

# County bristles at hazardous-waste rules.

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SANTA CRUZ — The Board of Supervisors appears headed for a showdown with state health officials over the county's hazardous-waste management plan.

Supervisors spent most of Tuesday dotting the plan's I's and crossing its T's in an effort to make sure it will stand the test of a court challenge.

At issue is whether the state Department of Health Services can require the board to designate sites here for treatment facilities for toxic chemical wastes produced in other counties. The board's message to the state is: Not in our backyard.

Every county in California is being required to develop plans for reduction, treatment and safe disposal of hazardous wastes produced within its boundaries. The plans must be sent to the state by next spring.

Santa Cruz County health officials say that the overall volume of toxic chemical wastes produced here is relatively small. They say the even-smaller volume of exotic wastes requiring special treatment and disposal facilities can be further reduced, and that there is

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no need for special facilities for such materials, which are already being transported for treatment elsewhere.

They also say the state has no right to force Santa Cruz County to take other counties' wastes.

County waste-management plans are required under a 2-year-old state law commonly known as the "Tanner Act." Named after its author, Assemblywoman Sally Tanner, D-LA, the act forbids the disposal of toxic chemicals in landfills.

According to Third District Supervisor Gary Patton, "the legislation said we've got to plan for the waste we generate; every county plans for their own.

"There's nothing in the law that says you have to have facilities for wastes from out of county," Patton said Tuesday.

Guidelines promulgated by state health officials say, however, that

counties must earmark general areas where facilities called "residuals repositories" can be built, if necessary, to receive toxic chemical wastes from other counties. And state officials who must review and approve the county plans say the plans must comply with the guidelines.

According to Alex R. Cunningham, the Department of Health Services' chief deputy director, "The department cannot endorse an unrealistic system of facilities serving only needs of the (counties) in which they are located."

"We're requiring that they come up with a plan that outlines and provides for sites in the county," Bob Borzelleri, of the state Health Department's Toxic Substances Control Division, said Tuesday. "A lot of the counties have said they want to set up rules that make it illegal to bring in wastes from other counties.

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The plan being drafted by Santa Cruz supervisors currently does not specifically bar toxic-waste treatment facilities here, but neither does it identify where such facilities might be constructed.

According to Jan Radimski, another Toxic Substances Control Division official, if the county omits such information from its plan, "They would have a problem.

"We look at the plan as a contingency plan," he said. "They're not required to site any facility, but they have to provide for a siting process."

But county Environmental Health Director Diane Evans said Tuesday that there is no point in identifying sites for toxic waste treatment facilities here because environmental constraints would not permit their construction. Moreover, she said, the volume of such wastes is so low here that it wouldn't make good economic sense for anyone to build a treatment plant locally. Evans said the only new facilities the county needs are "transfer and storage facilities for small businesses."

Health Services Agency Director Elinor Hall told supervisors Tuesday that, "There is no need for any repositories or long-term storage."

Currently, according Hall, about 8,600 tons of toxic chemical wastes are produced in the county every year. By the year 2000, Hall said, that figure is expected to hit 9,100 tons. Waste oil accounts for nearly half the county's annual output of toxic chemical wastes. She said that "metal-containing liquids," the kind of wastes associated with the electronics industry, account for just 3 percent. Waste oil is already handled at two recycling plants in the county. Other toxic wastes which cannot be handled locally are shipped out.

Patton warned that supervisors were charting a course for "stormy seas." He said the board must be sure that the county's plan complies with the letter of the Tanner Act, if not the finer points of the state Health Services Department's guidelines.

"What we're going to need to do — when we're sued, or when we sue the state," he said, "is to be able to go to a judge and say, 'Look, here is what the legislation told us to do, and here's what we've done.'"

What the board proposes to do, to satisfy what it sees as the real requirements of the Tanner Act, is to agree in principle that the county needs to work with neighboring jurisdictions to deal with toxic chemical wastes. The county plan will note that while Santa Cruz County is directly responsible only for the disposition of its own chemical wastes, the county might agree to the siting of a regional treatment facility here, after negotiations with its neighbors.

In the meantime, according to Patton, "We're saying: 'Santa Clara's waste not in our backyard; Santa Cruz' waste in our backyard.'"