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WTI [Waste Technologies Industries] - Applegate Amendment

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SUPPORT APPELATE/TRAFICANT EAST LIVERPOOL INCINERATOR AMENDMENT

July 29, 1992

Dear Representative,

If the House considers the reauthorization of the Resource Conservation and Recovery Act (RCRA) in the coming weeks, the organizations listed below urge you to support an amendment to be offered by Representatives Douglas Applegate (D-JH) and James Traficant (D-OH). As you know, the RCRA bill (H.R. 3865) that was reported out of the Energy and Commerce Committee is completely unacceptable. Among the bill's deficiencies is its failure to address any hazardous waste issues. For over a decade, the residents of Ohio, West Virginia, and Pennsylvania have been battling the proposal, construction, and possible operation of the Waste Technologies Industries (WTI) hazardous waste incinerator located on the Ohio River, 1,100 feet from an elementary school in East Liverpool, Ohio. Last week an EPA Environmental Appeals board acknowledged irregularities in the EPA's permitting process of this incinerator but also cleared the way for a test burn of waste at the facility as early as this summer.

The Applegate/Traficant amendment would prohibit operation of the WTI incinerator until a study by the General Accounting Office was completed. With the poor history of compliance at hazardous waste incinerators and outstanding questions regarding the permitting process at the WTI facility, this amendment is the least Congress should do for this community. We urge you to support this amendment by allowing it to be in order when RCRA is moved to the floor and to vote for it at that time.

There have been many environmental and legal questions raised regarding this facility. There are potential illegalities involved in the manner in which the permits for this facility were obtained. There are also questions about its siting; the facility is on a flood plain of the Ohio River, over two aquifers which are sources of water for millions of households, 1100 feet from an elementary school and a college, 300 feet from the nearest home, in a valley where air inversions (occurring two out of every three days) and valley stagnation can trap toxic emissions. The stack barely clears the rooftops of many homes up hill from the facility.

While Ohio's Governor George Voinovich has proposed a moratorium on new hazardous waste incinerators in the state, he has exempted the East Liverpool facility from his proposal. Yet the Governor's own press release protests the fact that Ohio already has 20 percent of the nation's capacity for hazardous waste incineration and he does not want more out of state waste brought in. WTI's incinerator, with the largest capacity in the world on the border of West

Virginia and Pennsylvania, would attract huge amounts of new waste from other states.

Numerous appeals and investigations are currently in process. Yet, the Environmental Protection Agency is allowing the facility to proceed. This is clearly a slap in the face of the residents of the Ohio, West Virginia, Pennsylvania tri-State area and democracy everywhere.

Thank you for your consideration of this important amendment.

Sincerely,

Phil Clapp/Ken Brown
Clean Water Action

Carl Casebolt
National Council of Churches

Lisa Collaton
Environmental Action

Rhona Kisch
Natural Resources Defense Council

Nikki Roy
Environmental Defense Fund

Daniel Weiss
Sierra Club

Rick Hind
Greenpeace

Carolyn Hartmann
U.S. Public Interest Research Group

Marchant Wentworth
Izaak Walton League of America

Will Collette
Western Organization of Resource
Councils

Ross Bluestein
National Toxics Campaign

ENVIRONMENTALISTS, CHURCHES AND LABOR SUPPORT

THE METZENBAUM INCINERATOR AMENDMENT

May 19, 1992

Dear Senator,

The undersigned organizations support strict conditions on any new hazardous waste incinerators and other hazardous waste combustors. An amendment to be offered by Senator Metzenbaum this week will not allow the operation of the world's largest proposed hazardous waste incinerator in East Liverpool, Ohio until all State and Federal administrative or court actions and appeals have been exhausted. This is an important first step in setting conditions on hazardous waste incinerators.

We strongly urge you to vote for the Metzenbaum amendment this Wednesday, May 20 in the RCRA mark up. Even if this amendment is included in S. 976, the bill would still have no meaningful impact on the rest of the nation's solid waste problems.

Sincerely,

Phil Clapp
Clean Water Action

Rick Ramm
Communications Workers of
America, Local 4300

Lisa Collaton
Environmental Action

Karen Florini
Environmental Defense Fund

Rick Hind
Greenpeace

Carl Casebolt
National Council of Churches

Ross Bluestein
National Toxics Campaign

Linda Greer
Natural Resources Defense Fund

Ed Hopkins
Ohio Citizen Action

David Gardiner
Sierra Club

Terri Swearingen
Tri-State Environmental
Council

Carolyn Hartmann
U.S. Public Interest
Research Group

Dave Kimmel
United Auto Workers
Local 1714

Lawrence R. Mallas
United Steelworkers of America
Local 1190

THE NEW YORK TIMES NATIONAL FRIDAY, MAY 8, 1992

2 Admit E.P.A. Violated Hazardous Waste Law in Issuing Permit

By KEITH SCHNEIDER

Special to The New York Times

WASHINGTON, May 6 — The Environmental Protection Agency admitted today that it violated the nation's hazardous waste law when it issued an operating permit in 1983 for an Ohio toxic waste incinerator owned by a financier who has been an important campaign contributor to both major political parties.

The admission came at a public hearing by a House Judiciary subcommittee examining the agency's role in permitting a consortium of American and European investors to build the incinerator, one of the nation's largest, on a flood plain along the Ohio River in East Liverpool, 400 feet from houses and 1,100 feet from an elementary school.

The investor who started the project in 1960 was Jackson T. Stephens, chairman of Stephens Inc., one of the nation's largest investment banking companies, in Little Rock, Ark. Mr. Stephens has been close to President Bush, influential in the campaigns of Gov. Bill Clinton of Arkansas.

No evidence was presented at today's hearing to suggest that Mr. Stephens had pressured the Government to grant the permit.

An Incomplete Permit

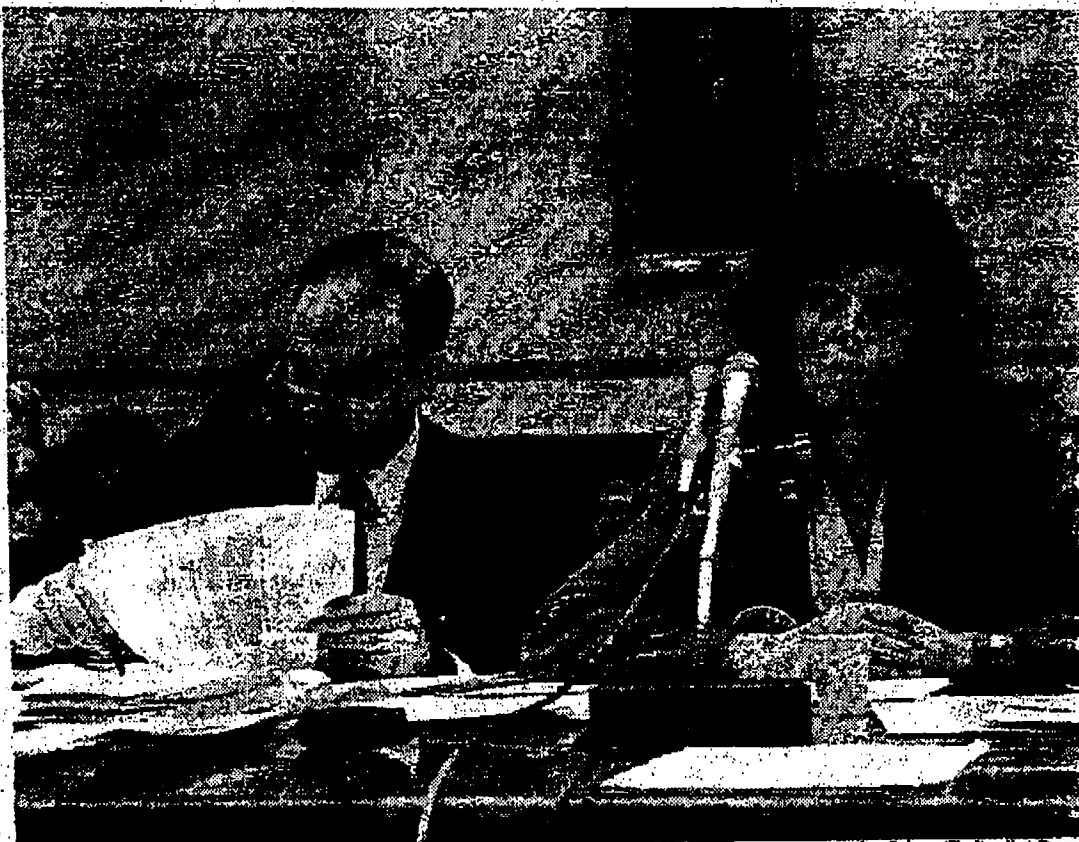
Under questioning by Representative Barney Frank, a Massachusetts Democrat who heads the House Judiciary Subcommittee on Administrative Law and Governmental Relations, two officials from the environmental agency's regional office in Chicago admitted that the Government had violated the hazardous waste law in 1983 by issuing the operating permit, even though the permit was incomplete.

The officials said the omission was minor and technical. But critics at the hearing today, including residents of neighboring communities and Hugh Kaufman, an engineer for the environmental agency who helped write the permit, said the Government's eagerness to grant the permit was evidence of coziness between the agency and the industrial companies it regulates.

Omitted from the permit was the name of the owner of the land on which the incinerator was to be built, the Columbiana County Port Authority in Ohio. The 1976 Resource Conservation and Recovery Act, the nation's hazardous waste law, expressly directs all hazardous waste permits to include the name of land owners to identify those liable in case of an accident.

The two E.P.A. officials, William Muno, an associate division director, and Gail Ginsburg, the agency's regional counsel in Chicago, said that while the port authority's officials had repeatedly made clear that they did not want to be named on the permit, apparently to avoid potential liability, the environmental agency this year wrote the authority's name on the permit anyway to fix the earlier omission.

Ms. Ginsburg said the permit was modified without any public comment



Jorge R. Lopez/The New York Times

A House Judiciary subcommittee yesterday heard the Environmental Protection Agency admit it had acted illegally in issuing a permit for a waste

incinerator in Ohio. Appearing before the panel were Hugh Kaufman, an E.P.A. engineer, and Terri Swearingen, an environmental activist.

Regulators are termed too cozy with industry.

another violation of the law.

Ms. Ginsburg and Mr. Muno said the violations of the hazardous waste law were minor "technical mistakes" that would not affect the safety of the incinerator or the Government's ability to oversee its operation. The officials said they had no intention of asking the company to reapply for the permit.

Mr. Kaufman, an engineer who helped to write the hazardous waste law, said the alteration of the operating permit was a violation of the Resource Conservation and Recovery Act. He called for a special prosecutor to investigate.

"This case is a symptom of a national problem that demonstrates that the E.P.A. process for regulating the waste disposal industry is riddled with deceit and deception at best, and fraud at worst," Mr. Kaufman said.

Mr. Frank said his panel would pursue the investigation.

"It looks like there was an undue eagerness to issue this permit," he said. "At the very least, what happened is offensive to our concept of law. More than that, it raises questions that have not been answered here and need to be."

In 1984, six months after the environmental agency granted the construction and operating permit in East Liverpool, Ohio legislators established new rules that forbid commercial hazardous waste installations on flood plains or so close to homes and schools.

There are 18 commercial hazardous waste incinerators operating in the United States, and more than a dozen others are planned or close to going into operation, according to the environmental agency. In addition, more than 100 smaller incinerators are privately operated around the country by chemical companies disposing of their own wastes.

The Bush and Reagan Administrations have backed incineration as one of the favored technologies for treating toxic waste, calling it safer than disposing of such waste in the ground. But a growing number of critics, including environmental scientists, say incineration leads to new ecological and public

health threats, including dangerous byproducts emitted into the air and thousands of tons of toxic ash that must be disposed of anyway in special landfill.

Mr. Stephens has raised \$100,000 for the Clinton Presidential campaign and has extended \$2 million in credit to the campaign through a bank partly owned by his family. He also contributed \$100,000 to the Republican Party and he and his wife were hosts to an inaugural party for President Bush in 1981.

In 1990 he sold his interest in the East Liverpool incinerator, according to a spokesman for his company. Little Rock. The incinerator, which could generate revenues of \$50 million to \$100 million annually, is now solely owned by Von Roll America, the American subsidiary of Von Roll A.G., a Swiss engineering company. The plant is nearly finished and will be ready to begin operating this summer, said Dr. Blake Marshall, president of Von Roll Inc.

But the plant's future is still uncertain. West Virginia has filed a lawsuit against the Federal agency, the State of Ohio and the plant's owners, asserting that the operating permit is illegal and the incinerator is a potential threat to citizens in the Ohio River Valley.