

No Guarantee

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I am writing to respond to your editorial, "EPA rule gives needed break," in your November 25 issue, in which you laud the U.S. Environmental Protection Agency for lessening the financial assurance requirements for local government-owned landfills.

I am distressed that you missed a very important point in what has now happened to the financial assurance requirements of the RCRA Subtitle D landfill criteria.

The most powerful provision of the criteria is the requirements. What this provision said to the American public and the field was, "We guarantee that there will be money to fix whatever occurs as the result of landfilling municipal solid waste."

That is a powerful statement to be made and one that I have personally lauded in every country that I have had a privilege to visit and talk about the American approach to landfilling.

Now with this final step by the EPA, we no longer can make that statement. Between this action and the net-worth provisions from privately owned landfills, the country has eliminated the guarantee that financial resources will be there should they be needed.

I say eliminated because neither group of owners ever will have to prove financial capabilities for the many landfills now being permitted in the United States. The only real assurance of money being there is if there is a dedicated trust fund for a specific landfill.

On the public-sector side, big dollars come from public approval of bond issues. There is no assurance that the public will approve such bond issues, so the needed break you noted in your editorial is no break for the public.

The net-worth provision for the private sector is not worth the paper that identifies the net worth pledged. Companies come and go, subsidiaries close when the landfill is filled; the money will not be there.

Thank heavens at least a few forward-looking states believe in the trust-fund approach.

Indeed, both the public and private landfill owners in the United States have gotten a break.

But the public has been terribly violated -- today and, more importantly, one or two generations from now.

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Reference as: Hickman, H.L., Jr., "No Guarantee," Letter to the Editor, Waste News 2(35), January 20 (1997)