill Richman, second district commissioner.

Richman said in the afternoon meeting that he was satisfied from the companies' answers that they would try to apply for permits to burn other wastes after the PCBs were destroyed.

Carolan said that a stringent permit process, subject to public review, would be necessary to obtain a permit for destroying substances other than PCBs.

Bideau said that his impression was, after talking to EPA officials, that a second permit, to destroy a specific waste other than PCBs may be easier to obtain.

EPA permits for toxic waste disposal are extremely specific and Waste-Tech announced it would seek only a permit to destroy PCB contaminated oil and the contaminated cores of electrical transformers at this time.

The question of regulatory jurisdiction was also discussed.

According to Bideau and County Attorney Charles Bennett, any county ordinance specifically banning PCB destruction would probably not be legal.

The county may be able, however, to draft ordinances with respect to residential proximity to the plant and transportation of contaminated materials.

Bennett said the county government would not be liable in the case of an accidental spill or other emergency.

Feb 20

Bideau tackles PCB issue, plans to speak here Friday

By staff and wire reports
TOPEKA — Ed Bideau, Fifth District state representative, wasn't betting on the proposal to put a lottery on the ballot in November.

The Chanute lawmaker voted in favor of the proposal Wednesday, but a 79-46 count wasn't enough in the 125-member House.

The measure needed 84 votes for the two-thirds approval required before a constitutional amendment can be submitted to voters.

"I said I was going to vote to put it on the ballot and let the people decide the issue directly," said Bideau. "I thought it probably was not going to pass, but I thought it would be closer."

IN NEARBY DISTRICTS, Denise Apt, R-Iola, voted yes and Rochelle Chronister, R-Neodesha, voted no.

Pari-mutuel was the next issue on the agenda and Bideau was caught by surprise when it passed so easily today. "Supposedly, there was more support for the lottery than on pari-mutuel betting," he said.

Bideau will be a speaker at a 7 p.m. meeting Friday at Central Park, presented by Residents Organized for a Safe Environment.

Bideau has proposed that the City Commission authorize a further study of the proposed PCB incinerator plant and reconsider its position.

He has recommended the appointment of a special committee to review and investigate the proposal. The proposed committee would include a member of the city commis-

Statehouse spotlight

sion, county commission, chamber of commerce and local citizens.

"Hopefully this process would give the citizens of the area a detailed and thorough review which appears to me to be necessary," Bideau said. "It the final analysis the decision might be the same, but every effort would have been made to make sure that all information was obtained."

Bideau said he's had more inquiries, letters and phone calls, on this issue than any other while in public service, dating back to when he was Neosho County attorney.

He also indicated that he is working on legislation that would grant the state additional regulatory powers over PCB facilities. He noted, however, final action would be unlikely this session.

ON MONDAY, Bideau's judiciary committee voted out the medical malpractice bill to the floor of the House.

The bill overhauls Kansas' medical malpractice tort system, endorsing a measure setting a \$1 million ceiling on damage awards but sunsets the cap after seven years if it doesn't hold down doctors' insurance premiums.

The biggest surprise during a 3½-hour session to put the final touches

on the bill before it went to the full House for debate was adoption of a motion by Rep. Jack Shriver, D-Arkansas City.

It would remove the \$1 million limit on total amount of malpractice damage awards and a \$250,000 limit on pain and suffering damages in 1993 — unless the Legislature acts later to extend the caps.

Shriver, whose motion carried 9-8, said he considered the sunset vital if the bill is to have any chance of avoiding a veto by Gov. John Carlin, who strongly opposes imposing any limitations on amounts of medical malpractice damage awards.

While voting to put the sunset provision on the caps, the Judiciary Committee approved by nearly unanimous voice vote the amendment offered by Rep. Joe Knopp, R-Manhattan, the committee chairman, to provide a "pinhole" in the \$1 million cap.

Knopp's pinhole provision would permit victims of medical malpractice who could show medical bills and costs of future care exceeded the \$1 million cap to appeal for additional compensation from the state Health Care Stabilization Fund — a fund created a decade ago to pay for catastrophic damage awards in medical malpractice cases.

Bideau also said the labor and industry committee has voted out a revision of unemployment benefits law. "It cleans up some problems, restructures and clarifies some things," said Bideau. "It's supposed to make the system operate smoother."

More about Waste-Tech process

(Continued from Page 1)

A. Every second our process is in operation we are monitoring feed rates, temperatures and all of the gas and solid products prior to their release. Our on-site computer maintains a perpetual record of every second of operation.

As you know, we are required by law to record and report our destruction level four times an hour every hour we're in operation. Every 15 minutes we take a reading for the government.

Our readings are continuous. If there is any reason — and we can't imagine one — that our system wouldn't be performing, our two monitors would shut it down in one second.

No other thermal oxidization process has this kind of fail-safe control.

Q. How do you know your process is reliable?

A. Our basic combustor is in operation at 50 sites around the world burning non-hazardous waste and recovering energy for industry. These proven systems have completed the equivalent of more than 200 years of on-line operations and have a reliability rate of 98-plus percent.

This is the basic technology that we have advanced so that it can be used today for hazardous waste destruction.

We have exact temperature control at anywhere from 0 to 3,500 degrees F.

We have exact waste ratios at all times within our computer. We size

all of the waste prior to feeding it into reaction chambers so we are assured of total thermal combustion. We can oxidize gases, liquids, slurries or solids. Very few combustors can do this entire group of materials.

Q. Why will Waste-Tech be the only one to operate the thermal oxidization combustor for the destruction of PCBs at the Rose Chemicals plant?

A. Waste-Tech insists on operating each and every one of its advanced thermal combustors at every site. The company doesn't sell equipment. It offers a service that consists of the following elements:

— Waste analysis and hazards evaluation for safety factors.

— Testing as to total destruction and elimination of the hazardous content.

— Application to the Environmental Protection Agency and state regulatory agencies for listing of the oxidized residue as non-hazardous.

— Construction of the system and installation at each site.

— Operating the system with only Waste-Tech trained specialists at all times.

— Fail-safe monitoring of the oxidization process with two separate systems, and a plant manager who lives in the community.

— Continuous operational monitoring.

For as long as Waste-Tech is the Waste-Tech thermal combustor are required at the site, it is assured that only Waste-Tech will operate the system. We are the responsible party.

Feb 17
Technology to be employed in the PCB incinerator proposed at Chanute differs from that used in the few PCB incinerators built in the United States to this point.

That, the incinerator's advocates say, is what makes it safe. The others have had problems. We've taken care of them, they claim.

Safety is the concern of controversy over the Chanute proposal, as it was at Holden, Mo., when construction of the incinerator was proposed there.

As a matter of public information, The Holden Progress ran an article on Nov. 21, 1985, headed "PCB Incineration: How Safe Is It?" A subhead added, "Waste-Tech Explains Innovative New Process."

Waste-Tech is the company that is to build and operate the Chanute incinerator, in joint venture partnership with Rose Chemicals of Kansas City. Representatives of both companies have said the information in the Holden story, except for particular references to Holden, is applicable to the proposed Chanute plant.

The bulk of the Holden article follows. It was illustrated with the same drawing.

AT THE REQUEST of The Holden Progress, Waste-Tech, Inc., of Lakewood, Colo., this week answered some of the questions the community has about the thermal oxidation incinerator it hopes to build in Holden and use to destroy potentially dangerous PCB wastes.

The following is a special interview with Waste-Tech about the oxidization combustor process.

Q. What is a Waste-Tech thermal oxidization combustor?

A. Over the past five years, Waste-Tech has spent \$5 million in designing, patenting and testing the world's most advanced fluidized-bed thermal oxidization combustor.

Our purpose during this time was to develop the safest and most reliable thermal process for the complete oxidization of organic or toxic waste.

Today, we have 16 patents issued on our Waste-Tech combustor and one is

government.

Under permits granted to Waste-Tech by the federal, state and community governments in Colorado and Idaho, we have thoroughly destroyed hazardous waste products. We return to our customers a sterilized, non-hazardous ash.

As to the physical shape and size of our combustor, it is a totally sealed cylinder standing upright to a height of 20 or 40 feet. We feed air up through our patented air intake system. The air pressure causes the granules (in the bed) to float like boiling water.

The fuel is metered in from the top and the waste is fed in high on the side. Only a little waste and of a very exact size is in the reaction chamber at any time.

The granules are heated to as high as 3,000 degrees Fahrenheit and literally bombard the small waste particles until the waste is destroyed. The sterilized particles are carried out on a conveyor from the bottom.

The gases enter a second zone above the bed and are further cleansed. Then the gases are scrubbed clean. When we release them to the atmosphere, they are cleaner than the air in most communities.

Q. What makes your incineration process better than others being used today?

A. There are a number of reasons why our process is the safest and most reliable in the world. Without too much technical detail, we would like to say that there are four reasons why any community should be satisfied with the environmental safety that the Waste-Tech combustor offers.

But before we go into those four points, we'd like to say that most of the incinerators in operation today were not designed to burn hazardous wastes. They were built to burn garbage or other non-hazardous materials and therefore there was no need for the extra monitoring systems and the extra high temperatures and the very strong waste particle bombardment our system achieves.

These older systems were adapted

but don't have the safety shutdown system nor out monitoring systems.

1. Our system is totally sealed once the waste is metered into our combustor and nothing escapes. By this we mean no hazardous particles nor any hazardous gas can escape.

We totally oxidize all of the waste material and the ash product that comes out the bottom of our unit is more sterile than a hospital corridor. The emissions to the air are actually purer than the atmosphere of most communities.

2. Only a little bit of waste is fed into our system at one time. Once the waste is in our advanced reactor, it is bombarded by our floating high-heat bed granule. These very hot granules shear off the combusted ash on the particle surface until all the particles are oxidized and thermally sterilized.

3. Even a power failure that would knock out all community service would not cause the release of any contaminated material. Before our system cools down, total thermal destruction occurs to all waste in the unit.

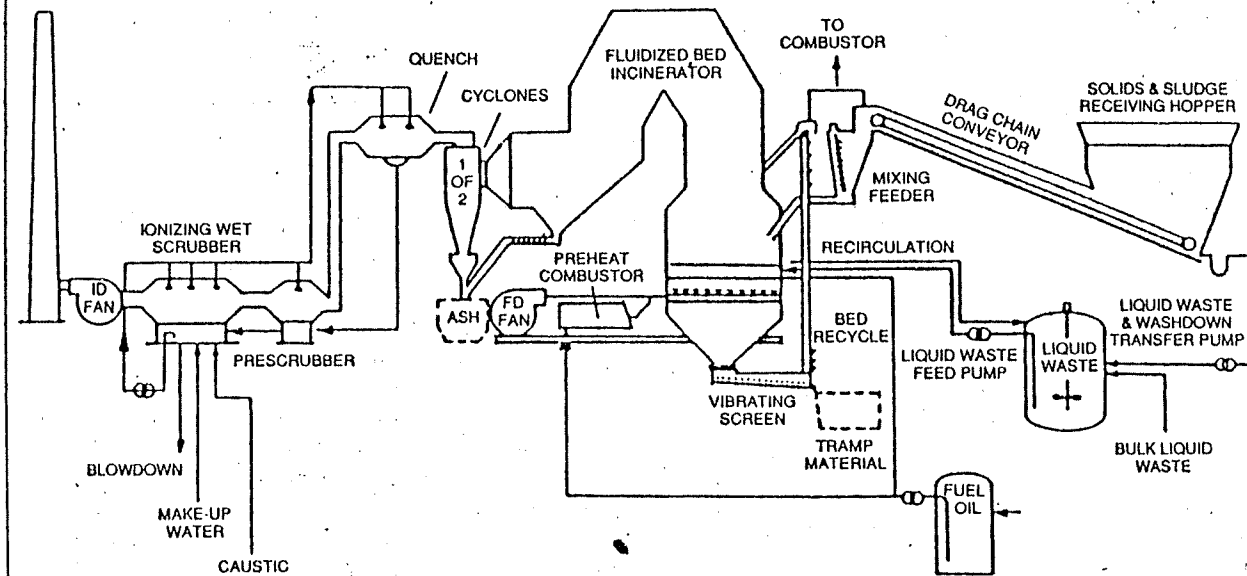
Remember, we said that we had only a small amount of waste in the system at any one time (2 to 3 percent) and our 3,000-degree temperature in the combustion chamber is sufficient to sterilize this small quantity of waste before it cools down.

4. Finally, we have two monitoring systems operating and each of these systems is capable of shutting down the process automatically. In other words, in addition to the control of our operators and our full-time on-site environmental manager, our Waste-Tech combustor can shut itself off whenever all systems are not in 100 percent accurate performance.

Our safety program is designed to handle all of the problems associated with the destruction of hazardous waste. Not only does our unit have the high temperature capability that older systems lack, it also has extra temperature ranges that can't be matched by conventional systems.

Add to this our double set of independent monitors and our sensors that continuously check

PROCESS WASTE INCINERATOR FLOW SCHEMATIC



CORPORATE OFFICES
445 UNION - SUITE 223
LAKEWOOD, COLORADO 80228

WASTE-TECH
SERVICES INC.

ENGINEERING OFFICES
1 ENERGY DRIVE - P.O. BOX 736
IDAHO FALLS, IDAHO 83402

and sterilized residues, and you can see why we succeed when others fail.

Q. Why have other incinerators caused problems?

A. There are many reasons why there have been problems with existing systems. We will offer three comparisons in hope they will explain why our system won't fail where others have.

First, the other systems in operation today are big kilns that rotate and thus have moving parts and gaskets. These gaskets can leak. Our system has no moving parts, no gaskets, and is a totally sealed piece of steel. Therefore, it can't leak.

Second, these giant kilns are fed thousands of pounds of waste at one time. If there is a power failure there is no way that these big units with these immense quantities of hazar-

in the furnace before cooldown.

Thus, plant workers will be exposed to contaminated materials when they open the furnace, and spills of these hazardous wastes can occur.

As we said, we have only a few pounds of waste in process at a time and it will be destroyed even if the system shuts down. The only thing that can be dumped on the ground is sterilized ash.

Third, our Waste-Tech team doesn't mix hazardous waste materials from several sources. Big regional waste sites must blend many different wastes.

When a regional incineration operation blends different company wastes, you can get a roller coaster variation of temperature. Too low a temperature doesn't burn the hazardous waste completely, and too high a temperature can cause explosive

We always control our temperature to within 5 degrees F. and we don't mix wastes. We will have already analyzed the waste we'll be burning for Rose Chemicals. We will know what temperatures to run in our two reaction zones that will assure total destruction.

Again, our safety monitoring systems are virtually fail-safe even in the event of temporary absence of an operator.

We can't stress enough the safety we enjoy with our monitoring equipment. Even if the operator should have to leave the control room for any reason, our combustor will automatically shut down if a problem occurs.

Q. How do you know that you are successfully burning all of the waste all of the time?



Gene Stone, left, explains his point of view to approximately 100 concerned citizens attending Monday's meeting to organize opposition to the proposed PCB plant. Tim Smith, right, also spoke about an information sheet he compiled.

FEB. 11

Opposition organizes against PCBs

By KEITH WRIGHT
 Organized opposition to a PCB incinerator at Chanute took shape in a public meeting Monday night at the North Malcolm Community Center attended by a capacity 175 to 200 people.

The primary objective was to receive suggestions and adopt ideas of ways to carry out the plan. The group will enlarge efforts to stop installation of the plant.

One way will be by circulated petitions. More than 150 signatures were collected on prepared petition forms available at the meeting.

A block-by-block door-to-door drive for signatures is planned and being put together.

THE HEADING of the petition includes the wording that because citizens "are reasonably convinced that the operation of such a proposed facility may present a potential for environmental harm within this community, we oppose any action toward the establishment of such a facility." Copies of signed petitions, according to the heading, will be forwarded to appropriate local, state and federal authorities, including the Chanute City Commission, Neosho County Commission, state representatives, Environmental Protection Agency and Rose Chemicals.

The incinerator is a joint venture project of Rose Chemicals, Kansas City, and Waste-Tech Services, Greenwood, Colo., a division of the international Bechtel Corp. It would burn waste mineral oil at high temperature to destroy PCBs contained in the oil. PCBs — polychlorinated biphenyls — are recognized, in extended exposure, as a possible cause of cancer and birth defects.

Whether by coincidence or design, the opposition group adopted as its name ROSE, standing for Residents Organized for a Safe Environment. It was also agreed to hold a follow-up meeting in the near future, in a larger building to accommodate anticipated attendance. Time and place will be announced later.



A standing room only audience crowded into North Malcolm Community Center Monday night. The group is organizing opposition to the proposed installation of a PCB plant here.

Photos by Marshall Spurrier

AT AUDIENCE suggestion, a hat-passing collection was taken to finance incidental expenses. It raised \$311.89.

Because of the collection, a treasurer was elected for accountability. The office went to Dorothy Walsh.

No other officers were elected. Gene Stone, a leader in the opposition movement, served as chairman.

An information sheet captioned "Why we oppose the incinerator" was distributed. It was prepared by Tim Smith, who discussed part of its content and related materials.

Stone is a rural Chanute painter and remodeler. Smith is a Kansas City computer consultant with friends in Chanute and a visiting acquaintance with the community who said his interest is based on broad environmental concern.

He said the paper he prepared was done with library research in Kansas City.

One of the speakers, Jodi Lucke, said concern about safety of the plant shouldn't be confined to Chanute but could affect everyone in the Neosho River basin because of possible water contamination.

Mayor Jesse Jackson, City Manager Bob Walker and County Commissioner Glen Neely were present and responded briefly to questions.

Jackson assured the group that it would have opportunity for hearing by the City Commission.

WALKER TOLD the gathering it shouldn't rely entirely on numbers in presenting its position but use a logical, substantiated approach. Those conducting the meeting made a

similar point.

Neely said the County Commission has made no decisions or judgments regarding the project because it doesn't have enough information at this point and isn't sure if it has authority in the matter. Further information is being obtained, he said, and the question of authority resolved.

An opposition delegation is to attend the County Commission meeting Friday, which Neely said would be welcomed in the board's desire to form itself.

Other suggestions approved by the group were all-out telephone and letter communication with members of the City Commission, use of newspaper mail-in coupon for expression of opposition, and information radio forums.

PCB incinerator planned for Chanute

By Barbara Musfeldt
The Star's energy/environment writer

Chanute, Kan.—A Holden, Mo., chemical company plans to build a PCB incinerator in Chanute and use energy from the process to operate an abandoned oil refinery.

Officials for Martha C. Rose Chemicals Inc. had been planning to build the incinerator in Holden near the firm's plant there. But reaction in Holden had been so negative, they said, that an invitation from Chanute officials has been accepted.

Rose recently completed purchase of the former Mid-America Refining Co. Inc., said Christopher Gosch, Rose vice president. The small refinery—now a jumble of rusted tanks, pipes and weeds—refined about 3,000 barrels of oil a day until the end of the oil boom in 1981.

Mr. Gosch said officials anticipate the incinerator will be ready for test operations in 10 months, with the approval of the U.S. Environmental Protection Agency for full operation three months after that.

The incinerator project because it will be one of the first special PCB incinerators in the United States. A similar project has been made by a company in Chanute, Kan., 45

of the eastern Kansas oil-producing area, has been hit hard by dropping crude oil prices.

Unlike Holden, where city officials have fought the incineration project, Chanute officials and the Chamber of Commerce have endorsed it.

City Manager Robert Walker called Rose officials and asked them to consider Chanute as a possible incinerator site.

Chanute needs more jobs and Rose is offering an opportunity for 100 to 150 jobs to open up in the community, Mr. Walker said.

It also is an opportunity for the city to reopen the refinery, which has been "a pimple on the nose of Chanute" for too many years, Rose President Walter Carolan recently told members of the Eastern Kansas Oil and Gas Association.

Although some of those jobs at the joint incinerator and refinery site may be filled by Rose management officials transferring to Chanute, the bulk will be filled with local residents, Mr. Gosch said.

Little opposition to the project has developed in Chanute, but officials are expecting it, Mr. Walker said. PCBs, which are used in some electrical transformers, are considered hazardous because of links to cancer and other disorders in animals and humans.

Max Beech, general manager of the refinery—which employed



Max Beech, manager of the oil refinery in Chanute, Kan., hopes the

about 35 to 50 persons while it was operating from 1934 to 1981—said it probably will cost \$2 million to \$3 million to clean up the refinery for operation.

Rose officials say it will take at least an additional \$5 million to build the incinerator. The incinerator is being designed and will be run by Waste-Tech Services Inc. of Lakewood, Colo., a subsidiary of the corporate conglomerate Bechtel Group Inc.

Rose officials said the PCB disposal market is big enough to accommodate both proposed in-

cinerators in Chanute and Coffeyville.

Rose officials said they will continue all current operations at their Holden plant, Mr. Gosch said. About 70 persons work at the reprocessing plant, which decontaminates transformers and ships PCBs to existing incinerators.

Holden officials, who had filed an injunction seeking to stop the company from accepting more wastes without obtaining a special city permit, said they were pleased to hear the company was moving the project to Chanute.

Friday,
January 31, 1986

The Chanute Tribune

Bluegrass benefit
concert 2:30 p.m.
Sunday at
Municipal Auditorium.

Plans for PCBs destruction plant unveiled

By KEITH WRIGHT

Plans to establish a PCBs destruction plant on the grounds of the closed Mid-America Refinery at the north edge of Chanute were unveiled at a Chamber of Commerce breakfast today.

Reactivation of the refinery is a simultaneously planned part of the project. Groundwork has already been laid.

TWO COMPANIES are involved, Rose Chemicals, Kansas City, Mo., and Waste-Tech Services Inc., Lakewood, Colo. Waste-Tech, as a subcontractor of Rose, would own, license and operate the destruction facility, which would employ both chemical and incineration destruction methods.

PCB is abbreviation for polychlorinated biphenyls, a suspected cancer-causing compound

now banned by federal regulation that was once widely used in electrical equipment oil insulation.

Representatives of Rose and Waste-Tech explained the destruction process and its safeguards in slide presentations of public safety assurances. At the close of the meeting, the approximately 100 persons present endorsed without objection a resolution of support for the project.

The presentations were given by Christopher Gosch, Rose vice president, and Jerry Jelinek, project manager for Waste-Tech. They also answered questions from the audience.

Information provided by Gosch and Jelinek included:

Rose is committed to a lease-purchase agreement for the refinery property, on U.S. 169 at the north city limits, that is effective Saturday.

There are 25 acres in the grounds, of which the destruction plant is to occupy only a small part. The property is being acquired from four Nowata, Okla., owners.

THE DESTRUCTION PLANT and refinery together are projected to have approximately 130 employees within nine to 10 months and an annual payroll of \$1 million.

Operation of the refinery is linked to the destruction plant because heat energy from waste oil burned in the incinerator can be used to power the refining processes. The supply won't meet the total refinery need but will be sufficient to significantly reduce its operating cost and make its operation more economically feasible.

The incinerator is to have capability to handle 7,000 tons of contaminated materials a year. Destruction capability covers a variety of materials, but the principal material

is to be oil from electrical equipment, primarily from transformers and capacitors. No nuclear waste disposal is involved, or contemplated. Of modular construction, the incinerator would be assembled on-site by Waste-Tech. Equipment cost alone is \$5 million.

Licensing is strict and closely supervised, including a "trial burn" before operational authority is granted. Both federal and state regulations are enforced, through the Environmental Protection Agency and the Kansas Department of Health and Environment.

Air emissions have to comply with provisions of the federal clean air act. There is no odor, no toxic emission or residue. Ash from the incineration is safely disposable in a public landfill. Contaminated containers are burned. Metal residue from the incineration is reclaimed.

Waste water from the incineration

is sewer-disposable.

THE AREA from which the contaminated materials that are burned might come is nationwide. Transport to the site is to be mostly by truck. City Manager Bob Walker said a marked, most-direct route would be provided, and there would be no truck transport through populated areas of town.

The incinerator equipment is a patented process of proven reliability in other applications. Rose has one PCB destruction plant in operation, at Holden, Mo., but it uses only the chemical process.

If cleanup of the refinery grounds, which are on a current suspect contamination list, is found necessary, it will be done by the operating partnership through utilization of the incinerator.

Gosch said the companies fully recognize that disposal of hazardous

wastes is an emotional as well as a physical problem and subject to public misunderstanding and objection.

By presenting factual information at the outset, it is hoped general public acceptance will be received. If an all-out objection should arise, Gosch said, the plant wouldn't be installed.

By accepting the plant Chanute has an opportunity to become a forerunner in hazardous waste disposal that stands to gain national attention, Gosch said. He said the quantity of contaminated materials for disposal, now amounting to 275,000,000 tons a year nationwide, far exceeds existing disposal capacity.

Incineration, he said, is an "aggressive, positive, permanent and safe solution to a growing concern."

The meeting was held at the Brass Lantern.

Wednesday,
February 5, 1986

The Chanute Tribune

Operation Soup Line
11-7 Thursday at
Masonic Hall,
102 N. Highland.

Commission supports proposed PCB plant

By KEITH WRIGHT

City commissioners unanimously approved an official statement of support for a proposed PCB incinerator installation at Chanute as part of their meeting Tuesday night.

The statement joins previous endorsement by the Chamber of Commerce, which was reviewed by chamber president Audrey Davies.

At the same time, a member of the meeting's audience said there will be opposition within the community to the project.

PLANS TO INSTALL the incinerator were made public Friday by Rose Chemicals, Kansas City, and Waste-Tech Services, Lakewood, Colo., a subsidiary of Bechtel Corp. The plant, for the destruction of hazardous waste, is to be located on

the former Mid-America Refinery grounds at the north edge of town.

Rose Chemicals has acquired the property, and plans to reopen the refinery in conjunction with operation of the incinerator. Waste-Tech is to install and operate the incinerator.

The incinerator is primarily for the destruction at high temperature of polychlorinated biphenyls and waste mineral oil containing them. Once widely used with oil in electrical transformers and capacitors, PCBs are now considered a potential cause of cancer, their use has been federally banned, and the contaminated oil is being disposed of under Environmental Protection Agency supervision.

Walt Carolan, president of Rose Chemicals, spoke to the commission about the planned operation and answered questions from the com-

missioners.

About 40 people, some of them present for other purposes, jammed the commission room during Carolan's presentation. He also answered some questions from the audience, but the commission limited the visitor group's participation because of time and place, with the remainder of the meeting's agenda still to be considered.

ASSURANCE WAS given that ample opportunity will be given for all interested persons to be heard, through meetings, public hearings and media forums. The EPA licensing procedure permitting operation of the plant is expected to take at least 10 months.

Gene Stone, a painter and remodeler living on R. 1, told Carolan and the commission, "Some of us will

be opposed."

"Anybody who puts his belief in the Environmental Protection Agency is a fool," Stone said. "It changes its regulations daily.

"I don't think it's fair to subject us to a situation where we might have to say five years later that we blew it. We need jobs, but not in this form."

Most of what Carolan said was recapitulation and expansion of previous information.

Asked if the project is only tentative, Carolan said the companies are committed to it and intend to carry it out. Combined incinerator-refinery investment is expected to be about \$7 million dollars and the operations together are anticipated to employ up to 150 people.

AN AUDIENCE question was

whether the incinerator installation would be a matter for public vote. The answer was no.

Commissioner John Scully said the city has no authority to deny the operation, any more than it would have a legitimate business enterprise of any kind working within applicable regulations.

Carolan repeated assurances of safety in the operation, that it will produce no toxic emissions or residues, or odor.

Commissioner Jerry Williams posed a hypothetical question, asking whether Carolan would consider the incinerator or the Wolf Creek nuclear power plant a greater public risk.

"Frankly, I don't see much danger to the people of Chanute or Burlington from either one," Carolan said. "PCBs in themselves aren't an immediate life-threat. If you drank a

glass of them, you wouldn't fall over dead. Their effect is cumulative, from extended exposure."

Carolan also was asked if he would personally feel safe living in proximity to the incinerator. He said that he would, and although he doesn't plan to live here a number of lead personnel for the project will.

At commission request, Carolan enlarged briefly on Waste-Tech's relationship to Bechtel. He termed Bechtel, "a preeminent international contractor" that among other things designs nuclear power plants and mining equipment.

Among Bechtel's recognitions is "graduates" it has in federal government positions, one of whom is Secretary of Defense Caspar Weinberger. The company is based in San Francisco.

County explores PCB plant issue

By PAUL CARTER

ERIE — County commissioners, eager for information about the proposed PCB destruction plant in Chanute, conducted a telephone question and answer session with City Manager Robert Walker at their Friday morning meeting.

The commissioners have not yet formed an opinion on the proposed plant.

"I don't have an ax to grind on this yet," said second district commissioner Bill Richman. "I don't have enough knowledge about the plant to form an opinion but I am greatly interested in it."

Rose Chemicals, Kansas City Mo., is the current owner of the the proposed plant site, the closed Mid-America refinery at the north edge of Chanute. Waste-Tech services, Lakewood, Colo., a subsidiary of Bechtel Corp., would own, operate and license the destruction facility as a subcontractor of Rose.

Commissioners are trying to arrange a meeting with Rose Chemical as soon as possible to discuss the plant.

WALKER WAS questioned about plant safety and told the county commission meeting that a clean-up crew would be based at the plant in case of emergency spill situations. And that such a crew might be of service in existing or future environmental problems not associated with the plant.

The company has also agreed to use whatever routes dictated by local government when transporting PCBs into Neosho County. A spill of the chemical would not be explosive or an air pollution problem and the only real hazard would be to water systems in the event of a transportation spill, according to information available to Walker.

The proposed site is currently outside of the city limits.

It is not known whether or not the landowners and operators of the site will request annexation to the city.

"I speak only for myself, and not the rest of the commission," said City Commissioner Seth Gray, who was contacted later by phone. "Speaking from history, I cannot remember one single incidence in the seven years I

have been on the commission when we have annexed property when the landowner did not request it."

Some industries, such as Ash Grove Cement Co., are not currently within the city limits.

THE CITY'S mill levee for real estate tax is \$31.01. This means that a property owner pays \$31.01 per \$1,000 of assessed value. Assessed value is based on 30 percent of the fair market value of the property in 1968. This amounts to roughly seven or eight percent of the current market value in Neosho, according to Rodger Buskirk, county appraiser.

There are no delinquent taxes on the refinery.

However, reopening and expansion of the property would considerably raise its assessed value, and taxes, according to Buskirk.

Rose Chemical has announced plans to spend about \$7 million on incinerator and refinery investments at the site.

Property owners inside the city limits also pay a county mill levee of 29.67, school district levee of 67.58, Neosho Community College levee of 19.47, and state levee of 1.50, for a total mill levee of 149.23.

Rose Chemical would pay an approximate 120.59 mill levee in the county, and 149.23 in the city.

Annexation to the city would mean an approximate 28.64 increase in mill levee for Rose Chemical, or anyone else. \$50,000 worth of property in the city, based on a 149.23 mill levee amounts to \$559.61 in taxes.

HOWEVER, THE importance of the plant to the economy can best be measured in terms of the number of jobs created, not property tax increases, according to Walker. The amount of payroll, much of which would likely be spent in Chanute and surrounding areas, is the overriding economic impact. The proposed plant is expected to employ about 130 people. If those employees averaged \$10,000 per year, as a random figure, that would mean an annual payroll of \$1,300,000.

The payroll could be turned over about four times in the community,

(Continued on Page 5)

PCB Industry Says Incinerator Is Safe

Waste-Tech and Rose Chemical Company executives say that a thermal oxidization incinerator they want to build in Holden to burn toxic wastes is safe and will in no way pose a threat to the health or safety of the community.



Harry Conger

"We will be able to completely decontaminate power company capacitors at our steel fabrication facilities in Holden and totally destroy hazardous capacitor oils with the most advanced thermal combustion process available anywhere in the world," says Rose Chemical Company president, Walter Carolan. "Waste-Tech has satisfactorily destroyed these oils to a 99.9999 percent level and their environmental specialist trained teams will operate their process at our Rose Chemical plant."

"They guarantee 100 percent compliance with government guidelines and monitor their work every second of the day," Carolan promised. "These records of performance are transmitted to Waste-Tech's computer in Denver, Colo., every day for review by their environmental scientists and engineers and are also submitted to the EPA in Kansas City."

Waste-Tech president, Harry C. Conger, said his company turns hazardous organic waste into non-hazardous sterilized solids.

"Our process completely oxidizes all organic particles and cleanses all the gases," Conger said. "From it, you get oxygen, water and carbon dioxide as well as the sterilized residue."

Essentially, we decontaminate soils, sludges, slurries, liquids or gasses of hazardous organic products," he said. "This is the best way we can protect our land and water quality."

Waste-Tech's thermal oxidization process has destroyed PCBs

and many of the other known hazardous wastes produced today and has a "fail-safe" system that totally eliminates any possible leaks or escape of contaminated products into the surrounding environment. Waste-Tech scientists and teachers will employ and train a team of local workers to serve as an environmental specialist team that will operate the Waste-Tech system on the Rose Chemical Company site. The local teams will be directed by a Waste-Tech services environmental quality assurance manager that will live in the Holden community.

Waste-Tech does all the advance hazardous waste testing to comply with the U.S. Environmental Protection Agency's stringent regulatory process. The company is also responsible for all the sophisticated process monitoring and compliance reporting demanded by the federal government and Missouri Office of Environmental Quality. Waste-Tech must do all

Continued on Page 4

Missouri Employment Up in July

Missouri unemployment dipped to 6.3 percent in July, down from June's 6.7 percent and seventenths of a point below the 1984 jobless rate.

Johnson County unemployment inched up from 4.0 percent in June to 4.8 percent in July, but remained well below the state and national averages.

Paula V. Smith, director of the Missouri Department of Labor and Industrial Relations, says the state's 6.3 percent figure is the lowest July unemployment rate since 1979 when unemployment was 4.2 percent.

"There were 2,338,500 Missourians on the job in July," Ms. Smith said. "This once again is a new employment record for the state and represents an increase of 113,800 jobs over a year ago."

She said the increase is especially encouraging because the labor force itself has increased by 104,600 workers since last year.

"These statistics evidence a continuing strong Missouri economy," she said. "The expansion of the labor force is being absorbed by the growth in employment."

The largest increases in employment have been recorded in the manufacture of transportation equipment and in the service industries.

Progressing NFO Wants Fair Price For U.S. Farm Products

Johnson County farmers, ranchers and businessmen are being asked to attend a district meeting of the National Farmers Organization (NFO) in Sedalia today (Thursday, Sept. 5) and work together to help find solutions to the deteriorating economic conditions in rural America.

The meeting will be held 1 to 5 p.m. today at the Quality Inn on U.S. Highway 50 in Sedalia.

Election By Mail Surveyed

Johnson County Clerk Wendell Davis is joining Missouri election authorities in studying the feasibility of conducting elections by mail in future elections.

Davis is conducting a survey asking Johnson County voters whether they would approve of

Jay Wilson, president of the Johnson County NFO, said the meeting is a must for everyone in agriculture that wants to stay in business.

"Why should we believe that we should be paid less and less each year for what we produce when every other business in the world is charging more and more," Wilson asked? "It is time for U.S. farmers, ranchers and rural business to act."

object to voting by mail. That survey is published in this week's edition of The Progress.

Voters are asked to fill out the survey and return it to the county clerk's office in the courthouse at Warrensburg by September 12.

Carnival Tickets Go on Sale

Advance tickets for the 1985 Fall Fiesta carnival go on sale at reduced prices this week at participating Holden businesses.

A strip of 15 tickets will sell for \$5. Advance ticket sales will close before the September 13-14 Holden Fall Fiesta.

Carnival tickets purchased during the fair will be higher.

Tickets will be on sale at the Bank of Holden, Farmers & Commercial Bank, Holden AF Super, Lloyd's IGA, Holden Ace Hardware, The Holden Progress, Russell's Variety Store and Holden Rexall Drugs.

Join the Fall Fiesta Parade

Among the 977 school Holden R-3 School Mr. and Mrs. John daughter of Mrs. Sue ay enrollment in the the previous year. owing up for classes a only slightly, there igh this year. R-3 ecline to a continuing olden and across the

2.2%

to 450 students thisiddle School enrollm 241 to 204. Senior ent slipped from 319

elementary school, enrollment fell from

Contradictory Claims

PCB Safety Questioned

Continued from Page 1
the permit data preparation, obtain the permit and accept total responsibility for compliance.

"It's very important to me that we destroy these hazardous wastes on our plant site and not truck them through the community and face the possibility of accidental spills on the streets," Carolan said. "And, as local farmers can attest, shipping goods today is more costly, especially in the small quantities we produce."

"We expect to be able to increase our business and the number of jobs we can offer in the community because we are decreasing the transportation risk our customers face when we send these hazardous wastes off our site to a commercial disposer," Carolan continued.

President Ronald Reagan last November signed a bill into law that calls for the end of hazardous waste dumping in landfills across the country. The new environmental regulations also encourage the increased use of thermal and chemical oxidation to eliminate or reduce hazardous materials while at the same time recovering useful materials to improve the nation's economy.

The basic Waste-Tech process creates temperatures of approximately 2200 degrees and meters only small quantities of the waste capacitor oil into the oxidation chamber at a fixed rate. A patented air system creates a high-velocity force that raises the vessel's bed and creates a fluid condition which is like "boiling water." That causes the waste oil particles to bump into the very hot, abrasive bed granules, continuously shearing the waste until it is finally destroyed.

"The high-velocity bombardment of the waste at ultra-stable temperature levels assures a fail-safe operation," Conger said. "Even a community power failure will not allow the system to release any hazardous product."

"It's like a 'hot-pot' retaining heat to cook for a long time," he said, "only it's about 2000 degrees hotter."

Waste-Tech this year proved that its system can continuously destroy hazardous waste contaminants in clay, silt, sand, gravel or soil. The newly-developed technology is suitable for on-site clean-up of breached lagoons, dump sites with leached liquids or on-the-road spills of liquid chemical wastes that can contaminate roads or property.

The results of this development will be published soon in the highly

regarded U.S. EPA Journal of Hazardous Waste.

"We believe our new advance marks the first time this country can continuously clean up at the site large quantities of soils contaminated with products such as dioxins or PCBs," Conger concluded.

A story in the August 26 edition of the "Wall Street Journal" contradicts industry claims and questions the safety of hazardous waste incineration.

The "Wall Street Journal" reports that Louisiana state regulators burst into an incinerator control room at a plant owned by another company recently, found the operator slumped against a wall, holding his head and complaining he felt faint. They found gauges malfunctioning, oxygen for combustion short and the incinerator releasing super-heated hazardous chemicals into the sky.

Although almost all experts agree that burning toxic waste is better than burying it, the "Journal" says the process has a poor safety record so far. That track record is marred not just by operating breakdowns--some of them perhaps inevitable with such new technology--but also by a legacy of environmental violations and health concerns.

Louisiana officials have ordered the incinerator in Baton Rouge permanently closed and authorities have postponed giving the same company a trial-burn permit for another plant in New Jersey.

Concern about the incineration operation is growing even though the concept of burying waste is appealing to both scientists and environmentalists. The "Wall Street Journal" reports that some scientists are charging that in its haste to find a solution to the hazardous waste disposal problem, the EPA itself has promoted incineration with only flimsy research.

An independent scientific advisory panel for the EPA recently concluded that although incineration of liquid hazardous wastes is "valuable and potentially safe" in theory, the agency staff has ignored several fundamental health questions. For instance, incinerators often are suspected of creating and emitting dioxins, the most hazardous compounds manufactured, but EPA has never determined how often or in what quantities, according to some members of the advisory panel.

The "Wall Street Journal" reports that each of the nation's five commercial hazardous waste

furnaces has experienced difficulties going well beyond routine operating problems.

-In Deer Park, Texas, a Rollins incinerator was spewing toxic ash from between the kiln and afterburner when state regulators arrived for a routine inspection in 1983. During a follow-up visit two months later, a regulator saw PCB-laden wastes tumbling from the kiln and smoldering on the ground. Earlier, the state cited the company for ignoring an emergency order and burning 1,200 pounds of PCBs an hour during a stagnant-air alert.

-In Logan Township, N. J., six workers died and several others were seriously injured when a tank of hazardous waste blew up and sent explosions cascading through a Rollins incinerator site in 1977. In 1980, the Justice Department collected a \$65,000 civil penalty from the company for violating a consent decree intended to limit the incinerator's emissions. In 1981, the state temporarily closed the incinerator after excess pressure touched off an explosion in the kiln.

-In Baton Rouge, La., another malfunction at the Rollins facility blew toxic waste fallout from the stack in 1982. The Louisiana Hazardous Waste Management Division reports also chronicle years of citizen complaints attributed to the incinerator and land disposal operations including nausea, itchiness, burning eyes, sore throats, dead livestock, dirty cars, stunted tomato plants and pecan trees that won't grow pecans.

-In Chicago, SCA Chemical Services was fined \$12,600 by federal workplace regulators after they saw outside contractors' employees working around hazardous materials without any protective clothing or special training. SCA is contesting the citations. At an elementary school 1.4 miles downwind of the incinerator, PCBs were found at a peak level 16 times higher than at another school two miles upwind, although neither level was considered a health threat.

-In El Dorado, Ark., where the Environmental Systems Company burns PCBs in an incinerator considered exemplary by many observers, physicians have treated six cases of a rare sinus cancer with the case load concentrated near the incinerator. The company denies any responsibility.

PRINTING!

The Golden Progress

See 6 new channels

Rose Lays Off 75 Workers

PCB Plant Shuts Down Toxic Waste Treatment

By F. KIRK POWELL
Editor & Publisher

The Rose Chemical Company laid off as many as 75 workers and shut down much of its PCB processing operation in Holden last Friday.

A spokesman for the company said Rose Chemicals has stopped accepting any new PCB-contaminated materials for storage, treatment or transport because of difficulties in meeting U. S. Environmental Protection Agency (EPA) guidelines and deadlines.

Rose vice president, Chris Gosch, said that has made a major reduction in the company's work force necessary.

"Because a large number of our plant personnel are routinely engaged in receiving, testing and warehousing PCB materials we accept for disposal," Gosch said, "their services are unfortunately no longer required."

In a letter to his employees, company president W. E. Carolan

indicated that every effort was made by government authorities to see that the industry did not succeed in locating an incinerator in Holden and further, to prevent the company from doing business altogether.

"We have had many problems and made no secret of them," Carolan said. "We thought that we had solutions at hand."

"Unfortunately, our solutions to those problems have not materialized and these layoffs are the result," he said.

One of the company's workers told *The Progress* there was no hint of the approaching layoff at the Holden plant until early last Wednesday. He said there were some rumors about layoffs that morning, but workers weren't called together by management until shortly after 1 p.m. when they were told that most of them would be laid off.

"We were stunned," he said. "I think they should have given us a

Continued on Page 4



Rose Chemical Company workers protest plant layoffs in downtown Holden Friday afternoon. (Story on Page 4)

Unbeaten Girls Win



Rose Workers Protest PCB Plant Closing

Rose Chemical Company employees paraded up and down Holden streets last Friday afternoon to protest the layoff of as many as 75 workers at the PCB plant.

Over two-thirds of the 105 employees at the Holden chemical plant were dismissed when Rose shut down PCB treatment and processing operations last week. Only 25-30 warehouse and maintenance employees remain on the company payroll in Holden.

A number of the workers drove up and down Holden streets shortly after their dismissal on Friday displaying signs and protesting the layoffs. Other Rose employees carried signs through the downtown business district on foot.

The march was conducted primarily for the benefit of television and newspaper cameras. Reporters for all three Kansas City television stations, KOKO Radio in Warrensburg and *The Holden Progress* were on hand to cover the protest.

The demonstration started shortly after 12 noon and lasted approximately 45 minutes. Holden police said the protest was orderly and there were no incidents.

The employees blamed the layoffs on Holden City Hall and public opposition to a proposed incinerator project.

hazardous wastes at the Holden plant.

A spokesman for the employees said the people of Holden who signed petitions and fought to keep private industry from helping take care of the problem of PCB hazardous wastes in the community and nation have finally succeeded in closing the Rose Chemical Company plant.

"You have succeeded in unemploying approximately 70 people," he said. "You have succeeded in lowering your own economic situation and you have succeeded in adding another financial burden to not only your own community, but surrounding areas as well."

"If the people who shut us down are not willing to give us employment or feed and house us, and if they are not willing to be trained, suit up and dispose of the hazardous wastes or take the financial responsibility to absorb the impact you have created on the economy," the employee spokesman said, "then you have reached into the pocket of the taxpayer again."

Following the protest, employees gathered back at the Rose plant to collect their final paychecks, but found later that afternoon that many Holden businesses were reluctant to



Unemployed Rose Chemical Company workers blame City Hall for 75 layoffs at the PCB plant in Holden last week.

Rose Shuts Down PCB Plant

Continued from Page 1
lot more notice this was going to happen."

Another company spokesman said 70 to 75 workers at the Holden plant were being laid off. A skeleton force of some 25 to 30 maintenance and warehouse workers were expected to remain on the company payroll.

Rose also plans to close its company offices at 103 West 2nd Street in downtown Holden and lay

Rose had initially planned for Waste-Tech to build the toxic waste incinerator at its plant in Holden, but decided on the Chanute site because of stiff public opposition here. Chanute officials initially endorsed the PCB incinerator plan and the new jobs it would create in that community, but have since withdrawn support for the project.

In a February 25 letter to the Rose Chemical Company, Waste-Tech president Harry C. Conger

Gosch said Rose would continue to pursue its \$14.5 million counterclaim against the City of Holden in federal court.

"Should it be necessary for us to cease operations altogether," Gosch said, "we believe it would only reinforce our legal redress against the City of Holden because in effect the city has contributed significantly to these unfortunate circumstances."

Because of the pending litigation,

Mayor Francis Brillhart released a report in November opposing the incinerator project along with the continued treatment, storage and handling of hazardous wastes at the Holden plant.

The Holden City Council voted later that month to require the Rose Chemical Company to apply for a special zoning permit. The city's zoning code prohibits the use of any land for industrial processes that are potentially hazardous

aintenance employees remain on the company payroll in Holden.

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Continued from Page 1
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Rose also plans to close its company offices at 103 West 2nd Street in downtown Holden and lay off some office and clerical personnel. The total loss of weekly payroll in the Holden community was estimated by the company at \$18,000.

"We're not closing the whole plant down at this point," the company spokesman told *The Progress*, "but we're under pressure from EPA and local government to do some things that just aren't possible."

Gosch said the company's future would depend on an assessment of current EPA policy and how it relates to the industry. The company spokesman said he could not comment at this time on Rose's plans to contract with Waste-Tech, Inc., of Lakewood, Colo., to build a thermal oxidization incinerator and use it to destroy PCB contaminated wastes at a site in Chanute, Kans.

Rose had initially planned for Waste-Tech to build the toxic waste incinerator at its plant in Holden, but decided on the Chanute site because of stiff public opposition here. Chanute officials initially endorsed the PCB incinerator plan and the new jobs it would create in that community, but have since withdrawn support for the project.

In a February 25 letter to the Rose Chemical Company, Waste-Tech president Harry C. Conger said it would not continue efforts to build an incinerator in Holden.

"We feel that despite the desirability of such an installation, the apparent attitude of the city administration will probably make permit issuance unlikely within a reasonable length of time," Conger said. "We perceive animosity on the part of the mayor and city officials toward you individually and toward Rose Chemicals and Waste-Tech."

"There has been a significant lack of progress by the Holden Planning Commission for the building permit we submitted last fall and it is apparent that by referring this to the City Council, the delay will continue," he said. "We regard the City Council's request that we submit design data to their lawyer instead of to an engineering firm or some other technically recognized expert as highly irregular."

Gosch said Rose would continue to pursue its \$14.5 million counterclaim against the City of Holden in federal court.

"Should it be necessary for us to cease operations altogether," Gosch said, "we believe it would only reinforce our legal redress against the City of Holden because in effect the city has contributed significantly to these unfortunate circumstances."

Because of the pending litigation, Holden Mayor Francis Brillhart said he had no comment on recent developments in the PCB controversy except for concern about hazardous wastes that still might be stored at the Rose plant.

The Rose Chemical Company has processed PCB contaminated materials at its Holden plant for almost three years, but ran into mounting public opposition after announcing last summer that it planned to contract with Waste-Tech to build and operate a toxic waste incinerator. Over 1,000 people signed a petition this fall asking EPA to deny Waste-Tech a permit to build the PCB incinerator in Holden.

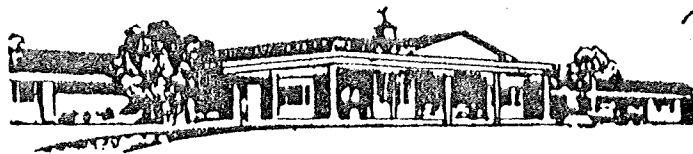
Despite industry assurances that the process would pose no threat to public health or the environment, a special study committee named by

Mayor Francis Brillhart released a report in November opposing the incinerator project along with the continued treatment, storage and handling of hazardous wastes at the Holden plant.

The Holden City Council voted later that month to require the Rose Chemical Company to apply for a special zoning permit. The city's zoning code prohibits the use of any land for industrial processes that are potentially hazardous because of the emission or dust, smoke, refuse, odor, gases, fumes, noise or vibrations except under a special City Council permit.

The City of Holden also filed a lawsuit in Johnson County Circuit Court in an attempt to ban the further processing of toxic materials at the Rose plant and asked for \$350,000 in damages to pay for cleaning up the municipal sewer plant city authorities claimed was contaminated with PCBs. In response, Rose filed a \$14.5 million counterclaim in U.S. District Court at Kansas City claiming that it was not responsible for PCB contamination at the sewer plant and charging that the city had denied it full use of the industrial property it occupies in Holden and has interfered with its ability to do business.

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Lions Club

Prayer Day

Production



of raw steel fell to 7,000, from 7,500 tons in June. The steel institute re-

Hedgerows: How to Protect from Nuisance?

Protection by Farmers
and Defenders
Monument Status

By MARY MURPHY

From Wall Street Journal
England—The high-
land runs north out of Berk-
shire, the core of
the nation through a station
of fields flow evenly to the
and sprayers move
gliders in the clouds.

ch, the road narrows and
give way again to Blake's
wooded land." The fields
and hedgerows. Hedge, not
surround them—think
of ash and oak, dog rose
and hawthorn, hedge bells,
and so.

estate sanctuary that in-
creases, but for today's ro-
rage has been sullied by
farmers. From Suffolk to
Lincoln, farmers have grabbed
once confined cattle and
red songbirds and butter-
flies that remain look like
some people in Kansas
in England they move
eager.

History

ch, the road becomes a
and leads into Charlbury,
age of limestone cottages,
on its outskirts in a brick

history here," Mr. Spicer
room on a summer morn-

If, he grow up north of
the past 17 years has con-
tributed to Oxford, where he
at a polytechnic school.
now is his passion.

stry values are latest in
"It's immediate contact
of wilderness," Mr. Spicer
watch keep the hour. "It
do," he says, "with the

World War II, more than
hedgerow latched the Eng-
figure derived from ac-
ducted, for another pur-
straw. Farmers have
50,000 hedge miles to give
burning room. For those
that the English spirit
sylvan ancient and immu-
tered like a stab at the

The Outlook

Why the Farm Crisis Is Likely to Worsen

ANAHEIM, CALIF.

Recent forecasts of 1985 crops so large as to be troublesome are again making people aware of the financial problems down on the farm. But what might not be generally understood is just how those problems arose and just how intractable they may prove to be. And the widely held idea that the problems would be solved by a quick rebound in farm exports is cast into grave doubt by Lawrence Shepard, an agricultural economist at the University of California at Davis.

In a paper presented at a recent meeting of the Western Economic Association in Anaheim, Prof. Shepard traces the current trouble back to an earlier triumph.

"Between the latter half of the 1950s and the latter half of the 1970s," he says, "the productivity of land tripled on a per-acre basis," mostly because of "the introduction of modern farm machinery, hybrid seeds, fertilizers, pesticides and irrigation equipment" at a time of generally favorable world markets and farm policies.

The result was a surge in income from farm assets. As calculated by Emmanuel Melchior of the Federal Reserve Board, income from farm assets differs significantly from the familiar farm income, which includes the farm operator's labor and management. Devised to measure the contribution of capital, income from farm assets excludes the operator's contribution to profits but, unlike farm income, makes no deduction for interest expense.

And as income from farm assets increased, Prof. Shepard notes, land prices soared 12-fold from 1950 through 1979.

"The associated capital gain was more than a half trillion dollars in the 1970s alone," he says. Federal Reserve figures suggest, he adds, "that the representative commercial farmer witnessed capital gains of about \$500,000. Far from representing transitory earnings incidental to farming operations, capital gains . . . were more than three times cumulative farm income."

But from the early 1950s to the early 1980s, annual farm income (after interest expense) fell, on the average, between \$15 billion and \$20 billion in 1984 dollars.

This plunge, Prof. Shepard notes, "corresponds closely to the increase in interest expense farmers paid on loans that enabled them to participate in rising land values." Moreover, declining farm income spurred Congress to pass farm bills that "raised and stabilized income from farm assets." By this further bolstering land values, Congress encouraged further speculation in land at a time when that game was already becoming dangerous.

Prof. Shepard says "the emergence of a capital-gains-based agriculture" lured many farmers, but by no means all, to plunge into debt. He adds: "By borrowing at nominal loan rates that averaged just 7% in the 1970s and real rates that averaged just 1%, farmers were able to participate in a land market that appreciated at an annual compound rate of more than 25% during the decade."

But farmers' cash flow suffered as they employed increasingly large proportions of the return to farm assets to service debt. In the early 1950s, their average annual interest expense, at \$2.4 billion, was only 17%

Burning Issue

Plants That Incinerate Poisonous Wastes Run Into a Host of Problems

Firms Also Are Said to Ask
Authorities for Favors;
But Burning Is Supported

'You Get Visions of Bhopal'

By THOMAS PETZINGER JR.
And MATT MORFITT

Staff Reporters of THE WALL STREET JOURNAL

BATON ROUGE, La.—The annual summer revival at Mount Bethel Baptist Church had just opened when Abnon McCastle's nose began to tingle. After the invocation, he quietly left the deacon's stand, looked across Scenic Highway and saw thick, black smoke pouring from the hazardous-waste incinerator at Rollins Environmental Services Inc.

Before long, three state regulators burst into the incinerator control room and were shocked to find an operator slumped against a wall, holding his head and complaining that he felt faint. They also found gauges malfunctioning, oxygen for combustion coming up short and the incinerator running amok, sending superheated, hazardous chemicals roaring into the sky.

"You get these visions of Bhopal," John DeGravelles, a lawyer and environmentalist here, commented after the incinerator was shut down.

Poor Track Record

At a time of growing concern everywhere about hazardous chemicals, the Aug. 5 accident raises questions about whether capable hands are managing this much-heralded waste-disposal technology. Almost everyone agrees that incinerating toxic waste is far preferable to burying it. The Environmental Protection Agency, in fact, projects the need for an additional 82 such land-based incinerators or 33 ocean-going incinerators over the next several years. But the track record of the incinerator operators is marred not just by operating breakdowns—some of them perhaps inevitable with such new technology—but also by a legacy of environmental violations and health concerns.

"These guys could have been the under-studies at Three Mile Island," says William Fontenot, an environmental investigator for Louisiana's attorney general. Louisiana has ordered the incinerator permanently closed, a move that prompted appreciative local residents to fill regulators' offices with flowers. And officials in New Jersey have delayed the timetable for awarding Rollins a trial-burn permit, a step toward final licensing of its incinerator there, pending an investigation of the Baton Rouge incident.

Concern about the incinerator operators is growing even as the concept of burning waste becomes more appealing to scientists and environmentalists alike. Most of the 250 million tons of toxic waste generated in the U.S. annually is injected into deep wells, dumped into pits or lagoons or buried in landfills. But about 50 of the nation's 800 toxic-waste wells have experienced some failure, and nearly half of the 508 dump sites that are monitored have been accused of leaking and in some cases

2
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Attachment 5
House Energy &
Nat. Resources
3/26/86

Practical
house tips
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Creative Services, P

Burning Issue: Waste Incinerators Are Running Into Many Problems

Continued From First Page

the nation's No. 2 incinerator, Waste Management Inc., to seek friendly contacts at all levels of government for aid in finding sites. But federal and other authorities are investigating whether some officials have tried too hard to help the incinerators.

In a case under investigation by the EPA's inspector general, for instance, an agency representative assured a lawyer in the Louisiana attorney general's office that Rollins, on one condition, would lobby for the state to receive a new U.S. military installation, according to transcripts of two telephone conversations taped by the lawyer, Peter Arnow. The condition was that the state permit Rollins to burn PCBs here, the transcripts show. Had the tradeoff succeeded, PCBs might have been pouring from the Rollins incinerator here early this month instead of less hazardous chemicals.

After the incinerator "upset" here, Rollins wasted little time establishing a political connection to the statehouse. It engaged as legal counsel William Broadhurst, a confidant and former law partner of Gov. Edwin Edwards. Regulators say that Mr. Edwards initially expressed unequivocal support for their closure order but that last week he asked that they reconsider the effects of the shutdown on the state's economy.

Waste Management, which is seeking federal approval to operate ocean-going incinerators, destroyed a customer's deadly dioxins during a "research burn" in the Gulf of Mexico after an EPA permit was altered under mysterious circumstances, according to a report stemming from a separate investigation by the inspector general. At the local level, a grand jury in Montgomery County, Ala., is investigating Waste Management's dealings with regulators and political figures.

Waste Management acknowledges recruiting half a dozen former EPA officials to its payroll but denies ever seeking favors. A spokesman notes that the company is still awaiting a long-sought commercial permit to incinerate at sea—a project that, according to securities analysts, could add roughly 8% to its earnings, which in 1984 totaled \$142.5 million. Rollins, for its part, refused to answer telephone messages and correspondence from this newspaper seeking comment on the federal investigation and other matters.

Some scientists contend that in its haste to find a solution, the EPA itself has promoted incineration with flimsy research. An independent scientific advisory panel for the EPA recently concluded that although incineration of liquid hazardous wastes is "valuable and potentially safe" in theory, the agency staff has ignored several fundamental health questions. For instance, incinerators often are suspected of creating and emitting dioxins, the most hazardous compounds manufactured, but the agency has never determined how often or in what quantities, according to some members of the advisory panel.

"Our committee just fell over" at the superficiality of the agency's research, says John Laseter, a biologist on the 24-man panel. The 74 pounds of paper work reviewed by the group, he contends, were "absolute junk." EPA staffers collected data from land-based furnaces only when they were operating perfectly and didn't bother to study the soil around the furnaces, Mr. Laseter says. And in investigat-

ing the effects of offshore incineration, they didn't take into account the radically different atmospheric conditions produced by geographical and seasonal changes, says Walter Dabberdt, a meteorologist on the panel. "The analysis was carried out in a fairly pedestrian manner," he says.

Some regulators and other experts familiar with the panel's activities also charge that EPA staffers deleted sections of the advisory committee's draft report to make it appear more favorable to the agency's enthusiastic position on incineration. Among the alleged deletions was a paragraph complaining of "disorganized, random-access" research that "resulted in significant voids and deficiencies."

The EPA defends its handling of the report, and a spokesman adds that it has adopted a research policy designed to meet the advisory panel's questions "head on." The agency staff sticks by its own conclusion that incineration is "valuable and environmentally sound."

Nevertheless, each of the nation's five commercial hazardous-waste furnaces has experienced difficulties going well beyond routine operating problems. Among them:

—In Deer Park, Texas, the Rollins incinerator was spewing toxic ash from between the kiln and afterburner when state regulators arrived for a routine inspection in 1983. During a follow-up visit two months later, a regulator saw PCB-laden wastes tumbling from the kiln and smoldering on the ground, according to his report to the Texas Air Control Board. Earlier, in 1981, the state cited Rollins for ignoring an emergency order and burning 1,200 pounds of PCBs an hour during a stagnant-air alert.

—In Logan Township, N.J., six workers died and several were seriously injured when a tank of hazardous waste blew up and sent explosions cascading through the Rollins incinerator site in 1977. In 1980, the Justice Department collected a \$65,000 civil penalty from the company for violating a consent decree intended to limit the incinerator's emissions. In 1981, the state temporarily closed the incinerator after excess pressure touched off an explosion in the kiln.

—Here in Baton Rouge, another malfunction at the Rollins facility blew toxic waste "fallout" from the stack in 1982, according to a state investigator's report to the Louisiana Hazardous Waste Management Division. The agency's records also chronicle years of citizen complaints attributed to Rollins's incinerator and land-disposal operations, including nausea, itches, burning eyes, sore throats, dead livestock, dirty cars, stunted tomato plants and pecan trees that won't grow pecans.

—In Chicago, SCA Chemical Services was fined \$12,600 by federal workplace regulators after they saw outside contractors' employees working around hazardous materials without any protective clothing or special training. SCA, now a Waste Management unit, is contesting the citations. At an elementary school 1.4 miles downwind of the incinerator, PCBs were found at a peak level 16 times higher than at another school two miles upwind, although neither level was considered a health threat.

—In El Dorado, Ark. where Environmental Systems Co. burns PCBs in an incinerator considered exemplary by many observers, Richard Pillsbury and another physician have treated six cases of a rare

stims cancer, with the charcoal concentrated near the incinerator. The company denies any responsibility.

But health worries have moved many municipalities to adopt laws discouraging commercial incineration. Chickasaw, Ala., took aim at Waste Management's plan to dock an incinerator ship near there; it passed laws regulating hazardous-waste trucks. When St. James Parish, La., learned that Rollins had an option on some land for draining PCBs from electrical equipment, it passed an emergency ordinance restricting use of the necessary solvents. The operators are protesting in court.

Local opposition has been bolterous in Brownsville, Texas, where a 1983 hearing on Waste Management's plans to incinerate wastes 200 miles offshore drew 6,200 angry residents, the largest turnout in the history of EPA public hearings. A large crowd also showed up for a second hearing in Brownsville last April, but in that instance Waste Management attributed some of the turnout to Rollins, which, because of its heavy investment in land-based incinerators, has conducted a campaign to arouse opposition to ocean incineration.

Telephone-bank workers identifying themselves as representatives of the "Alliance to Save the Ocean" called 10,000 Brownsville residents, told them that "people's health could be endangered" and urged them to attend the hearing. The phone bank had been retained by the lobbying firm of Robert Beckel, who was deputy campaign manager for Walter Mondale, and the Beckel firm, in turn, had been engaged by a law firm representing Rollins. Rollins has also fought incineration at sea through the environmentalist community, providing a letter against it that the Cousteau Society presented at recent congressional hearings. William Y. Brown, the director of marine affairs for Waste Management, says Rollins's tactics have "fueled the flames" of public sentiment against offshore incineration.

The extensive opposition has forced Waste Management to seek support wherever it can, and its efforts apparently have been successful at some levels of the EPA. Several officials involved in issuing test-burn permits were rebuked in a 1983 inspector general's report for keeping Waste Management calendars on their office walls and thus creating the "appearance of favoritism."

And although the agency and Waste Management deny any cozy relationships, EPA "research burn" permits have enabled the company to achieve commercial objectives as well as scientific ones. It incinerated 40,000 gallons of acutely hazardous waste from a Hooker Chemical Co. landfill because someone—the inspector general never found out who—surreptitiously added the words "other organic components" to the list of materials that the company was permitted to burn. This addition enabled it to incinerate "highly toxic, dioxin-laden wastes not intended by EPA to be incinerated," the inspector general found.

In another case, according to testimony before a House subcommittee, an agency official unsuccessfully recommended giving the company a "research burn" permit to destroy about three million gallons of

PCB-contaminated waste; at the time the company faced possible fines from EPA for failing to destroy nearly the same quantity of the same kind of waste.

Lately, though, Waste Management has made new headway in Alabama. Last month, it agreed to withdraw plans to dock an ocean-going incinerator there when state officials agreed to support construction of an onshore incinerator at a hamlet in Emelle. One Alabamian who will benefit from the tradeoff is James Parsons, the son-in-law of Gov. George Wallace. Mr. Parsons earns a royalty on every pound of waste stored at the site. Mrs. Wallace, moreover, recently disclosed owning \$15,900 worth of Waste Management stock.

A spokesman for the governor says it is "astirine" to suggest that these relationships have influenced state actions. Mr. Parsons couldn't be reached for comment.

At the federal level, legislation to halt future ocean burning pending more research faces an uphill battle, the bill's sponsor, Barbara Boxer, a California Democrat, admits. The bill must pass through a House committee headed by Rep. Walter Jones, a North Carolina Democrat, who recently gave a speech denouncing delays in offshore incineration. For this appearance, he received a \$2,000 honorarium from Waste Management.

As previously reported, Rep. Jones says he sees nothing wrong with taking such a fee and wasn't influenced by it.

Rollins Seeks Hearing Over Its Waste Site In Baton Rouge, La.

By a WALL STREET JOURNAL Staff Reporter
WILMINGTON, Del.—Rollins Environmental Services Inc. asked for a hearing before the Louisiana Department of Environmental Quality to challenge the authority of the department's secretary to close its hazardous waste site in Baton Rouge.

The company's petition is another volley in what some analysts believe will be a long battle over the ultimate disposition of the site.

State officials on Aug. 6 forced the company to close an incinerator that apparently malfunctioned at the site. The state further told the company to file a plan for permanently closing the site, which also includes a landfill and a waste-water treatment system, within six months.

Rollins argued that Patricia L. Norton, the department secretary, doesn't have the authority to revoke the plant's operating permit. It has been estimated that Rollins derives 15% to 20% of its revenue from the Baton Rouge site. Last year, the company earned \$6.5 million on revenue of \$30.4 million.

Ms. Norton agreed that the company has a right to a hearing and judicial appeal. But she added: "Our position is that the facility is going to be closed, and we're going to use every legal means we have to close it." State officials already rejected a Rollins proposal to make improvements at the site and continue operating it.

DIGEST OF EARNINGS REPORTS

Company	Year	Revenue	Net Income	EPS
ALGOREX CORP. (O)	1984	\$1,071,000	\$15,772,000	\$1.47
AMERICAN SHARED HOSP SVC (O)	1984	\$1,472,700	\$2,824,200	\$1.53
ALGOREX CORP. (O)	1985	\$1,071,000	\$15,772,000	\$1.47
AMERICAN SHARED HOSP SVC (O)	1985	\$1,472,700	\$2,824,200	\$1.53
DUPLEX PRODUCTS INC. (A)	1984	\$2,970,000	\$1,281,000	\$1.27
KEYSTONE SCIENTIFIC CO (O)	1984	\$1,421,000	\$11,301,000	\$1.27
ALGOREX CORP. (O)	1985	\$1,071,000	\$15,772,000	\$1.47
AMERICAN SHARED HOSP SVC (O)	1985	\$1,472,700	\$2,824,200	\$1.53
DUPLEX PRODUCTS INC. (A)	1985	\$2,970,000	\$1,281,000	\$1.27
KEYSTONE SCIENTIFIC CO (O)	1985	\$1,421,000	\$11,301,000	\$1.27

English Conservationists Battle To Save Hedges From Farmers

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on House Bill No. 3112

Presented to the
House Energy and Natural Resources Committee
March 26, 1986

By
Sharad U. Bhatia, Director
Division of Environment

Thank you, Mr. Chairman, members of the Committee for the opportunity to appear before this committee. It appears to us from reviewing House Bill 3112, that the intent of the bill is to provide state regulation of off-site, commercial PCB facilities, which store, treat, or dispose of PCB materials. The Department supports the concept contained in the bill, namely, that the State ought to have a role in the regulation of these PCB facilities. However, we have some concerns with this bill and believe that there may be better and easier ways of accomplishing the intent of House Bill 3112.

Over the past ten years, PCBs have been regulated by the U.S. Environmental Protection Agency under the Toxic Substances Control Act (TSCA). Under this Act, EPA currently monitors and regulates all PCB generators and treatment, storage, and disposal facilities in Kansas. The U.S. Congress and EPA have to date not regulated PCBs as hazardous waste.

There are two potential dangers that we may be faced with if PCBs are incorporated into our hazardous waste management statutes. First, there is a possibility that by incorporating PCBs in our hazardous waste statutes, we may be jeopardizing the EPA authorization of the State hazardous waste program, because this would put us at sharp variance with the approach taken by the U.S. Congress and EPA. As you know, it has taken several statutory enactments and amendments for us to develop a state hazardous waste management program that was determined by EPA to be compatible with the Federal hazardous waste laws under the Resource Conservation and Recovery Act (RCRA) and that enabled us to obtain EPA authorization of the state hazardous waste management program in lieu of a Federal RCRA program in Kansas. Any jeopardy to this authorization, we feel, would not be desirable.

The second danger is that by incorporating PCBs in our hazardous waste management regulations, PCBs would become subject to two different sets of laws. One would be the Federal TSCA rules (since the TSCA program is not delegable to the states) and second, the State RCRA program. Both the TSCA and RCRA programs

are very extensive in detail and complexity. Subjecting the same chemical substance to these separate regulatory schemes would create a great deal of confusion and, very likely, conflicts and inconsistencies both for the regulators as well as the regulated community.

To avoid these difficulties and to carry out the intent of House Bill 3112, the Department would recommend that the regulation of off-site PCB facilities be addressed through separate enabling legislation. Certainly, the new legislation could incorporate certain aspects of the State hazardous waste management statutes. One clear example of this would be the Hazardous Waste Disposal Facility Approval Board; the same board which is required to review applications for the siting of a hazardous waste disposal facility could be asked to review applications for the siting of an off-site PCB facility. We believe that such an approach would satisfy the intent of House Bill 3112 and yet not jeopardize our hazardous waste management program or create conflicts between the TSCA and RCRA laws.

Should the Committee feel, however, that it would be desirable to regulate PCBs through our hazardous waste statutes, we would suggest the attached recommendations to minimize the risks that may be present in that approach.

It should be pointed out that under either approach, the Department would require the addition of three full-time employees.

In conclusion, Mr. Chairman, members of the Committee, the Department supports the concept of House Bill 3112, but believes that the intent can be more readily and safely accomplished through separate legislation.

KDHE Recommended Changes to H.B. 3112
March 25, 1986

<u>Line Number</u>	<u>Change</u>
50-51	Revise to read as follows "Hazardous waste shall also include polychlorinated biphenyl or PCB <u>at concentrations as established by the secretary for offsite PCB facilities.</u> "
65-66	Delete "and any PCB facility". Since PCB facility is defined it is not necessary to include this language under the definition of hazardous waste disposal facility.
424-432	Delete entire section (z). This language has the potential to conflict with the commerce clause of the U. S. Constitution and may also jeopardize authorization by EPA of the state hazardous waste program. Also PCB and hazardous waste are not involved in the central interstate low level radioactive waste compact.
436	Strike the word "disposal" so that all offsite PCB storage, treatment and disposal facilities are reviewed by the board.
439	Strike the word "disposal". Same reason as line 436.
567	Delete the words " <u>the maximum</u> " and " <u>possible</u> ". Impossible to define maximum possible technology.
580	Delete "and" and add "or".
582	Delete "licensed" and add "permitted".
583	Delete "licensed" and add "permitted".
589-596	Strike all language in order to avoid potential conflict with the interstate commerce clause of the U. S. Constitution and jeopardizing authorization by EPA of state hazardous waste program.
598	Strike "has" and add "will have".
607-608	Strike "license" and add "permittee".
617-619	Delete "The secretary shall consult.....facilities." Conflicts with existing statute regarding duties of the board.

- 670 Delete "underground injection well" and add "facility" so that all hazardous waste facilities are subject to permit application fees. At the present time, only underground injection wells are subject to the permit application fee.
- 676-678 Delete "In cases of a \$10,000." and add "For modification of a hazardous waste facility permit, the permit holder shall submit a permit modification fee not to exceed \$10,000, the amount of which shall be determined by the secretary."
- 679 Delete "underground injection well" and add "facility" so that all facilities, just not underground injection wells are subject to this fee.
- 683-689 Delete entire section (c) as unnecessary since all proposed permits are published in the Kansas Register and all state agencies have opportunity to review and comment.
- 778 and 779 Delete "disposal" so that authority also applies to treatment and storage facilities.
- 786 Delete "license" and add "permit".
- 788 Delete "license" and add "permit".
- 789 Delete "license" and add "permit".
- 792 Delete "licensure" and add "a permit" and delete "licensee" and add "permittee".
- 798 Delete "disposal," so that authority also applies to treatment and storage facilities.
- 829 Delete "disposal," so that authority also applies to treatment and storage facilities.
- 835 Delete "licensee" and add "permitee"