

PUBLIC NEEDS - PUBLIC FEARS

SITING HAZARDOUS WASTE MANAGEMENT FACILITIES

LESSONS LEARNED FROM THE RHODE ISLAND EXPERIENCE

BY

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INTRODUCTION

The battle cry - "I don't want it in my backyard" has become a trademark in the debate over the siting of hazardous waste management facilities (HWMF).¹ Too many times, technically acceptable, environmentally sound HWMF's have failed to get sited in the face of stiff public opposition. As a result many generators of hazardous waste are finding it difficult to adequately dispose of their waste streams. Clearly the best way to reduce the scope of the siting problem is to decrease the need for HWMF's in the first place:

Whenever management options for hazardous waste are considered, there is virtually unanimous agreement that the most preferred alternative is to reduce the amount and hazard level of the waste at its source. While it is difficult to provide a reliable quantitative estimate for how much of today's hazardous waste can be reduced at the source, it is clear from numerous examples of actions already taken by some companies that the potential for source reduction is great. My own personal estimate is that at least one-quarter to one-third of today's hazardous waste could probably be eliminated within the next five years through use of any of the approaches that we know can be used for source reduction.²

¹ As used in this paper, the term HWMF is meant to be generic. There are too many different kinds of HWMF's for this paper to differentiate among them. This definition will serve well since the paper's purpose is to look at the problems involved in siting facilities that deal with hazardous waste. These problems generally arise regardless of the exact nature of the hazardous waste being treated.

² Joel S. Hirschhorn (Dr.) - Senior Associate at the Congressional Office of Technology Assessment, "Hazardous Waste Source Reduction and a Waste-End Superfund Tax." A paper

Another manner in which the need for HWMF's can be reduced is through the use of hazardous waste exchanges. These exchanges act on the principle that one company's waste is another company's feedstock. For example, if company A needs to dispose of 2 tons of chemical X, and company B uses chemical X in their manufacturing process, the waste exchange will act as a middle-man in the sale of chemical X from company A to company B. In this manner, rather than paying to dispose of their waste, the companies can make profit by selling it.

Attractive as these management options sound, their use is fairly limited at the present time, and it appears that the situation will not change appreciably in the near future. Thus, in the short term at least, the need for new HWMF's is likely to remain acute. As recently as 1982, the Environmental Protection Agency (EPA) estimated that there was a need for between 50-125 new HWMF's nationwide.³

Responding to this need over the past few years, academicians, urban planners, and legislators have been coming up with laws that are intended to create a process in which the siting of HWMF's is made easier than is presently the case. Rhode Island passed their own HWMF siting law in 1982, which has since been tested once. This thesis will look at the evolution and implementation of Rhode Island's siting law with 3 goals in mind. First, by giving an in depth account of how the siting law came into being the following should serve as a useful document for those interested in understanding some of the political maneuverings involved in constructing a siting law. Second, by outlining the dynamics of RI's siting process⁴ in its one and only test case, a measure of the processes effectiveness and equitability will be obtained. Thirdly, using these measures as a benchmark, suggestions for the improvement of RI's siting process will be offered.

delivered at the Massachusetts Hazardous Waste Source Reduction Conference, 13 October 1983.

³ National Conference of State Legislatures, *Hazardous Waste Management: A Survey of State Legislation 1982*. (Denver, Colorado: National Conference of State Legislatures, 1982), p. II-1.

⁴ The term "siting process" is meant to include both the permitting stage and the operation of the siting law proper.

Hopefully, the improved process will serve as a prototype for other states intent on developing their own siting mechanisms.

To accomplish these goals the paper is split up in the following fashion. The first chapter will outline the generic siting process and place it in its proper socio-political context. The second chapter will briefly discuss the magnitude of the nation's hazardous waste problem, and the federal and state government's attempts to deal with it. This chapter also includes an explanation of how the development of HWMF siting laws became the responsibility of state government. The third chapter documents the reasons why Rhode Island's first attempt to get a siting law on the books failed. Chapter four shows how the Governor's ad-hoc committee learned from this failure and proceeded to construct their own more streamlined siting bill. Chapter five takes the ad-hoc committee's bill from its introduction into the General Assembly to its enactment into law. In doing so, this chapter outlines the strategies used by the bill's supporters in steering it through the Assembly. In chapter six the RI siting law's only test, the Antonelli case, is detailed in depth. Finally, in chapter 7 the siting process as it operated in the Antonelli case is criticized, and an outline of a more equitable process is given.

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