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HAZARDOUS WASTE SUPERFUND WEEK

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Company Plows Forward With Facility In N.M. Despite Economy, Opposition

Hazardous waste generators and environmental cleanup contractors may have a new option for dealing with waste if a company in New Mexico receives a permit and builds its landfill and treatment facility.

Gandy Marley Inc., Tatum, N.M., has applied for a hazardous waste permit from the New Mexico Environment Department (NMED) to build a landfill in Triassic Park, N.M. Plans call for the facility to accept wastes from companies and Superfund sites nationwide, according to documents filed with NMED. The facility will take wastes with D, F, K or P codes under the Resource Conservation and Recovery Act.

Long Time Coming

The company originally applied for the permit 10 years ago but NMED employee turnover has delayed the project, said Gandy Marley President Dale Gandy. NMED held public hearings this fall on the project. Despite a downturn in the economy and a push toward reducing the amount of waste generated, Gandy predicts the hazardous waste landfill will be profitable.

"We think it's a viable project. It's in a good location. It's safe to the water, air and environment and will produce economic development," Gandy told *HWSW*. The facility should employ 25 to 30 people, he added.

However, groups argue the hazardous waste landfill is not needed and will hurt dairy production. They also said the state has not been forthcoming on the project.

A lost memorandum to NMED Water and Waste Management Director Greg Lewis said the facility could accept low-level radioactive waste after operating for several years, said Victor Blair, a member of the Conservative Use of Resources and Environment (CURE) Consortium.

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Government Should Fund Cleanup If Libby Mining Site Gets Added to NPL

Congress should provide adequate support to help Montana state officials match funding to clean the Libby vermiculite mine if EPA chooses to add the site to the National Priorities List (NPL), said Montana Gov. Judy Martz (R).

In letters to Montana Sens. Conrad Burns (R), Max Baucus (D) and Rep. Dennis Rehberg (R), Martz asked for a federal commitment before she accepts the designation. "A clear understanding of the level of assistance available from the federal government will help in my decision," she said.

EPA wants to add Libby and its defunct **W.R. Grace and Co.** vermiculite mine to the NPL to clean asbestos contamination. Asbestos from the mine, which was shut down in 1990, has been linked to illnesses and 200 deaths in Libby.

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N.M. Facility (Cont.)

"We think the plan is to sell the permit to **Waste Control Specialists** at a later date that will put New Mexico in a bidding war with Texas over the nastiest waste," Blair told *HWSW*.

Waste Control Specialists operates a hazardous waste treatment facility about 100 miles away, which makes Gandy's proposed facility not needed, Blair said. The company also operates a radioactive waste facility in Texas. In addition, engineers have shown that all waste can be recycled and should be recycled but the cost to landfill the waste is the cheaper option, he noted.

State officials deny that Gandy plans to use his landfill for low-level radioactive material. They also said Gandy would adhere to international agreements when accepting waste from Mexico, another plan the groups say is in the works.

"Nothing in the long list of permitted wastes would indicate that Gandy wants to dispose of radioactive wastes at his facility," said Steve Pullen, the treatment facility project manager for NMED's Hazardous Waste Bureau.

The state is evaluating the permit and comments presented at the public hearings. A decision may come as early as January, Pullen said.

The CURE Consortium plans to keep fighting the facility because of its concerns over business practices and the amount of public input allowed by the state, Blair said. The landfill will cause a negative economic impact on tourism, property values, recreation and agriculture, he added.

"The permit is not a done deal. It should not be in the area, and we know there is a better way to manage wastes," he concluded.

Copies of the permit and its supporting documents may be retrieved from the Web site http://www.nmenv.state.nm.us/hwb/hazwaste_home.html. *Contacts:* Victor Blair, the CURE Consortium, (505) 752-1962; Dale Gandy, Gandy Marley, (505) 396-4948; Steve Pullen, NMED, (505) 428-2512.

Libby (Cont.)

If the party responsible for the cleanup does not pay for remediation, the Superfund program will pay for 90 percent of the costs. The state pays the remaining 10 percent, Martz said. W.R. Grace has filed for bankruptcy protection and does not appear to be able to pay for the cleanup. The state

cannot afford to pay the estimated \$5 million to \$10 million, or its share in the cleanup.

But, so far, the governor has not received the priorities list proposal.

"We expected the document around this time period, but we have not gotten it," said Mike Foster, policy director for the governor. "The governor has not made a decision on whether she will support a Superfund designation for the site. We must first see the document," he told *HWSW*.

A governor's decision is crucial in determining whether a contaminated area becomes part of the Superfund program. EPA has overturned a governor's preference only once in five years.

"I would like to hear your thoughts as to where those funds would be derived, how much you can secure, and when the money would become available to Montana," Martz wrote.

The senators said they would help find additional federal funding, but they could not commit to paying all of the state's expenses.

Rep. Pushes for Emergency Status

In the meantime, Rehberg is trying to get the federal government to declare the area a public health emergency so asbestos-contaminated homes can be remediated. He wrote to Department of Health and Human Services Secretary Tommy Thompson asking for an emergency declaration regardless of whether Libby is placed on the NPL.

"The declaration of a public health emergency, which is entirely separate from a (Superfund) designation, would provide an opportunity for EPA to conduct remediation activities inside residential properties," Rehberg wrote.

Homes in Libby contain asbestos made from the vermiculite ore. Testing last year showed four homes with levels high enough to cause concern.

Rehberg's request makes sense, said Paul Peronard, EPA's coordinator in Libby. Although EPA has begun work to determine if an emergency declaration is appropriate, the representative's request may push the process along.

Because Martz has indicated a Superfund designation is possible, state and federal officials will probably negotiate a workable plan.

Contacts: Mary Schwartz, Gov. Martz's office, (406) 444-5523; Emelyn Faulkner, Rep. Rehberg's office, (202) 225-3211; Paul Peronard, EPA's Region 8, (303) 312-6808.