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## Local cities enact tough toxic gas law

By MICHAEL KREY

Santa Clara County cities are about to enact a tough new toxic gas ordinance that will cost area corporations and cities millions of dollars.

The model toxic gas regulation ordinance—written over the past two years by a wide-ranging group representing businesses, cities, fire officials and environmentalists—is by far the toughest ordinance of its type in the nation, say all those who helped write the law.

A follow-up to the local Hazardous Materials Storage Ordinance, written in 1986 and subsequently enacted by the state and by the federal government, the Toxic Gas Regulation Ordinance is expected to blaze the same trail.

Among other things, the new ordinance will require that any toxic gas container or conduit contain double layers of piping. It also regulates the use of gaseous chlo-

rine such as the type used in many backyard pools and in water treatment facilities.

“When you look at all the applications, I’ll bet it could cost the county \$100 million—and the public sector will be hit just as hard as the private,” said Jacqueline Bogard, director of environmental programs for the Santa Clara County Manufacturing Group.

Other sources think industry, particularly the semiconductor industry because of its heavy reliance on toxic gases, will be especially hard hit.

“The semiconductor firms use more poisonous gases than anyone,” said Ted Smith, chairman of the Silicon Valley Toxics Coalition. “But it’s true that water treatment plants and some pool owners will also face a major impact.”

“This ordinance will be as significant as Haz Mat (the  
Please turn to page 10

## New toxic gas law to cost millions

Continued from page 1

Haz Mat (the 1986 law, also called the Underground Tank Ordinance.) Haz Mat regulated the liquids and solids; Son of Haz Mat regulates gases—in every way a more complicated and rancorous issue.”

“It's safe to say that it's going to cost many area firms millions to implement the law,” said Jim Johnson, director of business development for the Koll Construction Co. in San Jose. “I've been in a lot of these plants and I have a vague idea of what needs to be done. I hope manufacturers realize what's coming, because from what I can tell this is major.”

Many firms are aware. These include National Semiconductor Corp., whose risk manager, Gene Kiernan, was a member of the committee that drafted the ordinance. Mary Coady, spokeswoman for National Semiconductor, said the firm already complies with the most strict existing ordinance. But even at that she said compliance with the new ordinance will cost National several million dollars.

“This toxic gas ordinance is beyond anything out there,” she said. “There definitely is going to be some additional expenses for all semiconductor manufacturers.”

Kiernan, Smith and Bogard were among the 21-person committee that put together the Toxic Gas Regulation Ordinance. The 21 persons came from four organizations: the manufacturing group, the toxics coalition, the county City Manager's Association and the county Fire Chief's Association.

“Most manufacturers already comply with most of the features of the new ordinance, but for most some additional work will be needed,” said Bob Wall, the Palo

Alto Fire Chief and the Toxic Gas Project leader. “Drafting the ordinance was highly technical, controversial work.”

Wall said Palo Alto probably will be the first city to adopt the ordinance. He said that could happen as early as next month.

The model ordinance has been adopted by the Intergovernmental Council of Santa Clara County with the agreement that all cities will enact the ordinance. Over the next several months all the cities in the county, as well as the county government, are expected to adopt the ordinance. Thereafter, those affected will have three to five years to comply. And already the Santa Clara County Grand Jury has shown keen interest in the law, and that group has vowed to do its own follow-up.

The controversy, though, probably will never end. Bogard, speaking for the manufacturing group, whose members include most of the large semiconductor firms, said she believes cities will try to exempt their water treatment plants.

“I think most of the impact of the ordinance will be felt in the public sector because they are not currently doing as good as job as private firms in dealing with hazardous substances,” Bogard said.

“Frankly, I think the ordinance goes overboard,” Bogard said. “I challenge anyone to find one real bit of risk analysis. You hear a lot of ‘could happens’ but the fact is there has not been one single case in this county of death or serious injury caused by leaking toxic gas.”

Chief Wall, however, can point to a serious toxic gas accident in New Jersey and can recall many instances locally in which plants had to be evacuated.