
Public Hearing

before

SENATE COMMUNITY AFFAIRS COMMITTEE

SENATE BILL No. 1366

"The 'County and Municipal Waste Reduction Act'"

LOCATION: Committee Room 8
Legislative Office Building
Trenton, New Jersey

DATE: February 17, 1993
10:30 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Leonard T. Connors, Jr., Chairman
Senator William E. Schluter, Vice-Chairman
Senator Randy Corman

ALSO PRESENT:

Hannah Shostack
Office of Legislative Services
Aide, Senate Community Affairs Committee



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New Jersey State Legislature

SENATE COMMUNITY AFFAIRS COMMITTEE

LEGISLATIVE OFFICE BUILDING, CN-068

TRENTON, NEW JERSEY 08625-0068

(609) 292-1596

NOTICE OF PUBLIC HEARING

The Senate Community Affairs Committee will hold a public hearing on the following legislation:

S-1366

Corman

The "County and Municipal Waste
Reduction Act."

The hearing will be held on Wednesday, February 17, 1993 at 10:30 AM in Committee Room 8, Legislative Office Building, Trenton, New Jersey.

The public may address comments and questions to Hannah Shostack, Committee Aide and persons wishing to testify should contact Rosalee Savana, secretary, at (609) 292-1596. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.

Issued 01/29/93

SENATE, No. 1366

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 23, 1992

By Senator CORMAN

1 AN ACT concerning solid waste management and reduction,
2 supplementing P.L.1970, c.39 (C.13:1E-1 et seq.), and amending
3 P.L.1975, c.326 and P.L.1981, c.278.
4

5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. (New section) This act shall be known, and may be cited, as
8 the "County and Municipal Waste Reduction Act."

9 2. (New section) The Legislature finds that incineration is a
10 waste processing method that should be used only as an option of
11 last resort for the processing of solid waste for ultimate disposal;
12 that the maximum use of source reduction, reuse, composting,
13 and recycling technologies will be compromised and seriously
14 undermined if the State allows the numerous proposed solid waste
15 incinerators that have been incorporated into approved solid
16 waste management plans to commence operations, commence or
17 continue in construction or expansion, or commence or continue
18 in the siting process; that the possible adverse effects to public
19 health, the environment and the State's economy from
20 constructing, expanding, operating and maintaining solid waste
21 incinerators have not been adequately addressed; and that the
22 known and unknown threat to public health and the ecosystem
23 from over 400 pollutants emitted by municipal solid waste
24 incinerators, including lead, mercury, dioxin and acid gases in
25 unacceptable.

26 The Legislature further finds that the construction, expansion,
27 operation and maintenance of solid waste incinerators is
28 characterized by enormous capital expenditures and escalating
29 operation and maintenance expenses, costs that necessitate a
30 substantial financial commitment by the State and the debt
31 service for which must be borne by all taxpayers; that this
32 commitment of public resources should be made, if at all, only as
33 a last resort after thorough scrutiny and review, and only after a
34 host county has demonstrated, based on verifiable data, at least a
35 75 percent reduction in its solid waste stream to be accomplished
36 through 10 percent source reduction and 65 percent recycling,
37 including municipal solid waste composting; and that every
38 county proposing to construct or expand a solid waste incinerator
39 for its long-term solid waste disposal needs must be required, at
40 a minimum, to undergo an extensive review of its project
41 development plan in order to effectively implement alternative,
42 less environmentally harmful technologies and life cycle waste

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 management techniques, thereby reducing the risk to public
2 health from heavy metals and dioxin and minimizing the
3 economic impact of these projects.

4 The Legislature further finds that the source reduction of solid
5 waste is the preferred method of solid waste management over
6 reuse, recycling, landfilling or incineration; that source reduction
7 minimizes the amount of waste generated; that source reduction
8 is a method that prevents the generation of waste, which is more
9 effective than remedial solid waste management techniques; that
10 source reduction of waste results in decreased consumption of
11 virgin materials, decreased energy consumption, reduced
12 pollution from mining and manufacturing processes, reduced soil
13 erosion, and reduced expenditures for solid waste disposal for
14 individuals, commercial establishments, and county and municipal
15 governments; that source reduction reduces the amount, volume,
16 and weight of solid waste ultimately resulting in greatly reduced
17 waste volume and flow; that disposable products are inherently
18 wasteful and should be discouraged from use; that excess
19 packaging is an impediment to sound solid waste management;
20 that fraudulent environmental claims on products and packages
21 impede the achievement of solid waste source reduction goals;
22 that a solid waste crisis exists within the State and it is in the
23 public interest to reduce the amount of solid waste generated as
24 a first step in eliminating the need for landfill space and
25 incinerators, and to modify and simplify the composition of solid
26 waste; that the Governor's Emergency Solid Waste Assessment
27 Task Force recommended in 1990 that source reduction be
28 recognized and implemented as the first priority in the State's
29 solid waste management program; that the solid waste policy of
30 the State shall be to cap total waste generation within five years
31 and reduce total waste generation through source reduction
32 within ten years; and that source reduction promotes economic
33 competitiveness and a positive business climate.

34 The Legislature therefore determines that it is in the public
35 interest to impose special review procedures and requirements on
36 the design, financing, permitting, construction, or expansion of
37 any solid waste incinerator, including any proposed expansion of
38 an existing solid waste incinerator in operation as of the
39 effective date of this act, any proposed solid waste incinerator
40 currently undergoing project review, and any approved solid
41 waste incinerator currently under construction.

42 The Legislature further determines that it shall be the public
43 policy of this State to become self-sufficient in its management
44 of solid waste by the year 2005 and to encourage the reduction of
45 the amount and toxicity of solid waste generated within each
46 county, through source reduction, reuse, composting and
47 recycling, as the primary method of solid waste management in
48 the State; and it shall also be the policy of this State to
49 discourage, to the greatest extent practicable, the incineration or
50 landfilling of solid waste generated within any county of the
51 State; and that an integrated approach with respect to solid
52 waste management shall be adopted based on the following
53 hierarchy: source reduction, source separation and reuse,
54 composting, recycling, landfilling preceded by baling, shredding
55 and compaction, and incineration.

1 3. (New section) As used in this act:

2 "Commissioner" means the Commissioner of the Department
3 of Environmental Protection.

4 "Composting" means the biological process whereby the
5 organic components of a solid waste, including, but not limited
6 to, food waste, yard waste, and vegetative waste, are broken
7 down into their chemical elements and compounds to form humus.

8 "Container" means a package, covering, wrapping, box, or
9 device in which a material or product is marketed, protected,
10 stored, treated, handled, or transported, excluding any container
11 used to hold, transport or store any hazardous or potentially
12 hazardous waste.

13 "Department" means the Department of Environmental
14 Protection.

15 "Designated agency" means the department, unit or committee
16 of the county government designated by the board of chosen
17 freeholders, in the case of counties, or the Hackensack
18 Commission, in the case of the Hackensack Meadowlands
19 District, to supervise the implementation of the district solid
20 waste management plan pursuant to section 12 of P.L.1975, c.326
21 (C.13:1E-21); or the public authority which has jurisdiction over
22 solid waste management within the district, including statutory
23 power to enter into contracts or agreements.

24 "Disposable product" means any product designed to be
25 discarded after only one use or customarily used only once.

26 "Emblem" or "recycling emblem" means a design indicating
27 the term "recycled," "recyclable," "reusable," "compostable" or
28 any other combination thereof.

29 "Host county" means any county wherein a solid waste
30 incinerator is located or is to be located pursuant to a district
31 solid waste management plan required pursuant to the provisions
32 of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
33 et seq.).

34 "Material category" means any one of the following: clear
35 glass, amber glass, green glass, paper, newspaper, corrugated
36 containers, high-grade printing and writing paper, paperboard,
37 coated paperboard, plastic, polyethylene terephthalate (PETE),
38 high density polyethylene (HDPE), polyvinyl chloride, low density
39 polyethylene (LDPE), polypropylene, polystyrene, ferrous metal
40 food and beverage containers; non-food ferrous metal containers;
41 aluminum food and beverage and non-food, non-beverage
42 containers.

43 "Municipal tonnage" means Type 10 and Type 23 solid waste as
44 defined by the department by rule or regulation adopted pursuant
45 to P.L.1970, c.39 (C.13:1E-1 et seq.).

46 "Packaging" means any container and appurtenant material
47 that provides a means of wrapping, holding, transporting,
48 marketing, protecting, or handling a product, including, but not
49 limited to, pallets and packing such as blocking, bracing,
50 cushioning, weatherproofing, strapping, coatings, or closures.

51 "Post-consumer waste" means items that are discarded after
52 being used by retail businesses, institutions, households, or
53 individuals.

54 "Pre-consumer waste" means items such as unsold stock,
55 over-production, or by-products of production processes which

1 are discarded before being used as consumer items by retail
2 businesses, institutions, households, or individuals, including, but
3 not limited to, any recovered paper material; except that
4 "pre-consumer waste" shall not include any material that could
5 be labeled hazardous or potentially hazardous.

6 "Product" means any article produced by a human or
7 mechanical effort.

8 "Recovered paper material" means paper waste generated
9 after the completion of a paper making process, including
10 envelope cuttings, bindery trimmings, printing waste, cuttings
11 and other converted waste, butt rolls and mill wrappers, obsolete
12 inventories and rejected unused stock. "Recovered paper
13 material" shall not include fibrous waste generated during the
14 manufacturing process such as fibers recovered from wastewater
15 or trimming of paper machine rolls (mill broke), or fibrous
16 by-products of harvesting, extractive or woodcutting processes or
17 forest residues such as bark, or sawdust.

18 "Residual ash" means the ash by-product that results from the
19 incineration of solid waste at a solid waste incinerator and
20 includes fly ash and bottom ash, or any combination thereof.

21 "Secondary material" or "recovered material" means material
22 derived from pre-consumer or post-consumer waste which can be
23 used to manufacture new products.

24 "Solid waste incinerator" means an incinerator used for the
25 thermal reduction of solid waste under the provisions of an
26 adopted and approved district solid waste management plan and
27 permits approved by the department. A "solid waste incinerator"
28 also means a solid waste facility constructed and operated for the
29 incineration of solid waste for energy production and the
30 recovery of metals and other materials for reuse, and a resource
31 recovery facility as that term is defined in section 2 of P.L.1985,
32 c.38 (C.13:1E-137).

33 "Solid waste source reduction" means a reduction in the
34 amount of solid waste entering the solid waste stream. "Solid
35 waste source reduction" is an activity that reduces or eliminates
36 the need to extract, use, recycle, or dispose of waste materials
37 through such measures as reducing the volume or weight of
38 materials entering the solid waste stream, increasing product
39 durability, reuse, repair, and refillability. "Solid waste source
40 reduction" also includes backyard composting and such
41 manufacturing processes as material input substitution, product
42 redesign, manufacturing changes and efficiency, changes in the
43 use of materials, and product substitution or elimination.

44 "Waste audit" means an actual sampling of waste generated to
45 determine its composition by material, product, volume, weight
46 and origin.

47 "Waste reduction" means any activity that reduces the amount
48 of waste material entering solid waste facilities for disposal as
49 solid waste, including recycling and municipal solid waste
50 composting.

51 4. (New section) a. Not later than the first day of the fourth
52 year following the effective date of this act, every county shall
53 adopt and implement a comprehensive program for the in-state
54 source reduction, reuse, composting, recycling or disposal of all
55 solid waste generated within its boundaries pursuant to P.L.1970,

1 c.39 (C.13:1E-1 et seq.) and the provisions of this act.

2 b. Not later than the first day of the fourth year following the
3 effective date of this act, every county shall provide for the
4 reduction of at least 75 percent of the county's total annual solid
5 waste stream requiring disposal, at least 55 percent of which
6 shall be comprised of municipal tonnage, based on 1990 tonnage
7 data for the county as compiled by the department, through 10
8 percent source reduction techniques and 65 percent recycling, or
9 any combination thereof, excluding landfill disposal operations.

10 5. (New section) a. A county or designated agency shall not
11 enter into any contract providing for the out-of-state disposal of
12 solid waste generated within its boundaries after the first day of
13 the fourth year following the effective date of this act without
14 the prior written approval of the commissioner.

15 b. The commissioner shall not (1) approve any contract for the
16 out-of-state disposal of solid waste; (2) approve an amendment to
17 a district solid waste management plan providing for the
18 out-of-state disposal of solid waste; or (3) issue a waste flow or
19 redirection order authorizing the transportation of solid waste to
20 out-of-state facilities for disposal, for any county after the first
21 day of the fourth year following the effective date of this act,
22 unless the county or designated agency affected by the terms of
23 the contract has demonstrated that it has exhausted every
24 appropriate source reduction, recycling, reuse, composting, and
25 disposal option available in the State.

26 6. (New section) The provisions of any other law, or any rule or
27 regulation adopted pursuant thereto, to the contrary
28 notwithstanding, the department shall not:

29 a. Issue any temporary or final registration statement or
30 engineering design approvals for any new solid waste incinerator,
31 or for any expansion of an existing solid waste incinerator, in any
32 county prior to the first day of the fourth year following the
33 effective date of this act and until the host county has satisfied
34 the requirements of subsection b. of section 9 of this act; or

35 b. Approve the commencement of operations at any new solid
36 waste incinerator currently under construction in any county
37 prior to the first day of the fourth year following the effective
38 date of this act and until the host county has satisfied the
39 requirements of subsection b. of section 9 of this act.

40 7. (New section) The department shall not issue any planning
41 or financing approvals or permits required pursuant to P.L.1954,
42 c.212 (C.28:2C-1 et seq.), P.L.1962, c.19 (C.58:16A-50 et seq.),
43 P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1975, c.232 (C.13:1D-29
44 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), P.L.1981, c.262
45 (C.58:1A-1 et seq.), or any other governmental approval issued
46 pursuant to any applicable law or regulation, or any other law, or
47 any rule or regulation adopted pursuant thereto, to any person
48 proposing to construct, own or operate a solid waste incinerator,
49 or expand an existing solid waste incinerator, prior to the first
50 day of the fourth year following the effective date of this act
51 until the host county has satisfied the requirements of subsection
52 b. of section 9 of this act, and unless the person proposing to own
53 or operate the solid waste incinerator has received a license
54 approved by the department pursuant to section 8 of P.L.1983,
55 c.392 (C.13:1E-133).

1 8. (New section) The provisions of section 28 of P.L.1985, c.38
2 (C.13:1E-163) or any other law, or any rule or regulation adopted
3 pursuant thereto, to the contrary notwithstanding, the
4 department or the Division of Local Government Services in the
5 Department of Community Affairs shall not approve or
6 conditionally approve any previously submitted proposed contract
7 for the design, financing, construction, expansion, operation, or
8 maintenance, or any combination thereof, of a solid waste
9 incinerator prior to the first day of the fourth year following the
10 effective date of this act and until the host county has satisfied
11 the requirements of subsection b. of section 9 of this act.

12 9. (New section) a. The provisions of any other law, or any rule
13 or regulation adopted pursuant thereto, to the contrary
14 notwithstanding, prior to the first day of the fourth year
15 following the effective date of this act, the department shall not
16 issue any permits or approvals required by law for the
17 construction or operation of a solid waste incinerator, and no
18 person shall be permitted to finance, construct, own or operate a
19 new solid waste incinerator, or expand an existing solid waste
20 incinerator.

21 b. The provisions of any other law, or any rule or regulation
22 adopted pursuant thereto, to the contrary notwithstanding, after
23 the first day of the fourth year following the effective date of
24 this act, the department shall not issue any permits or approvals
25 required by law for the construction or operation of a solid waste
26 incinerator, and no person shall be permitted to finance,
27 construct, own or operate a new solid waste incinerator, or
28 expand an existing solid waste incinerator, unless the department
29 determines after public notice and hearing, by clear and
30 convincing evidence, that the governing body of the host county,
31 and each participating county, as applicable, has satisfied all of
32 the following requirements:

33 (1) The host county and each participating county in any
34 regional agreement have achieved and sustained a reduction of at
35 least 75 percent of the respective county's total annual solid
36 waste stream requiring disposal, at least 55 percent of which
37 shall be comprised of municipal tonnage, based on 1990 tonnage
38 data for the county as compiled by the department, through 10
39 percent source reduction techniques and 65 percent recycling, or
40 any combination thereof, excluding landfill disposal operations;

41 (2) The host county can certify that the construction,
42 expansion, operation, or maintenance of a solid waste incinerator
43 will not impair or impede the ability of the host county, or of any
44 county participating in a regional agreement, to sustain a
45 reduction of at least 75 percent of the respective county's total
46 annual solid waste stream, at least 55 percent of which shall be
47 comprised of municipal tonnage, based on 1990 tonnage data for
48 the county as compiled by the department, through 10 percent
49 source reduction techniques and 65 percent recycling, or any
50 combination thereof, excluding landfill disposal operations;

51 (3) The host county can certify that the life cycle operation
52 and maintenance expenses, capital costs, debt service, liability
53 insurance costs, ash disposal costs, and potential remediation
54 costs of a solid waste incinerator would be less than other
55 alternative technologies or methods of solid waste disposal that

1 may be available to the host county, excluding landfill disposal
2 operations, when compared over equivalent time periods and
3 applying the same economic assumptions;

4 (4) The host county can certify that it is not technologically or
5 economically feasible to provide for the environmentally sound
6 management of the solid waste remaining after the reduction of
7 at least 75 percent of the county's total annual solid waste
8 stream, at least 55 percent of which shall be comprised of
9 municipal tonnage, based on 1990 tonnage data for the county as
10 compiled by the department, through 10 percent source reduction
11 techniques and 65 percent recycling, or any combination thereof,
12 excluding landfill disposal operations;

13 (5) The host county can certify that the construction,
14 expansion, operation, or maintenance of a solid waste incinerator
15 within the county will not impair or impede the ability of the
16 State to achieve and sustain a reduction of at least 75 percent of
17 the State's total annual solid waste stream, at least 55 percent
18 of which shall be comprised of municipal tonnage, based on 1990
19 tonnage data for the county as compiled by the department,
20 through 10 percent source reduction techniques and 65 percent
21 recycling, or any combination thereof, excluding landfill disposal
22 operations;

23 (6) The host county can certify that the construction,
24 operation, and maintenance of a solid waste incinerator, or
25 expansion of an existing solid waste incinerator, is necessary
26 because all existing operational solid waste incinerators in the
27 State have achieved maximum permitted capacity under their
28 respective permits, and measurable steps have been taken to
29 reduce the toxicity and hazardous materials in solid waste
30 requiring disposal; and

31 (7) The host county can certify that the construction,
32 expansion, operation, or maintenance of a solid waste incinerator
33 within the county will not harm public health or result in any
34 adverse environmental impact, including a demonstration that the
35 operation of the proposed facility will not increase existing levels
36 of heavy metals and dioxin.

37 10. (New section) a. The provisions of section 9 of this act to
38 the contrary notwithstanding, if a host county can demonstrate to
39 the department that the host county is in compliance with the
40 provisions of subsection b. of section 9 of this act prior to the
41 first day of the fourth year following the effective date of this
42 act, the department may issue any permit necessary for the
43 financing, construction, expansion, ownership, operation, or
44 maintenance of a solid waste incinerator provided that the
45 department makes a preliminary written finding that: (1) the host
46 county has met all of the relevant criteria set forth in subsection
47 b. of section 9 of this act; and (2) the construction, expansion,
48 operation, or maintenance of the solid waste incinerator will not
49 result in a total statewide solid waste disposal capacity in excess
50 of the disposal capacity required statewide after each county has
51 reduced its total annual solid waste stream in accordance with
52 subsection b. of section 4 of this act.

53 b. If the department makes a preliminary written finding
54 pursuant to subsection a. of this section, the commissioner shall,
55 within 60 days of the finding, conduct a public hearing at an

1 appropriate location within the host county and provide for a
2 90-day public comment period. The department shall base any
3 final determination on the public record. No permit, financing
4 approval, or registration statement approval may be issued for
5 the solid waste incinerator during the comment period.

6 11. (New section) The provisions of any other law, or any rule
7 or regulation adopted pursuant thereto, to the contrary
8 notwithstanding, prior to the first day of the fourth year
9 following the effective date of this act, the department shall not
10 issue any permits or approvals required by law for the
11 construction or operation of a solid waste incinerator, and no
12 person shall be permitted to finance, construct, own or operate a
13 new solid waste incinerator, or expand an existing solid waste
14 incinerator, until that person proposing to own or operate the
15 solid waste incinerator has received a license approved by the
16 department pursuant to section 8 of P.L.1983, c.392
17 (C.13:1E-133).

18 12. (New section) Each host county and, in the case of a
19 regional agreement, each participating county, shall submit an
20 annual report to the commissioner demonstrating compliance
21 with subsection b. of section 9 of this act.

22 13. (New section) a. Within two years of the effective date of
23 this act, the department shall adopt, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), and in order to achieve the purposes and goals of this act,
26 including the mandate concerning reduction of at least 75 percent
27 of each county's total annual solid waste stream, at least 55
28 percent of which shall be comprised of municipal tonnage, based
29 on 1990 tonnage data for the county as compiled by the
30 department, through 10 percent source reduction techniques and
31 65 percent recycling, or any combination thereof, excluding
32 landfill disposal operations, rules and regulations to prohibit the
33 incineration, or disposal in a sanitary landfill facility of metal
34 containers, chlorinated plastics, scrap iron, glass, plastic
35 beverage containers, batteries, used tires, scrap corrugated
36 cardboard, yard waste, vegetative waste, food waste, newsprint,
37 office paper, mixed paper, and any other material deemed
38 reusable, compostable, or recyclable by the department.

39 b. The department may expand the list of proscribed items to
40 include any other material in the State's solid waste stream that
41 is a source of cadmium, lead, dioxin, mercury, chlorine, or
42 halogens or the removal of which would reduce the heavy metal
43 content of residual ash resulting from the combustion of solid
44 waste at a solid waste incinerator.

45 14. Section 17 of P.L.1975, c.326 (C.13:1E-26) is amended to
46 read as follows:

47 17. a. Prior to the construction, acquisition, or operation of
48 any solid waste facility in any [solid waste management] district
49 pursuant to the adopted and approved district solid waste
50 management plan therefor, the person proposing the construction,
51 acquisition, or operation, in addition to preparing an
52 environmental impact statement for the solid waste facility in
53 such form as shall be required by the commissioner pursuant to
54 the provisions of section 6 of P.L.1970, c.39 (C.13:1E-6), shall
55 make or cause to be made any preliminary surveys,

1 investigations, studies, borings, maps, plans, drawings, and
2 estimates of costs and of revenues as the commissioner may
3 deem necessary relating to the type of solid waste facility.

4 The results of the environmental impact statements, surveys,
5 investigations, studies, borings, maps, plans, drawings, and
6 estimates required by the commissioner shall be submitted to the
7 commissioner for approval. No person may proceed to construct,
8 acquire, or operate any solid waste facility without having first
9 obtained the approval of the commissioner. Such approval shall be
10 granted only if the commissioner determines that:

11 (1) The proposed construction, acquisition, or operation is
12 consistent with the statewide solid waste management plan and
13 adopted and approved district solid waste management plan of
14 the [solid waste management] district within which the solid
15 waste facility is to be located; and

16 (2) The proposed solid waste facility will be constructed or
17 acquired, and operated, pursuant to the standards adopted [and
18 promulgated] therefor by the department pursuant to the
19 provisions of section 6 of P.L.1970, c.39 (C.13:1E-6).

20 b. In addition to the requirements of subsection a. of this
21 section, no person shall commence construction of a resource
22 recovery facility prior to the completion by the Attorney General
23 and the department of the requirements of sections 3 and 8 of
24 P.L.1983, c.392 (C.13:1E-128 and 13:1E-133), unless such person
25 has received a temporary license approved by the department
26 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135). The
27 commissioner shall not approve the commencement of
28 construction of a resource recovery facility unless the person
29 proposing to own or operate the resource recovery facility has
30 received a license approved by the department pursuant to
31 section 8 of P.L.1983, c.392 (C.13:1E-133) or a temporary license
32 approved by the department pursuant to section 10 of P.L.1983,
33 c.392 (C.13:1E-135).

34 c. In addition to the requirements of subsections a. and b. of
35 this section, no person may commence construction of a resource
36 recovery facility until the governing body of the county within
37 which the resource recovery facility is to be located has satisfied
38 the requirements of subsection b. of section 9 of P.L. , c.
39 (C.) (now before the Legislature as this bill). For the purposes
40 of this subsection, "resource recovery facility" also means a solid
41 waste incinerator as defined in section 3 of P.L. , c. (C.)
42 (now before the Legislature as this bill).
43 (cf: P.L.1991, c.289, s.16)

44 15. (New section) There is established in the Department of
45 Environmental Protection a solid waste source reduction
46 program. The purpose of this program is to formulate, implement,
47 and coordinate measures to reduce the volume of solid waste in
48 the State.

49 16. (New section) a. Each State department of the Executive
50 Branch, office of the Legislative Branch, State authority, county,
51 medical and educational institution receiving State funds, and
52 each business with more than 500 employees shall submit to the
53 commissioner, no later than January 1, 1994, a Source Reduction
54 Plan that includes, but need not be limited to, provisions that:

55 (1) require the preparation of a waste audit;

1 (2) cap overall solid waste generation within five years at 1990
2 rates; and

3 (3) demonstrate a net reduction of 10 percent, by weight,
4 through source reduction measures within five years.

5 b. The provisions of subsection a. of this section shall apply to
6 businesses with more than 250 employees no later than January 1,
7 1995, and to businesses with more than 100 employees no later
8 than January 1, 1996.

9 17. (New section) The department shall adopt a plan requiring
10 each State department of the Executive Branch, the Legislative
11 Branch, the Judicial Branch, and State authority to develop and
12 implement policy guidelines for source reduction within
13 procurement policy to result in a 25 percent decrease in waste
14 generated through source reduction, including reducing the use of
15 disposable products by 50% by July 1, 1995. Source reduction
16 procurement policy shall include "life-time cost accounting" of
17 the product or method. Each agency and authority shall submit to
18 the Legislature by July 1, 1994, and annually thereafter, a report
19 on the implementation of the plan including the expenses and
20 savings, and reduction in tonnage of solid waste.

21 18. (New section) a. Each county shall adopt and implement a
22 system of solid waste charges on a per container basis within
23 each municipality in the county by January 1, 1994.

24 b. The pricing system may include cost identification and cost
25 allocation.

26 c. Each county shall submit to the commissioner by July 1,
27 1994 a report evaluating implementation of a system of solid
28 waste charges on a per container basis for non-recyclable
29 materials within each municipality within the county.

30 19. (New section) The department shall develop a public
31 education program on solid waste source reduction. The program
32 shall include, but need not be limited to:

33 a. The promotion of packages and products that follow a
34 hierarchy of: (1) eliminate packaging, (2) reduce excess
35 packaging, (3) contain post-consumer recycled content, and (4)
36 are recyclable;

37 b. The explanation of the environmental and health effects of
38 non-compostable and non-recyclable packaging and products;

39 c. The discouragement of the use of packages that are not
40 recyclable, difficult to recycle, made of virgin materials, or
41 contain excessive amounts of material, or may have adverse
42 environmental impacts when disposed of by incineration or
43 landfilling;

44 d. The discouragement of the use of disposable products;

45 e. The discouragement of the use of disposable diapers;

46 f. The discouragement of the purchase of polystyrene
47 consumer products;

48 g. The discouragement of the purchase of hazardous household
49 products;

50 h. The encouragement of the reduction of office paper waste;

51 i. The encouragement of the reduction of "junk mail;" and

52 j. An explanation of the environmental and economic benefits
53 of source reduction.

54 20. (New section) a. There is established in the Department of
55 Environmental Protection the Solid Waste Source Reduction

1 Advisory Board. The board shall consist of the Commissioner of
2 the Department of Environmental Protection, ex officio, and nine
3 public members appointed by the Governor with the advice and
4 consent of the Senate. Of the public members on the board, four
5 shall be representatives of businesses, recommended by business,
6 industry or trade organizations; three from persons recommended
7 by recognized environmental organizations; one from persons
8 recommended by recognized consumer organizations; one from
9 persons with experience in source reduction at the local
10 government level, recommended by local government
11 organizations.

12 Each of the public members shall be appointed for a term of
13 three years, except that of the public members first appointed by
14 the Governor, three shall serve for terms of three years, three
15 shall serve for two years, and two shall serve for terms of one
16 year. In the event that no recommendations for a particular
17 category of membership are made to the Governor within three
18 months of the effective date of P.L. . c. () (now before
19 the Legislature as this bill) in the case of initial appointments, or
20 within 60 days of the date of the expiration of the term of office
21 of any member or the occurrence of any vacancy in the case of
22 subsequent appointments, the Governor shall appoint as a member
23 for the category of membership a person whom he believes will
24 be representative thereof.

25 b. A majority of the membership of the board shall constitute
26 a quorum for the transaction of board business. Action may be
27 taken and motions adopted by the board at any meeting thereof
28 by the affirmative vote of a majority of the members of the
29 board present and voting.

30 c. The Governor shall appoint a chairperson and other officers
31 as may be necessary from among the members of the board.
32 Members of the board shall serve without compensation but the
33 board may, within the limits of funds appropriated or otherwise
34 made available to it for such purposes, reimburse its members for
35 reasonable and necessary expenses incurred in the discharge of
36 their official duties.

37 d. The board may:

38 (1) Review any matters submitted to it by the department
39 concerning any aspect of the provisions or implementation of this
40 act, and report its recommendations to the department and the
41 Senate Environment Committee and the General Assembly Solid
42 Waste Committee, or their designated successors;

43 (2) Review the implementation of this act and submit any
44 recommendations for administrative or legislative changes it
45 deems necessary to the department and the Senate Environment
46 Committee and the General Assembly Solid Waste Committee, or
47 their designated successors; and

48 (3) Hold periodic public hearings concerning source reduction
49 techniques.

50 e. The board shall prepare and submit to the commissioner an
51 annual report summarizing its activities and making any
52 recommendations for legislative or administrative action it
53 deems important.

54 21. (New section) On or after July 1, 1993, no person may
55 produce, sell or distribute any product, packaging or material sold.

1 for resale, including high-grade bleached printing and writing
2 paper, envelopes, and kraft paper, containing a "RECYCLABLE"
3 emblem, label, or any identification as "RECYCLABLE" in the
4 State except if the following criteria are met:

5 a. The product or packaging has an established collection
6 system serving at least 75% of the residents of the State and is
7 recycled at a minimum statewide recycling rate of 65% by July 1,
8 1994;

9 b. The packaging to which the emblem pertains can be
10 recycled in its entirety excluding labels, stickers, adhesives,
11 closures, and is free of any embellishment or closure that
12 prevents recycling; and

13 c. The emblem or identification visibly differentiates between
14 the recyclability of the packaging and the contents enclosed
15 within the package.

16 22. (New section) On or after July 1, 1994, no person may
17 produce, sell or distribute any product, packaging or material sold
18 for resale, including high-grade printing and writing paper,
19 envelopes, and kraft paper, containing a "RECYCLED" emblem,
20 label, or any identification as "RECYCLED" except if the
21 following criteria are met:

22 a. The product or packaging contains post-consumer waste
23 material according to the following timetable:

24 1) a minimum of 35% post-consumer waste material after the
25 effective date of this act;

26 2) a minimum of 50% post-consumer waste material after
27 January 1, 1994;

28 3) a minimum of 65% post-consumer waste material after
29 January 1, 1995;

30 4) a minimum of 75% post-consumer waste material after
31 January 1, 1998; and

32 b. The emblem visibly differentiates between the recycled
33 content of the packaging and the contents enclosed within the
34 package.

35 23. (New section) On or after July 1, 1994, no person shall
36 produce, sell or distribute any product, packaging or material,
37 containing a "REUSABLE" emblem, label, or any identification as
38 "REUSABLE" except if the following criteria are met:

39 a. The original product can be returned for refilling or reuse
40 repeatedly in a program established by a manufacturer for reuse
41 of the manufactured product a minimum of five times for the
42 same purpose;

43 b. The product has an established statewide collection system
44 as verified by the commissioner and has a statewide recycling
45 rate of at least 60% by July 1, 1994; and

46 c. The emblem visibly differentiates between the reusability
47 of the packaging and the contents enclosed within the package.

48 24. (New section) On or after July 1, 1994, no person shall
49 produce, sell or distribute any product, packaging or material,
50 containing a "COMPOSTABLE" emblem, label, or any
51 identification as "COMPOSTABLE" except if the following
52 criteria are met:

53 a. The product, packaging, or material has an established
54 collection system in New Jersey and is composted at a statewide
55 rate of 40% by July 1, 1994, and

1 b. It can be demonstrated that the material will decompose
2 completely and safely into chemical elements.

3 25. (New section) Any manufacturer, vendor, or person
4 wishing to identify a product with the "REUSABLE,"
5 "RECYCLABLE," "RECYCLED," or "COMPOSTABLE" emblem,
6 label or other similar identification must file an application with
7 the department 60 days before use of the emblem, label, or word
8 in the State, and annually thereafter. The department shall adopt
9 rules and regulations to establish the criteria and document
10 compliance with the criteria established for each emblem, label,
11 or other similar identification. If this documentation is not on
12 file at the time of inspection by the department, it shall
13 constitute a violation of this act.

14 26. (New section) a. On or after July 1, 1993, no plastic
15 bagging may be produced, sold, used or distributed in the State
16 except if the plastic bagging contains post-consumer waste
17 material according to the following schedule and category:

18 plastic bagging greater than 1.0 mil in thickness:

19 10% post-consumer waste material after July 1, 1993

20 30% post-consumer waste material after July 1, 1996

21 50% post-consumer waste material after July 1, 2000;

22 plastic bagging less than 1.0 mil in thickness:

23 30% post-consumer waste material after July 1, 1996.

24 b. No later than July 1, 1995, and annually thereafter, each
25 plastic manufacturer selling plastic bagging in the State shall
26 submit to the commissioner a report indicating the amount of
27 post-consumer waste material used in the manufacturing of the
28 product during the previous calendar year. Any manufacturer
29 who fails to submit the report required pursuant to this
30 subsection shall be deemed to have failed to meet the
31 percentages of post-consumer waste material established
32 pursuant to this act and shall be in violation of this act.

33 27. (New section) a. On or after July 1, 1993, no telephone
34 directory stock may be produced, sold, used or distributed in the
35 State except if the telephone directory stock contains
36 post-consumer waste material according to the following
37 schedule:

38 10% post-consumer waste material after July 1, 1994

39 20% post-consumer waste material after July 1, 1996

40 30% post-consumer waste material after July 1, 1997

41 40% post-consumer waste material after July 1, 2000

42 b. No later than July 1, 1994, and annually thereafter, each
43 directory publisher shall submit to the commissioner a report
44 indicating the post-consumer waste content of directories
45 published and distributed within the State the previous calendar
46 year. Any directory publisher who fails to submit the report
47 required pursuant to this subsection shall be deemed to have
48 failed to meet the percentages of post-consumer waste content
49 required pursuant to this act and shall be in violation of this act.

50 28. (New section) a. On or after July 1, 1993, no newsprint
51 may be produced, sold, used or distributed in the State except if
52 the newsprint contains post-consumer waste material according
53 to the following schedule:

54 10% post-consumer waste material after July 1, 1994

55 30% post-consumer waste material after July 1, 1995

1 40% post-consumer waste material after July 1, 1997

2 50% post-consumer waste material after July 1, 2000

3 b. No later than July 1, 1994, and annually thereafter, each
4 newspaper publisher shall submit to the commissioner a report
5 indicating the amount of post-consumer waste content
6 incorporated into the newspaper. Any newspaper publisher who
7 fails to submit the report required pursuant to this subsection
8 shall be deemed to have failed to meet the post-consumer waste
9 content requirements of this section and shall be in violation of
10 this act.

11 29. (New section) a. On or after July 1, 1993, no high grade
12 printing and writing papers may be produced, sold, used or
13 distributed in the State except if the high grade printing and
14 writing papers contain post-consumer waste material according
15 to the following schedule:

16 30% post-consumer waste material after July 1, 1995

17 40% post-consumer waste material after July 1, 1997

18 50% post-consumer waste material after July 1, 2000

19 b. No later than July 1, 1996, and annually thereafter, each
20 manufacturer of high grade bleached printing and writing papers
21 shall submit to the commissioner a report indicating the amount
22 of post-consumer waste material incorporated into the product.
23 Any manufacturer who fails to submit the report required
24 pursuant to this subsection shall be deemed to have failed to
25 meet the post-consumer waste content requirements of this
26 section and shall be in violation of this act.

27 30. (New section) On or after July 1, 1994, no person shall sell,
28 offer for sale, or offer for promotional purposes any of the
29 following:

30 a. multilayered or aseptic packaging that is not recyclable; or

31 b. disposable polystyrene food and beverage containers or
32 covers that are not recyclable.

33 31. (New section) The commissioner may exempt an item,
34 product, material, or type of packaging from the requirements of
35 this act, upon written documentation by an applicant for an
36 exemption demonstrating that the item or type of packaging has
37 no acceptable alternative and that imposing the requirements on
38 that item, product, material, or type of packaging would cause
39 undue hardship except that the provisions of this act shall not be
40 deemed to apply to disposable products or packaging necessary
41 for health care, safety, sanitation, or related health, veterinary,
42 medical, or scientific research.

43 32. (New section) Any municipality or county may apply to the
44 commissioner for technical assistance grants for the purposes of
45 this act, including, but not limited to: funding for source
46 reduction plans; backyard composting education and
47 implementation, designing, implementing and education for a
48 system of solid waste charges on a per container basis, source
49 reduction education; waste reduction research, development, and
50 education. An application for funds pursuant to this section shall
51 include such information required by the department, adopted by
52 rule or regulation pursuant to the provisions of the
53 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
54 seq.).

55 33. Section 5 of P.L.1981, c.278 (C.13:1E-96) is amended to

1 read as follows:

2 5. a. The State Recycling and Source Reduction Fund
3 (hereinafter referred to as the "fund") is established as a
4 nonlapsing, revolving fund. The fund shall be administered by the
5 Department of Environmental Protection, and shall be credited
6 with all tax revenue collected by the division pursuant to section
7 4 of P.L.1981, c.278 (C.13:1E-95). Interest received on moneys in
8 the fund and sums received as repayment of principal and interest
9 on outstanding loans made from the fund shall be credited to the
10 fund. The Department of Environmental Protection, in the
11 administration of the fund, is authorized to assign to the New
12 Jersey Economic Development Authority the responsibility for
13 making credit evaluations of applicants for loans, for servicing
14 loans on behalf of the department, and, the provisions of any
15 other law to the contrary notwithstanding, for making
16 recommendations as to the approval or denial of loans pursuant to
17 this section. The department is further authorized to pay or
18 reimburse the authority in the amounts as the department agrees
19 are appropriate for all services rendered by the authority in
20 connection with any assignment of responsibility under the terms
21 of this section out of moneys held in the fund for loans and the
22 loan guarantee program.

23 b. Moneys in the fund shall be allocated and used for the
24 following purposes and no others:

25 (1) Not less than 40% of the estimated annual balance of the
26 fund shall be used for the annual expenses of a program for
27 recycling grants and source reduction grants to municipalities or
28 counties in those instances where a county, at its own expense,
29 provides for the collection, processing and marketing of
30 recyclable materials on a regional basis. The amount of these
31 grants shall be calculated on the basis of the total number of tons
32 of recyclable materials annually recycled from residential,
33 commercial and institutional sources within that municipality, or
34 group of municipalities in the case of a county recycling program,
35 except that no such grant shall exceed \$10.00 per ton of
36 materials recycled. The department may allocate a portion of
37 these grant moneys as bonus grants to municipalities and counties
38 in those instances where a municipality or county, at its own
39 expense, provides for the collection of recyclable materials in its
40 recycling program. The department shall announce each year the
41 total amount of moneys available in the bonus grant fund.

42 A municipality may distribute a portion of its grant moneys to
43 nonprofit groups that are located within that municipality and
44 which have contributed to the receipt of the recycling grant,
45 except that this distribution shall not exceed the value of
46 approved documented tonnage contributed by a nonprofit group.

47 A municipality may designate any nonprofit group as a
48 recycling agent. A recycling agent shall receive that part of the
49 municipality's recycling grant under this subsection that
50 represents the percentage of the grant received by the
51 municipality due to the documented tonnage contributed by that
52 recycling agent. Moneys received by a recycling agent shall be
53 expended only for its recycling program. Any moneys not used for
54 recycling shall be returned by the recycling agent to the
55 municipality.

1 To be eligible for a grant pursuant to this subsection, a
2 municipality or county in the case of a county recycling program
3 shall demonstrate that the materials recycled by the municipal or
4 county recycling program were not diverted from a commercial
5 recycling program already in existence on the effective date of
6 the ordinance or resolution establishing the municipal or county
7 recycling program.

8 No recycling grant to any municipality shall be used for
9 constructing or operating any facility for the baling of
10 wastepaper or for the shearing, baling or shredding of ferrous or
11 nonferrous materials;

12 (2) Not less than 35% of the estimated annual balance of the
13 fund shall be used to provide low interest loans or loan guarantees
14 to recycling businesses and industries, and to provide moneys for
15 research into collection, market stimulation and reuse techniques
16 applicable to recycling or the disposition of recyclable materials,
17 or to contract for market studies, and to establish a sufficient
18 reserve for a loan guarantee program for recycling businesses and
19 industries;

20 (3) Not more than [7%] 4% of the estimated annual balance of
21 the fund shall be used for State source reduction program
22 planning and program funding and 3% shall be used for State
23 recycling program planning and program funding, including the
24 administrative expenses thereof;

25 (4) Not more than 8% of the estimated annual balance of the
26 fund shall be used for county recycling and source reduction
27 program planning and program funding, including the
28 administrative expenses thereof; and

29 (5) Not less than [10%] 5% of the estimated annual balance of
30 the fund shall be used for a public information and education
31 program concerning recycling activities and 5% for a public
32 information and education program concerning source reduction.

33 (cf: P.L.1990, c.117, s.1)

34 34. (New section) The department may, in accordance with a
35 fee schedule adopted as a rule or regulation pursuant to the
36 provisions of the "Administrative Procedure Act" P.L.1968, c.410
37 (52:14B-1 et seq.), establish and charge reasonable fees for any of
38 the services to be performed or rendered in connection with the
39 implementation of this act, and for the costs of compliance
40 monitoring and administration. The fee schedule shall reasonably
41 reflect the duration or complexity of the specific service
42 performed or rendered, information reviewed, or inspection
43 conducted. All fees collected pursuant to this section shall be
44 deposited in the State Recycling and Source Reduction Fund,
45 established pursuant to section 5 of P.L.1981, c.278.

46 35. (New section) If the department determines that a county
47 has failed to carry out its responsibilities pursuant to this act, the
48 department shall not consider requests from that county for
49 grants or loans from the "State Recycling and Source Reduction
50 Fund," the "Resource Recovery Investment Tax Fund" or the
51 "Solid Waste Services Tax Fund."

52 36. (New section) a. Any person convicted of a violation of
53 this act shall be subject to the penalties provided in section 9 of
54 P.L.1970, c.39 (C.13:1E-9).

55 b. The commissioner may revoke or suspend the operating

1 permits for any solid waste incinerator whose owner or operator
2 violates the provisions of this act.

3 c. A manufacturer, vendor or person found to be in violation of
4 sections 25, 26, 27, 28, or 29 of this act shall be subject to a
5 suspension of the sale or distribution of its product.

6 37. (New section) The department shall have the right to
7 enter, inspect materials, or review products, at any time during
8 normal business hours, and upon presentation of appropriate
9 credentials, at any retail, wholesale, food establishment,
10 manufacturing or distribution facility where any material or
11 material category itemized in this act are produced, sold, or
12 distributed in order to determine compliance with the provisions
13 of this act.

14 38. (New section) The department shall adopt, within 12
15 months of the effective date of this act and pursuant to the
16 provisions of the "Administrative Procedure Act," P.L.1968,
17 c.410 (C.52:14B-1 et seq.), any rules or regulations necessary to
18 implement the provisions of this act.

19 39. (New section) This act shall not supersede any municipal,
20 county, or federal law regulating materials or any material
21 category in a more stringent manner than this act.

22 40. This act shall take effect immediately.

23

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25

STATEMENT

26

27 This bill prohibits the financing, permitting, or construction of
28 new solid waste incinerators, or expansion of existing solid waste
29 incinerators, for three years. The prohibition includes any
30 proposed solid waste incinerator currently undergoing project
31 review, any approved solid waste incinerator currently under
32 construction, and any proposed expansion of an existing solid
33 waste incinerator in operation as of the enactment date of the
34 bill. The bill seeks to encourage reduction in the volume of solid
35 waste, through source reduction, reuse, composting, and
36 recycling, as the primary method of solid waste management in
37 the State.

38 Upon expiration of the three-year period, no person will be
39 issued any permits or approvals required by law, or otherwise be
40 permitted, to finance, construct, own, or operate a new solid
41 waste incinerator, or expand an existing solid waste incinerator,
42 unless that person has received an "A-901" license approved by
43 the Department of Environmental Protection pursuant to
44 P.L.1983, c.392 (C.13:1E-126 et seq.), and the host county
45 demonstrates to the satisfaction of the department that the
46 following requirements have been met:

47 (1) The host county and each participating county in any
48 regional agreement have achieved and sustained a reduction of at
49 least 75 percent of the respective county's total annual solid
50 waste stream, 55 percent of which must be municipal tonnage
51 only, based on 1990 tonnage data for the respective county as
52 compiled by the department, through source reduction, reuse,
53 composting, or recycling, or any combination thereof, excluding
54 landfill disposal operations;

55 (2) The host county can certify that the construction,

1 operation, and maintenance of a solid waste incinerator, or
2 expansion of an existing solid waste incinerator, will not impair
3 or impede the ability of the host county, or of any county
4 participating in a regional agreement, to sustain a reduction of at
5 least 75 percent of the respective county's total annual solid
6 waste stream, 55 percent of which must be municipal tonnage
7 only, based on 1990 tonnage data for the respective county as
8 compiled by the department, through source reduction, reuse,
9 composting, or recycling, or any combination thereof, excluding
10 landfill disposal operations;

11 (3) The host county can certify that the long-term operation
12 and maintenance expenses, capital costs, debt service, liability
13 insurance costs, and potential remediation costs of a solid waste
14 incinerator would be less costly than other alternative
15 technologies or methods of solid waste disposal that may be
16 available to the host county, excluding landfill disposal operations;

17 (4) The host county can certify that it is not practical or
18 feasible to provide for the environmentally sound management of
19 the solid waste remaining after the reduction of at least 75
20 percent of the county's total annual solid waste stream, 55
21 percent of which must be municipal tonnage only, based on 1990
22 tonnage data for the county as compiled by the department,
23 through source reduction, reuse, composting, or recycling, or any
24 combination thereof, excluding landfill disposal operations;

25 (5) The host county can certify that the construction,
26 operation, and maintenance of a solid waste incinerator, or
27 expansion of an existing solid waste incinerator, within the
28 county will not impair or impede the ability of the State to
29 achieve and sustain a reduction of at least 75 percent of the
30 State's total annual solid waste stream, 55 percent of which must
31 be municipal tonnage only, based on 1990 tonnage data for the
32 State as compiled by the department, through source reduction,
33 reuse, composting, or recycling, or any combination thereof,
34 excluding landfill disposal operations;

35 (6) The host county can certify that the construction,
36 operation, and maintenance of a solid waste incinerator, or
37 expansion of an existing solid waste incinerator, is necessary
38 because all existing operational solid waste incinerators in the
39 State have achieved maximum permitted capacity under their
40 respective permits; and

41 (7) The host county can certify that the construction,
42 expansion, operation, or maintenance of a solid waste incinerator
43 within the county will not harm public health or result in any
44 adverse environmental impact, including a demonstration that the
45 operation of the proposed facility will not increase existing levels
46 of heavy metals and dioxin.

47 The department may, prior to the completion of the three-year
48 period, issue any permit necessary for the financing,
49 construction, expansion, ownership, operation, or maintenance of
50 a solid waste incinerator if the department makes a written
51 finding that the host county has met all of the relevant criteria
52 set forth in paragraphs (1) through (7) above, and the
53 construction, expansion, operation, or maintenance of the solid
54 waste incinerator will not create a statewide disposal capacity in
55 excess of the capacity required statewide.

1 In addition, the bill requires every county to provide, not later
2 than the first day of the fourth year following the enactment of
3 the bill, for the reduction of at least 75 percent of its total
4 annual solid waste stream requiring disposal, 55 percent of which
5 must be municipal tonnage only, based on 1990 tonnage data for
6 the county as compiled by the department, through source
7 reduction, reuse, composting, or recycling, or any combination
8 thereof, and excluding landfill disposal operations. Every county
9 will also be required by that date to provide for the
10 environmentally-sound disposal, source reduction, reuse,
11 composting, or recycling of solid waste generated within its
12 boundaries at a solid waste facility located within the State
13 except if a county seeking to transport municipal solid waste
14 out-of-state demonstrates to the satisfaction of the Department
15 of Environmental Protection that the county has made a good
16 faith effort to provide for the in-State disposal of solid waste
17 generated within the county.

18 The bill requires the department, in order to achieve the
19 purposes and goals of this act, including the mandate concerning
20 reduction of at least 75 percent of each county's total annual
21 solid waste stream, 55 percent of which must be municipal
22 tonnage only, to adopt rules and regulations to prohibit the
23 incineration or disposal in a sanitary landfill facility of metal
24 containers, chlorinated plastics, scrap iron, glass, plastic
25 beverage containers, batteries, used tires, scrap corrugated
26 cardboard, yard waste, vegetative waste, food waste, newsprint,
27 office paper, mixed paper, and any other material deemed
28 reusable, compostable, or recyclable by the department. The
29 department may expand the list of proscribed items to any other
30 waste material in the solid waste stream that is a source of
31 cadmium, lead, dioxin, or mercury, chlorine or halogens or the
32 removal of which would reduce the heavy metal content of
33 residual ash resulting from the combustion of solid waste at a
34 solid waste incinerator.

35 The bill requires each host county for a solid waste incinerator
36 and, in the case of a regional agreement, each participating
37 county, to submit an annual report to the commissioner
38 demonstrating compliance with all of the relevant criteria set
39 forth in paragraphs (1) through (7) above.

40 The bill also mandates steps designed to reduce the Statewide
41 generation of solid waste. As recommended by the Governor's
42 Emergency Solid Waste Assessment Task Force, the bill would
43 establish a solid waste source reduction program and a Solid
44 Waste Source Reduction Advisory Board. The bill would prohibit,
45 as of July 1, 1994, any product or packaging from being identified
46 or labeled with the terms "recyclable," "recycled," "reusable" or
47 "compostable" unless specific standards are met. The bill would
48 also mandate an increasing minimum content of post-consumer
49 waste for plastic bagging, telephone directories, newsprint, and
50 high grade paper.

51 The bill requires the preparation of source reduction plans by
52 counties, State agencies, and large manufacturers. The bill
53 requires the reduction in the use of disposable products by the
54 State. The bill would require counties to implement a system of
55 solid waste charges on a per container basis (also known as

1 "volume-based collection") within each municipality within the
2 county. Finally, the bill also mandates a public education solid
3 waste source reduction program.

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8 The "County and Municipal Waste Reduction Act."

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SENATOR LEONARD T. CONNORS, JR. (Chairman): Good morning ladies and gentlemen. Thank you for coming here to the hearing on S-1366 and the Senate Community Affairs Committee. My name is Len Connors. I'm the Chairman of the Committee. We're going to be taking testimony on this bill, S-1366, this morning -- Senator Corman's bill. Senator Corman is off to my right and he will now make a statement. Senator Corman?

SENATOR CORMAN: Thank you Senator Connors. I want to thank you for offering to hold the hearing on this piece of legislation. Judging by the list of speakers that have signed up it's obviously a controversial measure, and that's why we're having a public hearing. We need to have a dialogue.

The purpose of this legislation is source reduction, and it's based on a very simple premise. That premise is that the cheapest way to get rid of garbage; the least expensive way to get rid of garbage; the most taxpayer-friendly way to get rid of garbage; is to not to create it in the first place. After that, I guess, the next best way to get rid of garbage would be recycling and composting, and the least favored -- at least according to every authority who has developed a hierarchy of waste disposal -- is incineration, because it's expensive, capital intensive, unpopular, has many environmental and health risks that have yet to be quantified, and, in addition, the existing incinerators that we have in New Jersey have been plagued by a number of violations and fines from the DEPE.

One reason that we are here is that we want to try to move in the direction of formalizing this hierarchy. The State claims to-- The DEPE claims to endorse this. And, indeed, we've come a long way from the 1980s when the State's policy was to try to site an incinerator in every county. In my opinion, that policy had more in common with the way the Soviet Union sited nuclear reactors than with anything comparable in the free market system in the United States.

However, notwithstanding the fact that Governor Florio appointed a Task Force on Solid Waste -- a task force which recommended a number of source reduction initiatives -- to this date, the Florio administration has failed to implement any of those source reduction measures. And, in fact, just the other day in The Star-Ledger, there was an article about how the DEPE is actually hindering the siting and licensing of recycling facilities. So, with that, I think, Senator Connors, we ought to proceed to testimony, and hopefully we'll have a constructive dialogue.

SENATOR CONNORS: Thank you, Senator Corman.

Let the record show that Senator Schluter has now joined the Committee. He is a member of the Committee.

Welcome aboard, Senator Schluter.

The first person that I'm going to call is the Mayor of Midland Park. Faith Walker has an appointment -- a very early appointment -- and we're going to honor her office and let her get away to her business with the municipality.

Mayor Walker?

MAYOR FAITH WALKER: Thank you very much. I'd like to see speak favorably to the bill, and I'd like to call it a "green-fee bill," calling it something that the price paid to bring about a greener earth through waste reduction and recycling. I think that the sponsors are to be commended for their courage to come forth in this effort and, also, I hope that the legislative bodies of both the Senate and the Assembly have the courage to pass such a bill.

Midland Park has a per container rate program. We've had it since May 1991. We are generating 16 percent less garbage now than we did in 1987, and we are recycling at a 73 percent rate.

I think the motivating factor for our community -- or any community -- to go forth with such a program is really money, and as Senator Corman said, that money is going to drive

us, and money is going to make it work. We had some resistance at first, but we voted on it and 70 percent of the electorate wanted to continue with the program six months after putting it forth.

I would like to do something a little differently, if I may, and answer questions if you have any, first, because I can talk forever on the program and I know that a lot of--

SENATOR CONNORS: You have a previous appointment. We're going to hold you to that.

MAYOR WALKER: Okay. Well, I don't want to talk forever.

I was in Fort Lee last evening, speaking to an environmental committee there, and I think that one of the concerns that people have is, "Will it work for my community?" I really would like to answer that to anyone who is concerned: Where there's a will, there's a way. I don't think any particular program is the best for every community. I think that we need to put our heads together -- as to whether it be the elective body, the people -- and come up with a program that will work in that particular community.

We have a sticker program with a two-tier system. The two-tier is for-- The heavy recyclers have an 11 pound, 13 gallon container size sticker, and the regular waste producers have a 25 pound, 30 gallon sticker.

As far as the greatest fear that comes out -- that people are saying is: "You're going to have dumping. You're going to have dumping problems." -- I must tell you that we did not experience one illegal dumping concern other than what we had anyway. Our program is a little different in that we were the first in the State to get approved by the Board of Public Utilities, now the DEPE, for a direct billing from the hauler to the residents.

Prior to the garbage crisis, we were paying \$120 for garbage. It went up to \$351 a year. Had we stuck with that

program, we would be at \$464 a year. The average person, or household, in our community is paying \$226 a year for the garbage program. The average senior citizen is paying \$181 a year, and I personally put out my garbage once every two weeks. I have two older boys, 19 and 29, and myself, a widow, and I spend \$185 a year.

Our garbage, as far as testimony goes-- In 1987 we had no recycling program, and we generated 5210 tons of garbage a year. In '89, a year after we started the program for recycling, we generated 3921 tons of garbage and we were recycling 969 tons total. The 5210 went down to 4890 which was a waste reduction of 6 percent or 320 tons. In 1991 we started the program in May, and by December the garbage was down to 2201 tons, recycling was up to 2168, for a total of 4369 or 521 tons less than even in '89, an additional 10 percent waste reduction which, to me, shows that the bill's goal of 10 percent waste reduction is very, very, accomplishable.

I do not have the recycling figures, as communities are gathering them now, but I can tell you that the garbage was further reduced in 1992 to 2104 tons. So, we are working the program. The people are used to it, and they like it.

I think you need to have a very good recycling program for any town that wants to go forth with it, and I also think that you need to go further. We're working on a guide called "Three Rs to Savings," which is reduce, reuse, and recycle. We're talking about environmental shopping days. I personally have a mulching lawn mower, and people are beginning to compost. A resident called yesterday with an idea of starting a municipal vegetable garden where we can teach children composting so that when they grown up they'll know the wave of the future, and they will learn how to grow vegetables, and how to grow them healthy in a healthy manner.

SENATOR CONNORS: Mayor, do you have contracted pickup--

MAYOR WALKER: No.

SENATOR CONNORS: --or, do you have your own garbage trucks?

MAYOR WALKER: For recycling, or garbage? No.

SENATOR CONNORS: No, no. Either/or?

MAYOR WALKER: The Board of Public Utilities -- or the DEPE has issued a tariff to a hauler who is the garbage hauler for our community, and I, as a resident, contract--

SENATOR CONNORS: With him privately.

MAYOR WALKER: Privately.

SENATOR CONNORS: So, it's not in your local budget?

MAYOR WALKER: No, it's not in our taxes. I think another reason that's going to drive it out of the taxes, is the condo law. If you have to start picking up garbage costs for condos over the next five years, you're picking up some pretty hefty fees.

We have it completely out of the tax bill. Other communities can have it partly in and partly out. As an example, you can have the service in the tax bill and the stickers outside.

SENATOR CONNORS: If I may?

MAYOR WALKER: Sure.

SENATOR CONNORS: It's paid to this authority. What is the name of this authority?

MAYOR WALKER: An authority? We don't have an authority. We pay it to a hauler, Vincent Ippolito, Inc. in Tenafly.

SENATOR CONNORS: Directly to the hauler.

MAYOR WALKER: Right. We buy the stickers in two local stores or directly from the hauler. The borough is out of the garbage business completely.

SENATOR CONNORS: Do you have any figures prior to the installation of this program when it was in the budget?

MAYOR WALKER: It's never been in our budget. Our municipality, as long as I have been a resident which is over 25 years has never had it in their taxes.

SENATOR CONNORS: Well, I used to live there, and it was in the budget at one time.

MAYOR WALKER: It was in the tax bill? Forty years ago. I don't know whoever took it out, but it's out.

SENATOR CONNORS: About 40 years ago, or 38 years ago.

MAYOR WALKER: But it hasn't been in since I've moved.

SENATOR CONNORS: You don't have any idea how far back it started?

MAYOR WALKER: Out of the tax bill? No, I don't, but I know it's over 25 years ago.

SENATOR CONNORS: And who tabulates the amount? In other words, people buy the sticker and put it on the trash can and that constitutes how many gallons of trash?

MAYOR WALKER: Right. They put a sticker on a container. Some communities have a bag. They actually have an imprinted bag and that is the way they dispose of it. We decided against that because we thought you could get more garbage in the garbage pail if you packed it down and the bag didn't rip. So, we put a sticker on the top item, and the hauler can tell from just doing his job if it's excessive. Our hauler has never made an issue if it's over 25 pounds, because for those who might be a little over 25, there are those who are a little under 25, and it has averaged out that the average container weighs 25 pounds.

SENATOR CONNORS: And who sets the tariffs?

MAYOR WALKER: The Board of Public Utilities, or the DEPE. He went down to the Board, and he presented his numbers to justify the rate that he wanted to charge. We pay a \$12 monthly fee for the service, which is his profit and his overhead built in to that cost.

SENATOR CONNORS: In addition to the stickers?

MAYOR WALKER: Yes.

SENATOR CONNORS: So each resident pays a \$12 a month fee.

MAYOR WALKER: It's \$144 a year for the basic service.

SENATOR CONNORS: Directly to him.

MAYOR WALKER: To him, which also includes the cost of disposing of household furnishings, like if we put a couch out. Once a week we're allowed to do that, and we do not have to put a sticker on that in our program; that's included. It also includes the pickup of white goods which he recycles and gives us the tonnage for.

SENATOR CONNORS: Do you have any idea of the total amount of money that's paid to the contractor? The \$104(sic)?

MAYOR WALKER: Yes. The \$144 times about 2100 to 2200 customers.

SENATOR CONNORS: What would 144 represent?

MAYOR WALKER: One-hundred-forty-four a year. Twelve dollars a month times 12 months is 144.

SENATOR CONNORS: Right. Plus the cost of the stickers.

MAYOR WALKER: The sticker is the actual cost to dispose of the garbage at the BCUA in Bergen County, which is \$124 a ton. If you do the math, it comes out to for 25 pounds, \$1.55 plus three cents for the sticker, and that's where we get the \$1.58. The same thing for the 11 pound sticker. It comes out to seventy-one cents, including the three cents charge for the sticker. BCUA is talking about lowering the fee to \$122 and the stickers will go down a penny if that occurs.

SENATOR CONNORS: But you don't have an idea what the total cost is?

MAYOR WALKER: If you multiply--

SENATOR CONNORS: No, never mind multiplying. What is the total cost with all the stickers and the \$12 per resident?

MAYOR WALKER: You multiply-- Okay, how many stickers is he selling. If you take the tonnage, you'd have it close enough if you multiplied the 2104 tons times 124.

SENATOR CONNORS: Let me put it a different way. I'm very much interested in this, representing a municipality as a Mayor also. Is there any competition in this? How does this fellow get the job?

MAYOR WALKER: The State appointed him.

SENATOR CONNORS: Oh, the State appoints.

MAYOR WALKER: He has a tariff. He is regulated by the Board--

SENATOR CONNORS: So he doesn't bid on this with--

MAYOR WALKER: No bidding. This is outside the tax bill. It's outside completely.

SENATOR CONNORS: Oh, I know that.

MAYOR WALKER: We're out of the garbage business.

SENATOR CONNORS: I understand that. Now how do you know you're getting a good deal?

MAYOR WALKER: I'm saving money.

SENATOR CONNORS: Well, it's outside of your tax bill, but how do you know the public is saving?

MAYOR WALKER: Well, no, I don't mean the tax bill. I know I'm getting a good deal because if I didn't have it, it would now cost me \$464 a year, and with it, it costs me \$185. So the difference is what I am saving.

SENATOR CONNORS: Well, I don't want to belabor it. How do you know it would cost you \$464?

MAYOR WALKER: Because he just went for a tariff increase for his other customers.

SENATOR CONNORS: So, he's your only source of pickup, even if Midland Park wanted to buy eight garbage trucks and pick up themselves?

MAYOR WALKER: We can do that. No. If we wanted to go into the garbage business, as I understand it, we can go in

and do it ourselves. We can also go to public bid. That's our choice. The community particularly likes this hauler.

SENATOR CONNORS: Have you ever entertained a ballot?

MAYOR WALKER: I weighed it. I weighed it. About one-third of our community is senior citizens, and there was pressure initially to put it in the tax bill. I'm an accountant, and we figured out if you're in the 30 percent bracket, in that vicinity, you're going to save at that time. Maybe you're going to get a \$100 tax deduction. But, by the same token, I believe if it's completely in the tax bill you're going to have less of a motivation to recycle, and with all the senior citizens who don't file long forms-- If you don't file a long form you're not going to have \$100 benefit. In our community -- for our community only, and I don't want to judge other communities -- I think it works very well outside the tax bill, and the \$100 potential savings for some people who itemize is not worth putting it in the tax bill and having to have taxes suddenly increase in our community. Because whether the people are aware of it or not, when you add something to the tax bill, and no matter how you explain it, all they know is their taxes went up, and they like to see taxes--

SENATOR CONNORS: I'm not going to belabor it. Are there any other-- Senator Schluter?

SENATOR SCHLUTER: Thank you.

When you have your residents purchase stickers for the \$1.58 for the 25 pounds, and the 71 -- or whatever it is -- for 11 pounds, are you saying that that cost is the direct cost of the tipping fee at BCUA?

MAYOR WALKER: Yes.

SENATOR SCHLUTER: In other words, that does not pay the hauler for any labor, maintenance, transportation, or anything?

MAYOR WALKER: Exactly.

SENATOR SCHLUTER: Just for the tipping fee.

MAYOR WALKER: Just for the cost of the tipping fee plus three cents for the sticker.

SENATOR SCHLUTER: For the sticker. And the \$12 a month would cover his cost for labor, transportation--

MAYOR WALKER: That's what he had to justify.

SENATOR SCHLUTER: --and operating, maintenance, and so forth?

MAYOR WALKER: As I understand it, he justified to the BPU at the time that he needed \$12 a month to give a basic service to our community, and that everything else was just a matter of working out what the tipping fee was, just like you said. So that's exactly right. I should say it also includes disposal of some household goods that he takes to the BCUA, but he kept it as part of the basic service.

SENATOR SCHLUTER: That's part of the \$12?

MAYOR WALKER: That's part of the \$12. But that's the only tipping fees involved, in that \$12 is once a week collection which-- I don't think I put out household goods yet, so I think it's--

SENATOR SCHLUTER: Are there any residents of Midland Park who do not opt to go into this service?

MAYOR WALKER: They are not forced to, but you have to find a hauler with a residential tariff if you wanted to work a different system, and there was no hauler that we know of that has a residential tariff, so they're kind of caught. But I think there are very, very, few people who are complaining about this system at this point in time, I can tell you. I've had people come in and say six months after we had started it, "I think I'm going to start recycling. It's costing me too much money to dispose of my garbage." So, they'll come in and do it. Others are finding ways to reduce-- You're changing your buying habits. Instead of buying orange juice in a wax container, you buy it in a plastic container which is recyclable. We also have a commingles recycling collection

which allows -- maximizes the recycling effort and encourages people to keep it simple and dispose of it in a simple manner.

SENATOR SCHLUTER: Have you found any of the residents who do not sign up for the system who put it in the back of their car and take it to work with them, or drop it at McDonald's or Burger King or something like that?

MAYOR WALKER: Okay, let's start with where I left off. You need -- and I think the State has now, but didn't have when we went forth with the program -- a proof of service ordinance. And we have a proof of service ordinance prior to the State's passing of one, and that says that you need to show, when requested, that you have a legal means of disposing of your garbage. We have left it to the hauler to notify the borough if there are any such people, and he has identified some of those people. We send them a letter, and we're just really getting into it. Some people have responded, "Well, I take my garbage to my shore house." Now, I have a shore house and I can't imagine putting garbage in the car and taking it down there, so--

But on top of that, it is illegal -- I don't know about other counties -- but it is illegal to take garbage out of Bergen County. So, we can easily answer that person, and that person's going to get a letter stating that that is not acceptable and they need to show a contract within Bergen. There are others who say that, "I take it to my property," either in the area or outside. We even have it from a neighboring community where one man responded he works for the DPW of a neighboring town and he brings his garbage to that town. We're not permitting that either.

So there are definitely going to be those that you identify as not working the system, and as long as you're committed to making the system work-- And you do need to follow up because if you allow this to get out of hand, it will create an illegal dumping problem.

SENATOR CONNORS: Thank you.

MAYOR WALKER: Thank you very much.

SENATOR CONNORS: I have a couple more questions for you.

You mentioned recycling. Who picks that up?

MAYOR WALKER: The borough. We have a small community of about 1.7 square miles, and we have divided our community in half, into two zones -- zones one and two. We hired someone who worked for the hauler because, in my opinion, they know how to make their people work, and if he was working for a hauler, he would have the motivation to really go forth with running the garbage truck that we purchased. We purchased the garbage truck and we hired one helper, not two.

SENATOR CONNORS: What does that cost per year?

MAYOR WALKER: Maybe about \$50,000 for the worker and the driver. We had a garbage truck before--

SENATOR CONNORS: That's with all benefits?

MAYOR WALKER: No. You would have to add on about 30 percent benefits.

But we had the garbage truck prior to the "per container" program and we had a recycling program when the State mandated you had to have one. We had an old truck when we sampled out, and when the truck died we went and bought a new truck. We have one truck, one driver, one worker, and they pick up every day of the week. If we're in the full swing season, we recycle grass clippings, which I think is a very big waste reduction item. So Monday and Tuesday they do grass, and Wednesday and Thursday, alternating weeks, they do commingled for the two districts, or paper. And in paper we have paper including newspaper, junk mail, magazines, computer paper, everything grouped together. Friday's are cardboard including chipboard.

SENATOR CONNORS: I'm aware of that.

MAYOR WALKER: Okay.

SENATOR CONNORS: You know, the system of pickup, what's the average tax on \$100,000 house in Midland Park?

MAYOR WALKER: The average house is \$200,000 and the average tax is close to \$4000. The rate is 2.06 or 2.07 -- 2.07.

SENATOR CONNORS: Thank you very much, Mayor.

MAYOR WALKER: Thank you very much.

SENATOR CONNORS: The next person we'd like to call up is the County Executive of Mercer County, Robert Prunetti, President of the Board of Freeholders, Patrick Migliaccio, and the Executive Director of the MCIA, Richard Vannoy.

Are they here today?

COUNTY EXECUTIVE R O B E R T D. P R U N E T T I: I'm here, Mr. Chairman. I'm Bob Prunetti, County Executive of Mercer County. Mr. Vannoy is also here with me. He's the Executive Director of the Mercer County Improvement Authority.

SENATOR CONNORS: I'm kind of grouping these together now. You have no objection to all three of you testifying at the same time?

COUNTY EXECUTIVE PRUNETTI: Not at all. This is Mr. Vannoy. That will be fine.

I have a prepared statement that I think we submitted to the Committee, so what I'll try to do is, I want to read some of that, and I'll try to be brief in doing so. Then if Mr. Vannoy has any additional comments, he can add them. We'd be happy to answer any questions at that point in time.

First, I'd like to thank you for allowing us to come here and testify on Senate Bill No. 1366. It seems that at a time when all levels of government are striving to responsibly manage the tremendous environmental challenges that our consumer society yields, I can think of no course, quite frankly, which is more counterproductive than the one proposed in this particular piece of legislation.

Not only will S-1366 place huge barriers in the way of progressive waste management, but it will also impede an already tepid economic recovery. Without a doubt, the initiative and innovation demonstrated by entities such as my own County of Mercer will tragically and irrevocably come to a screeching halt. The bill will never fully satisfy some of the zealots who oppose waste-to-energy in any regard, but it will effectively hobble the implementation of a promising technology and cost the taxpayers millions of dollars in previous outlays and initial investments.

I think it's important that we first examine the fundamental role of waste-to-energy in New Jersey's solid waste management strategy. Clearly, while many reasons are cited to legitimize consideration of this bill, it is the very concept of incineration itself that has truly been called into question.

Objectively, waste-to-energy must play a major role in stabilizing disposal costs, if New Jersey is to significantly increase recycling levels and achieve self-sufficiency. Regardless of your position, there is no denying that the State is under increasing pressure to manage its own waste within its own borders. Implementing source reduction measures along with the State's goal of recycling 60 percent of the solid waste stream will eventually reduce the amount of trash to be disposed. However, the question of when that recycling goal is reached or how much we will be able to reduce the amount of trash produced are impossible to answer with any degree of certainty.

In the meantime, a minimum of 22 percent of New Jersey's trash, and perhaps more depending on the source of information that you're using, is being sent to Pennsylvania, Ohio, and other states at tremendous environmental and economic cost. Of the approximately 14 million tons of solid waste produced in New Jersey each year, four waste-to-energy facilities are already managing 1.5 million tons each year, or

about 10 percent of the State's solid waste. These facilities, located in Gloucester, Warren, Essex, and Camden Counties -- all counties, I might add, with successful recycling programs -- take nonrecycled trash that would otherwise be sent to landfills or out-of-state facilities and use it as a fuel to generate electricity in a clean and efficient manner.

I think it's important to consider the combined capacity of current waste-to-energy facilities in New Jersey with those that are currently constructed or are soon to be constructed. By combining the anticipated capacities of Union, Mercer, Atlantic, Hudson, and Morris Counties with existing plants, 3.7 million tons, or approximately 26 percent of New Jersey's total solid waste stream will be eliminated. By pursuing these previously approved projects, New Jersey will be guaranteeing the disposal capacity it requires, as we strive to reach its 60 percent target.

Consistently through the last several years, Mercer County has been committed to implementing an integrated solid waste management plan which includes source reduction, recycling, composting, waste-to-energy, and landfilling. Already New Jersey's top recycler at 56 percent, we nevertheless remain mindful of overly aggressive recycling rates, because the cost/benefit ratio decreases as materials are added to the recycling programs.

Remembering that recyclables are commodities and the recycling itself is market driven, our integrated approach would actually increase the range of economically viable by-products. Aside from eliminating nonrecyclables from the overall waste stream, waste-to-energy's combustion process would allow for the recycling of ferrous metals. At present, more than 80 percent of incinerating plants recycle these metals on-site.

Yet, despite Mercer's outstanding recycling record and the promising technology of incineration, S-1366 requires

counties to comply with what I believe are vague and impractical and unverifiable waste management criteria. In paragraph 5, section 6 of the bill, a county must "demonstrate that it has exhausted every appropriate source reduction, recycling, reuse, composting, and disposal option available in the State" before transporting any waste material out-of-state. Obviously, this creates a real problem for recyclables. Since recycling markets are extremely volatile, markets may be better outside of New Jersey or even the country on any given day. Recyclers must have the ability and flexibility to market materials quickly, and we owe it to the taxpayers to find the markets that are the most beneficial financially. Some of those markets may exist outside of New Jersey. To tie our hands and limit our ability to go directly to where the demand is the greatest may satisfy someone's ideal concept of "conservation," but it makes for poor economics.

As I discussed the ramifications of this Act with fellow county officials and local mayors, one of the points that is particularly nettlesome is the per container fee system for all municipalities. Since municipalities are responsible for their own solid waste collection, Mercer County could not implement an across-the-board fee system that would adequately serve such diverse communities as Princeton, Hightstown, or Trenton. In cities like Trenton, indigent families generate more waste per capita and would thus be adversely affected by such a policy. Inner-city housing poses additional problems as well since many older homes have been converted into apartments. At present, municipalities have the option in Mercer County to converting to a per container system. To mandate such a system would be extremely counterproductive and at times redundant.

What I believe the most damaging and costly component of the bill is the three-year waste-to-energy moratorium. The impact of another three-year delay on the taxpayers of Mercer

and Atlantic Counties, since we are in an interdistrict agreement with Atlantic County, will be devastating. There is still considerable debt service on the construction bonds left unfulfilled as well as three more years worth of steady increases in labor costs, construction materials, and the like. A three-year delay will cost Mercer County alone over one million tons of landfill space which will deplete existing capacity by more than a third. This is capacity that otherwise would last another 20 years if our waste-to-energy plant were in operation.

I don't believe I can stress enough that the Mercer/Atlantic Regional Plan has been designed to meet all the requirements of Governor Florio's Solid Waste Task Force. It is unconscionable that the State of New Jersey would once again, for the third time, be telling county governments that we must change course in midstream. New Jersey will never resolve its solid waste crises until it ceases to constantly change focus and direction. Taxpayer dollars are being squandered while no long-range solution is being implemented.

I urge you to allow those of us on the front lines to continue to be innovative and serve as a model from which the rest of the State can learn. We've done the research and unlike the State, we have a detailed plan. The doubts and timidity must end. Incineration, I believe -- we believe, in Mercer County and has been supported by a vast majority of Mercer County residents -- is safe, it is cost-effective, and it works. We have a critical solid waste problem that cries out for swift and decisive resolution. No more delays. We need to get to work and do it now.

Thank you.

R I C H A R D V A N N O Y: Thank you for also letting me appear before you today on behalf of the Mercer County Improvement Authority who represents all Mercer County residents.

SENATOR CONNORS: Your name, sir, for the record?

MR. VANNOY: My name is Richard Vannoy. I'm sorry. I'm the Executive Director of the Improvement Authority.

On behalf of all the Mercer County residents, the Mercer County Improvement Authority has been extremely aggressive in their recycling program, to which we've also been aggressive in our resource recovery program. We have a permit process underway with the Department of Environmental Protection and Energy. We are continually striving to have that permit process to be fast-tracked. We are administratively complete presently, and we have tremendous pressure on the Department to have technical questions given to us for review so that we can have our permit process hopefully available for us for construction in December of this year.

I appeal to you, if I can, to allow that this bill not be pushed through. Thank you.

COUNTY EXECUTIVE PRUNETTI: If there are any questions, I'd be happy to answer them.

SENATOR CONNORS: Members of the Committee, do you have any questions?

COUNTY EXECUTIVE PRUNETTI: I would just like to add, if I may, that Mercer County has been at this for some 12 years now, at least that I'm aware of. I've been involved in the process since 1983.

We have done what was called upon us to do back then when counties had to develop their own solid waste plans, and we were to become, in a sense, self-sufficient. And so, Mercer County was in the forefront, I think, of developing a plan that included a number of waste disposal means that I've mentioned: recycling, composting and the like, and I think we've held the public hearings. We've been subjected to whatever public scrutiny that there should be, and in some cases had to deal with some very volatile situations in public hearings, but we made the decision. We felt that the people of Mercer County

called upon us to make a decision, and we've expended a considerable amount of money in order to get to the point we are. We've changed our plan at least once to accommodate the recommendations of the Governor's Task Force. We entered an agreement with Atlantic County which we believe is a good agreement. Atlantic County believes it's a good agreement. We've complied with the interdistrict requirements. So we feel that we are poised and we are ready to proceed. What this would do, as I've said, is to hold us up at least for three years, maybe indefinitely, while not getting any closer to managing appropriately and efficiently our solid waste problem.

SENATOR CONNORS: Thank you.

COUNTY EXECUTIVE PRUNETTI: Thank you.

SENATOR CONNORS: Mr. Prunetti, do you have a prepared statement?

COUNTY EXECUTIVE PRUNETTI: Yes. We're going to pass it out now. I'm sorry. I thought it was already passed out.

SENATOR CONNORS: Okay.

For those people who will be testifying here this morning that have prepared statements, we'd appreciate it if you would deliver them to the desk, here.

At this time we're going to call the former members of the Task Force of the Clean Air Council: New Jersey PIRG, Michael LaRose, Rob Stuart, Dolores Philips from the New Jersey Environmental Federation, Linda Stansfield, and Jeff Scott. Did I get them all?

UNIDENTIFIED SPEAKER: Michael Gordon.

SENATOR CONNORS: Michael Gordon.

D O L O R E S P H I L I P S: Good morning Chairman, and thank you, Senator Connors, for the opportunity to testify this morning. We especially wanted to thank you for holding this hearing on this critical piece of legislation.

I'm Dolores Philips, Legislative Director for the New Jersey Environmental Federation. For the record, the

Environmental Federations is a statewide environmental organization which comprises 97,000 members, an adjunct coalition of 54 member groups, and as the State Chapter Clean Water Action based in D.C.

I wanted to begin this morning by especially thanking Senator Connors (sic) for sponsoring and introducing the legislation. This legislation has floated around for the last several years in various forms and is a product of years of research, and state-of-the-art research at that point. We have worked very closely with the Senator on the concept and the content of the bill and I felt that it would be appropriate to discuss why is the bill necessary in the first place.

The reason that the legislation is necessary is because over the last 30 years, the per capita of waste generated by each U.S. citizen averages a 50 percent increase. This actually increased to a total 4.7 pounds from 1.8 in 1950. What we're addressing here today is a concept of as our population increases -- which is another debate in itself -- we can take measures to stop the generation of waste per capita today. We've talked about it for several years. Every think tank in this nation including the EPA and New Jersey's DEPE has espoused the concept of source reduction, but we have not implemented it.

What we want to do is move from the concept of garbage as "garbage," and instead move to the concept of material recovery. In 1990, the Institute for Local Self-Reliance produced this report for New Jersey: "Getting the Most from our Materials - Making New Jersey State-of-the-Art." That's what we want to do and we feel this legislation does today. Just several weeks ago, the nation's foremost environmental research organization, INFORM, published a report, "Making Less Garbage," which would show every county and every municipality in this State how to be able to reduce this garbage.

If, indeed, we continue to move ahead with incinerator projects that have moved quite rapidly over the last three years, what we're going to be faced with is a situation where source reduction will not be able to be implemented, because what we find is that recycling and source reduction are not compatible with incineration. In fact, a good example of this is the town Northport, Long Island where, last year its Ogden-Martin incinerator went on the line and after three months, each household watched its annual garbage fee increase from a total of \$243 to \$507 -- when the incinerator went on line. They needed garbage, and they didn't have it. So if a project like this, in fact, does need garbage, there's absolutely no incentive to source reduction. That is why this legislation contains a moratorium: to give the State the ability to move forward with source reduction.

I'd like to point out to the Committee that there are prototypes for the moratorium that do exist. Last July, the State of Rhode Island passed a statewide ban on MSW incinerators, also, Ontario has passed a ban precluding any incinerator from being built.

The recycle content legislation that is included in this bill also has prototypes throughout the nation. In fact, there are 27 pieces of recycle content legislation that help drive those markets that Mr. Prunetti mentioned before. That also is the purpose of this legislation. I'd like to point out that it's not an economic boondoggle, but that this legislation would, in fact, stimulate economic recovery for New Jersey.

Let me give you an example how. There are at this time seven states that have passed legislation requiring recycled content for newsprint. As a result of these laws, there has been a 174 percent expected increase in newsprint -- deinking capacity for newsprint. Ten new newsprint deinking facilities have begun operation since 1991, and by the end of 1992, recycled fiber capacity in the U.S. and Canada has almost

reached two million tons. The California content legislation has also lead a large Canadian paper producer to build the first northern California newspaper deinking plant near Sacramento.

So what we see is capital investment into alternative technologies that source reduction measures bring. It is beyond just the consumer making choices in the supermarket. It's beyond government making procurement choices, and it also has to be the private sector making choices. The purpose of this legislation is to encourage it.

I'd like to introduce Jeff Scott, who is the member of the 1990 Governor's Solid Waste Reassessment Task Force, as are Michael Gordon, Rob Stuart, and Linda Stansfield who want to specifically address the Task Force Report.

J E F F R E Y S C O T T: I want to thank you for the opportunity to come before you today to speak on the bill. Thank you Senator Corman for sponsoring and introducing the bill.

My name is Jeff Scott, and I was the representative from the New Jersey Environmental Federation on the Governor's Emergency Solid Waste Task Force. I had spent the primary focus in my role on the Task Force with the source reduction section, and I'd like to speak to a couple of concerns and a couple of issues in this bill that I think represent the logical extension of the recommendations that we made in the Task Force Report in the source reduction section.

I would like to point out, to start off, that we don't believe, as was previously testified to, that this is a change in midstream of the solid waste strategy in the State. As a result of the Governor's Solid Waste Task Force Report, a significant change occurred in the direction that New Jersey was going in and is now going towards in dealing with its solid waste problems. We feel that this bill will continue that new focus and help the State achieve the goals and the recommendations that we put forth in the Task Force Report in December of 1990.

At this point, without this legislation going forward, the State is not going to be able to meet the source reduction goals that were stated in the Task Force Report, to do two things: one, to cap per capita generation of solid waste, and to then cap and reduce total generation of solid waste in the State.

The paper container recommendation that we have in the legislation does a number of things: Primarily, based on the experiences that we've seen in cities like Seattle and the 21 municipalities in New Jersey that are currently following a system along those lines it helps drive significant reduction in the generation of material that's put on the curb, and has achieved increases in the recycling rates those municipalities have experienced as a result of the paper container system.

Another thing that it does is it provides a very direct financial incentive for the citizens of the State to reduce the amount of garbage that they generate. Right now, unlike other utilities in the State, you are not rewarded for your consumption conservation strategies. If I buy energy-efficient light bulbs, I see a reduction in my utility bill -- my electric bill. If I buy the most energy-efficient gas water heater, I see a similar drop in my monthly gas bills. But if I go out and I reduce by 25, or 35, or 50 percent, the volume of garbage, material that cannot be recycled, out at my curb, my rates stay the same, and I am not being rewarded for my efforts to help deal with the solid waste situation in my town and in this State. In fact, I am subsidizing the bad practices, the overconsumption of my neighbors and the other citizens of the community who are not taking similar steps.

The second piece of this bill, which Rob will speak to in more detail, that helps drive the financial incentive and drive behavior in terms of achieving source reduction, is the labeling standard where, by combining-- If you look at the

Task Force recommendation, we said a couple of things need to be done to achieve the per capita and total generation caps in reductions in solid waste generation. One is a per container system that provides a direct financial incentive -- what you're putting out on the curb. The second is a labeling system that shows you when you go into the marketplace what is recyclable, what is made of recycled content which helps close the loop so that we find a market for the recycled materials that we are successfully addressing in the communities, and it brings together the necessary perspective and education that a citizen needs, in order to help solve the generation problems that we have in this State.

Another point that I would like to bring out is that we look at this bill as a self-sufficiency bill. This legislation will help continue New Jersey on its course towards self-sufficiency in dealing with the solid waste problems. Without the source reduction strategies outlined in the Task Force Report and incorporated in this bill, the State will never achieve self-sufficiency. Even though we will increase our recycling rates, we will still see generation increase. So, we may be recycling at a higher percentage, but the amount of garbage will continue to grow because our total generation of garbage continues to grow.

Another point that I would like to briefly mention is that currently the Department of Environmental Protection and Energy requires applicants that come before it to demonstrate their ability to meet the recycling goals outlined in the Task Force Report. What this legislation does is it requires the Department to apply the same approach and continue that approach, when it comes to the source reduction goal. To propose a 10 percent to 15 percent reduction in solid waste generation through a source reduction strategy is consistent with recommendations and policies that we've seen developed by other states in our region. Massachusetts, in 1990, adopted a

per capita waste reduction goal of 10 percent. Rhode Island is in the process of finalizing its recommendations to achieve similar source reduction goals. New York State currently has a source reduction goal of between 8 and 10 percent.

We think these percentages that are in the legislation are realistic. If anything, they're probably conservative in terms of some of the experiences that we've seen with municipalities that have incorporated per container collection system -- the paper bag collection system. We think this legislation is necessary in order for the recommendations that we've developed in the Governor's Task Force Report to be fully implemented in the State and to really head New Jersey towards self-sufficiency in dealing with the solid waste problems.

Thank you.

M I C H A E L G O R D O N, ESQ.: Good morning. My name is Michael Gordon. I'm a partner in the law firm of Gordon and Gordon in West Orange. I appreciate the opportunity to address Senator Connors, Senator Corman, and Senator Schluter.

I have, for the past 10 years, served as special environmental counsel to a number of the communities that have been faced with the proposed construction of solid waste incinerators. Just to give you a little background of where I've been involved: I represented the Ironbound Committee Against Toxic Waste in Essex County; Lafayette Township in Sussex County; Ridgefield Borough in Bergen County; Lacey Township in Ocean County. I worked for a citizens group opposed to the construction of the incinerator in Atlantic County, and for the Borough of Sayreville in Middlesex County.

I say that by way of underscoring that I have served as an advocate for 10 years. After that service, I was pleased to serve the Governor when he asked for my time on the Solid Waste Task Force. I was brought to that Task Force because of my experience being an advocate for the municipalities that were selected, even though there was, in most cases, no

selection process to be the recipients of a solid waste incinerator facility.

The Task Force was made up of about eight public members. You see here before you four of those members. We're speaking in support of this bill. I think it's time for the Legislature to take a step to confirm what the Task Force enunciated in its report. We took a great amount of time to determine how we should manage our solid waste problem, and one key issue -- if you remember back in 1990 when the report was issued after we spent our four months developing it -- was where does incineration fit in in the hierarchy of solid waste management technique, and whether it is basically a neutral player, a good player, or it has so many drawbacks that it should be abandoned? Prior to the Task Force, remember, the policy of the State of New Jersey was that each and every county should construct an individual solid waste burning facility.

The Task Force took great pains in evaluating the role of incinerators, and on page 41 it lists the policy discussion, and the Task Force reached a determination that incineration is not a solid waste disposal technology. It does not dispose of solid waste. What it is is a volume reduction technique, and when its measured against the other currently available volume reduction techniques, it fails miserably, both environmental and economically. I felt that the conclusion reached on page 41 was the death knell for incinerators in the State of New Jersey, apparently, because these construction projects, and really, that's all they are -- mass construction projects -- have a viability that must be dealt with specifically.

I think this bill is critical. These are not facilities that are environmentally sensitive. They are not facilities that are economically viable. I have not seen, in the 10 years that I've been involved in this field, an economic analysis of the role of an incinerator in a county's solid

waste plan that makes any sense. I've not seen the State produce an analysis of where incineration fits economically or environmentally. The first such analysis -- and it was performed in only four months -- was the Environmental Task Force -- the Solid Waste Task Force. It came to the conclusion that incinerators could not be seen as necessary. The reason we concluded that, is unfortunately landfills still must be seen as necessary. No matter what techniques you employ, no matter how aggressive, right now there's no one who is sitting before this Committee that says we can close all our landfills today, and that's it. When the Task Force details that on page 41, it is sending the message that it sent to the Governor, and that we hoped that the DEPE would act on quickly; what we wanted to see was elimination of the incinerator option because there are other currently available techniques that do the job safer and cheaper.

Now let's take a look at just one of our incinerators, the largest, the Essex County incinerator. It's had numerous air pollution violations. I would say, at this point, it's fair to say hundreds. What happened? The permittee challenged the violations, so we're told by the DEPE we can't get any information as to the status of the enforcement activities, as to the necessary upgrades that were already known to be needed by DEPE, because there's an enforcement action and it's been taken now for a hearing. That's unacceptable, obviously. That erodes public confidence and that fulfills the concerns of the opposition to incinerators; that when you build a facility that is overpriced, not environmentally sensitive, and you can't control its operation, you're building nightmares for the different communities in the State of New Jersey.

Now, that would be bad enough, but the Essex County incinerator is built and operated by a company, American Ref-Fuel. Now, American Ref-Fuel never received final A-901 approval prior to the construction. Because of legal

challenges to the law, there was a claim that there wasn't that requirement and they could start construction, and start operation on what are temporary operating permits. To my knowledge, the State has not seen fit to finalize its A-901 decision with the Essex County incinerator that's been operating for two years. It's the largest incinerator. As you know, American Refuel has, through its parent company, a list of violations and convictions that could render it unable to continue to operate in the State of New Jersey under our current law, and I think we should find out why we haven't seen that final decision.

Now what we have here is a very serious financial and environmental issue, and you see people who come in and say, "We've been in the planning process for 10 years. Please don't change the rules on us again." I would say that the rules were changed permanently in 1990. The reason the legislation is necessary is because until there's legislation to back up the policy change, you will have people coming forward and saying, "Do you really mean that incinerators are unnecessary and costly and destroy the air?" And until there's legislation that nails that down, you will not get people to abandon their ill-conceived plans. That's why this legislation is necessary. It's not just, are we going to build it, but are our children going to live with the mistake for 40 years?

Thank you.

SENATOR CONNORS: Who else would like to speak from the group? Your name?

R O B S T U A R T: Mr. Chairman, my name is Rob Stuart. I'm Program Director for New Jersey PIRG and served as an environmental representative to the Task Force. I have enough copies of a written statement, so I'll be very brief.

I just want to thank you for the opportunity to testify, and congratulate Senator Corman for introducing this legislation.

I looked at the Solid Waste Task Force as really an historic opportunity for New Jersey, and I really appreciated the opportunity to serve on that with those distinguished colleagues, some of whom I see here today. I would point out that there were representatives from counties, there were representatives from industry on the Task Force, and there was no minority report. I think some of the historic opportunity that the Task Force represented was driven by the fact that it was at the start of a new decade. It was the 20th anniversary of Earth Day, so people were very concerned about the legacy we would leave to our children.

It was a new administration, and we were afforded the opportunity to look anew at what had been a decades-long problem; that is, dealing with solid waste. The concept that this was not waste and that this was materials was revolutionary, but when you pulled off that label you found that it actually made common sense, it was practical, and most importantly, it was cost-effective.

As one of my colleagues already discussed other aspects of the legislation, I want to talk a little bit about packaging. We've put a lot of energy into recycling. We've spent an incredible amount of our public resources. Committees in this Legislature have moved forward and adopted legislation, but we have to remember that the three "Rs" of recycling represent more than just collection, its manufacturing, and its reuse of material. That way the material doesn't go to the landfill.

In the first place, we also are saving natural resources by reusing material rather than expending the cost to extract them from the earth and to manufacture them. Most often, the manufacturing of virgin materials is more expensive than the remanufacturing of materials that have already been extracted. So, again, you see that this concept of making the most from our materials is, in fact, not only environmentally sound, but it's cost-effective as well.

We've continued to collect and collect more material, and New Jersey communities and New Jersey residents should be congratulated on the amount of materials that we've been collecting. But, as we collected it, we've not seen as many processing markets as quickly developed as we need, and, in fact, markets have been glutted with supply and these additional markets for materials have been harder to find. Local governments, where they were once receiving money for materials that they collected, are now having to pay to have those materials taken away. I've got some figures in my testimony which dramatize the expense that municipalities are going through.

So reducing the amount of material that we're generating is key to finding a responsible way of handling our material stream, and one of the ways we've looked at to reduce the solid waste stream is to reform our packaging that we find on shelves in stores. Packaging, it seems is such an innocuous item-- It doesn't seem like it's very much when we're, considering all the other material that we have to deal with but, in fact, packaging makes up one-third of the material that's now going to landfills, and it is an unnecessary expense for consumers. So these products that are packaged in new and improved form, oftentimes just to extend the shelf life of a product, are frequently more wasteful and more expensive. In New Jersey, the expense of packaging is being felt twice: once, at the initial point of purchase, and again, when that package has to be disposed. Most of this packaging heads to our landfill or to an incinerator, and is not recycled.

We believe S-1366 is necessary to ensure that New Jersey meets the Task Force goal of being self-sufficient. We think that because S-1366 contains requirements for packaging labeling, we create free market pressure to stimulate more environmentally sensitive packaging as well as to develop a much needed recycling markets. The way we do that is to set

standards for the terms that could be used to define "recyclable," "reuseable," "compostable" products. Demand is stimulated when buyers compete for a particular product line. We believe S-1366 creates that missing incentive right now that currently exists for packagers to avoid unrecyclable materials or packaging designs, and instead to begin to design for recycling. The end result would be that producers of packaging would utilize recycled material in new packaging, thereby closing the recycling loop.

These standards in packaging are technically feasible and necessary to move recycling forward in New Jersey. There's a lot of scientific information out there to suggest that, in fact, that these applications of standards on industry does not necessarily mean a loss of profits or competitiveness with other countries. Industry may tell you later today that packaging standards would hinder their ability to compete, but strict environmental regulations do not inevitably hinder competitive advantage against foreign rivals. Indeed, we believe they enhance it. These tougher standards trigger innovation, upgrading, and already the U.S. leads in those areas in which the regulations have been the strictest such as pesticides and remediation of environmental damage.

Environmental protection is a universal need and a major export industry. Without competitive technology, America will not only forsake a growth industry, but none of our environmental spending will go to imports. We believe that because this labeling is a flexible approach, this will encourage companies to reengineer their technology, and the result, in many cases, will be a process that not only pollutes less but lowers cost and improves quality.

I was going through "Packaging" magazine this morning, and I have blurb from it. I just want to point out that in Tokyo the latest packaging conference was all about selling the environment: "'Form follows function' makes good environmental

and marketing sense." So, I guess the message here is that if we don't innovate and begin to address environmental packaging, that other countries may do that, because they're already starting to, and we'll lose market share.

I believe this legislation complements New Jersey's existing recycling programs by creating the strong market for materials that municipalities are already collecting.

Even though we've been beginning to collect these materials, as I've noted, the nation's businesses have not stepped forward and supported these types of reforms, and thus are the missing link in the success of recycling. For recycling to work, the businesses that manufacture and sell us goods and packaging must buy our recycled materials. In fact, if a commitment to using these materials does not occur, then the existing infrastructure may collapse, forcing our recyclables into landfills and incinerators.

Some will follow me and suggest we let market forces work voluntarily; that mandates don't work. Dolores already mentioned it, but we have experience with the states that have passed legislation to require newspaper manufacturers and other manufacturers to use recycled content.

Our report that we released on this subject found that as supply of material increased, prices plummet. Municipalities had to sell their old newspapers at a loss. But, in fact, when laws were passed, the industry did respond. New manufacturing mills have opened that have created new jobs. Newspapers which were read, thrown away, or recycled, are now beginning to contain recycled content. This will keep the material out of landfills and lower the cost for the taxpayer. You know, remembering where we started from, a ton of paper made from 100 percent waste paper rather than virgin fiber saves 17 trees, enough energy to power the average home for six months, 700 gallons of water, three cubic yards of landfill space, and taxpayers' dollars that would have been used for that waste disposal cost.

In conclusion, we look at S-1366 as necessary to address a number of our solid waste problems. We believe, as it relates to packaging, that it sets mandatory yet flexible standards that can be met which will challenge and stimulate both local communities and the manufacturing sector to put recycling on the drawing board. Critical recycling market demand will be created and ultimately less of our valuable resources will be wasted in unrecyclable packaging or packaging without recycled content.

SENATOR CONNORS: Thank you very much.

Linda Stansfield?

L I N D A S T A N S F I E L D: Thank you, Senator Connors, and thank you for holding this hearing.

I want to correct something. I'm here representing the Task Force, and also representing the American Lung Association. Although I'm a member of the Clean Air Council, I'm not representing them today.

Thank you, Senator Corman, for sponsoring the bill, and Senator Schluter.

When we announced our goal of 60 percent recycling, we felt we might run into an outcry. We held 17 hours of public hearings and only four people, or groups, or organizations, spoke out against the 60 percent goal. I had, personally, pushed for an 80 percent goal by the year 2000. I wish I had pushed a little more because after the hearings it became evident that the public and their representatives were willing to aim for this 60 percent goal. We are very pleased at what has been accomplished so far, and although we know it has caused difficulties for both the public and the municipalities, we think it is working itself out.

We at the Lung Association are concerned, of course, with air quality and we do oppose any new incinerators for the next three years, but we base part of our argument on the Task Force Report on mercury emissions from solid waste

incinerators. I would like to enter this as part of the record. I was not part of this Task Force, but I'm sure you can ask Assistant Commissioner Sinding any questions you have about it. There is a serious mercury health concern of emissions from current incinerators and the design of proposed incinerators. The Task Force does say that this can be overcome with new technologies, but at the moment any incinerators under design would have to be revisited seriously. They set an emission standard as a result of their research, and they conclude that the major source of mercury health effects is through the eating of fish and that the mercury reaches the fish through dispersal through the air.

Now waste incinerators are not the only source. We're also going to have to look at coal-burning power plants, but that was the assignment of the Task Force to look at incinerators and that was the assignment that they carried out. We will now have to go ahead and look at power burning plants.

We strongly supported reuse on the Task Force, and many levels of reuse are just beginning to appear. I want to urge you to consider the technological lag that occurs between a decision by a State or a large group of consumers to do something, and when the entrepreneurs come forward and offer those things. Now they are offering recyclable plastic pint milk bottles for schools. This is in New York State. I don't know if any schools in New Jersey are using it yet. They're offering reusable plastic containers for grocery store milk. They are encouraging school systems to purchase or bring out of storage their china dishes and their silverware instead of all the plastic that people got into the habit of using. You can pay for a purchase of new china and silverware and glassware in three months. It's amazing how much paper and plastic products cost when they're used in large quantities.

We also think that the reuse of containers has just begun to be touched. However, we've seen a very interesting development in the resizing. All of the detergent packages at our grocery stores had reached a point where an average size was maybe this high, this wide (demonstrates), and two-and-a-half inches deep. They suddenly cut them all in half. I think they could have done it sooner, but they were worried about shelf space and the appearance of the product. It's been really a huge change. Everybody buys detergent frequently and apparently the amount of detergent now in the package allows you to wash the same amount of clothes, so they've taken out filler or they've compressed the detergent, but anyway, the package is half as large.

Now, the only change that I would have in this legislation is in 19 a. where you call first for eliminating packaging. And then, I can't remember what two and three are, but there are other forms of packaging changes. I'd like you to add into there the elimination of double packaging, to be completely phased out by 1995. The over packaging of so many materials accomplishes nothing except shelf space. When you put a tube of toothpaste in a box, the box is unnecessary. When you put a plastic container of bacon inside a cardboard box, the cardboard is unnecessary.

This sort of thing I think could be quickly accomplished. So I would like that addition, and I would add that that should be with the exception of an anti-tampering strip which they often have on vitamins and cottage cheese and all of those sorts of things.

I'm interested to see that Mercer County remains unchanged since the public hearings that we held. They were one of the four groups who opposed our position then, and they've been consistent I must say.

That is all I have to say.

SENATOR CONNORS: Thank you Ms. Stansfield.

Senator Corman has some questions he would like to ask the panel.

SENATOR CORMAN: Insofar as we've got four Task Force members here: I guess it was Mr. Scott who indicated that all this bill is doing is requiring that any applicant meet the source reduction goals of the Task Force Report, just as they're now required to meet recycling goals of the Task Force Report. That indicates to me that the State is not really implementing the source reduction component to the Task Force Report as it should. Could you tell me if there is anything that this administration has been doing to implement the source reduction portion of your report?

MR. SCOTT: Well, I think possibly that question is best directed to representatives from the Department who can speak firsthand on what the Department is doing.

As I mentioned earlier, the paper container component in our source reduction recommendations from the Task Force Report is a critical piece in terms of achieving dramatic and significant reductions in the generation of solid waste. We've seen experiences in New Jersey with almost two dozen municipalities with both increased recycling rates and source reduction achievements. There is an EPA study of two towns that incorporated similar systems and achieved anywhere from 18 to 29 percent reduction in the solid waste that was going out on the curb.

We would be hopeful that this could be a bipartisan bill that the administration and the Legislature can fully implement, as Michael testified earlier -- the recommendations of the Task Force.

Obviously education, Senator, is an important component. Labeling is an important component. That needs to be done through legislation at this point. The per container system, as we see in your bill, is something that we want to see required of municipalities in the State. We think it's necessary. We are of the opinion that it's not only the most

effective strategy to achieve the source reduction goals, but it's probably the only strategy of its kind to achieve that level of reduction as a single strategy. Education, labeling, other measures, obviously complement that system, but it's really the cornerstone of the source reduction strategy.

SENATOR CORMAN: I can recall that there was some talk of the Division of Consumer Affairs doing something about labeling of recycled products to prevent somebody from marketing something as recycled which had only a miniscule amount of recycled content. Has anything happened with that that you are aware of?

MR. SCOTT: Not that we know of.

SENATOR CORMAN: And are you aware of anything that the Department of Environmental Protection and Energy has done to encourage source reduction, whether it be paper container or packaging reform?

MR. SCOTT: As I said earlier, obviously that's a question that the Department is best capable of answering. From my knowledge on the per container issue, municipalities on their own initiative have been allowed to go forth with those systems. I do not know of any policy or proposal within the DEPE to further drive that participation with the paper container system. I don't know if Rob or Dolores have any additional information.

SENATOR CORMAN: I think maybe this is a question best directed to the Department.

Mr. Chairman, is the Department scheduled to testify?

SENATOR CONNORS: I understand-- No, I don't think they are. (confers with Aide) Oh, they are? Oh, yes, we've got two people. Okay, we'll be getting to them.

SENATOR CORMAN: I will redirect my question to them when the time comes. Thank you.

SENATOR CONNORS: I have a couple of things I'd like to get on the record anyway. We keep talking in terms of the Solid Waste Assessment Task Force.

Mr. Gordon, I'll direct this to you so you can put it on the record. Who appointed the Emergency Solid Waste Assessment Task Force?

MR. GORDON: Governor Florio.

SENATOR CONNORS: And the mission?

MR. GORDON: The mission-- I think it would be helpful to have Executive Order No. 8 or a copy of the Task Force Report which contains the mission as the Governor outlined it to the Chairperson of the Task Force, Commissioner at the time, Judith Yaskin.

SENATOR CONNORS: How long did it take to put this booklet that you apparently have in your hand together?

MR. GORDON: And it has appendices also, Senator. One-hundred-twenty days we were given to meet, and we were given excellent support by the Department of Environmental Protection and Energy staff. We convened meetings. We set an agenda as far as how we're going to evaluate the problems. The staff put-- The DEPE then did really the legwork of gathering all the best available data at the time and it was reviewed. I think we met the deadline. The report was dated August 6, 1990.

SENATOR CONNORS: How many members were on this Task Force?

MR. GORDON: Commissioner Judith Yaskin; Ann Auerbach, President of the League of Women Voters; Douglas Bacher, Executive Director of Gloucester County Improvement Authority where there was located an operating incinerator; Douglas Berman, Treasurer at the time; Robert Del Tufo, Attorney General; Michael Gordon; Alan Hershkowitz, Senior Scientist, Natural Resources Defense Council; Michael LaRose from Sussex County, former Sussex County Freeholder Director; Gregory Lawler from the Governor's Counsel's Office; Melvin Primas, Commissioner of New Jersey Department of Community Affairs; Ted Schwartz of Schwartz, Tobia & Stanziale; Jeff Scott who's here today; Linda Stansfield and Rob Stuart; and Scott Weiner, who at the time was President of the Board of Public Utilities.

SENATOR CONNORS: Like, about 15 or so?

MR. GORDON: Yes.

SENATOR CONNORS: And the report has now been submitted. How long has it been out?

MR. GORDON: August 6, 1990.

SENATOR CONNORS: Since August 6, 1990.

Did the Task Force reach an opinion on this -- a majority opinion with regard to its report?

MR. GORDON: There was no dissenting report. We worked very hard. We had a great diversity of views, but we worked very diligently to build a consensus to outline a strategy for the future of solid waste disposal, emphasizing recycling, reuse, and waste--

SENATOR CONNORS: Well, let me ask this question: I noticed in your testimony, Mr. Gordon, that the Task Force finding was opposed to incineration.

MR. GORDON: Well, that's how I understood-- What we did is we evaluated incineration, and we found that it's really not a disposal technique; it's a waste reduction technique, similar to shredding at a landfill or baling at a landfill. It's a volume reduction technique and the Task Force, which included people who were pro incineration, recognized that inevitably in the operation of a garbage incinerator is air pollution, because you get a permit to pollute, and it's very costly. That's really what we stated; that there are other cheaper available alternatives that can reduce the volume of waste that ultimately has to get landfilled.

SENATOR CONNORS: Was that consensus of the Task Force?

MR. GORDON: That's the consensus, right there. That statement right there.

SENATOR CONNORS: Your opinion?

MR. GORDON: What I just said on page 41. I can read it.

MS. STANSFIELD: In the report--

MR. GORDON: In the report on page 41.

SENATOR CONNORS: It's in the report: opposition to incineration?

MR. SCOTT: As Michael said, the way we focused the discussion--

SENATOR CONNORS: Alternatives. You were looking for alternatives.

MR. GORDON: Let me read it, and then I think-- My feeling is that this indicates clearly that-- We had a big debate whether landfilling or incinerators were the bigger harm or fear, and which should be a higher priority. When we reached the conclusion, as the Task Force, that you couldn't get rid of landfills but you could get rid of incinerators, the two great evils then were no longer equal because you needed one in your strategy. You need landfills temporarily. You don't need incinerators. Those were the two sources of evil that the public and the administration focused on. We don't like landfills because they pollute our groundwater and they're not efficient, and we didn't like incinerators because they polluted our air and they're too costly.

Here's what we said: "The Task Force has analyzed and debated how to dispose of solid waste that cannot be recycled or that has been characterized within the above analysis as residue. There is no method for the disposal of solid waste that does not involve putting some amount of it into the ground. This is why the Task Force believes that getting toxics out of solid waste is so critical. Further, incineration does not eliminate trash. It simply reduces the volume. Other volume reduction techniques are currently available as reflected within an attachment which may be used at landfills and transfer stations. Through these devices the life of a landfill can be extended significantly just by changing how we put our solid waste into the ground. Several counties in the State have begun to utilize these techniques such as baling and shredding of waste.

"While incineration may result in the highest degree of volume reduction, there is an environmental and economic cost to such reduction. There are emissions to the air that can have a serious impact on the environment. Incinerators also are expensive, costing hundreds of millions of dollars while compaction alternatives are relatively inexpensive."

That's why I said in my testimony I felt this was a charge back to the Governor and the Executive branch to do the analysis, to say, "Based upon this finding by the Task Force, really, shouldn't we look at the impact of incinerators economically and environmentally, and recommend that they no longer be constructed in the State of New Jersey?"

SENATOR CONNORS: Was there a recommendation in that report about self-sufficiency? I think we touched on it.

MR. STUART: Yes.

SENATOR CONNORS: What does that say? To your recollection, just synopsise it.

MR. STUART: It basically says that we need to be self-sufficient. At the time, we understood that our current practice then and currently, that exporting material for disposal out-of-state was not a practice that we could count on continuing. Thus, one of the main goals of the Task Force was for the State to be self-sufficient.

SENATOR CONNORS: So that was a strong opinion of the Task Force?

MR. STUART: Yes.

SENATOR CONNORS: Well, we've talked about per container cost, of pickup of trash, packaging, incineration, clean air, recycling, all as methods of controlling our waste stream. But before I get into that, I don't want to lose that trend of thought-- Toxic waste in the air: Wasn't there a controversy with regard to the definition of toxic waste and EPA was supposed to redefine that from household trash? Can someone enlighten me on that?

MR. GORDON: I don't believe the EPA has issued their final report on whether incinerator ash must be treated as hazardous waste, but New Jersey's landfills with the double liner leachate collection system would probably be compatible with what EPA is going to say.

SENATOR CONNORS: Suitable disposal?

MR. GORDON: Well, suitable disposal is different than meeting the requirements the EPA sets.

SENATOR CONNORS: But, under EPA rules it's--

MR. GORDON: I don't think they have issued a final decision.

SENATOR CONNORS: The existing rules-- It's still considered to be toxic.

MR. GORDON: I think it's the most stringent requirements that I believe EPA has -- a double liner leachate collection system which I think is what New Jersey requires of all its new landfills.

SENATOR CONNORS: Now, how many -- I think there was a number that was given -- like four incinerators are operating in the State?

MR. GORDON: Yes.

SENATOR CONNORS: That's all?

MS. PHILIPS: Yes.

SENATOR CONNORS: Four. Do they need trash from other counties or from other areas to make them work, to your knowledge?

MR. GORDON: Essex is taking Bergen's trash.

SENATOR CONNORS: Essex is taking Bergen's trash. Did they do that with knowledge or forethought?

MR. GORDON: No, they did that because the evolution of the understanding of these facilities forced the Bergen County Freeholders to abandon their plan to construct their own huge incinerator and to use the available capacity in Essex County.

MS. STANSFIELD: Senator, the numbers that we were given on the Task Force of the number of tons that each county was generating seemed to have been overstated. So, when they actually got into the functioning role, and they began to get their waste flow, it wasn't as high as they anticipated. So we would assume as recycling increases, the incinerators will need to draw from a larger and larger area.

SENATOR CONNORS: To your knowledge, Mr. Gordon -- back to you, if I may -- was Essex County's incinerator overbuilt or built extra big to accommodate Bergen County?

MR. GORDON: No, it was overbuilt because the designers of it wanted to maximize its available capacity, in my opinion, probably at the original design time to facilitate its use by, possibly, New York City. Because they have-- There were tremendous problems with the construction of that facility, and it's the State's largest. There was concern that was voiced by the Department of the Public Advocate, when they reviewed the contract, that we just avoided a situation where New Jersey residents would be subsidizing New York waste to be brought in and burned at the Essex County facility, because if the proposed contract from the vendor was accepted without the scrutiny of the Public Advocate, that very possibly could have happened.

That's just one of the factors that prompted, I think, the review by the then new administration of what has happened on the individual incinerator projects and whether it made sense to reevaluate the role of incineration and maximizing other strategies to get us to self-sufficiency. That's really what this was all about.

There was some very compelling information brought by Alan Hershkowitz, who really convinced the Task Force that if you plug into incinerators, you're never going to reach your other goals because they are incompatible. Again, my feeling is-- I know the four members here believe that that became a

consensus understanding that using a landfill as your last resort-- You need it, first of all. So you've got to recognize its existence, and it gives you the maximum flexibility to reach your other goals, while plugging into an incinerator is costly, it pollutes, and it requires you to feed this monster. It's really a dinosaur that's got to be fed huge amounts of trash. In Bergen and Essex, the vendors were planning -- they were the same vendors -- to really subsidize their profit by bringing in waste from other areas.

SENATOR CONNORS: So, in your considered opinion, as a member of this panel, had Bergen been into a program, Essex would have still had open space -- and perhaps even Bergen -- for additional waste stream.

MR. GORDON: Yes. They both were overbuilt to maximize the vendor's return on its investment without recognizing the evolution of where we're going in waste minimization and recycling. That was a problem that was pointed out through the public hearings, and that lead to part of the reevaluation statewide.

SENATOR CONNORS: Since you are apparently very knowledgeable on this and have followed it to some degree, how about the other three?

MR. GORDON: Well, I wasn't involved--

SENATOR CONNORS: Without getting too deep.

MR. GORDON: I wasn't involved with the other three, but there's a chart as to their capacity, and I think if you look at the nominal capacity which is what they were permitted for: Warren is 400 tons per day; Gloucester is 575; Essex is 2250; and Camden is 1050. I'm not familiar with the operations of the other three, but clearly Warren and Gloucester are not geared towards a huge excess capacity; they just aren't that big as far as facilities--

Bergen County was planning to go close to 3000 tons per day, built by the same vendor -- the same vendor that still

hasn't received its A-901 final approval that there are a lot of problems with -- and I think that is part of the problem with the incinerator industry. It's difficult without some kind of full evaluation of what role, if any, should it play to trust it, and that's where the Task Force, I think, stepped in.

SENATOR CONNORS: Going back, now, the first Solid Waste Act was 1976 or so, wasn't it?

MR. STUART: 1974.

MR. GORDON: I think 1975.

SENATOR CONNORS: '74, well we'll-- And that called for an incinerator in every county, right?

MR. GORDON: I don't think the original Act used the word.

SENATOR CONNORS: Well, moving towards incineration.

MR. GORDON: Right. In the 1970s we were still using the source reduction, and incineration became a resource recovery-- Resource recovery was the original concept.

SENATOR CONNORS: Resource recovery. And was that modified since then, with regard to resource recovery, that language?

MR. GORDON: I think what happened is, the State Department of Environmental Protection, through the statewide Solid Waste Management Plan, issued a direction to every county to have both an incinerator and a landfill to become self-sufficient as a county onto itself, and that happened in the late '70s through the '80s.

MS. STANSFIELD: That's '75.

SENATOR CONNORS: So, in 1975 there was a directive that was issued?

MR. GORDON: The law said that the counties were the planning district and they had to take care of their own waste, in '75.

MS. STANSFIELD: Then in '81 you had the State Recycling Act, '82--

SENATOR CONNORS: No, no, I'm just dealing with incineration now.

MR. GORDON: Yes, 1981. I think it became legislatively introduced that incinerators were referred to as resource recovery facilities, and special legislation was geared toward maximizing the use of incinerators -- resource recovery it was referred to, at that point.

SENATOR CONNORS: And there have been no amendments to that directive?

MR. GORDON: There have been amendments to the law, but the policy of the State--

SENATOR CONNORS: I'm talking about incineration now.

MR. GORDON: Okay. The policy of the State changed, I would say, when the Task Force Report was issued in 1990, but I don't believe the law--

MS. PHILIPS: There's no statutory change.

SENATOR CONNORS: There's no statutory changes and the only thing that put a moratorium on this was the Governor's Order -- Executive Order?

MR. GORDON: Yes.

SENATOR CONNORS: So now this has been completed since 1990?

MR. GORDON: Yes.

SENATOR CONNORS: And what's been done?

MR. SCOTT: Well, as I mentioned earlier, I think those are compelling questions for the Department. I mean, we obviously have our perspective.

MS. PHILIPS: Well, there were two aspects of the Solid Waste Task Force Report that the Legislature did implement and that was the Toxic Packaging Reduction Act and the Dry Cell Battery Management Act; also, the 60 percent recycling. That is now all in the statute. Those were three components of the Task Force Report that have, through the last session and this session, been completed. Those are the only ones that have had statutory implementation.

SENATOR CONNORS: Okay, thank you. I have one more question, if I may?

I think it was Mr. Stuart had spoken to double packaging?

MS. STANSFIELD: I did.

SENATOR CONNORS: Oh, Ms. Stansfield. Double packaging, you're not in favor of double packaging?

MS. STANSFIELD: I'm in favor of eliminating double packaging.

SENATOR CONNORS: Eliminating double packaging. Would that mean if you bought a box of detergent, because we're talking about packaging, that it couldn't be put in a plastic bag before they put it in a box?

MS. STANSFIELD: That's what it would mean. But, maybe you could sell it just in the plastic bag, or you could sell it just in the box.

SENATOR CONNORS: Okay. So, it would prohibit manufacturers from putting a bag inside of a box.

MS. STANSFIELD: Yes, it would.

SENATOR CONNORS: Okay.

Senator Corman?

SENATOR CORMAN: Senator Connors, some of your questions spurred just an extra question of mine. I'd like to direct it to Mr. Gordon.

You indicated that when the Governor's Task Force finally issued your report it was unanimous. You had industry representatives concurring with representatives from environmental organizations on the total product issued by the Task Force. It was your impression that incineration was dead in this State, or new incineration was dead in this State. Is that correct?

MR. GORDON: It was my impression, but what I knew was necessary to really clarify it, because at the time we were meeting, there were two counties -- Union County and Mercer

County and also at that time, Monmouth County -- that were in the midst of pursuing incinerator projects aggressively. I felt it was necessary for the Department, the Governor, through the Department, to follow up on the recommendation, because what the Task Force Report also says is that incinerators are conceivably part of our strategy once we reach the 60 percent. But what in essence happened is, a new permit has been issued to Union before anyone reached any 60 percent.

So, by the failure of the Department to focus on that aspect of the incinerator question specifically and really taking a position in support of what I think are the clear implications of the report, we languished kind of in this, "Do we build more or don't we build more?" But I think we answered the question that if you're going to save money and protect the air, you don't need them. That's what we -- I looked for the Department to do after the report was issued.

SENATOR CORMAN: Well, obviously that didn't happen because there is an incinerator going up in Rahway.

MR. GORDON: That's right. And Mercer County is still, understandably, confused because there's not a clear signal and there should have been a clear signal, in my opinion, after the Task Force Report: Abandon that strategy and get the job done on this new path. It's just going to be expanding. If we remove the incinerators from the equation, we can expand the other recognized superior methods of achieving self-sufficiency.

SENATOR CORMAN: Well, Mr. Prunetti seems convinced that the State supports his proposal to put an incinerator in Mercer County.

MR. GORDON: Well, it could be depending on who he talks to in the State, and what day. They may be sending him that signal. That's why I think it's important that it be clarified because in this industry there's a lot of money involved, and I think the State should send a clear signal

because nobody benefits from this lack of clarity. I don't think anybody benefits.

SENATOR CORMAN: I think the most disturbing thing to me-- I agree with you. When you issued your report, I believed that at the very least incineration would now be a disfavored technology and a technology as last resort. Yet, before anybody achieves 60 percent recycling, a permit to build an incinerator was granted to Union County. That seems totally inconsistent.

MR. GORDON: It seems inconsistent with the recommendation that says no new incinerator until, at a minimum, you've reached 60 percent, you've got regionalization, and you show a need for it. I don't think with Union, that was demonstrated. I think with Mercer, they were encouraged to move along in a direction, and I don't think that that should have happened.

SENATOR CORMAN: I would hope these are not signals that the Department and the administration are backing off your report. But that's a question to be directed to the Department.

MR. GORDON: That's for the Department. I think that whatever they decide, it's better to have them actually decide and make it clear. It sat for two years now with this being the last formal statement and yet, clearly, Union is inconsistent with what the recommendations were.

MR. SCOTT: If I just may add something. I don't know if I was clear initially. I'm sorry, Senator.

SENATOR CONNORS: Senator Schluter, go ahead.

SENATOR SCHLUTER: Thank you.

Mr. Chairman, I'm sorry. I do have to leave, and I'm sorry I can't hear the State's commentary on some of this.

SENATOR CONNORS: They're coming up next.

SENATOR SCHLUTER: Well, unfortunately, I have to leave, but I would like to clarify something. I think Chapter 326 which is the Solid Waste Management Act of '75 or '76, it's

my understanding that that does not mandate an incinerator -- mass burning; resource recovery -- in every county.

MR. SCOTT: Right.

MR. STUART: That's correct.

SENATOR SCHLUTER: In other words, it sets up, however, each county plus the Hackensack Meadowlands as a planning area, for them to develop their own solid waste disposal plan, methodology, waste flows, etc.

Incidentally, Mr. Chairman, Hunterdon County went in with Warren County and right in the beginning they supplied part of that 400 ton capacity.

Mr. Gordon, since the report came out saying that -- however you said it -- incineration is not acceptable, viable, or it should not be the strategy, has the State done anything to adopt that policy or to change from its basic Chapter 326--

MR. GORDON: Well, I think the State Department of Environmental Protection and Energy when it came to Mercer, made it clear that they felt it was consistent with the Solid Waste Task Force Report to force a regionalization component with Atlantic County, which is what the County Executive spoke about. But the key element of that same recommendation says no incinerator project goes forward until 60 percent is achieved, that the project has been demonstrated as necessary, and it's been regionalized to the maximum extent possible. So, to take one of those out and then say, "Well, we can go forward with whatever incinerators we want," I just think that's not adopting the recommendations of the Task Force, and the Department should have made it clear how they're going to handle incinerators from 1990 until now.

SENATOR SCHLUTER: I'm making a point here: The State has never been able to mandate regionalization. They can encourage it. They can suggest it. But if-- My understanding -- and Mr. Chairman you were a Freeholder Director and you're much more qualified than I am to speak -- but if a county came

up with a plan which met the regulations and the State law in the Solid Waste Management Act, and met all of the discharge criteria, etc., it's my understanding the State would have to approve that plan after all the testing of it. So, what I'm getting at is, it would require some affirmative State action like a change in the statute, would it not, to prohibit more incinerators from being built?

MR. GORDON: I think that would be very, very helpful.

SENATOR SCHLUTER: Well, I think it's not unhelpful, but I think that it is required under the standard. In other words, you can't expect the Department to say no more incineration when they don't have the authority under the Solid Waste Management Act.

MR. STUART: Well, the Department has the authority to approve the county plan.

SENATOR SCHLUTER: That is correct.

MR. STUART: So what it has effectively done is it set its criteria as saying we will not consider a plan that involves a resource recovery facility unless there's regional components, but it's--

SENATOR SCHLUTER: Well, I'm sorry I can't be here to get the response. I would respectfully, Mr. Stuart, disagree that I think that if the county means it, and I'm not taking sides on this, I'm just saying that it seems to me if you're going to eliminate incineration, you have to get a directive from the State to do it. You can't just depend on the administrative functioning of a department to give preference or to guide over this way. It's got to be fairly clear.

I have one more question, if I may?

SENATOR CONNORS: Go ahead.

MR. SCOTT: To follow up on that, Senator. That's why we'd like to see legislation and we would like to make it concrete and crystal clear that the policy of the State, directed through this legislation, is that we won't see these

facilities until these other things are demonstrated. That's an important distinction because the Department right now doesn't require a county to achieve the 60 percent in order to go forward with the facility, where this legislation would do that. I just want to point out where we are today from our perspective in terms of the State's policy on solid waste is a significant improvement. In the early '80s under then Commissioner Hughey, the Department through its authority under the Act was driving an incinerator strategy in every county. We don't see that anymore. Obviously that's a big improvement, and we're very happy with that. We feel this legislation is necessary to complete the recommendations of the Task Force, and so we see both self-sufficiency and it being done in an environmentally and economically sound way.

SENATOR SCHLUTER: So it would be more than the moral suasion of the report.

If I could, just a quick question of Mr. Stuart--

SENATOR CONNORS: Go ahead.

SENATOR SCHLUTER: --on packaging and on this bill. Very briefly, Mr. Stuart, packaging does add to the toxicity of the waste stream in many respects. How does the bill address the matter of trying to direct packaging into either recyclable packaging or some sort of system which would inhibit the very, very costly disposal of some of these toxic kinds of packages?

MR. STUART: Well actually one of the successes of the Legislature was actually the passage of the Toxics in Packaging Act last year, which does set up a system whereby packaging has to be certified not to contain, you know, the most hazardous materials, hexavalent chromium, mercury, and a few others. So I think we've already begun to move in that direction. The program is beginning to be implemented. This is not as aggressive as even other legislation that is pending before the Legislature requiring particular packaging to meet particular standards. All this legislation does is it says to the

manufacturer, "You cannot call your packaging recyclable, reuseable, containing recycled content, or compostable, unless it actually meets a standard that is defined in the legislation which is recognized as achievable."

Our sense is, as experienced from other states, that because there is strong consumer preference for environmentally sensitive packaging -- you take any poll -- people will pay more for packaging which they believe to be more environmentally responsible, coupled with a paper container system where they're going to be seeing a financial benefit to them if, in fact, they can cut down on their personal waste generation. Then the marketplace will respond and manufacturers will, in fact, be delivering to consumers packaging which is meeting those criteria.

So, you have spurred me to wonder what, in fact, the Department is doing with the Toxic Packaging and Reduction Act, because it's been over a year now that it has been signed.

SENATOR SCHLUTER: But you're not-- This bill does not give the Department the ability through regulations to prohibit-- I'm not saying batteries, that was one thing -- but to prohibit certain types of generic packaging.

MR. STUART: Well, from the toxicity point of view there are some particular types of packaging the legislation would address that have been shown not to be recyclable, but it is, for the most part, a free market approach; you know, saying if you want to use this term which you know is going to be profitable, then you have to meet a particular standard. That would end confusion in the marketplace and confusion for the manufacturers for that matter.

SENATOR CONNORS: Okay. I'm going to cut this off at this point in time. We do have an awful lot of people who traveled an awful long way to come here and give us testimony.

We appreciate your testimony given today.

We want to move right along and hear the other point of view with regard to the DEPE. I'll call Gary Sondermeyer and Rick Sinding.

Gentlemen, you've heard an opinion -- some opinions given on a report, and from the message that you sent up here that you'd like to give your side of it. We're going to give you that opportunity now. So, who wants to go first?

A S S T. C O M M. R I C H A R D V. S I N D I N G: I'll go first.

Thanks very much, Mr. Chairman. I'm not so sure that it's going to necessarily be another side or a different side, but what I'd like to try and do this morning is to describe some of the activities that the Department has undertaken pursuant to the Emergency Solid Waste Assessment Task Force, and to speak very specifically to what we think is a very significant, far-reaching, and ambitious piece of legislation proposed by Senator Corman.

First of all let me, on behalf of Commissioner Weiner, thank you for the opportunity to appear before you today and to express the Department's interest and concern regarding this important activity, and, again, to extend our compliments to the sponsor for what we think is a very ambitious piece of legislation which, in the main, we find ourselves supportive of in terms of its goals and objectives. I think that there is no question, not only coming out of the Emergency Solid Waste Assessment Task Force, but the original legislation dating back to the '70s, that it is clearly the responsibility of State government in concert with the county and local governments to aggressively promote source reduction and recycling. It is not only an economic imperative, it is clearly an environmental imperative as well, and the Department stands ready to work with members of the Legislature to achieve that clearly articulated goal.

In many ways I would also agree with the assessment of some of the speakers who have come before you this morning to suggest that S-1366 is in some respects a logical extension of that Task Force Report. It does enunciate many of the same goals and objectives, and while I'll refer later in my testimony to some difficulties we may have with some of its specific provisions, in the main, it is clearly the logical extension of the policy in which New Jersey has placed its focus primarily on reducing sources of solid waste, achieving a minimum of a 50 percent municipal solid waste, and 60 percent total waste stream recycling rate, minimizing the need -- and I emphasize minimizing as opposed to eliminating the need -- for new capital intensive disposal projects through regional planning between counties and finally, achieving self-sufficiency and disposal capacity within a reasonable and practically achievable time frame.

I think it is important to point out that New Jersey has been remarkably effective and successful in pursuing the goals of the Task Force Report, and the details of this, with all due respect to County Executive Prunetti, are available in a fairly substantial State Plan, which coincidentally was noticed in yesterday's "New Jersey Register" and will be the subject of public hearings to which I would invite not only members of the Legislature, but all of the interested parties here today. They're going to be held on March 16, 17, and 18, at the DEPE headquarters here in Trenton, the Hackensack Meadowlands Development Commission offices, and the Federal Aviation Administration Technical Center in Atlantic City, respectively. Those dates, again, are March 16, 17, and 18.

This document, the Solid Waste Management State Plan Update essentially incorporates and codifies the findings of the Emergency Solid Waste Assessment Task Force, and describes the procedures and processes which the Department anticipates undertaking in order to fulfill the objectives of the Task Force.

The process up to this point has involved the findings of the Task Force being released in the summer of 1990 followed by the distribution of Departmental guidelines in the summer of 1991 to carry out the Emergency Solid Waste Assessment Task Force findings, and finally, by this much more substantial and formal document, the State Plan Update, this winter to take effect in the spring of 1993.

The State, as I said, has achieved significant success in many of the areas that were identified by the Emergency Solid Waste Assessment Task Force. In terms of recycling, as of 1991, the year for which the latest available information is available, the State has achieved a 52 percent total waste stream recycling rate and a 34 percent municipal waste stream recycling rate; significant progress towards the 60 percent and 50 percent goals, respectively.

Beyond these figures, the participation rate in our municipal recycling program are without equal in any state in the United States. From our last inventory, all 567 municipalities in New Jersey have mandatory ordinances in place and are recycling newspaper, glass, and aluminum cans. Five-hundred-fifteen provide curbside collection which greatly increases participation, 384 also recycle plastic, 366 recycle tin and bimetal cans, and 208 recycle corrugated cardboard. In addition, each county plan is being modified to expand the list of designated recyclables. New Jersey is without peer when it comes to recycling.

In terms of regionalization, the State has made significant progress. By the end of 1992, six significant regional partnerships have been initiated which involve 10 of the 21 counties and the Hackensack Meadowlands Development Commission, specifically in terms of the shared use of disposal facilities. More important, and more to the point in terms of today's hearing, as a direct result of the Task Force findings and the policy that was developed pursuant to those findings,

eight formerly planned incinerators have been eliminated: in Atlantic, Camden, Bergen, Cape May, Middlesex, Monmouth, Ocean, and Passaic counties. And three more planned incinerators in Salem, Sussex, and Hudson are currently inactive.

In terms of self-sufficiency, solid waste exports in New Jersey dropped from 18 percent during-- It's dropped, I'm sorry, from 22 percent in 1990 to 18 percent in 1991 representing a reduction of nearly 16 percent, and again, moving us well on the road toward self-sufficiency. Interstate enforcement agreements have been signed between Governor Florio and Governors Bayh of Indiana and Voinovich of Ohio, and we are confident that through the continued demonstration of New Jersey's reduction in the export of solid waste that we will achieve our goal of seven years towards self-sufficiency.

The area that I think has attracted considerable attention for today's purposes is in terms of source reduction, and while I share the concerns and belief that many of the people who have come before you today have expressed with regard to the amount of additional work which the State needs to undertake in order to aggressively and actively promote and achieve source reduction strategies, I think it would be inaccurate to suggest that either this Department or this administration, or in fact, collectively, the State, has done nothing to develop source reduction strategies. In fact, this State has been extremely aggressive in developing source reduction strategies.

In terms of waste audits, one of the key features of the bill before you, the Waste Audit Manual has been completed and widely distributed. Audits are being done by each department of State government and at each building location in State government. Eight counties have also adopted specific plans for conducting audits at the county and municipal offices, and at private sector locations.

The per container rate system which has received a lot of attention this morning -- and well-deserved attention. The Midland Park experience we heard from the Mayor this morning is an exemplary one, and as County Executive Prunetti indicated, many of the counties and municipalities are looking very seriously at voluntary implementation of per bag or per container rate systems.

As of January of this year, there were 20 per container programs operating in nine counties around New Jersey. That, in our judgement and estimation, is a disappointing number. We continue to seek to encourage a per container component of each county plan. We've recently requested funding from the EPA to critically evaluate each of the existing programs as a basis for significantly broadening participation in the per container system.

Again, I would refer you for more specifics to the "Solid Waste Management Plan Update" which has been distributed to each of you this morning. I'm sorry we didn't have more time to give you more advanced knowledge, but it is, quite literally, hot off the press.

In terms of yard waste management: Yard waste makes up approximately 10 percent of the waste stream. It is a major category where source reduction can play a critical role. The Department has aggressively been promoting its "Grass, Cut It and Leave It Program," as well as backyard composting, in an attempt to acquaint citizens, municipalities, and counties, with a significant savings that can come about as a consequence of cutting and leaving grass, rather than bagging it and sending it out to the curb. All counties, as a consequence of the State Plan Update, will be required to adopt yard waste strategies which will also address inventories of commercial landscapers and existing leaf and grass composting facilities.

A guide to developing permanent household hazardous waste is a fourth area in which the Department has been putting

together a final product which will be available in two months' time. In the meantime, six counties have adopted plans to develop or investigate permanent collection programs. The HMDC has expressed an interest in hosting a regional facility, and Burlington County is currently constructing New Jersey's first permanent household hazardous waste facility.

In terms of procurement, the Department has prepared a guide to public procurement and has held, or plans to hold, procurement workshops regionally, or in every county upon request. Under Executive Order No. 34, all State agencies must, where feasible, replace disposal products with reuseable products and provide for two-sided printing of all publications, documents, and photocopies.

And finally, there is significant education strategies which the Department has undertaken. Materials have been developed to promote environmental shopping, a case study booklet of source reduction and recycling efforts of New Jersey's major private sector companies was completed last July. In addition, the Department is working with the Division of Consumer Affairs in establishing standards for the use of environmental claims made by manufacturers, which was one of the comments that was raised earlier today.

Let me briefly summarize those areas of the bill where we are not only in complete agreement, but would strongly support activities to carry out and implement those policies. We support the concept of waste audits, obviously, at each State department, county, and in the private sector, as well, as outlined in section 16 of the bill. We would recommend expanding this obligation to the municipal level of government as well. We support the requirement of developing a plan for State government to achieve specific source reduction goals established by the Department, and annual reporting to measure effectiveness as noted in section 17 of the bill.

We support aggressively pursuing the expansion of existing per container rate collection programs, and developing public education programs, as mentioned in sections 18 and 19. We support the creation of a Source Reduction Advisory Board as set forth in section 20. And we support in principle, the development of a detailed labeling system and the establishment of minimum postconsumer waste content criteria as outlined in sections 21 through 29.

Now, having said that, let's get to the big ticket items. There are three areas specifically in which the Department feels that are areas of serious concern. The first is that we don't believe that New Jersey can support a blanket moratorium at this time on the construction of municipal solid waste incinerators. Moving from 22 planned incinerators to a much more modest number, requiring regionalization, requiring that the burden of proof for both economic and environmental viability be significantly increased, enhanced, and substantially strengthened, has in our judgment produced the desired result. It has significantly, as I alluded to earlier, taken off the table a large number of proposed facilities and has rendered others inactive. More to the point, it seems to us that imposing a moratorium at this time would seriously compromise our efforts to forestall Federal legislation that would prohibit the interstate transportation of solid waste.

There have been extraordinary efforts expended by both State and Federal officials in recent years, to provide New Jersey with a window to achieve self-sufficiency. We have demonstrated good faith movement towards that goal and we believe that that will help us forestall any Federal action. But, the danger that the immediate imposition of a moratorium on incineration removing one more arrow from our quiver of options could seriously undermine the credibility of our self-sufficiency strategy.

I would remind the members of this Committee that Senator Coats has already introduced the Interstate Transportation of Municipal Waste Act of 1993, which could seriously undermine our self-sufficiency goals and accelerate the time frames needed to achieve them. There are a number of other optional strategies available to us. I would urge the staff of the Legislature to work with the staff of the Division of Solid Waste Management in moving towards those goals. But, again, a blanket moratorium on any new construction at this time would, we believe, send an unacceptably harsh message to Washington, which could come back and rebound very much to New Jersey's disadvantage.

On the second point, the Division of Solid Waste Management has performed a capacity analysis using the provisions of this bill, in comparison to the analysis that was performed for the purposes of putting together the State Plan Update. When trying to take into account accelerated timetables for source reduction strategies and for recycling, and looking at the effect that would occur were any new incineration capacity taken off the table, the analysis of the Division suggests that the provisions and programs outlined in the bill would actually extend rather than shorten the time frames that are necessary to achieve self-sufficiency.

It's simply our feeling in looking at the numbers and the analysis, that imposing a moratorium on incineration and at the same time reducing from seven years to four the goal for achieving solid waste self-sufficiency is not practically achievable. Again, we can discuss this in greater detail following today's testimony, and between our respective staffs.

Finally, some of the details of the bill are going to require further discussion. As an example: The establishment of specific short-term goals with respect to source reduction such as the achievement of a 10 percent reduction in the next three years may be difficult at this time given both the uncertainty and differences of opinion in the solid waste field

pertaining to the measurement and quantification of source reduction strategies over time.

Let me give you a couple of examples: the grass clipping instances. We know that through aggressive promotion of the "Grass, Cut It and Leave It" campaign, that more and more people are cutting grass and leaving it rather than taking it out to the curb. At the present time there is no reporting that of activity and there's no way to quantify it, so absent the establishment of some elaborate reporting and enforcement mechanism, it would be extremely difficult for us to set up regulatorily a means of developing a strategy for saying, "Here is what our current product is in terms of grass clippings. Here is what a 10 percent reduction would mean, and here's how we can demonstrate to ourselves and to the outside world that we are actually achieving that strategy."

There are significant questions, to use another example of how one would measure the effectiveness and source reduction of packaging. Certainly eliminating double packaging is a goal that is well worth pursuing, and in working with the Legislature on several source reduction strategies and pieces of legislation, we have tried our best to quantify what the results of those activities and initiatives would be. But, again, it's extremely difficult unless you're prepared to regulatorily determine, whether it's by weight, by volume, by size, or by amount of plastic, or by the amount of other material, to exactly specify what the baseline number is that you're working from and how you will have achieved, whether it be a 5, or a 10, or a 15 percent reduction over a period of time.

These are not insurmountable problems by any means, but I bring them up to represent areas in which we believe that the Legislature, the legislative staff, and our staff, need to work together on to help to quantify exactly what it is we're talking about when we're saying we want to achieve specific source reduction goals and objectives within a specified time frame.

Let me, once again in closing, compliment the sponsor and compliment you, Senator Connors, for putting forth this ambitious and thoughtful bill; to again express that, in principle, we believe that it does go a long way toward achieving the objectives that are established by the Emergency Solid Waste Assessment Task Force, and making it clear that the Department, my staff, and the staff of the Division of Solid Waste Management are prepared to work with you to make this an exemplary piece of legislation of which we can all be proud.

SENATOR CONNORS: Thank you.

MR. SINDING: Let me also introduce to you Gary Sondermeyer, who is the Assistant Director of the Division of Solid Waste Management for Recycling and Planning, and Guy Watson, who is the Chief of the Bureau of Source Reduction and Market Development. As we get into questions that may be somewhat more detailed in nature, I'll defer to them for answers.

SENATOR CONNORS: Mr. Sondermeyer, you have the floor.

MR. SINDING: I don't think they have any statements to make, they're simply here to answer any questions.

SENATOR CONNORS: Okay. Senator Corman, do you have any questions?

SENATOR CORMAN: Thank you, Senator Connors.

I want to thank the Department for their kind words about the legislation, and I, too, look forward to working with the Department in coming up with whatever language changes would be necessary to make this legislation practical and feasible, and ultimately, something that the Governor would sign.

While you're here, a couple of questions came up earlier, and I'm glad that you passed out this brand-new "Solid Waste Management Plan Update." I have just been browsing through it, and one thing that jumped out at me is that the long-term incineration strategy indicates the Department's

long-term goals with respect to incineration are as follows: "Unless a compelling need is demonstrated, the Department will stop approving county plans or permit applications for new incinerators of any kind."

Now, does this-- The County Executive from Mercer County was just in here, and he was as confident as could be that the Department and State were encouraging him, and were right behind him in the construction of an incinerator in Mercer County. Is that the case? If so, it would seem to contradict what's in the report.

MR. SINDING: I think what the report says, and what the Emergency Solid Waste Assessment Task Force determined was that the burden of proof on any applicant for an incinerator was substantially increased in terms of both demonstrating, in the words of the Plan Update, "compelling need both in terms of the economics of the proposed incineration project, and in terms of the demonstrated attempt on the part of the applicant to achieve all other methods of source reduction and recycling prior to applying for or receiving a license to operate an incinerator."

The difficult balancing act, if you will, comes in determining: a) what represents a compelling need, and b) what constitutes proof that all other disposal options have been considered. The Department has attempted, as it does in the Division of Solid Waste Management with all applicants, to try and work with the applicant through the permitting process to demonstrate what steps need to be taken, what proofs need to be provided, and I think to characterize the Department as helpful in terms of working with the applicant in these cases is accurate. I would not read into that any greater level of helpfulness with this application than we try to be with all others that come before that Division.

SENATOR CORMAN: So I guess you're indicating that in seeking to demonstrate compelling need, any applicant that

wants to build an incinerator would have to demonstrate that they are going to do everything else they can, other than incineration, to get rid of garbage in a way that would make New Jersey self-sufficient. They've got to do all the composting that they can, and all the recycling that they can. Is that correct?

MR. SINDING: Yes, essentially that is correct. I mean, that's all within the context of a statewide solid waste management plan. I think that's important to keep in mind.

In terms of determining what the practical effect would be of all the different source reduction, recycling strategies, and so forth, it's necessary to look at them not only on a county by county basis, but also to look at them regionally, and on a statewide basis as well.

SENATOR CORMAN: And that's what this legislation tries to do.

In looking at whether or not compelling need can be demonstrated, does the Department also inquire as to whether the applicant has done everything they can with respect to source reduction, such as implementing the recommendations of the Governor's Task Force with respect to source reduction?

MR. SINDING: I can tell you in general that they do, but let me turn it over to Gary to describe the process that each of the counties would have to go through.

SENATOR CORMAN: Sure.

GARY SONDERMEYER: What we did, historically, Senator, is that about six months after the Task Force report was accepted by the Governor, the Commissioner issued a set of policy guidelines which did send -- despite some of the testimony we heard today -- I think, a very clear message to the county governments on what would be necessary to go forward with any type of an incineration project.

As part of that, really there is a two-phase process administered by the Department: A county planning phase where

the freeholder board has to put a facility, a technology, and a capacity into the plan and submit that to the State for review, and then if that phase is passed and approved by the Commissioner, the technical phase, which is the engineering design review phase. At the planning level, what we require of any county trying to pursue an incineration project for the long-term was a demonstration, up front, as part of the plan amendment that they would obtain the basic source reduction goals, or commit to the source reduction goals that were laid out in our policy guidelines, and that they could demonstrate numerically the attainment of at least a 60 percent total waste stream, and a 50 percent municipal waste stream recycling rate within the five-year period that was outlined by the Task Force. Beyond that, they would go forward only in a regional capacity.

So in the case of Mercer County, these requirements were put before them; they did do a plan to commit to the source reduction goals; they did do a plan to show us 60 percent recycling, 50 percent municipal waste stream recycling; and they entered a regional interdistrict agreement with Atlantic County. That's the only reason that that project passed the planning phase and was approved by Commissioner Weiner, and at this point in time is undergoing the more detailed, technical, environmental, and health impact statement, and engineering design review process.

SENATOR CORMAN: Okay. Now does this mean that so far as the Department is concerned, Mercer County has demonstrated compelling need?

MR. SONDERMEYER: As far as satisfying the initial planning phase of our two-step process, yes.

SENATOR CORMAN: Okay. Now just to shift counties for a moment, in Union County construction has already begun. I can see it looming over Route 1 every time I drive to Avenel or Carteret. Was this same process adhered to?

MR. SONDERMEYER: Yes, sir, absolutely. Before that project went forward, we required Union County to submit a separate and distinct new plan amendment, which really was a supplement to a prior plan amendment when that facility was first incorporated in the County plan--

SENATOR CORMAN: Right.

MR. SONDERMEYER: --and they had to give us a plan, again, for source reduction, 60-percent recycling, and a regional partner, where they came forward with a memorandum of agreement with Bergen County. That's the only reason that that project went forward.

In fact, I perhaps can point your attention to a service agreement approval that the Department issued where we did quite a detailed capacity analysis to get at, I think, the point you are driving at of need, where we looked at the statewide figures, and a demonstration that there would be processible waste available from the counties for that facility.

But again, that was the planning phase.

SENATOR CORMAN: What's the recycling rate for Union County; do you know that?

MR. SONDERMEYER: I don't know it off the top of my head. If I had to estimate for you, I would say it's in the neighborhood of 50 percent of the total waste stream. I think there are officials from Union County here who could address that.

SENATOR CORMAN: Okay.

MR. SONDERMEYER: I could calculate it for you, but I think that's about right.

MR. SINDING: As of 1990 -- I looked it up -- Union County's recycling calculated to a 41 percent recycling rate for the total waste stream, and a municipal waste stream recycling rate of 31 percent.

MR. SONDERMEYER: It's higher now.

MR. SINDING: But again, the basis for comparison, or the basis for the determination for the compelling need was that after the analysis had been undertaken of what would be generated following the achievement of the 60 and 50 percent solid waste stream is, the burden of proof that was on the applicant to meet the needs that Gary has been talking about.

SENATOR CORMAN: The thing that puzzles me, and probably puzzles a lot of other people of my particular frame of mind, is the same thing that was expressed by Mr. Gordon, who is a member of the Task Force. When the Task Force issued its report, a lot of people of my view were very pleased with the administration -- very pleased with the direction that the State was taking. We saw permitting of the Rahway facility as a step backward, as something inconsistent, to use Mr. Gordon's word. How do you respond to that?

MR. SINDING: Well, the simplest response is that we don't see it that way. The Task Force report, very clearly I think, specified what has now become the State's policy, which is a hierarchy of options beginning with source reduction, moving to recycling, and in cases of compelling need, and only after all avenues of regionalization -- only with a regional partner -- disposal through incineration.

The Task Force was very careful, in my judgment, to keep all options open and not to foreclose any options to State government and to its planning entities, the counties, for precisely the reasons that I outlined earlier, having to do with external pressures. The difficulty that I would have with the characterization of the Task Force's findings as effectively a de facto moratorium on incineration is that were that to be the case, and were the language of the Task Force not crafted very carefully to avoid that precise statement, that there is a very good chance that we would currently be facing our own moratorium in terms of our ability to export any of our solid waste to any other state, even in the short-term.

That, from a standpoint of public health and safety, would be inexcusable in New Jersey.

SENATOR CORMAN: The thing that probably bothers me the most is that in my own view, if we recycle everything we can, and compost everything we can, and we do as much source reduction as we can, there won't be anything left to burn. But if you -- I guess, give the other side the benefit of the doubt-- Let's assume that we do all those things and there's still something left, well, then, okay. Maybe you have to have an incinerator. I'm not happy about it, but I don't think that's the case.

But let's assume that for a moment. The thing that bothers me the most is that we haven't done all those things yet. We haven't achieved 60 percent recycling. (applause) And we haven't even attempted the 10 percent source reduction, which the Task Force recommended. I think those are the things that concern me most about the way the administration has acted since that report was issued.

SENATOR CONNORS: Do you care to respond to that?

MR. SINDING: I think we've both made the statements that we wanted to make.

SENATOR CONNORS: Okay. I have a couple of questions. I haven't had the time, but just quickly fanning through your book here-- It's brand-new and so forth.

So you've taken this, I understand, Mr. Sindig, that you've taken these Solid Waste Assessment Task Force views, and you've started to put your views into it -- I say, "you," the DEPE's views -- into this problem of the disposal of solid waste in our State, and this is what you've come up with?

MR. SINDING: Actually, I would characterize it as taking the product of the Solid Waste Assessment Task Force, incorporating it into the regulatory and statutory framework in which the Department operates, and making it part of the State Plan Update.

SENATOR CONNORS: You mentioned no blanket moratorium -- no blanket moratorium. Does that leave any room for any kind of a moratorium?

MR. SINDING: I think it would be extremely difficult--

SENATOR CONNORS: It suggests--

MR. SINDING: I understand.

SENATOR CONNORS: It suggests that there would be room for some kind of a moratorium.

MR. SINDING: I think it would be extremely difficult for the Department to countenance a moratorium on any incineration facility which currently has an application before the Department.

SENATOR CONNORS: Would you repeat that, again? I don't know if I understood that.

MR. SINDING: I think it would be extremely difficult for the Department to support a moratorium which would affect facilities which currently have applications before the State. That would mean--

SENATOR CONNORS: Whether they are right or wrong?

MR. SINDING: That would mean two facilities, one--

SENATOR CONNORS: Whether they are right or wrong? In other words, if it didn't fit into the overall picture, that the DEPE had studied this -- you folks. Even though they had an application in--

MR. SINDING: Well, there are two facilities.

SENATOR CONNORS: --would make it a valid application because they had it in?

MR. SINDING: There are two facilities that currently have applications before the Department.

SENATOR CONNORS: Yes.

MR. SINDING: One is the Union County facility, which is under construction.

SENATOR CONNORS: And you looked at that application?

MR. SINDING: Yes, and we have approved it?

SENATOR CONNORS: You approved it?

MR. SINDING: Yes.

SENATOR CONNORS: When did you approve that?

MR. SINDING: What were the exact dates? It went through the two-phase approval process.

SENATOR CONNORS: About? Years?

MR. SINDING: December of '91, January of '92.

SENATOR CONNORS: And what's the other one.

MR. SINDING: The other one is the Mercer/Atlantic facility.

SENATOR CONNORS: And you've approved that?

MR. SINDING: We have approved it for, as Gary mentioned earlier, the initial planning phase. It's now undergoing review on the engineering and construction phase.

SENATOR CONNORS: Both of those applications you approved during the time that you were putting this together?

MR. SINDING: That's correct.

SENATOR CONNORS: Despite the fact that the Solid Waste Assessment Task Force had some reservations with regard to it? Did you approve that-- My question is: Did you write this up and say, "Well, those were already on the table, so we've got to let them go"?

MR. SONDERMEYER: No, that was not the case. If I could please respond to that?

SENATOR CONNORS: Do you understand my point?

MR. SONDERMEYER: Yes, sir, I do, and I'd like to respond to you. We, at a very early phase after the Governor accepted the recommendations of the Task Force, actually began to implement those recommendations. We worked with the county governments in the beginning of 1991 to start to advance the themes of source reduction, 60 percent recycling, and regionalization. At this point in time, 14 of the counties -- two-thirds of the counties -- have revised their solid waste plans to basically embrace those concepts and specifics on how to achieve those goals.

So we began implementing it right away. I wouldn't want you to think that with the issuance of this plan today we are beginning that process. That is not the case. The process has been continuing throughout, and as I indicated earlier, before the planning approval was issued to Mercer County, and before the service agreement approval was issued for Union County, they were required to come forward and meet the tests that the Department had put out for showing us plans for source reduction, 60 percent recycling, and regionalization.

SENATOR CONNORS: That is all completed, then?

MR. SONDERMEYER: Yes, they did complete that.

SENATOR CONNORS: Those two counties?

MR. SONDERMEYER: Yes.

SENATOR CONNORS: All right. Now you've looked at this Task Force Assessment and you've put this together, and you said you wouldn't support a blanket moratorium. I don't really know what that means from the standpoint that, do you support any kind of a moratorium?

MR. SINDING: Well, the legislation is quite specific in indicating that it would place a moratorium on any incineration facility. Our reading of that is that that would apply to both the Union County and the proposed Mercer/Atlantic County facility.

If the legislation were to state that it would place a moratorium on any facilities that would be proposed subsequent to those two, or -- let me see if I can figure out another way of saying that -- any facility, as I said, which doesn't currently have an application before the Department. I think the Department would look in a much more positive light on that kind of statement.

SENATOR CONNORS: So you think aside from these two, that a moratorium would be advised?

MR. SINDING: I think that--

SENATOR CONNORS: I don't want to put words in your mouth.

MR. SINDING: No. But let me say--

SENATOR CONNORS: But you think it would be advisable?

MR. SINDING: Let me say that a moratorium on any additional incineration would not send the signal that we fear this statement would send to Washington in terms of foreclosing our options for disposal in the near term. Our major concern, and again, not to place too fine a point on it, but the notion of trying to follow-up on the Emergency Solid Waste Assessment Task Force and effectively make incineration the disposal option of last resort, is very much what this State Plan Update and what the policy of the State has evolved into over time.

Our fear about establishing what I refer to as a blanket moratorium at this time is that we are under considerable pressure from Washington and other states to immediately end all out-of-state shipment of solid waste. That would cause a severe problem for the State of New Jersey.

SENATOR CONNORS: But that hasn't occurred as yet?

MR. SINDING: No, but it gets ever increasingly closer with each congressional session, and our ability to withstand that pressure has come from the good faith effort that we've demonstrated through the combination of source reduction, recycling, and self-sufficiency in disposal so that we can, in good faith, go to Congress and say, "We're working on it; we're working toward a deadline, which is now seven years out, of self-sufficiency. Just give us the opportunity to do that."

SENATOR CONNORS: Again, your words, Mr. Sinding: The reason why you wouldn't support a blanket moratorium is your fear of what Washington might perceive this as--

MR. SINDING: I think I can safely say not only what Washington might perceive, but what certain legislators in Washington would definitely perceive as an attempt by New Jersey to go back on its word to achieve self-sufficiency within a reasonable time frame.

SENATOR CONNORS: Despite the fact that this bill has sweeping, probably -- I know very little of what other states have -- but I would say it's probably far and away what other states have, and probably state-of-the-art legislation with regard to packaging, with regard to recycling, with regard to containers, with regard to clean air, with regard to a number of facets in this bill that would narrow the options of disposal of trash down to a minimum. Despite all of that, wouldn't that send some kind of a message to Washington?

MR. SINDING: Yes, the message that I fear it would send to Washington is that New Jersey is so confident in its quiver full of arrows, that it's going to shoot at achieving self-sufficiency within four years, is going to be so effective and so successful, that we'll pass a piece of congressional legislation mandating that that happen, and that New Jersey will now--

SENATOR CONNORS: Mandating what?

MR. SINDING: Mandating that New Jersey will--

SENATOR CONNORS: Incineration?

MR. SINDING: No, mandating that New Jersey will not be permitted to export any solid waste on the first day of the fourth year after this law takes effect. I think that's-- I appreciate, and, in fact, our Department has often been accused of trying to force technology, and I think it's very important to establish credible goals for public policy. But to establish them in an atmosphere in which they may not be practically achievable is an extremely difficult process, and one which I think the Department would have a difficult time defending.

SENATOR CONNORS: Well, I don't want to beat a dead horse on that.

How many incinerators do you support? Now you have a plan; you're going to reduce our dependency on shipping trash out-of-state. How many incinerators do you support?

MR. SINDING: Well, there are four incinerators currently in operation. There is a fifth one under construction which has met the burden of proof in terms of its economics, and there is a sixth that is currently pending before the Department. If the analysis -- and I don't want to presuppose what that analysis is going to find -- but if the analysis suggested with those six will, together with all of the other options available to New Jersey be sufficient to meet our disposal capacity, then that will be a sufficient number.

SENATOR CONNORS: Well now, you know what the waste stream is? You know how much we're sending out-of-state? And now our target is, within seven years to be self-sufficient. How many incinerators does the -- after studying this waste stream and the necessary incinerators that you believe would be necessary?

MR. SINDING: I would say that we're confident that with properly aggressive source reduction and recycling goals, with maximizing all the available options, that I would not see, and I don't think the Department would see, any need for additional incineration beyond those which are already under construction or planned.

SENATOR CONNORS: So you don't see-- When you say, "or planned," what do you mean planned?

MR. SINDING: I mean the two -- the other two -- six.

SENATOR CONNORS: So you would have six in the State, total?

MR. SINDING: That's correct.

SENATOR CONNORS: You don't see any need for having any more?

MR. SINDING: I personally don't, no.

Gary, do you have anything you want to add to that?

MR. SONDERMEYER: What we did in the plan, Senator, is that we took the goals of the Task Force and we projected-- We did a capacity analysis, which is in that document, and we

assumed that at the end of 1995 the State would have achieved a 64 percent recycling rate, which is actually the technical figure that the Task Force had come up with. We also assumed a capping of per capita generation at 1990 levels. At that point we assumed all the existing major projects that we have operating would continue to operate. Then we also assumed that the new projects, the two, and a couple of other things that are not incineration based -- the Cape May County Compost Project, and the Pennsauken Landfill-- For the use of that, we assumed that that would take place, just in a hypothetical, to do the capacity analysis. Assuming all those things to take place by the end of 1995, the State of New Jersey will still have approximately 1.2 million tons of waste being exported out-of-state.

So my point is, even given that those things come to pass -- and we're not presupposing that permits will be issued; but if they were issued, if they were constructed -- our analysis shows that we still have a deficit capacity in the State to the tune of 1.2 million tons. And to actually achieve self-sufficiency by the end of this decade, we would need even an additional set of projects which have yet to be defined, to achieve total self-sufficiency.

SENATOR CONNORS: Now you're telling me more than six?

MR. SONDERMEYER: No, I'm saying additional projects; I'm not saying incinerators. I'm saying additional projects. Perhaps they're municipal solid waste compost projects, whatever projects they could be.

SENATOR CONNORS: Well, you know, at least in my mind, it goes back to '75 or '76 -- the original Solid Waste Act. And while it was not really brought out at this hearing, whether or not it was mandatory for resource recovery, we could have had, back in 1980, or '81, or '84 or so, we could have had 22 of them. If I remember correctly, even the Hackensack Meadowlands was going to do something with that. And we could have had 22.

Look at the great strides we've made already. We've knocked off 16 of them. The whole point, I think, this bill points to, is the fact that maybe we could knock off those other two. (applause) And if a blanket moratorium isn't within your framework-- And of course, this is a hearing, this is not a-- You know, we're not going to call for a vote on this bill today.

But the plain fact of the matter is, maybe there's some negotiation that can go on here, and a suggestion that maybe instead of three years, two years.

MR. SINDING: I want to encourage the discussion and the negotiation, because I think that's important, and I think, again, to reaffirm the fact that we believe that much of what is contained in this bill is the logical outgrowth of the Task Force report, and we want to be supportive of it. I wouldn't want the single item about the moratorium to stand in the way of progress in the discussion of other elements of the bill, and I think that there may be language which we, working together with the sponsor and legislative staff, can find will be acceptable to all parties.

SENATOR CONNORS: Okay. I'll leave it stand at that.

I just have one or two more questions: You mentioned about grass clippings and the use of mulching mowers, back yard disposal, whatever. I presume that that's where the target is, toward mulching type mowers that lets the grass remain on the grass. What's your recommendation?

MR. SINDING: That people leave grass on the lawn after they have cut it, rather than bagging it and taking it out to the curb, and using it to take up very valuable landfill space.

SENATOR CONNORS: DEPE has long been fostering incentives and disincentives. Are there any incentives to encourage people to buy mulching lawn mowers?

MR. SINDING: To the best of my knowledge there are no such incentives now.

SENATOR CONNORS: Now just for example -- and this is just something that occurred to me; it's probably not an original thought. But it occurs to me that in my area of Ocean County, JCP&L came out with an incentive to buy an energy efficient air conditioner. They would give you so much money back toward the purchase of it. All you had to do was prove it. Have you given any thought to that?

MR. SINDING: We would welcome an appropriation to carry out that policy, Senator. (laughter)

SENATOR CONNORS: In other words, you support it?

MR. SINDING: Absolutely.

SENATOR CONNORS: Fine. But you have made no recommendation on it?

MR. SINDING: No specific recommendation to carry out the policy.

SENATOR CONNORS: I'm not saying buy a lawn mower. But you know, you buy a \$300 lawn mower, there's a tax that goes with it.

You've made no recommendation. I think I've made my point.

Essex/Bergen, we heard testimony earlier-- You know, I come from the shore area, and I'm not too wise in what's going on in the north other than what I hear in Trenton, but we heard about the Essex incinerator. Now, you folks gave the permit for the Essex incinerator. This was to take care of Essex's trash?

MR. SINDING: It was required to be regionalized as a condition to being permitted.

SENATOR CONNORS: Oh, it was?

MR. SINDING: Yes.

SENATOR CONNORS: A condition of the permit?

MR. SINDING: Well, this is an extraordinarily complicated set of circumstances that led to the permitting and operation of the Essex incinerator. At the time at which the Essex incinerator was permitted -- now correct me if I'm wrong, Gary -- but that was prior to the time that the Task Force completed its deliberations?

MR. SONDERMEYER: That's right.

MR. SINDING: Therefore, it was established initially as an Essex incinerator. In the scenario that you played, it could have been one of twenty-two. The Department worked very, very hard -- the Commissioner, personally, worked very hard with representatives of Essex County; the surrounding counties; American Ref-Fuel, the builder; and the Port Authority of New York and New Jersey, which was a major financial backer of the project, to come up with a scenario in which we would not be importing New York's garbage, but in fact, that the Essex incinerator would serve as a regional facility.

After a considerable amount of very complicated negotiations--

SENATOR CONNORS: Who made that determination, the Commissioner?

MR. SINDING: The Commissioner determined to pull together all of the different parties involved in the construction and operation.

SENATOR CONNORS: To try and bring them together and say, "Hey boys, let's take a couple of counties in."

MR. SINDING: Exactly, to try and carry out the recommendations of the Task Force to make this a regional facility. And the consequence of that is that at the moment, Bergen disposes of portions of its waste in the Essex incinerator. Hudson went for a short-term, and all of the parties involved in the Essex incinerator have at this point, as I understand it, committed themselves to a continuation of a regional feature for the operation of that facility.

SENATOR CONNORS: But Bergen wasn't in at the time?

MR. SINDING: Bergen was not in at the time it was constructed.

MR. SONDERMEYER: Can I try-- I think I see one of the problems was the capacity.

SENATOR CONNORS: Yes.

MR. SONDERMEYER: I think that's one of the points you're trying to make.

What happened with this incinerator, it was sized at 250--

SENATOR CONNORS: The question that hits my mind is: Why was Essex County permitted to build an incinerator far beyond their needs before there was some accurate agreement with other counties to move into that?

MR. SONDERMEYER: I think to try to answer that: The original planning that I recall for that facility dates back over 10 years ago. At that time, the four major populous counties in the State were all disposing of their solid waste at the Hackensack Meadowlands Development Commission Landfill. There is a whole number of different landfills. The exact generation figures for each individual county were not broken out very well. So my point to you is that the numbers upon which that facility was originally sited and developed turned out to be grossly inaccurate.

In addition to that, there was not an anticipation at the time this thing was first being put forward through all the processes to get a permit, of the types of recycling rates that we are talking about today. At the time, going back, the original recycling projection was a 25 percent number, nowhere near what we're talking about -- a 50 percent, 60 percent. Essex County has experienced increases in the recycling rate which further led them to a larger deficit, really, of waste going into the facility. That's why they were short, approximately 40 percent or so, and the need arose, consistent

with the Task Force, to seek a regional partnership, which turned out to be for at least a few years, Bergen County.

SENATOR CONNORS: Let's swing to-- But that was 10 years ago, and we weren't doing things, really, too good then, maybe. That one slipped through the cracks.

MR. SONDERMEYER: The planning projections were inaccurate.

SENATOR CONNORS: But this is right on the money?
(laughter)

MR. SONDERMEYER: The best analysis we could do. Yes, sir.

SENATOR CONNORS: Yes, I know. I didn't mean that-- Please, no applause. I didn't mean that as some kind of a pun. These are right on the money: the best estimates that you can give?

MR. SONDERMEYER: Yes.

SENATOR CONNORS: Then I can't fault you.

Now, can I ask you some questions about Mercer County? They have a permit, right?

MR. SONDERMEYER: No, they do not.

SENATOR CONNORS: Well, they're about to get a permit?

MR. SONDERMEYER: No. They are in the process -- the technical review process -- and it would be presumptive to say they are going to get a permit. They are under detailed, technical review right now.

SENATOR CONNORS: Well, let's swing to the one that does have a permit. What is it, Union?

MR. SONDERMEYER: Yes, sir.

SENATOR CONNORS: All right. Union County has been given a permit now to build an incinerator?

MR. SONDERMEYER: Yes.

SENATOR CONNORS: How big?

MR. SONDERMEYER: I think it's 1440 tons per day.

SENATOR CONNORS: That's 1440 tons per day?

MR. SONDERMEYER: Yes, sir.

SENATOR CONNORS: Why are they given that?

MR. SONDERMEYER: That was the capacity that they requested in their permit application, and the capacity that was put in the solid waste plan.

SENATOR CONNORS: But it says here, in 1990, Union generated 744,000 tons of solid waste. That would be almost double, wouldn't it?

MR. SONDERMEYER: The total-- The amount of burnable waste is not equivalent to the figure that you gave.

SENATOR CONNORS: Pardon?

MR. SONDERMEYER: The amount of burnable waste is a portion of that. Not everything could go into that facility.

SENATOR CONNORS: It would be less?

MR. SONDERMEYER: Yes, it would be less.

SENATOR CONNORS: Fourteen hundred tons.

MR. SINDING: Per day.

MR. SONDERMEYER: Per day, right.

MR. SINDING: Union County, Senator, currently disposes of 437,000 tons per year.

SENATOR CONNORS: Yes.

MR. SONDERMEYER: And the throughput capacity, Senator, to try and help-- It's difficult with the ton per day versus ton per year. That facility, the ton per year throughput capacity is 473,000 tons. So what that says is that the generation for Union today is less than the capacity of the facility when it would be constructed, and that's why a regional partnership was necessary before they got the service agreement approval.

SENATOR CONNORS: A regional partnership with whom?

MR. SINDING: They have a memorandum agreement with Bergen County. The details are not worked out finally yet, but they do have an agreement with Bergen County.

SENATOR CONNORS: A little while ago, you had mentioned that these numbers had been greatly improved upon through implementation of recycling. Is that true?

MR. SINDING: Yes. The point I was making is that recycling levels have increased, so there is less waste that needs to be managed in each of the counties' systems. Those improvements have led to less of a need for large capacity for disposal down the road.

SENATOR CONNORS: Okay.

SENATOR CORMAN: Just one more, and keying in on Senator Connors' talking about blanket moratoriums as opposed to other kinds of moratoriums: I believe you indicated that your opposition to a blanket moratorium is primarily in response to a fear of some Federal legislation which would prevent New Jersey from shipping garbage out-of-state before we are self-sufficient. Is that correct?

MR. SINDING: And our fear, in terms of our own analysis of our ability to reach that self-sufficiency, that without having those disposal options available, we would not be able to do so.

SENATOR CORMAN: Well, you know, to preface my remarks by saying I think that probably New Jersey's position with respect to combating any kind of Federal legislation that would be adverse to us has probably been strengthened. Senator Coats, who has introduced a bill that I guess is directed at New Jersey, he's a member of the minority party in the United States Senate, and I know that Governor Florio has a very good working relationship with our new President Clinton. I would think that our hand would be strengthened if any such legislation were to make any serious progress.

But assuming that that remains a real fear, would the Department be amenable to considering a moratorium that provided for some sort of an escape clause in the event that there was some sort of adverse Federal legislation, or in the

event that we weren't meeting our self-sufficiency clausured goals?

MR. SINDING: That's a good question. I wouldn't want to commit the Department on the spot to any position on that. I can tell you that it's an intriguing prospect that's worth pursuing in discussion.

SENATOR CORMAN: Okay. Well, we'll discuss that further then. Thank you.

SENATOR CONNORS: I have one or two more: You're in favor of that part of the bill that speaks to "per container" cost?

MR. SINDING: Yes. I mean, this is something that needs to be discussed as to whether it ought to be mandatory, or whether we ought to pursue a more aggressive pursuit of a voluntary program as is the current policy. But in terms of the policy direction of aggressively and actively promoting per bag and per container collection fees, we are very strongly supportive.

SENATOR CONNORS: Now, we heard that testimony from the Mayor of Midland Park. If my memory serves me correctly, and I think it does, she said, "Why, she even holds her trash for two weeks." Doesn't that create some kind of a health hazard?

MR. SINDING: Not necessarily. It depends upon the circumstances under which she's holding them. I think the strongest--

SENATOR CONNORS: Well, remember, we're pulling everything out of the waste stream, so now we've got nothing but pure garbage, pork chops and lettuce and other unsavory items.

MR. SINDING: I think the strongest argument in favor of per bag collection fees is that municipal garbage collection is, and always has been, treated as a utility. Rates are set the way rates are for utilities. Yet it's the only service --

it's the only utility service provided for us that we all pay a flat fee for, rather than based upon how much we consume. For our electric fees, our gas fees, or our water fees we pay according to how much we consume. There's a certain logic that suggests that, in terms of the generation of garbage, we also ought to pay on the basis of how much we consume. And I think we're very supportive of that, conceptually.

The flip side of it was alluded to, or hinted at by County Executive Prunetti, and I think you'll hear a lot of this from folks who represent urban constituencies; that there are a lot of large, poor families out there, who if they are charged on the basis of gross collection fees on the amount of garbage they generate which is in no way relative to their income and ability to pay, that there are inherently some problems that will arise in terms of this being considered to be discriminatory. You have to overcome that if you want to put this into the force and effect of law on a mandatory basis.

Again, I think what we ought to do is sort of lay out all of these different options that are available to us, and work toward the common goal of pursuing this as much as is practically achievable, recognizing that there may be some practical limitations to how well or effectively or completely you can do this.

SENATOR CONNORS: Well, representing a shore area, I've expressed my views to Senator Corman on it. I have to be sold. I'm certainly willing to listen, but representing a district where a good portion of the people in the summertime, with hundreds of thousands of people come in, we can't get them to shut water off. We can't get them to turn the lights down. We can't get them to even shut up, from midnight to eight in the morning, anyway. (laughter) Per container trash could be a nightmare for those.

I wanted to talk about it. I appreciate your views on it, and I appreciate the views of the Mayor of Midland Park.

Okay. We'll move right along. Thank you, gentlemen, for giving us your views on this bill.

MR. SINDING: Thank you, Senator.

SENATOR CONNORS: Dale Florio? (no response)

All right, apparently Mr. Florio is not here. Ben Miller and Robert Pirani, from Regional Plan Association.

R O B E R T P I R A N I: I'm Rob Pirani. Ben Miller is not with me today.

Good afternoon, Chairman Connors and members of the Committee. My name is Robert Pirani. I'm Director of Environmental Projects for Regional Plan Association. RPA is a nonprofit organization dedicated to promoting the orderly growth and conservation of the tristate metropolitan area in New York, New Jersey, and Connecticut. I am speaking here on behalf of RPA's New Jersey Committee, which is headquartered in Newark, New Jersey.

RPA strongly supports the intent of the legislation to increase waste prevention and recycling while minimizing the use of waste-to-energy plants and landfills as a waste management strategy for the State of New Jersey. RPA research shows that such an approach is both fiscally wise and environmentally sound.

The RPA would like to offer five general comments on aspects of the bill which it believes merit further consideration.

First, RPA endorses the provisions in the legislation that would enhance waste reduction efforts through measures such as requiring local waste reduction plans and volume-based disposal charges. RPA research has shown that effective, rationally designed prevention and recycling programs will pay for themselves by reducing the need to fund other, more costly waste management systems.

Specifically, I'd like to call the Committee's attention to some research the RPA and the Tellus Institute

have done that assessed-- In this project we took existing solid waste management plans for the tristate, metropolitan area, and then modeled alternative systems based on the existing plans as well as state goals. Those are summarized in two reports, and I have copies of those if the Committee is interested.

RPA found that meeting the waste prevention goals set out by New Jersey, New York, and Connecticut -- which are, essentially, 11 percent reduction in waste -- would save the region \$375 million per year by the year 2015. For northern New Jersey alone -- the 14 counties in northern New Jersey -- the savings would be on the order of \$100 million a year.

This 12 percent reduction in our future waste management bill simply reflects lower costs for managing the waste disposal system. It does not account for the energy and environmental benefits of not producing the garbage in the first place.

Secondly, RPA recognizes the need for governmental efforts to encourage or require the use of minimum levels of secondary materials in new products as a way of expanding markets for recycled materials. We applaud the initiative taken in this legislation to develop minimum secondary contents standards.

The RPA/Tellus study I referred to earlier found that the volume of materials collected by recycling programs in the tristate, metropolitan area will increase by 400 percent by the year 2015. If we are able, by developing markets, to hold the prices of those materials to 1990 levels in the face of this 400 percent increase in supply, we'll be saving-- We'll defray collection costs by approximately \$230 million a year by the year 2015.

Again, for the 14-county, northern New Jersey area, that's approximately \$50 million a year. In other words, if we're able to ensure that solid waste managers are able to get

something back once they have separated and sorted out and processed the garbage to trash, we can ensure that about \$50 million a year will be collected by those facilities.

Perhaps most importantly, the environmental benefits of recycling are only realized by incorporating recycled materials into the production cycle. Our research, and that of Tellus Institute, has shown that simply separating your trash doesn't really provide you-- You know, separating the trash versus sending it to an incinerator or a landfill doesn't really provide you with any sort of net environmental gain. Because you have to send out more collection trucks, it's roughly on par. The environmental benefits of recycling are only realized when we reduce the use of virgin resources in the production cycle.

Specifically commenting on the minimum content provisions that are in the legislation: RPA believes that as a general principle, minimum content provisions are most likely to be effective when they are based on the technical and economic feasibility of specific levels for specific products, and we applaud the approach the bill takes in doing so. However, it should be recognized that the technological difficulties associated with using the four types of secondary materials addressed in this legislation vary significantly, as do the transition problems that must be faced before levels approaching this magnitude are achieved.

While there is a certain inherent sense in roughly matching recycling/recovery rates with reuse rates, reuse can involve a variety of new products. I would point out that for newspapers, for example, you can either use recycled newspaper to create new newspaper, or you can use it in other products such as cereal boxes or egg cartons. We would recommend the two-tier approach used in the RCRA amendments at the Federal level last year, which offered manufacturers an option to use a reutilization rate, or allowed them to assure that their

material was being reused in other materials in other products. That approach, which was endorsed by a number of environmental and industry groups at the Federal hearings last year on RCRA, is a practical, and hopefully, a politically probable formula. It would allow businesses operating in New Jersey the options they may need to function most effectively in a rapidly changing technological and market environment.

Let me add that in developing these standards for New Jersey, the State should look at existing regional and national entities, such as the Recycling Advisory Council of the National Recycling Coalition, and the U.S. Environmental Protection Agency. RPA further believes that it is appropriate to also take into account on a product specific basis, the relevant ongoing voluntary efforts of industry associations, notably the Newspaper Association, if there is valid reason to believe that such voluntary efforts on their own are likely to achieve satisfactory content levels.

Thirdly, concerning procurement requirements to achieve waste prevention and recycling objectives, RPA believes that with the content standards, realistic, flexible, product and technology specific purchasing rules will be most productive. Again, these practices will be most effective when they are coordinated with those of neighboring states so that the specifications and requirements will have the most far-reaching effect, and will have the highest probability of successful implementation.

The RPA particularly supports the proposal in section 17 that lifetime cost accounting be incorporated into the State's procurement policy, since lifetime accounting is a crucial ingredient for waste prevention programs, and can be of particular benefit in procuring products containing secondary plastics, which currently offer the greatest market development challenges. In addition to the procurement measures proposed in the legislation, we suggest two others for your

consideration: cooperative purchase agreements, both between localities in the State, and between this State and others, and; procurement record keeping systems to track the use of specific products, which will be required as a prerequisite to achieving the prevention targets proposed in this bill.

Fourth, on the question of waste-to-energy capacity, RPA believes that the proposed restrictions on the development of waste-to-energy capacity may inappropriately restrict the ability to manage wastes that it may not be practicable to recycle or desirable to landfill.

The State should ensure that no more waste-to-energy is created than is actually needed after maximum practicable waste prevention and recycling programs are in place. Again, I would call your attention to the research that RPA did where we looked at -- we sort of modeled the current State goals, and then modeled that -- did a sensitivity analysis that looked at the cost of achieving that goal on a per ton basis with the cost of creating incineration-only scenario, as well as several other scenarios. We found that the conventional cost; that is, the cost of managing the garbage, were roughly the same -- approximately \$135 a ton. However, the recycling and waste prevention option generated far greater environmental benefits, as well as economic benefits in terms of potential job creation and remanufacturing facilities.

However, since waste-to-energizing is economically and environmentally preferable to landfilling -- and I call the Committee's attention to the City of New York's recently completed solid waste management plan -- and since landfill capacity in New Jersey is severely limited, care should be taken to ensure that this waste management option is not entirely foreclosed.

A fifth and final point: RPA believes that, while ending a reliance on out-of-state landfilling is an appropriate goal, imposing legislative restrictions that prevent this

export under any circumstances could also unduly limit localities' ability to manage their wastes effectively in the future, under circumstances that obviously cannot be predicted with complete confidence at present.

To summarize, RPA endorses the intent of the legislation and we applaud Senator Connors and the rest of the Committee on holding this hearing. We especially endorse the objectives of the bill to increase waste prevention and markets for recyclables in minimizing the State's dependence on waste-to-energy and landfilling. However, we do find that some of the specifics are too broadly framed and rigidly defined to offer the best probability of success in this endeavor.

Thank you for this opportunity to testify. I'll be happy to answer any questions, and we'll be happy to be of assistance in the future in the redrafting of the legislation.

SENATOR CONNORS: Just for the record, you're the Director of Environmental Projects for the Regional Plan Association?

MR. PIRANI: Yes.

SENATOR CONNORS: Tell me about the Regional Plan Association.

MR. PIRANI: Again, we're a nonprofit, civic organization. We've been established since 1929. We're the oldest private planning organization in the United States. We operate primarily in the advocacy arena through three committees: one in New York, one in Connecticut, and one in New Jersey. The New Jersey Committee, on whose behalf I'm testifying today, includes representatives of industry, of academe, and other civic leadership of the State. We do research and conduct planning and take positions on subjects ranging from land use planning, to clean air requirements, to environmental issues of all sorts.

SENATOR CONNORS: How are you funded?

MR. PIRANI: We're funded primarily through our membership. We also receive government grants and grants from private foundations.

I'd add, just for the record, that the research that I alluded to is funded by the Rockefeller Brothers Fund, in New York.

SENATOR CONNORS: Okay, thank you.

MR. PIRANI: Thanks.

SENATOR CONNORS: I'll call up some Concerned Citizens of Union County. I'm going to ask them all to come up here. Bob Carson, Kerri Blanchard, Peter Buroff, Frank Janusz, Robert Spiegel, and Rosey Yarborough.

Do you have a spokesperson, or do you all want to speak?

K E R R I A N N E B L A N C H A R D: Do you want us to-- There are two people who are not here. Bob Carson is not here, and Rosie Yarborough, and Madeline will be speaking for Peter, who had to leave. Councilman Wnuck from Rahway is also here.

SENATOR CONNORS: Please identify yourself before you speak so that the transcription will show that.

MS. BLANCHARD: My name is Kerri Blanchard, and I'm an officer with Union County Concerned Citizens. I'll start with my statement.

I would urge the passage of Senator Corman's bill for a number of important reasons. I am here today to testify before this Committee as a mother of three. My children live within one mile of the Rahway incinerator.

I am not an expert, as Mr. Bonanno of the Union County Utility Authority would be quick to point out. The problem with experts is that someone has to hire them and pay them.

I volunteer my time on the average of 20 hours a week. I started asking questions about incineration and I read. I hope you all like to read, because this material that I have given you concerns me, about the health effects of

incineration and about the State policies. Reading these materials you will learn some disturbing facts about incineration, State policy, and the DEPE.

We should discuss lead emissions and State standards. Why does the State permit the Newark incinerator to produce six tons of lead, while the Rahway is permitted to emit one-and-a-half tons of lead? Are we to conclude that six tons is safe for Newark, and one-and-a-half safe for Rahway, or should I, as a mother, listen to the doctors who say the only safe level of lead is zero?

How can teachers teach when inner city children are unfairly burdened with toxic emissions such as mercury, which damages the nervous system, and respiratory disorders such as asthma, because they breath high levels of particulates from industry and traffic? Asthma saps the strength from a child, and more children I know suffer with it today.

How can we keep adding to the toxic brew which is eating our ozone and warming the atmosphere?

The State DEPE says, "Trust us", but the Governor and Scott Weiner have close ties to this polluting industry.

I don't trust the DEPE, because they allow the notorious Franco family to dominate the trash industry in 12 of the 21 counties in New Jersey. Even in the State of Pennsylvania, the Francos are recognized for what they are: an organized crime family.

Incineration is the costliest and most polluting solution to the solid waste crisis. It destroys recyclables while polluting the atmosphere and creating large profits for waste disposal companies, consultants, and lawyers. I say this like it's a bad thing. Well, it is, when you make your profit from tax dollars. This is an industry that government subsidizes.

Three of the four incinerators in the State landfill the ash out-of-state. If the borders of New Jersey are closed

to this export, large profits will be made by anyone who owns an in-state landfill. Do we want to be held hostage to landfilling incinerator ash?

The State lists incineration as the solid waste disposal of last resort. Governor Florio canceled the Passaic incinerator under circumstances very similar to Rahway's. The Ohio incinerator that Vice President Gore is involved with in a review by the General Accounting Office is also similar in its physical setting to Rahway. Like Rahway, there are questions about the legality of the permitting process, and conflict of interests involving financial gains.

Instead of answering these charges, Governor Florio refuses to meet with us. He hides. It does not inspire confidence that he believes incineration is not harmful. I believe he knows it is. The garbage industry is too powerful for him to buck, so the State permits Ogden Martin to poison for profit.

To burn something that can be recycled is to waste that object three times over. You are creating toxins, refusing to recycle, and using more raw materials. This is a hidden subsidy and cost of incineration. They do not calculate the cost of recreating from raw materials the recyclables that are burned. They do not consider the cost of health care for the victims of respiratory problems, cancers, and infertility, etc. They are not charged to dump their toxins in the atmosphere, but someday the children will pay.

R O B E R T P . S P I E G E L: Do you want us to keep continuing, or--

SENATOR CONNORS: Put your name in the record, sir.

MR. SPIEGEL: My name is Robert Spiegel. I am a member of the Concerned Citizens of Union County, and I'm also Director of the Edison Wetlands Association in Edison, New Jersey. I thank you for having this hearing today on this subject, and I'm just going to read a statement.

When evaluating options to solid waste management problems in New Jersey, incineration has been accepted as a cost-effective, environmentally safe way of disposing of our waste. When all the costs are evaluated, nothing could be further from the truth. Incineration has no place in a modern society. When you add up all the costs of incineration, you must include, health problems associated with living near incinerators, the decline in the quality of life of residents who live around the facilities, and the loss of natural resources and the destruction of the environment. When these things are taken into account, it becomes clear that the costs of incineration far outweigh any benefits the community may receive.

Environmental racism: Incinerators are often sited in racially mixed, urban areas. Environmental racism plays a big part in the placement of incinerators in minority neighborhoods. It has been well-documented that most waste facilities are placed in less affluent communities. These communities are offered host benefits, which are nothing more than bribes in return for the poisoning of their community.

Recently, at a public meeting in Rahway, the Union County Utility Authority was asked if property values would go down around the incinerator site. Their answer was, according to their studies, there would be no adverse effect on property values; as a matter of fact, the property values may even go up. This misinformation is a good example of how communities are often given inaccurate or misleading information at public meetings.

Incinerators pollute: Incinerators emit dioxin, mercury, arsenic, and dozens of other chemicals into the environment. These chemicals and particulates have been identified as hazardous chemicals by the EPA, and the ATSDR. Most of New Jersey does not comply with Federal Clean Air Act standards. Incineration is worsening the already chronic

health problems New Jersey residents already experience. Incineration will add to global warming and the greenhouse effect, and contribute to the expanding hole in the ozone.

We must reconsider the logic of disposing of cooked molecules in our atmosphere. This type of short-term thinking to this problem will come back to haunt our future generations.

Incinerators are usually sited on the banks of rivers due to the large amount of water that they use. The wastewater contains waste residue from the ash, and adds significantly to the contamination of our surface water. New Jersey is not in compliance for Federal surface water quality, and the Federal government has stated that if we cannot meet these standards in three months that they will step in and force compliance. Incineration can only worsen the problem, when we should be looking for a solution to it.

What are the alternatives to incineration? When the alternatives to incineration are examined, namely aggressive recycling, composting, and source reduction, it must be taken into account that these solutions will directly conflict with the financial interests of incineration. Incinerators need to burn plastic, paper, and other recyclables in order to maintain the combustion process. These burning of recyclables is not only wasteful, but also adds to the level of pollution produced by incinerators.

New Jersey could better manage its solid waste problem by using the alternatives to incineration, which are recycling, composting, and source reduction. These alternatives are environmentally safe, economically feasible, and could be implemented with a minimum of costs. The technology already exists, and could be used to provide economic incentives to special interest groups who are pro-burn.

Organized crime has run the solid waste industry for decades. They control this industry and make millions by using incinerators and landfills instead of alternatives, and they

have spent large sums of money to try to convince the public and private sector that incineration is the only viable option to our solid waste problem. Our experts tell us differently. We do have options, and it is time that we reconsider incineration and start looking toward the 21st century.

If we as a nation and a planet are to survive, we must learn to coexist with nature and not dominate and pollute it. I hope New Jersey will lead the way in offering hope to our children that they may live in a cleaner world than we do.

Thank you.

M A D E L I N E H O F F M A N: My name is Madeline Hoffman. I'm the Director of the Grass Roots Environmental Organization, and I was also asked by Peter Buroff, of the Concerned Citizens of Union County, to make his presentation for him, since he had to leave early.

But I would like to start, just to address a few things that I have heard this morning. I've been active working with citizens groups in New Jersey since 1979. A lot of those citizen groups have been fighting incineration since that time. We've discovered in many instances -- Austin, Texas being one of them; Dade County, Florida being another -- that even though money was spent investing in incineration, it was cheaper for those authorities in the long run to cancel their incineration projects, forfeit that money, and go ahead with implementing waste reduction, composting, and recycling programs.

I think that it is important that with this bill that is before us today, we look at both preventing improper decisions from being made in the future, and also doing something to rectify the improper decisions that were made in the past.

We have seen since 1979, a growing awareness among grass roots groups, ordinary citizens, and all segments of society that incineration is dangerous, polluting, expensive,

and that there are other alternatives that make much more sense for the long haul. We have seen an enormous growth in the numbers of people who are willing to recycle; who are willing to compost; who are willing to do those kinds of things that at one time we thought only Girl Scouts and Boy Scouts were interested in.

In order to enable us to achieve those goals fully, we need to both put a moratorium on the construction of incinerators in the future, and we also need to do something to eliminate or phase out the incinerators that are currently operating.

We've had enough. For too long in this State, those who wish to incinerate and who support the incineration industry have stood in the way of our being able to implement these kinds of programs. There has been a competition for those very resources that we all wish to protect: for the papers, for the plastics, for the compostables. There has been a competition for that.

So in order to make it clear where those resources are going to go and how they are going to be used, this bill must be approved, number one. And I believe that it goes beyond the Task Force recommendations, because as others have testified, there have been some holes in that. There was enough of a loophole left in those recommendations so that those who support incineration can go forward and move ahead and get permits for incinerators, even though there seems to be a general feeling that incineration was not the way to go.

It's important that something come out in addition to those Task Force recommendations to make it very clear what direction it is that the State is going to go. Otherwise, that competition for resources will remain.

Unfortunately, when I heard the representative from the DEPE talk about how he was concerned about the message that would be given to Washington if the Rahway incinerator and the

Mercer County incinerator were not constructed and a moratorium were put into place, it didn't make any sense to me at all.

I mean, I don't think that the real issue here is being afraid of Washington. I think the real issue here is being afraid of the incinerator industry in our own State, and the promises that were made to the incinerator industry over the last 10 or 12 years. I think it's no coincidence that as long as you talk about six incinerators, there's no problem with the Department of Environmental Protection and Energy support of this bill. But as soon as you go below that ceiling, all hell breaks loose. Something smacks of-- It seems to me that some kind of deal was made; some kind of political and economic pressure is at work here.

Is it appropriate to build a garbage incinerator in Rahway, in the middle of an African-American neighborhood, 150 feet away from a day-care center, 1500 feet away from an elementary school, in the middle of a densely populated area, already heavily polluted? Is it appropriate that approval was given, even though Bergen County's own Executive said that he wasn't sure that Bergen County was prepared to be a regional partner with Union County? Was it appropriate that approval was given, even though the landfill that is going to accept the ash from this incinerator is out-of-state, in Taylor, Pennsylvania, and that landfill doesn't yet have a permit to accept incinerator ash, and the people in Pennsylvania -- like the people in Washington, D.C. and elsewhere -- are saying, "Don't bring New Jersey's trash to us. We have enough of our own. You've dumped on us for too long"?

And yet the State Department of Environmental Protection and Energy granted approval for that incinerator to go forward. Could it be that by the end of 1991, if the approval hadn't been given, that the five-year contract that existed with Ogden Martin would have had to been renegotiated, and all the costs might have changed, and all of the conditions

might have changed, and sentiment in the State against incineration has grown? Could that have been the real issue? I think so. I think so. I don't think it's concern about Washington, D.C. I think it's concern about placating Ogden Martin and other incinerator companies in this State.

So I think that it's important that something go forward to both deny -- to stop the construction on the Rahway garbage incinerator, and to stop any further negotiations on the Mercer County incinerator proposed for Duck Island. They've made an agreement with Atlantic County that has been given approval, and that's as far as it's gone. There's really no compelling need for that incinerator to go forward except for those people who are invested in that project, and have been invested in that project for the last seven years.

I also believe that in Newark, Camden, Warren, and Gloucester, where we have four operating garbage incinerators that were approved before the dangers of incineration and the knowledge of their expense was recognized by public officials-- We all knew it. We all were saying it for the last 10 years, but public officials didn't recognize that until, let's say, within the last three or four years -- or not enough public officials, anyway. I don't believe that those four communities in the State should be penalized for poor decisions made in the past.

Newark is in the middle of a very densely populated area. Camden is in the middle of an African-American neighborhood. Warren County is in the biggest dairy producing county of this State, and the mercury emissions from that incinerator have been affecting the cows, and probably have made their way into the milk. And the Gloucester incinerator is less than five miles away from Camden. It's my contention that as long as even those four incinerators are up and operating, the demand for trash will be greater than our desire to use it in a proper way: to recycle it, to compost it, and to

do all those things that this bill wants to do. I think those efforts will be hampered as long as those four incinerators are up there.

And just a little bit of history: Four months before the incinerator in Essex County was to go on-line, the Freeholders were saying, "We don't know where we're going to get our trash from," and they were looking out to New York to get it. So that incinerator -- as you had asked earlier -- that incinerator was oversized. There was concern about regionalization at the 11th hour, and still and all, just before it opened, they didn't know where they were going to get enough trash to operate.

Should that incinerator be allowed to continue to operate? I think not. You can't close them down tomorrow, but with the efforts being made here, they can be gradually phased out, and I think this bill should include a provision that would allow for the phase-out of these existing incinerators, as opposed to the provision right now that says, "If any new incinerator is to come on-line, the only way it can come on-line is if the existing incinerators are already at capacity." That basically says to me that we're accepting the fact that those four incinerators are there and will always be there, and I don't think that that's the right decision to make, given how those decisions were made, where those incinerators are sited, and how people are being affected by them.

So, in short, I feel that this bill should go forward. There should be an additional provision to deal with existing incinerators, and that we've had enough lip service on this issue to date. We've allowed the Governor and the State to dance around such provisions, or such recommendations for too long. We've allowed politics and economic interests to be at work for too long, and that this bill would begin to provide real support for the alternatives.

That's my statement. Now let me give you what Peter was going to say.

We'll start out with a clean slate here. The State of New Jersey, as you probably recognize-- (witness indicates a map of the State of New Jersey) Peter's main point here is that the site in Rahway that has been the focus of so much discussion here today does not meet real environmental criteria, and he wants to explain why.

This green triangle is the toxic triangle, all right? On each side of the triangle is a proposed incinerator. We have Carteret, Ironbound, and Rahway. Ironbound has the operating garbage incinerator that I have been talking about, Carteret is the proposed site for the world's largest sludge incinerator, and Rahway is the site where the garbage incinerator is currently under construction.

The site in Rahway, this entire area -- in fact, the entire State -- has been out of compliance with the Federal Clean Air Act since its inception in 1970, particularly for ground-level ozone. Ground-level ozone is a respiratory irritant, so that means that if you don't have an allergy, you might get an allergy. If you have an allergy, it might get exacerbated by breathing in the ground-level ozone.

This whole area here does not meet Federal standards for levels of ground-level ozone. If you add a garbage incinerator, you add a sludge incinerator, you add a hazardous waste incinerator such as is being disputed now for the City of Linden, and you add to the problem. Also, this particular area has been known for inversion problems since the first Federal Clean Air Act passed in 1962.

All of these orange dots represents an incinerator. Some of them are over in New York City. We've been working with some groups in New York who understand that we all breathe the same air. They're as concerned about the incinerators that are proposed for this area as we are. But these three -- these

are the three incinerators that we're talking about, on the three points of the triangle.

The other thing is that, when we had done a map like this awhile ago, we also drew circles to show a 10-mile radius in all directions from each of these three incinerator sites, to show, very conservatively, how far the fallout of the emissions would go.

If you drew a circle representing 10 miles in all directions from these three incinerators we're talking about, all three circles would overlap. So that means anybody living within the sides of this triangle of being exposed to the pollution from those three incinerators, and everything else that's already in that area.

The Watchung Mountains bound us on one side, so when there is an inversion, the air -- the heavily contaminated and polluted air -- will just stay heavy. That's happened in this area repeatedly.

Also, according to the Channel 9, I-Team editorial, the area that we're talking about here, which they dubbed the toxic triangle -- it wasn't our words, it was theirs when they took a look at what was going on. They said that it was already 150 times more polluted than the national average, and at the center of the area, cancer rates were the highest in the country.

So, we're talking about an area without the incinerator that's already suffering from more than its fair share. Just to reiterate, I mentioned the Newark incinerator; I don't think we should allow that incinerator to fall through the cracks given the impact it's having on the area, as well.

Every corner of the triangle is the site for a major regional incinerator, with the center area's site for the State's second hazardous waste incinerator, which would be the hazardous waste incinerator for Linden.

In addition, the areas in the triangle, particularly the Ironbound section of Newark, is second in population density only to Tokyo, Japan. So we're talking about a large number of people being impacted by the fall out from these incinerators.

He then has two additional points: Even when incinerators claim to meet the criteria -- and that's a whole area we haven't gotten into at all today, and that is; "yes, we'll meet Federal and State standards." Well, what are these Federal and State standards, and are they adequate enough to protect people? Even when they claim to meet these criteria, there has been evidence of respiratory infections and asthma increasing.

In fact, in the State of New Jersey, a recent EPA study showed a 33 percent increase in childhood asthma over the last several years. Thirty-three percent is very high.

Finally, what we need to remember, always, when we're talking about this -- I hear figures about how many tons of trash this produced and how many tons-- I hear a lot of numbers. But what we really need to remember is, how many people are living within the toxic triangle, on the sides of the toxic triangle? How many people already have respiratory problems, asthmatic problems, allergy problems? How many people have already died from cancer? How many children attend the day-care center across the river, 150 feet away from the incinerator that's under construction in Rahway? How many children attend the elementary school 1500 feet away?

We've repeatedly asked Governor Florio to come and take a look at the site and tour it. He hasn't done it. When you come and you look, and you see the people behind the numbers and you see the people in those neighborhoods, you understand why it's important not to construct incinerators, why it's important for a bill like this to go through so that there is no further construction or expansion of incinerators,

and why it's important to do all of the things that we've been talking about today: the waste reduction, the packaging legislation, the recycling, the composting, and so on and so forth.

And I just want to say one more time, that as long as any incinerators are operating in the State of New Jersey, those efforts -- those very important efforts that we all want to make -- will be hampered to a certain degree.

Thank you.

SENATOR CONNORS: Those orange dots, do you identify those as existing incinerators or proposed incinerators?

MS. BLANCHARD: Rahway is under construction. Newark is already existing -- the 2250 ton per day incinerator, and the Carteret sludge incinerator is being disputed right now.

Now these other incinerators are-- Some of them are existing and some of them are proposed. These are in New York. (indicating at map)

SENATOR CONNORS: Are they under permit?

MS. BLANCHARD: What, the ones in New York?

SENATOR CONNORS: Well, I see about 10 or 15.

MS. BLANCHARD: Yes. We really want to focus on the three. This one is the Linden incinerator, and that one is being contested. The residents of Linden have made tremendous progress--

SENATOR CONNORS: But what are the other ones? Are they existing or are they permitted?

MS. BLANCHARD: Okay. All right. The Newark incinerator-- I'm trying to orient myself on this map. The Newark incinerator is existing. It's operating. The Rahway incinerator, which would be here, is under construction. You can see the stack. I mean, it's progressed. The Carteret incinerator is being disputed right now. It is not permitted yet, and it is not under construction.

If that incinerator doesn't go through, there's a chance that the Passaic Valley Sewage Commission would build the same sort of incinerator in Newark, which would, again, impact on the same area.

SENATOR CONNORS: What are all the other dots to the right?

MS. BLANCHARD: The hospital waste incinerator that's proposed; the Brooklyn Navy Yard incinerator which is proposed in New York--

SENATOR CONNORS: They're proposed but not permitted?

MS. BLANCHARD: Yes, right, right.

SENATOR CONNORS: Okay.

MS. BLANCHARD: This is the Warren County incinerator, which is operating.

SENATOR CONNORS: What are the two on the lower left?

MS. BLANCHARD: These are the Camden and Gloucester incinerators which are operating. When we did this here, we were focusing only on incinerators. We were not putting in other kinds of pollution sources in that area.

But this was the area that Channel 9 dubbed the "Toxic Triangle," and they focused a lot of their attention on what air pollution already existed there, and what people were already suffering from and experiencing.

SENATOR CONNORS: Okay, thank you.

Who's next.

MARYANN JANUSZ: Hi. I'm Maryann Janusz, 604 West Scott Avenue, Rahway, New Jersey, and also a member of Concerned Citizens. I have a short one.

I am pleased to see that a member of the Legislature is taking a higher stand on solid waste management by emphasizing source reduction, recycling, and composting. Many facts have changed on incineration, and recycling has proved to be much more successful than originally thought.

There are enough unknown health risks to warrant concern by the Utilities Authority in Union County, which is building the Rahway incinerator, but it seems like the Union County Utilities Authority does not want to be confused by the facts. "It's already under construction. Don't confuse me."

Senator Corman's bill is the only legislation that addresses these problems. I urge you to listen well to the testimony and facts given to you today.

We are all ready and willing to cooperate for a better solid waste management plan. Thanks.

SENATOR CONNORS: Thank you. Next?

C O U N C I L M A N W I L L I A M W N U C K: I'm William Wnuck, 453 West Inman Avenue, Rahway. I'm with the Concerned Citizens, and I'm a Councilman in Rahway. I'm here to give support to the Concerned Citizens.

I would like to take this time to speak to you on a very disturbing issue. The issue to which I am referring to is the incinerator which is currently being built in Rahway, New Jersey.

The Rahway City Council attempted to prevent Angelo Bonnanno from succeeding himself as Chairman of the Union County Utilities Authority. The vote was a majority against the Chairman succeeding himself. However, this attempt was halted by Rahway Mayor, James Kennedy.

We have also tried to start a referendum in which we would allow the citizens of Rahway to have the incinerator question brought to a citywide vote. However, this attempt was also halted, this time by the courts.

At the present time the incinerator is currently being built, and is expected to be completed by the end of the '93 year. Like most citizens of Rahway, I feel that the incinerator is hazardous, and will cause environmental pollution for the people of Rahway.

At this point there is not a sufficient amount of evidence to prove to me that the incinerator will not harm our children and our citizens. The citizens of Rahway have been fighting resource recovery since 1986. One look at that huge stack on Route 1 is enough to turn anyone who is looking to move into Rahway away. It is monstrous, gentlemen. I am sure the resale value of our homes has gone down considerably since the building of this incinerator. The various amounts of pollution from the stack and ash are environmental hazards to our people and the earth.

Please listen to what I have said -- and the other people. We need all the help we can get. I thank you for your time, and the opportunity to be heard. I appreciate it, and I hope that this bill that Senator Corman has put in does go through.

Thank you.

C O U N C I L M A N F R A N C I S J A N U S Z: Hi. I'm Frank Janusz from 604 West Scott Avenue. I am a member of Concerned Citizens, and I am also a member of Council in town.

I am here speaking on my own behalf, and the Concerned Citizens. I would like to thank you for hearing us today. I do not believe that we have attempted to exhaust all of our alternatives to garbage disposal before we should have even looked at incineration. We could have done a number of things such as source reduction, composting, and expanded recycling.

Also, I have to wonder why any person would allow this incinerator to be built so close to a school and a day-care center. If you go over to that day-care center and look at it, it's frightening to see that children are going to be playing in that playground. They could throw a ball and hit that stack on that incinerator.

I would appreciate it if all of you, before voting, if you haven't made up your mind, that you would at least take a

look at this facility, and see the impact that it has on our community. We are already in a high pollution area, and I feel this would add to the already hazardous condition.

I would appreciate your help, and thank you on this matter. Also, I'm adding to this, that I have seen in the paper yesterday-- I'm sure that you have known that the Union County Utilities Authority has given us free recycling. Now from what I read in yesterday's paper, I see that the DEPE of New Jersey says that they think it would be best for towns or people to do their own recycling. My opinion on that would be is, why would a truck, rolling over the same scales, if they're having recyclable paper that they're getting \$20 a ton for, or garbage that they're getting \$80 a ton for, if there's nobody watching, which way do you think that truck is going to go, to the burner or to the recycler?

If they truly wanted to give us free recycling, they could have given us the money in our host community agreement, mandated that we use it for recycling, and mandate that we go out to free, public bid; that we could have opened up a market, not an anomaly, for an authority that has been appointed by the people of the County. It just seems to be a sham.

I'm grateful that we have it. It's a quarter of a million dollars to us. It would be irresponsible to say we didn't want it. But if they truly wanted to give us free recycling, and that might be something that you could administer in this-- I do not believe that the trucks that are going into that recycling center should go over the same scales at a transfer station where a decision could be made. There have been some allegations and fines placed on the scale operators there for some scams that have been going on. It's pending now. But that may determine which side it's going to go. "We'll recycle this one, or we'll burn it." Where are we going to get more money, fellows?

I would just appreciate anything you could do for us, and I thank you for your time.

SENATOR CONNORS: Thank you, ladies and gentlemen.

Yes?

MR. SPIEGEL: I have one more thing that I would like to add. The reason I didn't have it in my original comments is because they just gave out a book here, the "Solid Waste Management Plan Update," with the executive summary.

I just wanted to make note, this is a DEPE document, and on page 31, section 9, area (b), it says, "The Department will continue to enforce permitting conditions for operating incinerators vigorously to ensure the highest standards of enforcement. The Department may suspend, on a temporary or a permanent basis, facilities operating that seriously violate permit conditions." I believe every permit that's been licensed in the State of New Jersey has, at one time or another, seriously violated their permit mandates.

Also, I believe under the Faulkner Act, the Rahway incinerator was mandated to have a place to dispose of the ash prior to ground breaking. They made an agreement with Taylor, Pennsylvania to dispose of the ash. There was never any agreement made, according to the landfill that the DER permit-- This is in serious violation of the Faulkner Act, yet the incinerator construction still is on-line. They're still building it.

This is just another indication that the DEPE really does not follow their own mandates, and they basically change the rules according to their needs instead of having a standard which is set and everybody must adhere to it. It's often said that DEPE should stand for "Destroy Every Pristine Ecosystem," instead of what it does stand for. Thank you.

J E A N N N E W I L H E L M: I'm one of the concerned citizens. My name wasn't on the list.

SENATOR CONNORS: Yes, ma'am. Sit down, and we're eager to hear your testimony.

MS. WILHELM: My name is Jeanne Wilhelm. I live at 852 U.S. Route 1, Edison, but I'm a member of the concerned citizens of Rahway.

A quote from the bill: "Incineration is a waste processing method that should be used only as an option of last resort for the processing of solid waste for ultimate disposal." My question is: Why have the other options, source reduction, reuse, composting, and recycling not been exhaustively explored before the adoption of the last resort? Could it be financial gain -- personal financial gain -- on the part of those in the decision-making positions, at the expense of the environment, the proper development and health of our children, and our own health and welfare?

Those who are responsible for incineration, especially in Rahway, bear an immeasurable weight of accountability to their and our children, to future generations for centuries to come.

You have more than enough information, backed up with incontrovertible facts, as to the evils of incineration. I appeal not to your intelligence, but to the conscience I hope you have, and I remind you of the answer you must someday -- who knows how soon -- make to your maker, who said, "Whatever you do to the least of these, you do to me."

Thank you.

SENATOR CONNORS: Maybe by the time we're finished with these hearings, we'll have all of the answers.

MS. WILHELM: I hope so, Senator.

SENATOR CONNORS: Thank you for coming down here today.

MR. JANUSZ: Thank you very much, Senator.

SENATOR CONNORS: Dale Florio?

Well, I see you started off with "Good morning" on it (referring to witness' written statement), so it's good afternoon now. You were an optimist.

D A L E F L O R I O: Well, I appreciate, Mr. Chairman and members of the Committee, a second opportunity at the ring here. My name is Dale Florio. I'm a partner with the lobbying firm, Princeton Public Affairs Group, and we represent Waste Management of North America, which is the largest environmental services company in the world.

I'm not going to read this; I'm going to excerpt it. Anybody who wants to see where I am, I'm on page 4 of the document, actually.

When you approach legislation like this, you want to be constructive. I looked at this bill for a long time and tried to see how I could approach it and be constructive. I think the thrust of my comments today will be in the area that this bill creates an end. In other words, there's a prohibition on this, a prohibition on that. But, in fact, the bill doesn't provide a means in which to achieve greater source reduction, more recycling, and I want to explain that.

I think while there are some good things in the bill, the legislation presupposes that there are certain systems and laws already in place to make this legislation a likely extension of that existing framework. My client, Waste Management, knows that so well.

I think before you proceed on legislation such as this, you should look at your existing laws in terms of recycling. How fast can we license a recycler in this State? How fast can we license a composting facility in this State? How long does it take for a hauler -- a resource recovery facility organization -- how long does it take them to get their A901 license?

All this to say that it is so difficult from the private sector's standpoint to begin any solid waste facility in this State, there's no incentive; so what you have is the inability to go beyond 60 percent in terms of recycling.

Now certainly today, there seems to be a black and white issue here: Are you pro or against incineration? And I would be remiss if I didn't say that Waste Management believes that any solid waste strategy should include a waste-to-energy component. I was pleased to see in the Governor's updated draft, produced by the DEPE, that incineration is still a viable option. You can read all the adjectives associated with it, but, in fact, the DEPE endorses this as an option that should be included in the State's total solid waste management strategy.

But let me get back to the issue of our existing laws, because I think that's where this Committee, and other committees in the Legislature, should focus before they get to legislation like this.

You know, even before a recycling operation that wants to create a recycling firm -- a recycling facility -- can in this State, it has to go through a very strenuous county process. State law requires that the county itself accept the recycler into its solid waste plan, and if the county is creating its own recycling facility with taxpayers' dollars, the private recycler is seen as a competitor. Counties have the authority to reject the application of that recycler, and without county approval, the likelihood of this private sector recycler moving forward is not very good.

The focus should be on, how do we get the private sector more involved? Legislation should be adopted that would create a more balanced playing field, so that the private sector can compete with utilities authorities, with county solid waste authorities, so that the private sector can help increase recycling rates.

Without the appropriate infrastructure of laws to increase recycling, how can you have a moratorium? Who's going to get rid of the waste? We spend so much time counting bottles, counting pieces of aluminum, and patting ourselves on

the back, yet there's no long-term strategy on how to increase that figure, and the only thing we're relying on now, is the counties to develop strategies to do it.

Now at the risk of tainting the DEPE by my own comments -- and being from the private sector, I wouldn't want to do that -- but I think they've done an admirable job in trying to work out the bugs in the entire recycling system. So my comments certainly are not aimed at, "They're not doing their job." We're just encouraging them to do a better job to streamline the process, so you can get more private sector entities into the business of recycling, because then you're not going to need a moratorium on waste-to-energy.

Another critical element of this legislation is its proposed ban on out-of-state disposal. The waste services industry shares with states and municipalities the responsibility to assure adequate capacity of jurisdictions. Waste Management believes that the nation is best served by a waste services system governed by free market principles, combined with rigorous environmental regulation, and a spirit of cooperation among local governments.

Solid waste normally should be disposed of in close proximity to its origin. The cross-boundary transfer of solid waste for recycling, treatment, or disposal is an acceptable practice when environmental, economic, and geographic factors warrant it. So, if you have a situation like Trenton, or Mercer County, to go across the river to Falls Township, I think the geographical environment dictates that that should be an acceptable means of disposal. To keep it on one side of the Delaware or the other should not be the focus. The Legislature should be focusing on regional solutions to solid waste, not just strict State boundary limitations.

Source reduction: Now while I'm not here to address the use of recyclable or the recycling of milk cartons, simple prohibition from incineration or disposal does not create

markets for these items. That's what the Legislature should be focusing on; how can we create markets for these products? Rather than prohibit disposal, the Legislature should work with the private sector on creating these markets. And if you look at all the bills that have been introduced this year, you will find very few dealing on how to create a market for recycled products, or products that are normally being incinerated or disposed of.

SENATOR CORMAN: I have one.

MR. FLORIO: In fact, my client, Waste Management-- I said very few, I didn't say--

SENATOR CORMAN: I have one.

MR. FLORIO: In fact, my client, Waste Management, is meeting with the Chairman of the Assembly Solid Waste Committee, who had sent letters out to individuals requesting that they come in to discuss how could we create markets. That's the kind of legislation that should receive top priority.

Finally, this bill requires counties to implement a system of solid waste charges on a per container basis. Clearly, this type of law presents many types of problems. You only have to go to resorts like Cape May County, which has a per bag law. Vacationers there are taking their garbage home, because they don't want to buy additional tags at the shore community. This is a blatant violation of waste flow laws. Per bag increases administrative costs and midnight dumping.

Should we pay only for what we use of a service so critical to our life such as the disposal of garbage? Effectively what you are saying, "Should we only pay for the police services that we use?" What about recreation in town? Should we only pay for those that we use? While I recognize that senior citizens around the State feel that they may be paying too much, it's one of those basic services that the cost has to be spread out among everybody. It would be very

difficult for a hauling company, and a disposing company like Waste Management, to implement on a statewide basis a per bag law.

I don't blame citizens. They're angry about disposal costs. For years the State has prohibited competition among haulers, which very few people know about. Only a year-and-a-half ago did the State adopt legislation that would allow haulers to set market prices for their services, and this is being phased in over a four-year period. Just recently, due to the increased level of competition that the State is now allowing, Morris County was able to reduce its tipping fee from \$135 to \$33. Competition allowed this to occur. We need more of it. The Legislature should consider deregulating solid waste disposal in the commercial and industrial sectors immediately.

In summary, we generate approximately 195 million tons of municipal solid waste nationally a day; that's 4.3 pounds. Prohibitions on incineration, out-of-state disposal, and mandated source reduction plans without the proper recycling laws, statewide guidance, and incentives for the private sector makes this legislation premature. The legislation must work in tandem with the State and with the private sector.

SENATOR CONNORS: Thank you, Dale. Any questions?
(no response)

Thank you, Mr. Florio.

MR. FLORIO: Thank you.

SENATOR CONNORS: Steve Frysinger?

C O U N C I L M A N S T E V E N P. F R Y S I N G E R:
Thank you, gentlemen, for having me here today. I'm Steve Frysinger, from Chester Township in Western Morris County. I'm a member of the Township Council. I'm the Chair of the Environmental Commission, and in 1989, I chaired an ad hoc committee to revisit our solid waste program, which eventually came up with a per container system with expanded recycling.

I'd like to describe that to you today, and offer it as a data point for your consideration.

I should note, I'm going to walk through a set of view graphs here, and I'll leave you a copy of them so you will have the data to carry with you.

The system we had in place in 1989 was a very typical system for New Jersey -- at least northern New Jersey. We had a flat fee of \$30 per month per household. The system was in the municipality. It was a municipal contract, about \$650,000, I'd say. It included garbage pickup twice per week, at the curb with unlimited quantities -- effectively unlimited -- or rather, a large number of cans. I had four cans per pick up, which I think you'll agree, eight cans per week is unlimited.

Monthly recyclables pick up: That was a new innovation with this system. Once per month you could have aluminum, glass, and newsprint picked up at the curb. That was the extent of the recyclables definition.

This program had been put in place by a previous administration to replace independent contracting, and 10 percent of our residents came forth and said, "We don't have independent contracting, because we don't have garbage." Now, maybe half of those people were blowing smoke, but a lot of those people, in fact, were recycling. A lot of older people were recycling, and we realized there was a fairness problem.

I, at that time, was not involved in municipal government. I did, however, go and complain at a township meeting, and as is usually the case, I therefore inadvertently volunteered to solve the problem. (laughter)

The problem with this was the high cost: \$360 a year was a lot of money for a lot of our older citizens in particular on fixed incomes, secondly, unfair cost distribution. It's a relatively rural, with creeping suburbanism community. We have people living on the edge, and

we have people living in \$800,000 houses, and everything in between. The level of conspicuous consumption in some of the houses was very apparent to the people who were having trouble paying their \$30 garbage cost per month, and putting out their grocery sack per month.

And, of course, the recycling performance was rather poor. I want to caution you that recycling numbers are often quoted, but there are really two kinds of numbers. I'm going to talk about municipal household waste. The 60 percent refers to a combined waste, and that, of course, adds a very highly recyclable construction and demolition debris -- also very heavy. It influences the number very significantly. We were recycling less than 11 percent of our household waste at the time.

We formed a committee to take a look at the situation, to look at some of the other representative systems in the State. We had not, at that stage of the game, decided on a per container system. In fact, it was not where we were focused. However, upon investigation, looking at such towns as Seattle on one hand, which had been doing per container for 10 years at that time, Readington, which had just started a system, High Bridge, which had just started a system, we took a real serious look at per container as an option.

We made three observations that fundamentally drove our policy. One is that keeping separate books for recycling and garbage biases a policy-maker against the economics of recycling. I'll use an example of Newton, which is a town that a friend of mine, who is now a Morris County Freeholder-- (sic) They have a garbage system -- a garbage department -- and a very, very proactive recycling operation, staffed primarily by convicts who are doing community service. They were recycling materials that other people were not bothering to recycle, and it was wonderful. However, the person operating this was operating it at a loss because she would pay

-- she was willing to pay \$25 a ton to recycle junk mail, which when you consider the alternative was \$125 to put it in a landfill, it was a bargain.

However, because the books were kept separately, the garbage department saw the profit, she saw the expense, and she had to scramble to get as much aluminum in there as she could to pay for her operation. If you keep the books separately, you're biased against recycling. You have to somehow get the economics of garbage and recycling together.

The second observation is that flat fee garbage systems obviously do not provide an incentive to an individual to prevent the use of disposables, to purchase more wisely, and to recycle. There is no incentive system in place in a flat fee garbage system.

And, of course, flipping back to observation one, it prevents the township from realizing any benefit. If you have a flat fee contract of \$650,000, say, with your waste hauler, so what if you double your recycling? It doesn't reduce your payment to that contractor. It only increases their profit. So as a municipal official, it doesn't give you any warm fuzzies.

Observation number three: There are a lot of people who will recycle because it's a good and ethical thing to do. But having spent a lot of time trying to get people to do that, I'm here to tell you, as you already know, that you can lead them a little bit quicker with monetary incentives. And while I would like everyone to recycle because it's the good and right thing to do, frankly, I don't care why they do it, so long as they do it. This observation, and the system which results from it, really leads people to recycle for any number of reasons, and that's their private business so long as they recycle. Under conventional systems, it's just easier to trash an item than recycle it. That's the bottom line, and there's no disincentive.

What we've done is we've put together -- I'll call it a per container system, but it is more than that. It's really three pieces -- three elements. One element that gets a lot of press is pay per container. A second element is a greatly expanded definition of recyclables. And a third element is a greatly expanded notion of convenience for recycling.

The fee structure is very simple. There are two components to it, and this is similar to the one spoken about earlier in the first testimony we heard. There is a service fee which covers all of the costs associated with the garbage -- with solid waste handling, indeed, except for the actual tipping fee of the garbage. So that covers the haulers' cost -- that's their profit margin; that's their labor. It is the operation of the trucks and so forth, and it also covers recycling, in our case.

The tipping fee is covered by a sticker -- and I have examples of that just because pictures are better than anything else -- little stickers you buy in sheets of 10. Each sticker is affixed to a 30-pound allotment of garbage. We avoided use of plastic bags, partly because they're not practical, partly because we don't want to encourage people necessarily to use them when they don't need them, and partly because these can be mailed out -- ten of these can be mailed out -- actual logistics cost.

I'll come back later to refute a comment I've heard a couple of times, about the administrative burden of this. One of the reasons I was able to pull this off in town is because the Township Administrator has less to do, and not more. This is important. If you operate a small town, you know what I'm talking about.

The service fee in our town is currently \$9.50 per month for the average homeowner. The sticker fee was \$1.90 just this last contract, now it's \$2, to reflect in Morris County what is, indeed, \$133 per ton, not \$33.

So what this means is that we have a two component system. As it turns out, the service fee is in the taxes. There was a great argument about that. That was done for collection purposes more than anything else. With the previous contract, collection was a problem.

This includes once per week pickup of garbage, and once per week curbside pick up of recyclables. That's a very important point. We had previously had twice per week pick up of garbage, and once per month pick up of recyclables. Yet if you look at the EPA numbers you'll know that more than half -- easily probably three-quarters -- of a household's waste stream is recyclable, if you're willing to pay something less than \$100 a ton to do it, which would still be a bargain for us.

So clearly, we needed to put recycling and trash on an equal footing. Our system allows us, for example, in my neighborhood, on Monday mornings, we put recyclables out, on Thursday mornings we put the garbage out. They're never mixed; there's no confusion. Furthermore, if I missed one of those days, I only wait another week, not another month.

It turns out that is a nontrivial disincentive to recycling, and a lot of our residents have commented on that as being a very important component of the system.

As I mentioned, the stickers get affixed to the garbage. Let me give you some examples: We collected some data here on what our typical residents are putting out. If you put out one can per month, then you're going to pay \$9.50 for your service fee, plus a couple of bucks for the sticker. Now you may say, "One can per month. Who can do that?" Well, I have four children, a wife, a dog, four sheep, and a goat. I put out one can of garbage per month. I'm recycling about 80 percent, by weight, of our household output. It's because of what we have expanded in our recycling.

I want to say something else, too. I do not feed my children the garbage. I've been accused of this, and it has crossed my mind, but it's not what we're doing. (laughter)

SENATOR CONNORS: We were thinking about that.

MR. FRYSSINGER: Yes, right. It's easier to get them to graze, but that's another story.

What we include in our recyclables is mixed paper: junk mail, magazines, cereal boxes, school papers-- Did I mention school papers and junk mail? They're very important. Tin cans, ferrous cans, plastic containers, and now with this new contract we include all plastic, polystyrene, plastic bags and so forth -- virtually all the typical household plastics are now included in our program -- aluminum cans, glass bottles and jars, newsprint, and corrugated cardboard.

If you do a little census in your kitchen, you're not going to find a whole lot that's not on that list. That's the real point of this. We have a lot of materials on the recyclables list. We make it convenient to recycle those items at the curbside, just as convenient as garbage. Furthermore, it will save you a buck to do it. So now when you're holding a juice can in your hand, there's no incentive from a convenience standpoint, which can to throw it in. The recycling can is the cheaper place to put it, so you put it there.

Just to give you some numbers on this, remember that in our previous system, every resident paid \$360 per year for the garbage system. I pay about \$225 -- I'm sorry, about \$136, I'm saving \$225, okay? Our average household family is putting out one can of garbage per week, four per month, and they're paying \$200 per year. So they're saving \$160 per year. The average resident is saving \$160 per year.

Our Township's budget for this went from-- Our total expenses went from \$650,000 to \$300,000 in the Township budget, and in spite of my better judgment, I'm afraid this got me elected to the Town Council. So I want to say that politically, you can do this and not be burned at the stake. (laughter)

The convenience, I've already mentioned, is an important issue. We've also included what we think are some important sources. Schools generate incredible quantities of paper. That is a mine to be mined, a resource there. We've included the schools, the churches, and the businesses in the recycling program.

Also, at the request of our contractors-- We've had two contractors in this. The first was BFI, Browning-Ferris Industries, and they requested that we allow them to commingle the recyclable containers: plastic, tin, glass, and aluminum. So we said, "Don't throw us in that briar patch. Go ahead and commingle." The following contractor also made the same request; we're doing the same thing. So we're commingling all the recyclables.

What this means is, with this definition of recyclables, I still put out two cans on recycling day. One can has everything paper in it, with a bundle of newspapers on top in case the market is right for them to separate newspapers. The second can has all the rest, containers: plastic, glass, aluminum and tin, all mixed together. It cannot be any easier than that.

I'm going to skip over some sections on the contracting out. I've given this presentation to a number of municipalities, and I'm pleased to say that a number of them have followed suit -- have followed up on this -- and I think the idea is catching on more broadly.

I'm going to give you some results, and then summarize some things. I sort of want to speak to some issues. I want to say that, first of all, our recycling numbers were around 10 or 11 percent when we started this, and you'll get a graph of this. The first month our municipal household recycling went to 42 percent, and it stayed at around 45 percent. Now it has climbed steadily to about 50 percent. Bear in mind, this is household trash and recycling only. This excludes the

recycling of construction debris and demolition debris, which is rather heavy, and almost all recyclable. So our actual recycling figures are probably, I'm guessing, in the neighborhood of 70 to 80 percent, aggregate.

Furthermore, what is more important to me is, our environmental commission did a street survey. We actually sent people out to spy on the ends of people's driveways on the night before recycling, and asked the question, "What fraction of our residents put something out on recycling day?" We're not asking if they're recycling everything they can, just did they put something out at all. And the answer is that over 90 percent of our residents are putting something out on recycling day. If you've been following the recycling movement for the last 20 years, you'll know that's incredible. And we did not harangue people, we did not call people, we did not beg people. It's just an incentive system. We just made it easy to do; we made it cost-effective to do it, and they did it.

So our results, I think, bear out that the total solid waste-- By the way, our total solid waste levels have reduced, and by interview, this has turned out to be largely the result of composting. People have instantly-- You want to prevent people from putting grass clippings -- you want DEPE to have an incentive for not putting grass clippings in the garbage? Grass clippings are heavy; make it cost more when you do that and people will compost their grass clippings in the backyard. It's pure and simple, and that's what's going on in our township.

At the same time the fraction that was left that's being recycled has grown rather substantially. I believe that we can actually get that up to -- based on my experience and based on what our participation level is -- I believe that we can get that up into the 60 to 70 percent area with some education as to what you can recycle. People are just-- They still don't have it yet that almost everything you pick up --

if you shop carefully -- almost everything you pick up can be recycled from a packaging standpoint, with some constraints.

So the system is, in all candor, an unqualified success. It's interesting: We did a township survey the year before I ran for office -- and believe me, I still don't understand how this happened -- but people who wrote in the township survey all the 19 things that they think we're doing wrong and should be put in jail for, "But, oh, by the way, that garbage system is great, and how come everything else in town isn't so great?" It goes on like that. There hasn't been a problem with this.

The thing that I find fascinating about this, and we just heard testimony about Waste Management. Our current contract is with Waste Management. A few months ago, The New York Times did a front of a center-section spread on our program. Waste Management personnel there lauded the system and its efficacy, the fact that it has reduced administrative burden, and it's working very well to increase recycling. So I'm a little bit mystified by the previous testimony. Waste Management is a big company, and working for a big company I know that maybe the left arm doesn't know what the right arm is doing.

But certainly the Waste Management personnel in our township allege that they're quite satisfied with the program.

SENATOR CONNORS: Councilman Frysinger, I take it you're for mandatory per container?

COUNCILMAN FRYSSINGER: Interesting question.

SENATOR CONNORS: That's not a question.

COUNCILMAN FRYSSINGER: Okay. I am definitely in favor of per container garbage in concert with expanded recycling.

SENATOR CONNORS: Okay.

COUNCILMAN FRYSSINGER: The notion of doing it on a mandatory basis or an incentive basis has a lot of policy implications, and I'll leave that to you. What I'm here to tell you, though, is that--

SENATOR CONNORS: That it works.

COUNCILMAN FRYSSINGER: --from an empirical standpoint, it works.

SENATOR CONNORS: We gathered that. I didn't want to cut you off, but there are an awful lot of people behind you who have waited just as long as you have.

COUNCILMAN FRYSSINGER: That's quite all right.

SENATOR CONNORS: Thank you very much for your testimony.

Do you have any questions? (negative response)

Thank you very much.

COUNCILMAN FRYSSINGER: Thank you.

SENATOR CONNORS: Sid Schwartz? (no response)

S T E V E P R E S A R R I O: Good afternoon, Mr. Chairman. My name is not Sid Schwartz. Sid is to my right. My name is Steve Presarrio. I'm with the American Plastics Council, Northeast Region. I'm not here to testify formally, but Sid did ask that I come up with him, make a quick statement, and then turn it over to him.

The American Plastics Council represents quite a number of companies within the plastics industry. In addition to representing those large companies that are usually under strenuous attack, I view my role as representing not only those companies, but certainly companies like Delta Plastics and many others.

As a statement, I'd like to say that the APC does support the integrated approach to solid waste management. We have been on the record in support of that approach for many years now. That does include recycling as well as waste-to-energy.

We do oppose any legislation that bans plastic products, especially those that can be recycled. There is a section in the bill that would ban the use of polystyrene products. Polystyrene can be recycled. The National

Polystyrene Recycling Corporation has a major facility right here in New Jersey.

The other item that I will mention, and then turn it over to Sid, is the whole issue of what can be done; technically what is feasible. Oftentimes what happens with legislation is that legislators and other organizations operate somewhat in a vacuum, and they'll come up with ideas that may have a good intent, but because they operate in that vacuum of not having worked with industry to get some kind of input with respect to what is technical, oftentimes those ideas are flawed. Sid can certainly address, from a real-life perspective, what it is like to have to live with many of the mandates that are passed by state legislatures. It is Sid, and people like his company, that have to live with those.

S I D S C H W A R T Z: Mr. Chairman and Senator, my name is Sid Schwartz. I'm a Vice President with Delta Plastics Corporation in Newark, New Jersey. We're part of a group of companies -- this is for the record. We're part of a group of companies known as the Sigma Group of companies, a consortium of companies; a group of companies chaired by one individual, from Lyndhurst, New Jersey. Sigma makes laundry, dry cleaning, and garment bags. A company called Omega Plastics makes produce and tea sacks. A company called Beta Plastics makes trash can liners, and Delta Plastics makes custom industrial film and bags, specifically for the industrial marketplace.

I first found out about this piece of legislation-- I should have been more up to date about what's going on in the State Senate, but I was remiss. I didn't find out about this piece of legislation until last week, so my comments are strictly impromptu. I'm not a lobbyist; I'm a businessman trying to make a living.

I will tell you this: that the Sigma group of companies employs in the State of New Jersey in excess of 500 people. We were listed in the "New Jersey Business Monthly" -- the five companies -- as five of the fastest growing private

companies in the State. This was in 1992, just as a frame of reference as to who Delta is.

When we first got started in 1985-- We're still a relatively young company, and Delta is growing by leaps and bounds with a facility both in Newark and Chicago, and most recently, in North Carolina now. The group of companies has nine plants throughout the country.

Our *raison d'état* -- our reason for being -- approaching the marketplace from a marketing standpoint was, how we can approach the marketplace and give our customer base a better mousetrap -- a bigger, better, faster, cheaper mousetrap -- and do it economically, advantageous to our customers, as well as for a profit motive for Delta and our group.

Your bill, S-1366, on page 13, item number 26, line 14 through 33, where you talk about plastic bagging: What you don't take into account is when you commingle different materials, you lose various physical characteristics that you are trying to achieve in plastics. Each plastic, whether it be high density polyethylene, low density polyethylene -- and by the way, this is very, very important, where you use the term plastic bagging, okay, on line 16, that's really a catchall. What do you mean by that? Is it low density polyethylene? Is it high density polyethylene? Is it copolymer films? Is it linear density low density polyethylene, or some combination thereof? You have to be specific. And what is your accountability of how you're going to monitor this?

What you don't realize-- And I submit, I have in my hands a recent bid from the State of Kansas. This, obviously, is not close to New Jersey, but this came to me from our facility in Chicago.

SENATOR CONNORS: Mr. Schwartz?

MR. SCHWARTZ: Yes.

SENATOR CONNORS: I'm starting to get notes here about the time. I would just ask you to kind of condense your remarks to the specifics of the bill.

MR. SCHWARTZ: I intend to, Mr. Chairman.

SENATOR CONNORS: We're certainly interested, and there will be more hearings if you can come back.

MR. SCHWARTZ: Okay. This is all relevant, and very pertinent, and rather germane to the subject in hand, Mr. Chairman.

What I wanted to reference, in a lot of State bids for plastic bags, the State bid will ask for a two mill piece of plastic. Everything in plastics, at least in film and bags, are denoted in terms of mil thicknesses. Two mil can be used in low density polyethylene, but in pure linear, can be substituted to 0.7 gage, or 70 gage, or almost a third the thickness.

The point of the matter is, and I'm getting to the subject now, Mr. Chairman, is specifically that. I think what you're doing in your intention of mentioning plastic bagging here, I think you're throwing out the baby with the dirty water.

What I think you're doing, you're realizing that you can't just say "plastics." You have to identify-- We, as a company, have been source reducing long before it was in vogue for the last seven years. That's how we became competitive. That's how we're growing. We're responsive. It has to be economically driven, and once you ask a company like us to put in commingled material, I ask you, how can we sell to a food processor? Do you want recurrent instances such as Jack in the Box happening in the State of New Jersey, where you are having contaminants in your packaging? I don't think so.

How would you propose for us to sell a product economically and competitively, competing with imports from the Orient and other parts of the world that are coming and

competing with us, unless we come down to the lowest common denominator? So I ask of you, please, when you are looking at your bill, don't necessarily pick on the plastics industry and make sweeping generalizations. You have to say, source reduction is the name of the game. I believe it; I agree with you. But you cannot just say, you can add 10 percent, 20 percent, 30 percent, 50 percent post-consumer scrap, and still retain the same physicals. If you do, you're going to be going contrary to what you really need, and it will be absolutely opposite of what you're trying to achieve, because you're going to have to run your poly bag or film thickness 50 to 75 percent thicker than you would if you ran the material in a virgin format.

So I'm asking you, think before you enact. Understand what you're doing, and recognize the plastics industry has to live with the legislation that you're going to pass.

SENATOR CORMAN: Mr. Schwartz, would it be possible for you to get us that scientific data with respect to--

MR. SCHWARTZ: Yes, yes. I'm not prepared to do it today, but I will be prepared to submit that in writing to you.

SENATOR CORMAN: This isn't going to be released today. That's why we're having a public hearing, and that's exactly the kind of input that the Committee is seeking.

MR. SCHWARTZ: I thank you, Mr. Chairman. I thank you, Senator. It's information that caught me by surprise. I actually found out about this from a customer that was packaging mailing material used on very high speed packaging equipment, packaging 175 books a minute, packaging "Readers' Digest," or "National Geographic," and this film has got to work at a specific specification, and you're asking this customer to use film that would-- It would make it economically unfeasible for anyone to run this product.

Gentlemen, I thank you. I appreciate it.

SENATOR CONNORS: Thank you.

I have an anxious mother in the audience who wants to testify. She's got to get home for her baby-sitter. Patricia Maher. She came with somebody from Monmouth County? Dave Kohlar, and Tim Keating?

P A T R I C I A M A H E R: Thank you. That's the first time I've been called a mother in quite a long time. That was a joke.

My name is Patricia Maher. I've submitted my copies. They're up there already. I am on the Board of the New Jersey Environmental Federation, and today I'm here to represent the Monmouth County Citizens for Clean Air and Water.

First let me thank you for the opportunity to speak today. I came today to offer some thoughts in favor of Senate Bill No. S-1366, calling for a three-year moratorium on the financing, permitting, and construction or expansion of solid waste incinerators. And that's what I'd like to talk specifically about today.

As in the past, the debate which will surround S-1366 will, no doubt, be divided into two broad philosophical camps. The first will be those who will be labeled the environmentalists. They will be perceived as recklessly ignoring the so-called garbage crisis in favor of some hopeful ideal. And the second will be those who will label themselves as the realists, who will simply offer warnings of garbage piling up at New Jersey curbsides, and ever increasing convoys of trucks carrying ever growing amounts of solid waste to out-of-state landfills.

Today, I hope to keep my comments: 1) short, and 2) away from these philosophical positions, and focus instead on very functional and practical issues facing those on the front line in the process of finding solid waste management alternatives, right now as we speak, in the Garden State.

A product of Monmouth County's referendum which defeated an incinerator plan--

I think there are very significant, practical reasons why S-1366 should pass and be made into law now, in order to help our planners find alternative solid waste management plans. These reasons include:

1) The lack of a legislative anchor for the NJ DEPE solid waste priorities, as embodied by the State Task Force report, has fostered continued political and philosophical debate, and has been a disincentive to solid waste policy changes. There is a persuasive feeling that counties may merely wait out the current administration, and continue with incineration once this administration moves on and the new administration comes on board.

I must add, after hearing Mr. Florio speak and knowing that he is Christine Whitman's campaign manager, and that our Board of Freeholders who are pro incineration, with the exception of one, are supporting Christine Whitman, now I have a very clear idea of why that is the case. By the way, I am also a Republican committee member in the town of Tinton Falls.

2) In a very practical sense, the lack of this legislative anchor has allowed proincineration bureaucrats to assign burn-slanted planning goals to the alternative search.

For example, one of the goals in Monmouth County is to find a proven technology. A proven technology would obviously favor the past -- and I quote -- "favored technology," which is an incineration in every county, or a proincineration approach, and would hamper the efforts to find new emerging solutions. Adopting Senate Bill No. 1366, necessity being the mother of invention, will cause a flourish of innovative solutions and ideas being brought to bear on New Jersey's solid waste problem.

I offer the Monmouth County experience as an example. During our referendum, the county, through its contracted vendor -- Westinghouse -- asserted that we had no alternative

but to incinerate. Voters were shown, through advertisements and through direct mailings, pictures of aimlessly floating garbage barges, closing landfills, and rat-infested compost heaps as examples of what would happen if the plan were defeated. Years of research and planning had rejected other initiatives as being nonresponsive. Yet, with the voters removing the incinerator as an alternative, at least for now, a great many new avenues are being explored.

I would like to add here that we were told prior to the referendum that there were four years' of landfill space left in Monmouth County. The numbers that were released in the last two weeks show us that there are, in fact, 15 years' of landfill space left in Monmouth County, which, by the way, coincides exactly to the numbers that we produced in our nonburn alternative plan. When I say our, I mean the Monmouth County Citizens for Clean Air and Water.

Some of the innovative strategies that are being looked at right now by the county, by what was a proburn Freeholder Board-- The county has begun a mixed paper recycling pilot project, and it has been extremely successful. That was something that they said could not be done. Paper was to be burned in the incinerator. A public education campaign is being financed. We are hearing radio commercials. We are studying a green waste composting plan. We are exploring a "mega-MRF," or a garbage separation system, which had been originally proposed as part of the incinerator plan, but now is being proposed as a separate entity.

Also, the final, and probably most innovative element that is being explored, is landfill mining as a means of recycling the footprints of existing landfills. We have three phases in our existing landfill, which is where the incinerator would have been sited. Phase 1 is closed, and the leachate is so toxic that it is having to be trucked out-of-state. One of the proposals is that we would mine that landfill, remove

recyclables, replace the liner with a state-of-the-art liner, and reuse that existing landfill.

Still the planners in our county, and in other counties around the State, need the incentive of knowing that alternatives can, and must, be found. Quite simply, if we are not putting our decision-makers in a position of having to find other alternatives, they will find the simplest, most politically correct, at the time, alternatives -- or politically expedient, is probably a better way of putting it. Only by creating a legislative anchor for the NJ DEPE Solid Waste Management Policy will that type of new thinking and innovation that this problem requires be brought to bear once and for all.

I would like to also, very briefly, comment on some issues that were brought up by the gentlemen who were here representing the DEPE. They mentioned some incinerators that had been proposed.

I think the audience was led to believe that as a result of their actions these incinerators were not built. I would like, for at least Monmouth County's situation, to stand corrected. The only part that the DEPE played in helping to stop that incinerator was allowing the confusion to remain about the Solid Waste Task Force findings. There was such a confusing message going on between the DEPE and our Freeholders as to what was actually law and what was recommendation through the Task Force, that the Freeholders kept moving forward following the old Solid Waste Management Plan, and the DEPE kept rejecting it because it didn't have a regional aspect.

So the argument became: "Do we have to have a regional aspect?" and the DEPE would say, "Well, you don't have to, but it is the preferred technology." Yet the plan got rejected because there wasn't a regional aspect. I know that sounds very confusing, but the plan was rejected in Monmouth County not because it included an incinerator, but because

there was no regional aspect, and the county then sued the State -- sued the DEPE. So it still has not been resolved.

So, you know, we need some type of a legislative anchor to back up what this administration had originally started with the Solid Waste Advisory Task Force. I think those findings were very proactive and were very good.

Let me just try to read my own notes here. (pause)
Okay, I think that is basically it.

SENATOR CONNORS: Thank you.

MS. MAHER: Thank you.

SENATOR CONNORS: Next? Please identify yourself.

D A V I D K O L A R: My name is Dave Kolar. I live in Eatontown, New Jersey, and I am a member of the Monmouth County Friends of Clearwater, as well as other environmental groups in the area.

This initially was not intended to be part of my testimony: A potential alternative to incineration that produces the volume reduction that incineration produces is pressure treatment. This is a Japanese technique which converts one ton of garbage into one cubic yard of volume material. It takes out some of the leachate and some of the toxics during the process. I do not recommend this. I believe we really ought to go with source reduction, recycling, and the composting that is proposed in the bill. But that is an alternative to incineration that should be considered before the Union County incinerator is finished construction, or Mercer County is considered.

I started working with Bell Labs about 14-1/2 years ago. At that time I was told that I was a long-range planner. I had not done long-range planning before, but because I was told that, I started doing it. I started taking a different perspective, looking out further into the future, and things of that sort. That is, to a large extent, what I am about to say

right now is based on. It is a totally different perspective, I think, than what we have heard so far.

The destruction of a planet and the living creatures on that planet is a great evil, whether done by a death star, as in the fictional film series, "Star Wars," or by an overly consumptive, wasteful society. The death of the planet Alderon in "Star Wars" was swift and merciful. Earth is dying more slowly.

In a few decades, only a remnant of Earth's tropical rain forests may remain. Potentially millions of species, of our fellow creatures, will have been wiped from the face of the Earth as a result. Many argue that our ancient forests should also be sacrificed to meet our "needs."

No person who believes in a just Creator and understands the message of Noah's Ark would acquiesce in the extinction of species. Environmentalists are often accused of caring more about the environment than about people, but the extinction of species represents a catastrophic loss to all future generations. These future generations are people, too.

The County and Municipal Waste Reduction Act -- S-1366 -- mandates source reduction, recycling, and composting. This is a major step in reversing our society's role in the destruction of the Earth. I strongly urge that you support prompt passage of this Act.

Attached to this testimony is a copy of the January 15, 1993 issue of "Waste Not." It provides some more practical information. For example, one study that is quoted here estimates that waste reduction yields a net benefit to society of approximately \$400 per ton of waste avoided. Recycling yields a net benefit of \$75 per ton. Lined landfills cost society approximately \$220 per ton, and state-of-the-art incineration costs approximately \$250 per ton.

For years now, we have invested hundreds of millions of dollars for municipal solid waste incinerators and lined

landfills. It is long past time that we began to invest these taxpayer -- or equivalent taxpayer moneys for the highly beneficial options of waste reduction and recycling. The handful of jobs building and operating incinerators should be replaced with the many jobs required to support full recycling and waste reduction efforts.

Another report that was cited by sound resource management notes that huge amounts of energy can be saved by promoting recycling and avoiding incineration of materials. These energy savings mean that less fossil fuels will be burned, thereby avoiding the pollution from the burning of these fuels, as well as the pollution from the municipal solid waste incineration.

The destruction of Earth's living treasures continues all too swiftly. Please help to stop this destruction by providing your full support to the County and Municipal Waste Reduction Act.

I have a postscript here. Senator Corman is also sponsoring a bill with regard to tropical woods. I also urge any Senators here, any who are involved in that, to provide your full support for this legislation restricting the use of tropical woods in State-funded projects to wood that has been certified as sustainably produced. Doing this is likely to cost extra moneys, unlike some of the things proposed in your incineration waste reduction bill here, but your choice in this case may be whether to support further rain forest destruction or to choose more expensive building materials. I hope that you will choose to save the rain forests.

SENATOR CONNORS: I've got to add this: At this time we really want all of your input, but if you are not going to stay on the bill-- This is all going to be transcribed. There are five other members of this Committee. If they start reading a lengthy document that doesn't get to the nitty-gritty, just to point those things out in the bill that

you are in favor of, or oppose, the chances are that they are not going to finish reading it. So I just urge you--

I know you have come a long way, and have sat for a long time, but I urge you to stay on the bill. That is not a smack at you, sir. That is just urging everyone to stay on the bill. Talk about the bill, whether you are in favor of it or whether you are not. Pick out the items that you think would make a stronger bill, but please stay on the bill.

Yes, sir, your name?

T I M O T H Y K E A T I N G: Please don't let the name of my organization put you off here. My name is Tim Keating. I am a resident of Hazlet, New Jersey, and I am the Director of Rainforest Relief, which is an environmental education organization located in Monmouth County.

A lot of times when we talk about incineration and other waste management technology, very often people are talking about getting rid of the trash. What I would like to speak about for a moment is, what is that trash composed of; where does it come from? Very often people forget that it is the chain saws and the backhoes across the planet that are actually creating this waste.

The focus of the efforts of Rainforest Relief is the protection of forests both national and international. One may think that incineration has nothing to do with deforestation. However, they are intimately linked. I am not here today to talk about emissions of mercury, cadmium, particulates, etc., or the loss of potential jobs which occurs when we waste useful materials. I am here to talk about our addiction to consumption. Much of the world's forests are disappearing due to the extraction of resources at an ecologically unsound pace; resources which are turned into the materials and products -- many of them needless -- of our modern society. In other words, consumption.

As long as people continue to believe that these materials and products come from the ether and go back to it when we throw them away, then we will continue our addictive behavior, and continue to destroy the Earth's ecosystems one by one. Incineration is the enabler of our addiction to consumption. As with many other addictions, this behavior will eventually kill us. As with all addictions, we need to create an atmosphere of nonaddictive behavior. Reduction, reuse, and recycling are the behaviors which will curtail the addictive behavior. First landfills, and now incinerators, continue to enable the addiction.

Wood, wood pulp, iron, oil, aluminum, tin, rubber: The overextraction of these and other resources causes forest destruction on a scale never seen before. These materials are turned into the disposable products of modern times. Newspapers, cardboard boxes, paper bags, plastic bags, disposable cups, lawn chairs, plywood, foam containers, paper towels, tissues, napkins, tires, cars, chopsticks, coffee stirrers, all of these things can, and should, be recycled, reused, or avoided. Too little of them are. By burning them, we remove them from sight, and therefore from mind, and in so doing, create the need to make more, and therefore the need to sack and pillage the genetic storehouses -- the bastions of biodiversity -- our Earth's forest ecosystems. When will we wake up and smell the smoke? Incineration is death; recycling is life.

Thank you.

SENATOR CONNORS: Thank you. Rick Engler.

R I C K E N G L E R: Thank you for the opportunity to testify. I will make my remarks brief. I just want to clarify for the record that I do not represent the New Jersey State AFL-CIO. As listed, I represent the New Jersey State Industrial Union Council, which is affiliated through the National AFL-CIO Industrial Union Department. We represent

roughly 200,000 workers in the State of New Jersey, and we are the predominant federation representing workers in the manufacturing sector. Among the unions that we do include are: the United Paper Workers Union; the Oil, Chemical, and Atomic Workers; the International Chemical Workers Union; the Steelworkers, and many others that could be directly affected by this legislation.

I want to say at the outset that we support the goals. We think it is positive environmental legislation, and the underlying rationale for the approach is certainly legitimate. I would like to clarify that our position at this time is neither in support nor in opposition to this bill. Rather, we would like to point out where we think there are some important pieces of information that need to be more fully understood in order to make a determination of what direction the bill should go in, and certainly before the bill is released from this Committee.

Specifically, I am referring to sections 26, 27, 28, 29, and 30, which have to do with mandating increased minimum content of post consumer waste for plastic bagging, telephone directories, etc. To say the least, I think that the implications have not been explored about what the impact of those sections should be.

While indeed the products that are being focused on may be environmentally damaging and ultimately should be severely restricted, or even conceivably banned, not to have done an economic analysis and a technical analysis in advance is entirely inappropriate. The fact is, hundreds, perhaps thousands, of workers who have been battered by the recession, who have seen 600 manufacturing plants close in New Jersey since 1987, should not be thrown on the scrap heap.

I should note that if plants conceivably could close -- and I am only painting a worst case scenario here because, in fact, the environmental worst case scenario has been

presented as a rationale for this legislation -- it is conceivable that we will not only have many people out of work, but also we can demonstrate, and recent studies have done this, that there is an increased amount of suicide, heart disease, divorce, etc. So we have direct public health impacts. Just as we may have direct public health impacts from lead and mercury and toxics, we also have direct public health impacts from workers who are laid off from plants, who are doubly victimized, first by working in extremely hazardous environments often under terrible working conditions, and then, through no fault of their own, through a process that has not been anticipated, been laid off. What are they to do?

It is quite clear, according to many studies, that manufacturing sector workers in this State and nationally, if they are laid off, do not find jobs at comparable wages, if they find work at all.

So specifically what we would ask the Committee to do is twofold: One is to ask under a recent law that was passed with only one dissenting vote in the Legislature, that an economic impact statement be developed according to the legislation that was introduced by Sinagra, Inverso, Geist, and Hartmann, that passed again with only one dissenting vote.

Secondly, because we are not always confident in the analyses that the Commerce Department does, we would also ask you, respectfully, to ask the Office of Legislative Services to do both a technical and an economic impact analysis of this legislation, particularly, as I mentioned, on the sections that we are most focused on. We look forward, since we have asked for this information before, to getting a response in a timely manner prior to the legislation being moved. That is not to say that the legislation and its objectives and its methods are not entirely worthwhile. But we cannot underestimate the fact that there are other people who work in these industries who have environmental concerns, as well. They need to be

addressed, and not by references to international competitiveness, market forces, industry trade magazines, or references to how if we don't do this, the Japanese will move into the market.

We have real people here in New Jersey, and real specific plants making very specific products. I hope that before the Committee moves further, that the specific information will be gathered in order to make a deliberation and fully measure the various scenarios that are possible that could result from this legislation.

Thank you very much. I certainly would be available to assist in directing the Committee and the sponsors for the particular unions that represent people in the affected industrial sectors.

SENATOR CONNORS: Thank you, Mr. Engler, for being concise and pointing to those portions of the bill that you would like us to look at, and also the fact that an economic impact statement might be appropriate. Thank you.

MR. ENGLER: Thank you.

SENATOR CONNORS: Sharon Finlayson and Susan Marks.

MS. SHOSTACK (Committee Aide): They submitted their testimony and left.

SENATOR CONNORS: Thank you.

JANE NOGAKI: Susan and Sharon have left. I am Jane Nogaki. I represent the Coalition Against Toxics.

SENATOR CONNORS: Were you with them?

MS. NOGAKI: I was with them, but I was also further down on the list. If it is all right, I will just turn in their testimony and summarize what they were going to say.

SENATOR CONNORS: Go ahead.

MS. NOGAKI: My name is Jane Nogaki. The group I represent is called Coalition Against Toxics. It is in the Camden and Burlington County area. I have a statement of support for the bill. I have copies of it. I also brought

with me a letter from Alliance for a Living Ocean, which is in your district, Senator Connors. They are in support of the bill also. I brought copies of their letter. I was also asked by a group -- Dorothy Wirth, of a group called PUKE, People United for a Clean Environment, in Mansfield Township-- She had to leave, but I have a statement of support for the bill. Particularly, PUKE is concerned about the fast filling up of the Burlington County Landfill. They are the host community for the very large municipal -- no, countywide landfill for all of Burlington County. It is filling up at twice the rate that it was expected to, so the source reduction and packaging reduction parts of this bill are very important to that group. I will turn that letter in. Finally, the remarks from Susan Marks and Sharon Finlayson, from the South Jersey Work on Waste group.

These groups live in the shadow of the Camden City incinerator. It is an incinerator that is located in Camden City. It services the entire county. Sharon and I sat on the Mercury Emission Task Force together. We are extremely concerned about mercury emissions from incinerators. Even with additional controls that will remove 80 percent of the mercury from the incinerator emissions, there are still going to be pounds per year of mercury emitted that go into the environment, which will lead to further contamination of our surface waters, groundwaters, and fish. So we definitely believe that incineration as an option should be taken off the table entirely. In fact, the Camden groups further request that existing incinerators be phased out. In other words, the mercury that is being emitted today, even with better controls, will still continue to be emitted at a lower level. It is really an unsafe technology, and we should not only not build new incinerators, but we should phase out the old.

That was the one remark that they requested that I get into the record; that this bill does not go far enough, and

that it does not call for the phase-out of existing incinerators and total emphasis on the other options.

With that, I will conclude my remarks. Thank you.

SENATOR CONNORS: Thank you. Mr. David Davies and Dr. John Hamada, from the Mercer Environmental Coalition.

DAVID DAVIES: Hi. My name is David Davies. I am here representing the Mercer Environmental Coalition. We are a Coalition, as the name suggests, of people -- local members of the Sierra Club, of the Audubon Society, of Mercer Citizens Against Incineration, and others.

I was trying to get my six-year-old daughter to come up here and sit with me. I promised that I would not introduce her, but she still wouldn't come. But she is one of the reasons why I am particularly concerned about this, because she happens to be asthmatic, and New Jersey has a terrible environment. Building more incinerators is going to contribute to that -- the terribleness of that environment.

Let me congratulate you, Senator Connors, on holding this hearing, and you, Senator Corman, for introducing this legislation. I would also like to congratulate you on your kidneys. I think you've done an amazing job of sticking with this for five hours, without relief.

SENATOR CONNORS: On the bill.

MR. DAVIES: A couple of comments on things I have heard in the five hours I have been here, and then I would just like to share one thought with you about this report that has been given to you, the new "Solid Waste Management State Plan Update," which I have had an opportunity to have for a little longer than you have had it, because I understand you only received it today.

With respect to the comments of my county-- Oh, let me just make one other preliminary comment: I find, as a lifelong Democrat, that it is really ironic that I should come here to plead with what is essentially -- with a Republican

Legislature to do what a Democratic Governor had recommended to him by his special Solid Waste Management Committee, and then has not done. So we have this strange anomaly of a committee coming up with a recommendation that made a lot of sense, and then not being implemented by this administration, and therefore needing a Republican Legislature to force the hand and do what needs to be done.

I most sincerely urge you to pass this legislation. It is important.

I heard my County Administrator, Bobby Prunetti, talk about the dire consequences of not approving the incinerator here in Mercer County. I really was reminded of the sort of doublespeak, Orwellian language that gets used when we disguise what we are really talking about. The fact is, this incinerator is going to be corrupting economically to the county; it is going to corrupt our environment; and it is going to undermine what we do in source reduction, and what we do in recycling.

To give you an example, the plan that has been approved-- The Solid Waste Management Plan for Mercer County that has been approved by the Department of Environmental Protection and Energy, concludes that we will recycle 21 percent of municipal solid waste for the life of this incinerator -- the 20-year life of this incinerator. Now DEPE is saying that you have to recycle 50 percent of the solid waste -- municipal solid waste. So, miraculously, a new plan has been devised, and we are now being told, "Yes, you can recycle 50 percent of municipal solid waste in Mercer County."

How is it that we can move from a proposal of 21 percent recycled to a proposal of 50 percent recycled, without any serious question as to just who is cooking up these numbers? The fact is, when it was 21 percent of municipal solid waste, the balance was needed to keep the fires going in the incinerator. Now, somehow, we are going to find a way to

recycle '50 percent of Mercer's municipal solid waste, and still keep an enlarged incinerator going. How are we going to do this?

If you read your report -- this report that you just received this morning; mine isn't bound, yours is -- you will find that DEPE is talking about bringing waste in from other counties, in addition to Atlantic and Mercer. They are talking about a need statewide that is going to be met by solid waste being moved around the State to the four existing incinerators, and to the six that DEPE says are required. When you pressed, Mr. Chairman, the representative of DEPE about just what kind of number of incinerators he was talking about, when you read the report, you will find that they are definitely saying that they need the six.

Let me just lead you to that for a second. I don't know whether you have the report in front of you, but if you will look at page 10 of the Executive Summary, you will find, first of all, a list of "Integrated Solid Waste Management and Management Practice Hierarchy." What they start out by saying is that source reduction is the primary management of solid waste. Then, source separation and recycling; "c" is composting; "d," hazardous waste and small quantity generator collection; "e," materials recovery systems; "f," solid waste composting; "g"-- Finally at "g," you get in-state landfilling at permitted, state-of-the-art facilities and -- and here it is, stuck in as an "and" in the middle of "g" -- and regional incineration.

What they are doing is saying one thing. They are saying that we have all these priorities before we get to incineration. But what they are approving is incineration.

Speaking of approving, then go to page 17, which is a series of footnotes on the solid waste data chart that precedes it on page 16. If you look down at footnote 11, you will see that it says that the numbers for 11, which are the numbers for

years 1993 on when they are estimating things -- that these numbers are assuming that all the planned projects noted on pages 156 and 157 of the State Plan Update will be operational by the referenced dates.

So then you go to pages 156 and 157 in your report, and what you find there is that they say: "The following discussion identifies the specific project development activities which must take -- which must take -- place over the next seven years to make self-sufficiency a reality."

The first of these projects is the Mercer County Incinerator. Now, DEPE is saying to people in Mercer County that this incinerator is still up for consideration; this incinerator is not a sure thing by any means; that they are reviewing the submission from the Mercer County Improvement Authority; and that there is still an opportunity to turn this down. Yet, their own report says that in order to achieve what they are bound to achieve, this must be done. This incinerator must be built. And then there are a whole lot of other things: Atlantic County Limited Use Landfill; Cape May Solid Waste Composting Facility; Pennsauken Landfill for ash, and so on.

What we have here is a DEPE that is not leveling with the people. But, you know, I.F. Stone-- You may remember the old muckraker -- the Washington muckraker, the late Washington muckraker, I.F. Stone, who used to say that you didn't have to meet Deep Throat in the basement of a Washington apartment to learn what was going on in government. All you had to do was read the government's report. And all you have to do to find the reason for passing this legislation, is read what DEPE has put into this new Solid Waste Management Plan, which you have just been given this morning.

One last thing: On the question of self-sufficiency, both Bobby Prunetti and the DEPE people talk about self-sufficiency, but the fact of the matter is, the Mercer

County Improvement Authority has sold bonds to obtain money to buy space at the Groves Landfill across the river for 20 years. So they are not talking about self-sufficiency. They are talking about shipping our ash from a proposed incinerator to the Groves Landfill for 20 years. Now, how did they square that with a State Solid Waste Management Plan that talks about self-sufficiency?

SENATOR CONNORS: I think that was brought out earlier about shipping it over to Pennsylvania.

MR. DAVIES: Well, the fact is, what they are saying now is that they are going to possibly ship it to Atlantic County as a way of achieving self-sufficiency. If they do, then the people of Mercer County will have paid for space at the Groves Landfill that will not be used.

The fact of the matter is-- What we are doing is, people are not being straight. What we need to do is pass the legislation you have before you that you have been wise enough to hold this public hearing about, and give others, including -- give yourselves and the rest of us who are concerned about this issue the time to develop ways so that we don't have to do the incineration, which is going to be destructive of us.

Thank you.

SENATOR CONNORS: If I may--

MR. DAVIES: Yes.

SENATOR CONNORS: In Ocean County, an incinerator was proposed -- my county. It was proposed by all members of the Board of Freeholders, who happen to be Republican. They happen to be of my party. All right? The people spoke and they threw two of them out, and the incinerator was scrapped. There is no more talk of an incinerator in Ocean County. They have gone to composting, recycling, and so forth. I only bring that out to say that, you know, people, if they are opposed to it, have the ability to show, at the polls, how they feel about a subject.

I am not encouraging it one way or the other, but it happened in my county. Two Freeholders from my party lost because of that one issue.

MR. DAVIES: We're working on it.

SENATOR CONNORS: And the next day, the other three came out and said, "That's it."

MR. DAVIES: Well, I can tell you, Senator, that we went to Ocean County and met with the people there two years ago. We have studied the Ocean County example at great length. We would like to be able to do as well as your folks in Ocean County did, and we are still working at it. We have elected a couple of Democrats to the Freeholder Board this last November, and we are going to try to elect a majority this coming November. I think if we do, we will achieve what you achieved in Ocean County.

SENATOR CONNORS: Okay. Thank you.

MR. DAVIES: Thank you.

SENATOR CONNORS: From the Sierra Club, Mary Penney.

M A R Y P E N N E Y: Good afternoon, Senators, ladies and gentlemen. I am Mary Penney, Chapter Chairperson for the New Jersey Chapter of Sierra Club, which consists of 18,000 members throughout the State who are committed to conserving natural resources and reducing waste. The Sierra Club is working at the local, State, and national levels to redirect waste policies with the goals of producing less waste and safely disposing of the waste that must be produced.

S-1366 and A-2046 are a plan of action to manage and solve the current solid waste dilemma. The Mandatory Statewide Source Separation and Recycling Act, signed by Governor Kean in 1987, laid the groundwork for recycling to begin; and in 1990, Governor Florio increased the recycling goal to 60 percent for all refuse, and recommended that source reduction be the first priority in the State's solid waste program. The bill before us today follows through on this directive.

Recycling works. The facts speak for themselves, as we have heard today. Municipalities and counties benefit two ways. First they receive money for the recyclables, i.e., glass or aluminum; and second, they are saving millions on the costs of collection. Recyclers like Marcal Paper of Elmwood Park and Garden State Paper of Garfield are saving our communities millions of "cost avoidance" dollars per year by handling collected recyclables.

Source reduction must be at the top of the solid waste hierarchy. Source reduction prevents the generation of wastes that would otherwise be recycled, burned, or buried, thereby reducing the quantity and toxicity of waste produced. Source reduction slows the depletion of environmental resources, and decreases the use of raw materials. Corporations can save money on extraction of fewer resources and also save money from diminished disposal costs by reusing by-products in the manufacturing process. The focus of our national and State waste policy must be shifted up the waste stream away from the current focus on "end of pipe" waste management and towards toxics and materials-use reduction. A good example of source reduction in practice is the James River Corporation in Newark, Delaware. The company is saving millions of dollars in wastewater treatment and conserving millions of gallons of water by implementing an innovative program in their paper-making processing -- a very resource-intensive industry. By manufacturing light colored papers at the beginning of the week and darker colors at the end of the week when dyes have darkened the water, the company has become much more profitable and less resource intensive.

Plans such as the "buy recycled" ordinance in Newark, New Jersey, and a similar ordinance passed in Mercer County, are other examples of government's growing awareness about the importance of the procurement of recycled goods.

The costs of recycled papers are dropping as demand increases. Paper manufacturers are supplying a wider variety of recycled papers containing at least 10 percent postconsumer waste, which is very important, sometimes at the same costs as virgin papers. The quality has improved so much that even the most discerning eye cannot tell the recycled paper from the virgin paper.

We applaud several requirements in the bill that will move us toward a positive statewide program of source reduction. We strongly advocate the "per container" approach which provides a direct economic incentive for all citizens and organizations to initiate and maintain source reduction efforts. This kind of direct economic incentive is the most effective way to change behaviors, as was demonstrated in the drop in energy use during the 1970s when energy costs rose dramatically. The "per container" approach seems to be working very effectively in over 20 New Jersey municipalities, as we have heard today, including Chester Township, Roosevelt, Flemington, and Bound Brook.

It is time to expand municipal participation. We strongly support the establishment of a funding program within the State Recycling Fund for public education in source reduction. It is important that funds be available for innovative programs to educate New Jersey residents as to why source reduction is important and how they can participate. The New Jersey Chapter of Sierra Club considers public education to be of such importance that it is currently initiating its own public involvement program. We will adapt the block leader approach that has been successfully used in Boulder, Colorado and Durham, North Carolina.

The creation of a State level Source Reduction Advisory Board also seem, to us, a valuable step in enhancing the evolution of source reduction efforts on a comprehensive statewide basis.

We have so many wonderful examples in New Jersey of citizen involvement and countywide participation in recycling and source reduction, we do not need incineration in the management of solid waste at this time. Waste is not eliminated by "disposal" in a landfill or incinerator. It simply takes the form of leachate from landfills, toxic ash, or air emissions from incinerators. During combustion, incineration transforms many toxic substances -- lead, cadmium, mercury -- into highly volatile compounds which are more easily absorbed into the food chain or inhaled or ingested by humans.

Moreover, unhealthy and unwanted disposal facilities tend to be placed in low-income and minority neighborhoods whose residents shoulder more than their share of the adverse effects.

Municipal solid waste incinerators are only waste processors which burn solid waste to reduce its volume, but generate large quantities of hazardous air emissions and leave tons of toxic ash to be dealt with later in hazardous waste landfills.

Today, I am here on behalf of citizens concerned about the future. We are voters and taxpayers who have seen firsthand the cost overruns on the proposed Mercer County incinerator which approach \$220 million from initial estimates of \$150 million. We see the mismanagement and poor air quality monitoring of the Warren County and Essex County incinerators, and we have seen the big bucks media campaign waged by Westinghouse to try and pass the referendum to build an incinerator in Tinton Falls -- \$362,000 in public relations, as opposed to the environmental community's meager, but mighty, \$36,000. We cannot allow private interests to cause the collapse of a profitable and innovative solid waste program in the State by presenting incineration as a solution. It is not. I urge each of you to support S-1366 and help lead New

Jersey with a comprehensive and sensible approach to solid waste management.

Thank you.

SENATOR CONNORS: Thank you. Chip Connolly, Plastic Recycling Corporation of New Jersey.

C H A R L E S C O N N O L L Y: Thank you. I am Charles Connolly. I am Executive Director of the Plastic Recycling Corporation of New Jersey. The Plastic Recycling Corporation is a not-for-profit corporation formed in 1986 to assist municipalities and private firms in implementing plastic recycling under the Mandatory Recycling Act that was passed in 1987.

We provide various forms of assistance to municipalities: trucks, balers, capital equipment, technical assistance. When we started there were three towns recycling plastic, and today there are over 440. Our interest, therefore, is in recycling. I am not going to talk about incineration -- I am no expert in that -- but I would like to point out a couple of things in this bill that relate to plastic recycling and would have an effect on the work we have done in the State to implement the plastic recycling programs.

In section 4, which is on page 4, down at the bottom: This bill requires that each county implement a comprehensive program for the in-state recycling of solid waste generated within its boundaries. I left a lot of other things out, but our concern is with "in-state" recycling. There has been a lot of talk from a lot of other people today about improving markets for recycled materials. Restricting it to in-state markets is, in our opinion, going in the wrong direction, particularly when you are dealing with commodities like plastic and glass and even paper, where you are dealing with national and international markets. So, we are opposed to that section.

In section 16, which is on page 9, it talks about source reduction business plans. The problem we have with that

is that as you expand recycling in the State, recycling industries are going to have higher levels of residual, nonrecyclable material that comes into the recycling center. Under the provisions in this Act, you are going to limit the ability of those kinds of facilities to take more recyclables, because the residual is a natural component of the recycling stream. I would add that, in the per bag fee provisions of this Act-- We do not oppose per bag fees, but we would oppose mandating them on a statewide basis. Every town does not have houses that average \$200,000 a year, and if you provide an economic incentive for people to put their trash somewhere other than the trash bag, there are places in this State where the trash is going to end up in the recycling stream, instead of the trash stream, and we have enough problems now with contaminated recyclable materials.

So, while we support those kinds of measures as encouraging recycling in appropriate municipalities in the State, we would be reluctant, and could not support an across-the-board mandate for all of the municipalities.

In section 21 on page 12 -- 21 b. -- we are talking here about recyclable containers must be recycled in their entirety, including-- Oh, I'm sorry. I'll skip that. I didn't read that right.

In section 34, page 16 -- the last comment I will have -- we are talking about fees.

SENATOR CONNORS: Excuse me. Did you wish to make a comment about section 21 b.?

MR. CONNOLLY: No, I want to withdraw that. Sorry.

SENATOR CONNORS: Section 34 -- what?

MR. CONNOLLY: Section 34, on page 16.

SENATOR CONNORS: Page 16?

MR. CONNOLLY: The Department may charge reasonable fees to cover the cost of compliance, monitoring, and administration of this Act. This is a complicated Act. It is

going to be complicated to monitor and administer it. There are a lot of provisions in here that relate to recycling operations; what's recyclable and what isn't. This gives the Department an open-ended authority to charge recycling operations, for example, fees that are necessary to administer this, and we do not believe that is going to be a positive force in encouraging recycling in the State.

Those are all the comments I have. I would be glad to answer any questions.

SENATOR CONNORS: Thank you.

MR. CONNOLLY: Thank you.

SENATOR CONNORS: Dottie Wirth, People United for a Clean Environment?

MS. SHOSTACK: She left.

SENATOR CONNORS: Integrated Waste Services Association, Paula Soos and John Lindemann.

J O H N M. L I N D E M A N N: Thank you, Mr. Chairman. My name is John Lindemann. I am the Public Affairs Counsel in New Jersey for the Integrated Waste Services Association. With me this afternoon is Paula Soos. Paula is Chairman of the New Jersey Ad Hoc Committee for that organization, and she will be addressing you today.

P A U L A S O O S: Thank you, Mr. Chairman and Committee members. The Integrated Waste Services Association counts among its members the companies which planned, built, and operate the four waste-to-energy facilities now helping New Jersey to meet its solid waste goals. They are enabling New Jersey to become self-sufficient; they are extending the useful lives of the State's few remaining landfills; and they are improving the bottom line of recycling.

I am here today to express the IWSA's opposition to S-1366, not only because of the moratorium it would place on the permitting, construction, and expansion of waste-to-energy facilities and the risks that would entail, but because of the

inaccurate premises that the technology is neither safe nor compatible with recycling and source reduction.

The legislation states that, "Incineration is a waste processing method that should only be used as an option of last resort," despite the findings of a special task force in 1990 that supported a hierarchy that ranks waste-to-energy higher than landfills.

The bill also states that recycling and composting are "compromised and undermined" by waste-to-energy incinerators. However, facts show that counties with waste-to-energy facilities are among the most successful in terms of recycling.

New Jersey produces approximately 14 million tons of trash each year. It is important that the Committee understand that of that amount, the four waste-to-energy plants located in Essex, Warren, Camden, and Gloucester today have the capacity to manage only about 1.5 million tons of that trash each year, or just under 11 percent of the total. Those same counties are among the most successful in the State when it comes to recycling.

Did you distribute the chart?

MR. LINDEMANN: Yes.

MS. SOOS: We have a chart here that-- According to the DEPE figures which are used in this chart, Essex County recycles 43 percent of its trash. Mayor Sharpe James and the City of Newark received an award. They were recognized by the U.S. EPA for a program that they implemented in their county, which has a 2500 ton-per-day facility for their 52 percent recycling level. Gloucester County, which has a 575 ton-per-day facility, recycles 47 percent of their waste. These are just two examples of how recycling and waste-to-energy work together to solve New Jersey's and the nation's disposal problems. The argument that incineration hinders recycling just does not stand up to the facts.

Waste-to-energy is far from being an impediment to recycling, and the facts back up those beliefs. In addition to being compatible with recycling, our facilities also contribute to the recycling levels by recovering ferrous metals that are not removed by businesses and residences.

For example, the amount of metals recovered at the Warren County facility account for almost 5 percent of all the trash managed there. More than 3500 tons of ferrous metal went from the plant to a recycling facility between May and December of '91, just as an example.

Waste-to-energy helps in other ways to further close the recycling loop. Several studies show that ash residue from our facilities has potential use as an additive to concrete and asphalt. These studies are currently being conducted by the State University of New York at Stony Brook, where ash was used as an additive in the construction of an artificial reef in the Long Island Sound. Scientists conducting the research have found no negative impacts to the environment or to the marine animals that inhabit the reef.

There was a question earlier about what the EPA's position is with regard to ash. Now former EPA Administrator Riley issued a statement saying that municipal solid waste incinerator ash never was, nor should it be considered a hazardous waste, and that solid waste landfills are protective enough of the human health and the environment for it to be disposed of in a regular solid waste landfill that meets EPA-designed criteria.

During the incineration process, waste-to-energy facilities generate electricity, on average saving one barrel of oil for every ton of trash used as a fuel. Of all the waste-to-energy facilities operating in the United States today, they generate enough electricity to offset the amount of oil imported from Kuwait before the Persian Gulf War.

As I noted earlier, four facilities now handle 11 percent of the State's waste stream. If you add the Union facility which is now under construction, and the Mercer facility which is in the permitting stages, the total capacity is still less than 19 percent. Even if New Jersey reduced the amount of trash generated and reached its 60 percent recycling goal, an alternative for managing the remainder is necessary.

Unfortunately, in New Jersey it has never been a problem that there is too little trash to be managed. That is why coupling source reduction, recycling, and composting with the six facilities that produce clean energy from trash, makes more sense than burying it in a hole in the ground, whether that hole is in Middlesex County, Ocean County, or in neighboring states. We are concerned that unless we utilize all alternatives now available to the State, we will have to resort to expansion of facilities such as the Edgeboro Landfill or the Ocean County Landfill.

With respect to safety, waste-to-energy plants are built to meet, and do better than both the Federal and the State regulations, which are often more stringent than the Federal. These facilities, which are monitored continuously, are among the most regulated of any combustion process and are already largely in compliance with the Federal Clean Air Act amendments of 1990. In fact, the acid rain provisions of the rule promulgated last year by EPA declared municipal solid waste a renewable source of energy and makes waste-to-energy facilities eligible for trading allowances for sulfur dioxide emissions with other less clean-burning technologies.

Our facilities control and monitor emissions and provide unparalleled protection to the environment and human health.

Source reduction is a good thing. It is an important step in a responsible solid waste management hierarchy and the sponsor of S-1366, Senator Corman, should be commended for

calling renewed attention to it. But to move forward with one aspect of the hierarchy without allowing others to continue is an invitation to economic and environmental disaster. Simply, New Jersey's counties need the flexibility offered by the integrated approach adopted by the Governor's Task Force on Solid Waste Management, county and municipal officials, and solid waste management professionals.

For the past two years, members of New Jersey's congressional delegation, particularly Senators Lautenberg and Bradley, have worked diligently to prevent a ban on interstate shipments of trash. One key argument has been that New Jersey is well on its way to getting its own house in order with respect to waste management. DEPE Commissioner Weiner noted last year that increased in-state capacity, including that provided by waste-to-energy plants, coupled with increased recycling, have importantly put New Jersey on the right track. However, he also noted that we need more time.

That time is best spent moving forward with a responsible, responsive program that takes into account all facets of solid waste management. It means allowing projects that are well along to be completed so counties are not faced with yet additional economic hardship. And, for plants already operating, plant operators, their host counties, and State regulators must have the flexibility to expand them to meet emergent needs and to accommodate regionalization, should these circumstances arise.

In New Jersey and across the country, we have experienced decades of reliance on only one solid waste alternative, land burial, and we found ourselves drowning in a sea of trash. We shouldn't repeat that mistake by eliminating perfectly acceptable alternatives such as waste-to-energy from the choices available to us today. The track record of operating facilities here in New Jersey and elsewhere should now replace the fear generated by opponents to this solution.

SENATOR CONNORS: Any questions? (no response) Thank you.

MR. LINDEMANN: Thanks for your time.

SENATOR CONNORS: Concerned Citizens of Union City, Bob Carson? (no response) Cornucopia Network, Gray Russell?

GRAY RUSSELL: I will keep my remarks brief also. My name is Gray Russell, and I am a member of the Cornucopia Network of New Jersey, which is a statewide, nonprofit coalition working on a variety of sustainable agricultural issues, and also solid waste issues. I want to share with you some testimony from one of our associates, Mr. Jim Quigley, who is a Research Associate at the Center for the Biology of Natural Systems, Queens College, at the City University of New York. I will read his text, and I also have copies for the Committee.

I want to begin by thanking Senator Connors, and also Senator Corman, for sponsoring this meeting today.

This is the letter:

"Dear Committee Chairman Connors: I am pleased to offer support for Senate Bill No. 1366, the County and Municipal Waste Reduction Act. I have been a Research Associate at the Center for the Biology of Natural Systems, Queens College, City University of New York, since August 1987.

"CBNS is an environmental research institute which has considerable experience in analyzing the economic and environmental impacts of solid waste management systems. A copy of the CBNS qualifications is attached for your information. Headed by Dr. Barry Commoner, CBNS prepared a landmark study demonstrating the physical recyclability of 85 percent of residential trash. A copy of that study, "Development and Pilot Test of an Intensive Municipal Solid Waste Recycling System for the Town of East Hampton," is being submitted with this statement.

"I strongly believe that the County and Municipal Waste Reduction Act which you are now considering deserves your full support for three general reasons:

"1) Waste reduction is not only the least expensive solid waste management option, it is also the most environmentally desirable one because it is aimed at preventing the generation of trash in the first place. A growing body of literature on the subject of waste reduction reflects accumulating experience in the field. The report last year by the U.S. Office of Technology Assessment, Green Products by Design: Choices for a Cleaner Environment, documents a series of corporate and institutional programs that have been successful in reducing solid waste when the design of a product and its expected life cycle are taken into consideration. The OTA concludes that programs like this cannot succeed without a corresponding commitment by the public sector. S-1366 establishes such a commitment by law. A report by the World Wildlife Fund and the Conservation Foundation entitled, Getting at the Source: Strategies for Reducing Municipal Solid Waste, 1991, also draws on the accumulating experience to identify a variety of practical strategies for achieving source reduction and waste minimization. S-1366 incorporates such strategies. They are essential if waste reduction is to be achieved in any meaningful way.

"2) Trash incineration is the least economic and environmentally desirable technique for solid waste management. Capital costs for trash incinerators typically run between \$150,000 and \$200,000 per ton of daily capacity. Facilities designed to process recyclable materials collected in municipal programs cost between \$20,000 and \$40,000 per ton of daily capacity. If only on this basis, trash incinerators should not be constructed until all the potential for recycling is finally exhausted. S-1366 helps to further such goals by establishing a temporary moratorium on the construction of

trash incinerators. In my opinion, the time frame of that moratorium in S-1366 is too short. I believe that more time is needed to establish a more complete infrastructure for recycling than S-1366 would provide. Nevertheless, S-1366 would help take New Jersey in an appropriate direction.

"In addition to its high monetary costs, trash incineration is also an undesirable solid waste management technique because of its environmental impact. Despite its claims to adapting best available control technologies on emissions, the incinerator industry has demonstrated through its experience of the 190 municipal waste combustors it now operates around the country, that even these controls are inadequate, particularly for a number of toxic substances, such as mercury. The frequent technical failures and routine cost overruns observed throughout the industry must lead us to conclude that trash incineration, far from being a proven technology, is, in fact, inherently unviable.

"3) Next to waste reduction, recycling is the more economically viable approach from both the standpoint of its immediate impact and from its long-term effects. As noted above, CBNS found that recycling would create more jobs in New York City than incineration. Such a conclusion is also supported by the State of Massachusetts, Department of Environmental Protection, in their analysis, Value Added by Recycling Industries in Massachusetts, July 1992. They reported that \$588 million was added to the state's economy and resulted in 10,000 jobs, 7000 of which were in the manufacturing sector. The jobs, principally in paper recycling, would be threatened to the extent that wastepaper recovery is deterred by incineration.

"Finally, the Washington-based Institute for Local Self-Reliance in its study, The Economic Benefits of Recycling, just published this year, reports that New Jersey's five glass manufacturing plants, utilizing 30 percent cullet in their

furnace, its eight steel mills and foundries, utilizing 100 percent scrap steel, and its 13 pulp and paper mills, utilizing 100 percent wastepaper as feedstock, generate \$1 billion in annual sales and employ 9000 people. In order for enterprises like these to succeed and expand, the types of materials generated by municipal recycling programs must continue to be made available. The commitment to recycling that would be institutionalized by S-1366 would assure a secure supply of recyclable materials for New Jersey's present and future industries.

"I strongly urge the Legislature to adopt S-1366 as law. Our government needs to make this commitment to waste reduction and recycling both for our economy and our environment. Thank you for your attention to my statement." It is signed by James Quigley, who is a Research Associate there.

That is the end of my text, unless you have any questions.

SENATOR CONNORS: Thank you.

MR. RUSSELL: You're quite welcome.

SENATOR CONNORS: Betty Wood?

MR. RUSSELL: Betty is gone.

SENATOR CONNORS: Rob Young.

R O B E R T Y O U N G: My name is Rob Young. I am President of American Soil, Inc., a composting company with operations located in Freehold Township, Monmouth County. On behalf of the composting industry, I send my greetings to the Senators, and thank you very much for allowing me to speak here today.

The facility that we operate in Freehold is an 18-acre facility. It is one of the largest composting facilities in the State. It is the largest producer and marketer of compost in New Jersey. We recycle about 20,000 tons of organic materials a year. Last year we marketed 18,000 tons of compost to a variety of consumers. In addition, we were the only

facility in New Jersey to compost paper and food materials from supermarkets and food producers. We are a private company. We are not subsidized in any fashion by the public sector, nor do we have a parent company to back us up.

At the risk of breaking with tradition, I would like to make some specific comments about the bill we have before us. First of all, I would like to express praise for the intent of the bill. Obviously New Jersey is the largest exporter of solid waste in the country, and makes up for a third of all solid waste exported in the United States. It is obviously important that we focus on self-sufficiency.

In addition, though, I would like to speak a little bit to the reality of meeting the deadlines which the bill contains. Obviously, as a composting company, it would do nothing but benefit my sector of the industry to have this take place; to have a forceful bill passed for self-sufficiency. The issue is whether or not there will be the commercial infrastructure companies like my own available to meet the needs of that requirement. As it stands now, there is not, and unless certain aspects of the way in which New Jersey treats solid waste and does business alter, there will not be that infrastructure. So, even passed, the bill will be jeopardized.

But before I make comment on that, I would like to address a couple of definitional points within the bill -- specific language in the bill. I met with John Rooney yesterday, and he provided me with a copy of the Assembly bill also, so I have been looking that over in addition. So, if we can split hairs for a moment--

In terms of composting, it is referred to as the organic components of a solid waste. One of the issues that comes up for us repeatedly in the composting business: If a steel mill takes in scrap metal, that steel mill is not a solid waste facility. American Soil's composting facility in Freehold takes in source-separated scrap organic materials and

turns them into a high grade salable product. Yet, unlike that steel mill, we are considered a solid waste facility, and we suffer the regulatory consequences.

The change in the language, I would say is-- Composting does not mean the biologic process whereby the organic components of a solid waste, but rather organic materials. Drop the wording, "solid waste," and just say, "including," and then you list a number of things. I note that paper is also not listed in the composting, and I would say that paper does compost quite well. There is a great deal of paper which is nonrecoverable from the recycling paperboard standpoint, so you might want to include that, or the language which would be, in short, all nontoxic biodegradables should be included under composting.

Under the material category, that definition, a great many things are listed, all of which are indeed recyclable, but I note that compostables are not added in there as well. So the emphasis that I would place, specifically, is that compostables be disassociated with the terminology of solid waste, if they are source-separated materials. This is reflected, I guess, in the definitions of postconsumer waste and preconsumer waste. I again look at them as pre- and postconsumer materials.

There are certain arguments pro and con incineration from a health perspective. As a businessperson, I look at it as a valuable resource that is going in one direction instead of another. Certainly I cannot produce high grade topsoil if it is burned. That is how I look at it. To me, it is not pre and post consumer waste; it is raw materials that we capture for our industry.

So, in terms of definitional issues with the specifics of the bill, those are my comments.

Even with the right terms included in this piece of legislation, without the infrastructure, as I mentioned

previously, to handle these materials, the activity itself will not be able to take place. In the current regulatory environment in New Jersey, if you perhaps noted The Star-Ledger article a couple of days ago, my company has won bids to open up facilities in additional states. There is nothing that comes close to what has to go on in New Jersey to open up a facility here. It took several years for us to be permitted in Freehold; 54 pages of personal and business history disclosure, including every address I had lived at for the past 20 years, and every job I held in the previous 20 years. When I filled out the forms I was 26, and I felt prompted to put "womb" as my first address. You know, five sets of fingerprints, an interview with the State Police, FBI reviews-- It just goes on and on. This is not the experience we have in any other state.

Basically, the fees, the fines, and the approval periods are so lengthy that if the bill passes, which, as I say, has certain benefits for the State and certain benefits for my industry, under the existing standards of fees, fines, and approvals, there is little hope that the infrastructure will be in place.

The fees, as I am sure you are familiar with-- Things as simple as a minor modification to your permit can cost up to \$7000 -- \$6264. What that means is that you have to assess whether or not you are going to make any money, enough to compensate for the fees of this. Around the industry the fines that come out of notices of violation from the DEP are euphemistically referred to as the DEP's latest "fund-raising drive." Now this obviously isn't DEP's fault. They have been placed in that position. I spoke with a number of DEP officials who feel uncomfortable with the fact that they have to use fees and fines as a means of raising their own revenues. Be that as it may, they have been placed in that position. The result is that coming to our industry is the

only way they can raise those funds, and in doing so, they blunt the growth and expansion of our industry.

Approval periods are another example. It took several years for us to get our food and paper pilot project approved. We got underway; we did it for six months; and now it is under review of an undetermined length. Marcal Paper got a grant from the State to recycle mixed paper. They produced a by-product called "Kaofin," which was clay and paper fiber material, very good for horticultural practices. American Soil put a request in to be able to utilize that with the compost. That request has been pending for over a year. Warner Lambert Corporation has put \$3 million in research and development. They are developing a starch polymer, a biodegradable polymer. When they wanted to do tests to compost it, the DEP directed that they would have to send it to a solid waste composting facility. Warner Lambert came to us. We put in a request and we are still waiting, many, many months, to find out whether we will be able to accept this material.

So, despite Governor Florio's State of the State Address saying that we are going to develop environmental industry here in New Jersey, our experience is one of extreme difficulty in developing environmental industry here in New Jersey.

The point of all this is that without a coordinated effort among the Legislature, the industry, and DEP to ease the regulatory environment, some sort of a deregulation, or modified regulatory environment to accompany this bill, the important essentials of this bill will be unobtainable. An example is the brush -- the handling of brush. My facility is a leaf and vegetative yard waste composting facility. We accept brush from the local township as a host community benefit -- from Freehold Township. One would assume that if you can compost leaves, certainly you can compost leaves attached to a stick. There is an exemption in the existing law

which allows recycling facilities -- composting facilities to do this. My company has been given five violations for recycling brush, even though there is existing legislation that allows this. The crux of the matter seems to be that the trucks carrying the brush have to drive across the composting facility before they can drop their brush on an adjacent lot, which the township owns and leases to American Soil.

Again, I am not criticizing the enforcement persons. According to them, this is not in their guidelines. On the other hand, I don't have the flexibility to be able to sit down with somebody in enforcement and say, "Hey, look, this isn't barrels full of questionable waste; this is brush. We do leaves and grass. Certainly we can address this issue." My criticism is not of the DEP officials, but it is of the fact that there is not a framework or an environment within which flexible solutions can be found to these types of paper problems.

The same issues go on with numerous things that American Soil is trying to move forward with. We have been very successful as an entrepreneurial company even within this environment. I am told that The Wall Street Journal is going to run an article on us tomorrow, which is a great honor, and yet the current situation we are in now leads me to believe-- I question whether or not we will be here in New Jersey operating in another 10 months. A number of composting facilities have already been put out of business, both public and private, due to a variety of problems, with the heavy regulatory environment being one of those problems contributing to it.

I just want to make a couple of comments -- a couple of personal comments -- and then I will step down. I grew up in New Jersey. All of my friends who I grew up with here left. They went off to California, Colorado, Oregon, Washington, Florida, and got involved in interesting things

like word processing and policy analysts. What I did were two very radical things: I stayed in New Jersey, and I got into the field of manufacturing. If you want to be a rebel and an outlaw in today's society, try manufacturing.

I felt a personal responsibility to the State of New Jersey, because it was my home State, to come back here and put my time and my money on the line to see if we could help to clean up this State. Through those efforts we developed American Soil, and we have been very proud of what we have been able to accomplish there. However, without a change in the regulatory environment, without a better atmosphere of cooperation, I am afraid that several things will occur: One is that the recycling industry will continue to decline and languish in New Jersey. Secondly, your bill, even if passed, will not have the commercial infrastructure necessary to carry out its ambitious goals. And thirdly, I will not be here, nor will my operation, with all of the good things it has done, because we will have been put out of business. What will also disappear along with the company is the dream that I had of coming back to my home State and putting something back into it, contributing toward its benefit and its betterment.

Thank you for your time.

SENATOR CONNORS: Thank you, Mr. Young. You know, if I may make a comment on some of your comments: We are hearing that more and more these days; that New Jersey is, in the eyes of some, not a place to start a business; that the regulatory agencies are far too tough, far too demanding, a waste of time and a waste of money. I am inclined to agree with you.

I think your testimony was well-founded and maybe we can find a place in that bill to cut some of that red tape, which is necessary to create a southern hospitality, if you will, in New Jersey to businessmen who are interested in doing an environmentally good job, without putting cash cows out to see how much money we can raise in fees, justifying the

existence of bureaucrats, and so forth. So, you have a very sympathetic ear with me, and I know with Senator Corman.

Thank you.

MR. YOUNG: Thank you.

SENATOR CONNORS: Madeline Hoffman? (no response)
Ann Mattheis? (no response) Jonathan Winter?

MS. PHILLIPS: (speaking from audience) He was not able to come today due to illness. I have his testimony.

SENATOR CONNORS: Okay. Arnold Cohen? (no response)
Linda Spalinski? That's all I have.

L I N D A S P A L I N S K I: I'm here.

SENATOR CONNORS: Oh, okay. I'm sorry.

MS. SPALINSKI: I was rushing up as fast as I could.

SENATOR CONNORS: I didn't hear you.

MS. SPALINSKI: That's all right.

Good afternoon, Mr. Chairman. It has been a long day.

SENATOR CONNORS: No!

MS. SPALINSKI: I will be as brief as I can. My name is Linda Spalinski. I am the Executive Director of the New Jersey Association of Counties. I am going to be brief; the hour is late. Also because Bob Prunetti, the Mercer County Executive who spoke earlier this morning, did an excellent job of covering the county positions. His arguments were very well stated.

Let me just say that in the view of the Association of Counties, S-1366 should not be construed as pro recycling legislation. If it were, it would address the issue of market development for recyclables, and it would provide the financial assistance the counties and municipalities need to reach more aggressive recycling targets. S-1366 is not pro recycling legislation. What it is, is anti-incineration legislation. It is based on the notion that incineration is a disincentive to recycling. That theory is simply not born out by the facts.

During the last five to six years, we have made enormous strides in recycling here in New Jersey. In fact, we have more than quadrupled our recycling rate, and I think that if you will look at the chart in the Executive Summary of the Update of the State's Solid Waste Management Plan you will see that we have gone -- if I can find the chart -- from a recycling rate -- and this is total waste generated -- of 10 percent in 1986 to a recycling rate in 1991 of 52 percent. I think by any standard that is enormous progress, and we have made that progress in recycling without the imposition of a moratorium on resource recovery, waste-to-energy incinerators.

The Association of Counties is opposed to a moratorium on incineration. We are opposed to it basically for two reasons: First of all, we would agree with the DEPE's observation that the imposition of a moratorium would send the wrong message to Washington at precisely the wrong time. But even more importantly than that, we are opposed to a moratorium because the fact is, we cannot solve our solid waste management problem here in New Jersey without some additional incinerator capacity.

Look at the capacity problem as it exists right now. Right now we are shipping out over two million tons a year of garbage -- out of our borders. Sooner or later, whether we like it or not, we are going to have to become self-sufficient. The states that are importing our garbage are going to force us to become self-sufficient.

If we apply the recycling targets and the source reduction targets that are envisioned in the Emergency Solid Waste Assessment Task Force Report, and if we add the additional capacity that has developed through the Union project and the Mercer project, we are still going to have a shortfall of 1.2 million tons a year. That is a very, very real problem. We simply cannot afford to stick our heads in the sand and refuse to face up to the facts.

Incineration is part of the hierarchy. We think it is a responsible part of the hierarchy. It is going to be necessary in order for us to develop the capacity that we need to become self-sufficient. I would suggest to you that any further delay in implementing solid waste management strategies that the counties have developed as part of their district plans, poses an even greater threat to our environment. It leaves us at the risk of having to reopen old landfills, and it leaves us economically at the mercy of importing states.

So again, I would state our strong opposition to this legislation because of the moratorium component. I would congratulate you in terms of the initiatives you are taking on source reduction, but, in all good conscience, on behalf of the 21 county governments, we simply cannot support this legislation.

SENATOR CONNORS: Thank you. Jim Sinclair.

J A M E S A. S I N C L A I R: Mr. Healey, from the New Jersey State Chamber of Commerce, is going to come up with me.

SENATOR CONNORS: Okay.

W I L L I A M R. H E A L E Y: We will try, as a team, to conclude this hearing.

S T E V E C H A N G A R I S: (speaking from audience) Hopefully you will let me get a chance.

MR. SINCLAIR: Yes.

MR. HEALEY: Sorry, Steve. I hadn't realized you hadn't been called.

MR. SINCLAIR: I'm Jim Sinclair, from the New Jersey Business and Industry Association.

MR. HEALEY: I am Bill Healey, Assistant Vice President of the State Chamber of Commerce.

MR. SINCLAIR: If this was a good bill, we would be here to support it. We do not. It is filled with things that are of tremendous concern to the business community.

We in the business community understand the problem of the out-of-state garbage -- transmitting it out. It was a number of years ago when the Chamber, and the Business and Industry Association, and a number of other groups, joined in with a coalition to support the State in being self-sufficient by, I think the year was 1993. That was the game plan during the Kean administration, to, in fact, be self-sufficient, and we bought into the hierarchy. We bought into the increased costs to businesses. Businesses are paying a lot, and have paid a lot, just as home owners have, in increased costs of garbage, in closing down the landfills. Many of them were rushed to be closed down to support our process of making recycling work, and now we have this real problem.

One of the things that I like in the bill, is that in your Task Force you appoint four businesspeople -- the Self-Sufficiency Task Force. Thank you for doing that. That is four more than were on the Governor's Task Force in 1990, which established the current policy; a policy which I think is at odds with this, but it is the policy that is the policy of the State, and a policy that we are supporting now.

There are elements of this bill -- and I am sure you have heard this today-- Elements of this bill were put to the voters in Massachusetts and were crushed worst than the Bills were in the Super Bowl, in that vote.

SENATOR CORMAN: Does this mean that the BIA and the Chamber are backing I&R? You don't want this on the ballot, do you?

MR. SINCLAIR: Oh, we like ballot questions when they go through the Legislature.

SENATOR CORMAN: Oh, okay.

MR. SINCLAIR: As a matter of fact, there was a wonderful initiative that you passed the last time.

SENATOR CORMAN: You wouldn't mind if this went on the ballot?

MR. SINCLAIR: I think that this--

MR. HEALEY: Let's not mix apples and oranges here.

MR. SINCLAIR: --is something that could go in the compost pile. This is really a bad bill. I mean, it just-- This is-- You know, the moratorium-- It is the whole thing of catering to the misuse of the scientific data on this issue. The incinerators-- If the incinerators were bad, then the Department of Environmental Protection wouldn't be licensing them. I mean, that is what we are looking towards -- good scientific data on this.

There are manufacturing restrictions. There are a lot of things in here that we will give in written testimony. I think the sponsor deserves that in detail from the Association. I am sure the Chamber will, too. But a number of the things-- The manufacturing restrictions-- To put restrictions in section 22 on what you can produce, even if you are sending it out-of-state or to Japan or to someplace else, and on what the content is, I think is a real problem.

The question of mercury -- or, the question of incinerators being bad-- We are already paying the price on that in the Toxic Use Reduction Act, which was passed two years ago, to get the mercury out of the batteries and stuff like that, where it is coming from. That was why we were part of that process. That is why we signed onto it. It was part of a regional solution. It was to get the mercury out of the incinerators. That is happening, and that is going to happen over a period of time. We have cut the flow down there.

God, there are so many things. I'll leave it at that. It's bad. I just want you to know that we really don't like this bill.

SENATOR CONNORS: I guess this is not good. (laughter)

MR. HEALEY: Senators, I happened to be reading this bill over--

SENATOR CONNORS: I like you being to the point, Jim.

MR. HEALEY: Yes, we will certainly try. I happened to be reading this bill over while I was away for the last week-and-a-half. We just had a new addition to our family, a baby girl. I was reading this bill over the other day, with my then 10-day old daughter sleeping on my chest, and I said, "Where have I seen this bill before?" And I said, "I remember seeing it when my seven-year-old and my five-year-old were also infants, and looking at resource recovery moratoriums proposed this time, going back to 1986 and '87. I have seen a little bit of it in bottle bills, which were universally rejected in this State, especially in Mercer County, nearly five years ago.

Ms. Stansfield, who was one of the members of the Governor's Task Force in 1990, was up here this morning. She mentioned that there were only four groups that spoke against the recommendations at that time. Well, the State Chamber was one of them, and for a good reason; because that report -- no pun intended -- decided to trash resource recovery.

Quite frankly, I resent the insinuations that have been made today by well-meaning groups, saying that the industry, private business, any organization that has been in favor of resource recovery, has offered it as the only solution. We have not. I think Ms. Spalinski, in her testimony, stated that very clearly, and I will not belabor that point.

It is foolish of this Legislature to preclude any solid waste option. This bill-- Unfortunately, the testimony of the proponents today has not really been about solid waste reduction or reuse. It has been about a trashing -- again, pardon the pun -- a certain technology. I will call it "The Environmental Bias Bill of 1993." It also has a piece in there about a very old and outdated bias against polystyrene products, which I think we all know are recyclable.

I think what concerns us, as well -- and I won't touch on the points that Mr. Sinclair addressed -- is the fact that

we are talking about raising fees on the business community, and the Department would have a large discretion in setting those fees. Let me just touch on another point of why this bill concerns us greatly -- because the DEP would have such discretion in setting the fees. We have seen their track record and the number of permit programs over the last several years, and how those fees have dramatically increased. Why? Because they are supporting 80 percent of the Department's budget, where only 20 percent of it is coming out of the State budget.

This Legislature, about two years -- well, a year-and-a-half ago, in a lame duck session, passed a package of bills called EMAP, which determined that permit fee programs ought to be sacrosanct. Yet on two occasions in the past several months, this Legislature has passed in both Houses, and the Governor has signed, two pieces of legislation that take some of those fees and apply them to things for which they were never intended. That is a point of great concern we have about this bill.

The State Chamber must also oppose S-1366, but we thank you for the opportunity to make some comments.

MR. SINCLAIR: Thank you.

SENATOR CONNORS: Thank you.

MR. HEALEY: Thank you.

SENATOR CONNORS: Steve Changaris.

MR. CHANGARIS: Isn't the American governmental process wonderful?

My name is Steve Changaris. I am the New Jersey Chapter Manager of the National Solid Wastes Management Association. I have some testimony to submit for the record; a report the Association has done on the cost to process recyclables and a materials recovery facility, and our special report on the interstate movement of waste.

I prepared the testimony. I often miss points if I try to ad lib it, so if you would just bear with me while I read through it.

Less than 12 months ago, the New Jersey solid waste industry's rate reform legislation went into effect. This landmark legislation was the State's recognition that utility rate regulation of the solid waste collection industry had failed, and that it was also destroying competition and the companies that survived since 1970, when utility regulation was imposed.

You should know that we will soon be in year two of the legislated four-year rate reform phase-out period and, from preliminary accounts, the Rate Reform Act is having a beneficial effect in both promoting competitive, least-cost service, and in restoring hope among haulers about their future partnership with the public sector in the management of New Jersey's solid waste.

However, section 18 of S-1366 muddies the waters and clouds our understanding of where we're going all too soon after enactment of the rate reform legislation last April. This section of the measure mandates that counties establish "per container" rates for each of their municipalities and implement them in the next 10 months.

First, the concept of mandating new rates on the industry now -- at this stage of the deregulation process -- contradicts the Legislature's affirmation of the need to rate reform the industry and represents a serious retrenchment from a long awaited and much negotiated accord between the State and the industry.

Second, mandating an across-the-board "per container" rate policy flies in the face of the way solid waste is currently managed in this State. Specifically:

What effect would this mandate have on existing long-term municipally bid contracts with private haulers?

What effect would this mandate have on currently-in-force DEPE rate regulated tariffs governing solid waste charges made by haulers directly to households throughout the State?

What effect would this mandate have on municipal collection programs which are funded by a community's general operating revenue where home owners are not billed for service? And I am sure there are many, many more such questions.

In a desktop survey of Chapter solid waste companies, I have found some who believe that "per container" rates offer a fair basis from which to provide service -- notwithstanding some of the inherent conflicts between the "per container basis" and the "utility basis" used predominantly so far for rate regulation by the State. However, past this threshold, the discussion becomes very splintered. I have found that several haulers throughout the State provide "per container" services under municipal contract and that the DEPE has several requests for "per container" rate tariffs, submitted by haulers, pending for some time now. Some of these tariffs have been, or will soon likely be approved, I understand.

In my survey discussions, it was also pointed out that existing tariffs, used to service many households throughout the State, are actually based on a "per container" methodology. However, the rates were struck from a standard service basis -- say, two cans per week per household -- and made no real provision for households that used less than, or more than, the standard service. It is my suspicion -- and it was proven by the testimony today -- that the "per container" rate mandate the sponsor wants to see implemented firmly links volume/use to the cost of service/disposal, although this is not specified.

It is popular to think that if people see a linkage between the volume of waste generated and the cost of disposal,

that they will take steps to reduce their volume. If this is proven true by empirical research currently underway, a major victory for "source reduction" proponents will be had, and the adoption of "per container" rate programs will continue to rise.

What I've learned anecdotally from New Jersey haulers involved in "per container" programs so far, is that solid waste volume does decrease somewhat upon implementation and that the rate of recovery of recyclables increases somewhat, too. This finding is not a great victory for source reduction, though, here in New Jersey. We believe this is the case since local recycling programs are not revenue neutral -- that is, they cost taxpayers considerable money to operate -- and only appear as an attractive option, as opposed to traditional disposal, in relation to New Jersey's tremendously inflated and exceptionally high tipping fees for solid waste disposal. I've also learned that upon implementation of "per container" rate programs, that some people endeavor to avoid additional "per container" costs and alternatively dispose their waste by taking it to other jurisdictions or to work, or by improperly using commercial containers, and, in some cases, dumping their trash indiscriminantly in vacant or wooded areas or along the roadways.

And last, there are a lot of questions about how "per container" systems are most fair -- whether by volume or weight -- and what methods are most workable; about whether this type of system can be effective in all settings -- rural, suburban, and urban; about how best to structure and administer such a program given the specific and particular needs of a community; about how to implement such programs to guarantee program acceptance and success; about defining and establishing reasonable goals and objectives for the program; and, about what county agency, capacity, and personnel currently exist to establish these rates and how the conflict between existing

DEPE rate regulation jurisdiction and the proposed county rate regulation jurisdiction will be resolved.

What we ask for as an industry is that section 18 be deleted from S-1366 for now. Give our industry's Rate Reform Act time to work. Allow the DEPE more time to consider and approve new "per container" tariffs for haulers. Allow communities maximum discretion in structuring their "per container" rate programs. Allow free market forces to call for, and demand, implementation of such rates throughout the State and recognize that a "per container" rate mandate idea looks great on paper, and in theory, but not in practice as a mandated reality here in New Jersey today, or in the foreseeable future.

There are a lot of other points which other people have talked about today. I know the hour is real late, but just bear with me for a few more moments.

I do not have exact figures -- and this is on options -- leaving this thought firmly in your mind-set as we leave-- I do not have exact facts and figures here today, but my research over the last few months involving several of New Jersey's solid waste management reports and documents, and from discussions with industry leaders, has led me to conclude that we now, and for the immediate future, lack sufficient in-state disposal capacity to handle the solid waste generated by the citizens and businesses of New Jersey. In-state disposal capacity will likely still be insufficient even if we reach, or exceed the rates of recycling, source reduction, and resource recovery as called for in Senate Bill No. 1366 by early in the 21st century. My belief in this position grows even stronger if I draw my conclusion stating that no new landfills or waste-to-energy mass burn plants will be sited between now and then, and that currently operational solid waste facilities -- landfill and waste-to-energy -- will not receive permits to expand beyond their current capacity. And, the cherry on the

whipped cream icing my belief here, is the taking away of the out-of-state disposal option. If all of the above come to pass, New Jersey will be in the throes of a solid waste disposal crisis like never before.

So, what should we be doing? The Chapter believes that we should be pursuing recycling, source reduction, resource recovery, and the like at aggressive rates. All activities in these areas should be undertaken by private enterprise, where possible, to assure the public receives least-cost, environmentally sound service. Extraction of recyclable and other recoverable materials from the waste stream should be in sync with market demand for such recovered materials. We believe that the State should be defending and championing the constitutional protection currently afforded the interstate movement of solid waste under the commerce clause as a necessary and vital component in meeting our State's current solid waste management needs.

And last, we believe the State must pursue, with vigor, efforts to have its solid waste management districts site new, and expand existing, solid waste disposal facilities in the very near future. Failure to increase the number and capacity of in-state disposal facilities will significantly impair the State's claim of being interested in solid waste self-sufficiency as we enter the 21st century, and will inevitably lead to unsettling, unnecessary, and costly future solid waste crises.

Thank you.

SENATOR CONNORS: Thank you. Jeffrey Callahan.

J E F F R E Y S. C A L L A H A N: Good afternoon, Senators, ladies and gentlemen. My name is Jeffrey Callahan. I am the Executive Director of the Union County Utilities Authority. With me today is Michael Luchkiw, representing our general counsel to the Authority, DeCotiis & Pinto, and Joseph Puzzio and Gregory Scott from the engineering firm HDR, who are

technical engineers for the Union County Regional Resource Recovery Facility.

The Union County Utilities Authority is the designated agency in Union County to implement the District Solid Waste Management Plan. On behalf of Chairwoman Helen Miller and the Commissioners of the Authority, I am here to support the concepts of source reduction, reuse, composting, and recycling. I am here also, however, to advise the members of the Committee that the proposed three-year moratorium on the development of resource recovery facilities will have tremendous cost consequences if applied to a facility nearly complete, as is the Union County facility in Rahway. It will also violate the pledge made by the State of New Jersey in the Municipal and County Utilities Authority Law, and will deprive New Jersey of needed solid waste disposal capacity, thereby restricting its ability to manage its solid waste with internal self-sufficiency.

Union County possesses a comprehensive integrated solid waste management plan. In 1987, the Union County Utilities Authority began one of the first regional curbside residential recycling programs. Seven materials are currently collected curbside throughout the county. Batteries will be added to the county's curbside collection program this year, with a pilot program ready to begin in a little over a month. Contracts have recently been signed for five household special waste collection programs for this year alone.

The Authority recently procured the services of an in-county company to receive, process, and recycle bulky construction and renovation material. As of January 1, 1993, there is a total disposal ban for vegetative waste materials in Union County, and the County of Union operates a regional leaf composting facility for county municipalities. All of these strategies and more are part of the county's 60 percent

recycling plan adopted in 1991 and certified as approved by the Commissioner of the NJ DEPE.

Subsequent to the adoption and certification of the Union County plan, as you know, New Jersey codified the recycling goals by an amendment to the Solid Waste Management Act, P.L. 1992, Chapter 167.

The Union County recycling plan was developed in response to Governor Florio's Emergency Assessment Task Force on Solid Waste. The impact on solid waste disposal from source reduction, recycling, and composting of over 51 percent of our municipal waste and 62 percent of our total waste was considered by the Authority and the State prior to the issuance of the construction permit approvals of the regional resource recovery facility in Rahway. This facility will complement the Authority's aggressive recycling program, share capacity with Bergen County, and reduce the State's reliance on out-of-state disposal facilities.

The Union County Utilities Authority is dedicated to the protection of the environment through all possible means. For example, even though not required by the permits issued to the Authority by the NJ DEPE, the Authority has voluntarily elected to install mercury control technology at the facility. The Union County facility will be first in the United States to permanently operate this technology upon start-up.

Likewise, the project was the first in New Jersey to include thermal denox technology during permitting. In response to technologic advancements, the Authority has recently authorized negotiations with its vendor to substitute aqueous ammonia for anhydrous ammonia in its thermal denox system. The Authority has also authorized more extensive ambient air monitoring and environmental assessment studies of soils, water, fish, and crops beyond those required by permit. The Union County facility will be the first in the State to conduct this long-term research. The studies conducted during

the rigorous environmental and health impact analysis determined that our facility is environmentally sound. These studies were reviewed and approved by the NJ DEPE.

The Authority shares in the belief that waste should be reduced at the source and that aggressive recycling should be utilized to further reduce the volume of waste to be disposed.

The Authority further comments that the proposed three-year moratorium on all approvals for construction or operation of a resource recovery facility would have grave consequences on the citizens of Union County and the State of New Jersey. Specifically, it would be a mistake to delay the operation of the Union County Regional Resource Recovery Facility for the following reasons:

- 1) The waste processing capacity is desperately needed. The most thorough recent evaluation of solid waste generation in New Jersey was conducted by the Governor's Emergency Solid Waste Assessment Task Force, which issued its final report on August 6, 1990. The Task Force performed an extensive analysis of the known technologies for recycling and reuse. Based upon this analysis, the Task Force developed the goal of 60 percent recycling.

After evaluating the known technologies, the Task Force determined specifically that disposal facilities would still be needed in New Jersey for approximately 5,390,000 tons of solid waste per year. The capacity of the Union County Resource Recovery Facility is approximately 450,000 tons per year, or nearly 10 percent of the deficient capacity. Even if recycling rates of 75 percent are achieved, the disposal capacity of the Union County Resource Recovery Facility will be desperately needed.

The Task Force's final report does not even suggest that resource recovery projects should be abandoned while source reduction, reuse, and recycling efforts are explored.

Rather, they recommended that resource recovery projects be regionalized. To pursue a policy of delaying the operation of disposal facilities would make the State more dependent upon uncertain out-of-state disposal capacity at a time when in-state capacity is about to become available at the Union County Resource Recovery Facility. The Task Force properly concluded that the individual district solid waste management plans should be revised to achieve the new recycling and reuse goals and should plan for the disposal capacity necessary for the remaining solid waste. As previously stated, Union County has achieved those goals.

2) The proposed legislation violates the pledge in the Municipal and County Utilities Authority Law. The State has made the following pledge in the Municipal and County Utilities Authority Law:

"The State of New Jersey does hereby pledge and covenant and agree with, the holders of any bonds issued pursuant to a bond resolution of a municipal authority that the State will not limit or alter their rights hereby vested in the municipal authority to acquire, construct, and operate its utility system, and to fix, establish, charge, and collect its service charges, and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, and will not in any way impair the rights or remedies of such holders."

The proposed legislation will, certainly, limit and alter the Authority's right to construct and operate its utility system. In addition, it would limit or alter the Authority's ability to fulfill the terms of the bond resolution which constitutes a contract between the Authority and the bondholders. Specifically, revenues derived from tipping fees collected during the operation of the facility will be utilized to retire the debt on the revenue bonds which total more than \$280 million. If the State impairs the right of the Authority to operate the facility, then the funds necessary from the

New Jersey State Library

tipping fees to pay the debt service on the bonds will not be available. This would cause catastrophic economic results. Such catastrophic impacts are the precise impacts that the pledge is intended to avoid. Therefore, the proposed legislation would violate the Municipal and County Utilities Authority Law.

3) The proposed legislation does not provide the solid waste management districts with appropriate authority to achieve the goals established. The proposed legislation states that the host county and each participating county in any regional agreement must achieve and sustain a reduction of at least 75 percent of the respective county's total annual solid waste stream, 55 percent of which must be municipal tonnage only. These percentages must be achieved through source reduction, reuse, composting, or recycling, or any combination thereof, excluding landfill disposal operations. Although these are laudable goals, the Authority notes that its powers to achieve these goals are limited.

The Authority has been designated by Union County as the agency to implement the Union County Solid Waste Management Plan. The Authority is empowered to plan, acquire, construct, maintain, and operate facilities for the processing, disposal, and/or recycling of solid waste throughout the county. The Authority has been granted a franchise by the NJ DEPE, which franchise gives the Authority the exclusive right to receive, control, and dispose of all solid waste generated in the county in accordance with the provisions of the Solid Waste Management Plan. It should be noted, however, that the franchise does not extend to source-separated recyclable materials.

Under the Solid Waste Management Act, municipalities are designated to control the flow of source-separated recyclable materials. The only means by which a county or designated agency may control the flow of recyclable materials is through agreements with the municipalities. For example, in

Union County, the Authority has been operating a successful system for the collection, processing, and marketing of recyclable materials from households. In order to operate the system, the Authority must enter into a separate, one-year agreement with each individual municipality participating in the regional recycling program. The decision to enter into these agreements is solely within the discretion of each municipality. The Authority's ability to procure facilities and services is, therefore, limited by the absence of full power to direct the flow of recyclable material.

In addition, the New Jersey Department of Environmental Protection and Energy has proposed rules that would further dilute the Authority's ability to control the flow of solid waste within the county. Specifically, the Department has proposed rules that would codify and expand the so-called "Pereira Policy." Pursuant to this policy, if adopted, haulers of solid waste may transport waste generated in one county to a separate facility located within another county. There would be certain requirements for the return of pro rata portions of residue back to the originating county. However, the county in which the waste was generated has very little control over the processing of such transported waste or control over the contents of the returned residue. This proposed policy threatens the viability of the bulky waste processing facility referred to earlier as part of the Union County recycling program strategy.

As a result of the limits on the power of the county and on the Authority, the Legislature should not impose specific waste reduction, reuse, composting, and recycling rates when the Authority does not possess the full power to achieve them.

In summary, the Union County Utilities Authority is opposed to the bill as proposed. The Union County recycling plan is one of the most aggressive in New Jersey; contains a

more than 51 percent municipal and more than 62 percent total waste recovery goal. The Union County Regional Resource Recovery Facility is more than 60 percent completed, and has the support of municipal governments in the county and the Board of Chosen Freeholders. The proposed bill will reduce the State's waste processing capacity at a time when out-of-state disposal is ever more tenuous. The proposed bill will be in violation of the Municipal and County Utilities Authority Law and place at risk the holders of more than \$280 million worth of bonds. The proposed bill places unreasonable mandates on county government, without providing the means to achieve those goals.

Finally, the ratepayers of Union County demand relief. We have labored under the highest disposal rates in the country for nearly five years. When the Resource Recovery Facility commences operation later this year, Union County's rates will drop 38 percent, saving nearly \$10 million per year relative to current rates. The tipping fee will be lower than any other resource recovery facility in the State and will be competitive with all other disposal facilities in the State, including counties with landfills.

Thank you.

SENATOR CONNORS: Thank you very much. Do you have any questions, Senator?

SENATOR CORMAN: No, thank you.

SENATOR CONNORS: That concludes our hearing today.

(HEARING CONCLUDED)

APPENDIX



COUNTY OF MERCER

OFFICE OF THE COUNTY EXECUTIVE

McDADE ADMINISTRATION BUILDING

P.O. BOX 8068

TRENTON, NEW JERSEY 08650-0068

Robert D. Prunetti
County Executive

TESTIMONY BEFORE THE SENATE COMMUNITY AFFAIRS COMMITTEE

BY

ROBERT D. PRUNETTI
MERCER COUNTY EXECUTIVE

FEBRUARY 17, 1993

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE AND ASSEMBLED GUESTS

I WANT TO THANK YOU FOR AFFORDING ME THE OPPORTUNITY TO SHARE WITH YOU TODAY MY DEEP CONCERNS ABOUT SENATE BILL 1366. AT A TIME WHEN ALL LEVELS OF GOVERNMENT ARE STRIVING TO RESPONSIBLY MANAGE THE TREMENDOUS ENVIRONMENTAL CHALLENGES THAT OUR CONSUMER SOCIETY YIELDS, I CAN THINK OF NO COURSE MORE COUNTERPRODUCTIVE THAN THE ONE PROPOSED IN THIS LEGISLATION. NOT ONLY WILL S-1366 PLACE HUGE BARRIERS IN THE WAY OF PROGRESSIVE WASTE MANAGEMENT BUT IT WILL ALSO IMPEDE AN ALREADY TEPID ECONOMIC RECOVERY. WITHOUT A DOUBT, THE INITIATIVE AND INNOVATION DEMONSTRATED BY ENTITIES SUCH AS MY OWN COUNTY OF MERCER WILL TRAGICALLY AND IRREVOCABLY COME TO A SCREECHING HALT. OF COURSE, S-1366 WILL NEVER FULLY SATISFY THE ZEALOTS WHO OPPOSE WASTE-TO-ENERGY, BUT IT WILL EFFECTIVELY HOBBLE THE IMPLEMENTATION OF A PROMISING

TECHNOLOGY AND COST THE TAXPAYERS MILLIONS IN PREVIOUS OUTLAYS AND INITIAL INVESTMENTS.

NOW, BEFORE ADDRESSING SOME OF THE SPECIFIC PROVISIONS OF S-1366, I THINK IT IS IMPORTANT THAT WE FIRST EXAMINE THE FUNDAMENTAL ROLE OF WASTE TO ENERGY IN NEW JERSEY'S SOLID WASTE MANAGEMENT STRATEGY. CLEARLY, WHILE MANY REASONS ARE CITED TO LEGITIMIZE CONSIDERATION OF THIS BILL, IT IS THE VERY CONCEPT OF INCINERATION ITSELF THAT HAS TRULY BEEN CALLED INTO QUESTION.

OBJECTIVELY, WASTE-TO-ENERGY MUST PLAY A MAJOR ROLE IN STABILIZING DISPOSAL COSTS IF NEW JERSEY IS TO SIGNIFICANTLY INCREASE RECYCLING LEVELS AND ACHIEVE SELF-SUFFICIENCY. REGARDLESS OF YOUR POSITION, THERE IS NO DENYING THAT THE STATE IS UNDER INCREASING PRESSURE TO MANAGE ITS OWN WASTES WITHIN ITS OWN BORDERS. IMPLEMENTING SOURCE REDUCTION MEASURES ALONG WITH THE STATE'S GOAL OF RECYCLING 60 PERCENT OF THE SOLID WASTE STREAM WILL EVENTUALLY REDUCE THE AMOUNT OF TRASH TO BE DISPOSED. HOWEVER, THE QUESTIONS OF WHEN THAT RECYCLING GOAL IS REACHED OR HOW MUCH WE WILL BE ABLE TO REDUCE THE AMOUNT OF TRASH PRODUCED ARE IMPOSSIBLE TO ANSWER WITH ANY DEGREE OF CERTAINTY. IN THE MEANTIME, A MINIMUM OF 22 PERCENT OF NEW JERSEY'S TRASH, AND PERHAPS MORE DEPENDING ON THE SOURCE OF INFORMATION, IS BEING SENT TO PENNSYLVANIA, OHIO AND OTHER STATES AT TREMENDOUS ENVIRONMENTAL AND

ECONOMIC COST. OF THE APPROXIMATELY 14 MILLION TONS OF SOLID WASTE PRODUCED IN NEW JERSEY EACH YEAR, FOUR WASTE-TO-ENERGY FACILITIES ARE ALREADY MANAGING 1.5 MILLION TONS EACH YEAR, OR ABOUT 10 PERCENT OF THE STATE'S SOLID WASTE. THESE FACILITIES, LOCATED IN GLOUCESTER, WARREN, ESSEX AND CAMDEN COUNTIES, (ALL COUNTIES WITH SUCCESSFUL RECYCLING PROGRAMS) TAKE NON-RECYCLED TRASH THAT WOULD OTHERWISE BE SENT TO LANDFILLS OR OUT-OF-STATE FACILITIES AND USE IT AS A FUEL TO GENERATE ELECTRICITY IN A CLEAN AND EFFICIENT MANNER.

I THINK IT IS ALSO IMPORTANT TO CONSIDER THE COMBINED CAPACITY OF CURRENT WASTE-TO-ENERGY FACILITIES IN NEW JERSEY WITH THOSE THAT ARE CURRENTLY BEING CONSTRUCTED OR ARE SOON TO BE CONSTRUCTED. BY COMBINING THE ANTICIPATED CAPACITIES OF UNION, MERCER, ATLANTIC, HUDSON AND MORRIS COUNTIES WITH EXISTING PLANTS, 3.7 MILLION TONS OR APPROXIMATELY 26 PERCENT OF NEW JERSEY'S TOTAL WASTE STREAM WILL BE ELIMINATED. BY PURSUING THESE PREVIOUSLY APPROVED PROJECTS, NEW JERSEY WILL BE GUARANTEED THE DISPOSAL CAPACITY IT REQUIRES, AS WE STRIVE TO REACH ITS 60 PERCENT TARGET.

CONSISTENTLY THROUGH THE LAST SEVERAL YEARS, MERCER COUNTY HAS BEEN COMMITTED TO IMPLEMENTING AN INTEGRATED SOLID WASTE MANAGEMENT PLAN WHICH INCLUDES SOURCE REDUCTION, RECYCLING, COMPOSTING, WASTE-TO-ENERGY AND LANDFILLING. ALREADY NEW JERSEY'S TOP RECYCLER AT 56 PERCENT, WE

NEVERTHELESS REMAIN MINDFUL OF OVERLY AGGRESSIVE RECYCLING RATES, BECAUSE THE COST BENEFIT RATIO DECREASES AS MATERIALS ARE ADDED TO RECYCLING PROGRAMS. REMEMBERING THAT RECYCLABLES ARE COMMODITIES AND THAT RECYCLING ITSELF IS MARKET DRIVEN, OUR INTEGRATED APPROACH WOULD ACTUALLY INCREASE THE RANGE OF ECONOMICALLY VIABLE BY-PRODUCTS. ASIDE FROM ELIMINATING NON-RECYCLABLES FROM THE OVERALL WASTE STREAM, WASTE-TO-ENERGY'S COMBUSTION PROCESS WOULD ALLOW FOR THE RECYCLING OF FERROUS METALS. AT PRESENT, MORE THAN 80 PERCENT OF INCINERATING PLANTS RECYCLE THESE METALS ON SITE.

YET, DESPITE MERCER'S OUTSTANDING RECYCLING RECORD AND THE PROMISING TECHNOLOGY OF INCINERATION, S-1366 REQUIRES COUNTIES TO COMPLY WITH VAGUE, IMPRACTICAL AND UNVERIFIABLE WASTE MANAGEMENT CRITERIA. IN PARAGRAPH 5, SECTION 6 OF THE BILL, A COUNTY MUST "DEMONSTRATE THAT IT HAS EXHAUSTED EVERY APPROPRIATE SOURCE REDUCTION, RECYCLING, REUSE, COMPOSTING AND DISPOSAL OPTION AVAILABLE IN THE STATE" BEFORE TRANSPORTING ANY WASTE MATERIAL OUT-OF-STATE. OBVIOUSLY, THIS CREATES A REAL PROBLEM FOR RECYCLABLES. SINCE RECYCLING MARKETS ARE EXTREMELY VOLATILE, MARKETS MAY BE BETTER OUTSIDE OF NEW JERSEY OR EVEN THE COUNTRY ON ANY GIVEN DAY. RECYCLERS MUST HAVE THE ABILITY AND FLEXIBILITY TO MARKET MATERIALS QUICKLY, AND WE OWE IT TO THE TAXPAYERS TO FIND THE MARKETS THAT ARE THE MOST BENEFICIAL FINANCIALLY. NATURALLY, SOME OF THOSE MARKETS MAY EXIST OUTSIDE OF NEW JERSEY. TO

TIE OUR HANDS AND LIMIT OUR ABILITY TO GO DIRECTLY TO WHERE THE DEMAND IS GREATEST MAY SATISFY SOMEONE'S IDEAL CONCEPT OF "CONSERVATION", BUT IT MAKES FOR POOR ECONOMICS.

AMONG THE BILL'S MANY MANDATES IS A 10 PERCENT GOAL OF SOURCE REDUCTION. WHILE THIS IS PROBABLY A REALISTIC BENCHMARK, IT IS IMPOSSIBLE TO QUANTIFY. ESSENTIALLY, THE QUESTION BOILS DOWN TO THIS: IF YOU DO SUCCEED IN ACHIEVING A 10 PERCENT REDUCTION IN THE TOTAL AMOUNT OF WASTE GENERATED, HOW DO YOU KNOW IT IS "SOURCE REDUCTION" THAT HAS ACHIEVED THIS? THE REDUCTION OR PERCEIVED REDUCTION MIGHT MERELY BE A TEMPORARY ABERRATION, CAUSED BY A SLOW ECONOMY AND REDUCED COMMERCIAL AND RETAIL ACTIVITY. QUITE SIMPLY, THERE IS NO WAY OF KNOWING. ADDITIONALLY, THE BILL'S 75 PERCENT (OF WHICH 10 PERCENT IS SOURCE REDUCTION) OVERALL WASTE REDUCTION GOAL IS INCONSISTENT IN DETERMINING RESPONSIBILITY FOR SUCH ACTIVITY. INDIVIDUAL COUNTIES SHOULD NOT HAVE TO BE BURDENED WITH CERTIFYING THAT STATE GOALS ARE MET. IF THAT WERE THE CASE THAN EACH COUNTY WOULD BE LOOKING OVER THE SHOULDERS OF TWENTY OTHER COUNTIES TO CERTIFY THAT THEY ARE MEETING THE SAME GOALS. THAT IS THE STATE'S JOB. EACH COUNTY HAS ITS OWN GOALS TO MEET AND SHOULD ONLY BE RESPONSIBLE FOR CERTIFYING ITS OWN WASTE REDUCTION NUMBERS.

AS I DISCUSSED THE RAMIFICATIONS OF THIS ACT WITH FELLOW COUNTY OFFICIALS AND LOCAL MAYORS, ONE OF THE POINTS THAT IS

PARTICULARLY NETTLESOME IS THE PER CONTAINER FEE SYSTEM FOR ALL MUNICIPALITIES. SINCE MUNICIPALITIES ARE RESPONSIBLE FOR THEIR OWN SOLID WASTE COLLECTION, MERCER COUNTY COULD NOT IMPLEMENT AN ACROSS THE BOARD FEE SYSTEM THAT WOULD ADEQUATELY SERVE SUCH DIVERSE COMMUNITIES AS PRINCETON, HIGHTSTOWN OR TRENTON. IN CITIES LIKE TRENTON, INDIGENT FAMILIES GENERATE MORE WASTE PER CAPITA AND WOULD THUS BE ADVERSELY AFFECTED. INNER-CITY HOUSING POSES ADDITIONAL PROBLEMS AS WELL SINCE MANY OLDER HOMES HAVE BEEN CONVERTED INTO APARTMENTS. AT PRESENT, MUNICIPALITIES HAVE THE OPTION OF CONVERTING TO A PER CONTAINER SYSTEM. TO MANDATE SUCH A SYSTEM WOULD BE EXTREMELY COUNTERPRODUCTIVE AND AT TIMES REDUNDANT.

THE MOST DAMAGING AND COSTLY COMPONENT OF THE BILL IS THE 3 YEAR WASTE-TO-ENERGY MORATORIUM. THE IMPACT OF ANOTHER 3 YEAR DELAY ON THE TAXPAYERS OF MERCER AND ATLANTIC COUNTIES WILL BE DEVASTATING. THERE IS STILL CONSIDERABLE DEBT SERVICE ON THE CONSTRUCTION BONDS LEFT UNFULFILLED AS WELL AS 3 MORE YEARS WORTH OF OF STEADY INCREASE IN LABOR COSTS, CONSTRUCTION MATERIALS, ETC. A 3 YEAR DELAY WILL COST MERCER COUNTY ALONE OVER 1,000,000 TONS OF LANDFILL SPACE WHICH WILL DEplete EXISTING CAPACITY BY MORE THAN A THIRD. THIS IS CAPACITY THAT OTHERWISE WOULD LAST ANOTHER 20 YEARS IF WASTE-TO-ENERGY WERE IN OPERATION.

I DON'T THINK THAT I CAN STRESS ENOUGH THAT THE MERCER/ATLANTIC REGIONAL PLAN HAS BEEN DESIGNED TO MEET ALL OF THE REQUIREMENTS OF GOVERNOR FLORIO'S SOLID WASTE TASK FORCE. IT IS UNCONSCIONABLE THAT THE STATE OF NEW JERSEY WOULD ONCE AGAIN, FOR THE THIRD TIME, BE TELLING COUNTY GOVERNMENTS THAT WE MUST CHANGE COURSE IN MID-STREAM. NEW JERSEY WILL NEVER RESOLVE ITS SOLID WASTE CRISES UNTIL IT CEASES TO CONSTANTLY CHANGE FOCUS AND DIRECTION. TAXPAYER DOLLARS ARE BEING SQUANDERED WHILE NO LONG-RANGE SOLUTION IS BEING IMPLEMENTED. I URGE YOU TO ALLOW THOSE OF US ON THE FRONT LINES TO CONTINUE TO BE INNOVATIVE AND SERVE AS A MODEL FROM WHICH THE REST OF THE STATE CAN LEARN. WE HAVE DONE THE RESEARCH AND UNLIKE THE STATE, WE HAVE A DETAILED PLAN. THE DOUBTS AND TIMIDITY MUST END. INCINERATION IS SAFE, ITS COST-EFFECTIVE AND IT WORKS. WE HAVE A CRITICAL SOLID WASTE PROBLEM THAT CRIES FOR SWIFT AND DECISIVE RESOLUTION. NO MORE DELAYS, LET'S GET TO WORK - NOW.



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Testimony In Support of the "County and Municipal Waste Reduction Act"
Before the Senate Community Affairs Committee
Presented By Rob Stuart
Program Director
February 17, 1993

Good Morning, Chairman Connors, Senator Corman, thank you for allowing me the opportunity to testify. Solid Waste Emergency Task Force was a historic opportunity and I appreciated the opportunity to serve with a distinguished group and to see a number of my colleagues here today. What made the task force special was the new charge of developing new policy in a new administration at the start of a new decade. The report which emerged, while it was practical and cost effective, was seen as revolutionary for its time. While some may label S-1366 similarly, adoption of S-1366 is needed to implement much of the Task Force recommendations and to systematically target segments of the solid waste stream and implement strategies to realize self sufficiency through reduction, reuse, and recycling.

Despite having the most aggressive recycling goals in the nation, New Jersey as the most densely populated State in the nation, produces about 4 pounds per person/per day of municipal solid waste, or 15 million tons a year. Disposal costs frequently top \$100/ton. This amount of trash is expected to increase faster than the population growth rate. Unfortunately, in order to reach our goal of being self-sufficient in handling our waste stream, none of the needed behavioral changes will be painless and will necessitate that New Jerseyans make some significant changes in their purchasing and materials use habits.

New Jersey has put the most effort into recycling its waste. I think it is important to point out that recycling is not just putting your recyclables on the curb or taking them to the recycling center and forgetting about them. The three arrows of recycling represent the collection, manufacturing and reuse of materials. The three must work in tandem if recycling is to truly work. New Jersey jumped into the collection of materials as a way of diverting a lot of material from overcrowded landfills, but didn't give enough thought to the manufacturing and reuse of these materials. Thus as we continue to collect more and more material, the few processing markets we have, quickly become glutted with supply, and additional markets for these materials become harder to find. Local governments are receiving less and less revenue from the sale of their

material and in some cases paying to get rid of it. While gluts in the recycling markets are occurring nation and indeed worldwide, New Jersey seems to be particularly acutely hit due to the large amount of recyclables collected and the lack of market development due to poor economic conditions.

Reduction in the amount of waste generated is key to finding responsible ways to reducing handle our waste stream. One of the ways NJPIRG looks to reduce our waste stream is through support of packaging reform measures. Excessive and wasteful packaging takes up 1/3 of our landfill space and is an unnecessary expense for consumers. Products packaged in "New and Improved" packaging is frequently more wasteful and more expensive. In New Jersey, the expense of packaging is felt twice, once at the initial point of purchase, and once when the packaging is disposed.

S-1366 is needed to ensure New Jersey meets the Task Forces' goal of being "self sufficient". My colleagues will discuss different aspects of the legislation, I want to focus attention on a significant portion of our solid waste stream: packaging. We believe S-1366 creates free-market pressure to stimulate more environmentally sensitive packaging as well as the development of much needed recycling markets.

Even though we are all painfully aware of the solid waste crisis facing the state, with its sky-rocketing disposal costs, underfunded recycling programs, limited in-state disposal capacity and the prospect of neighboring states closing their borders to our trash, wasteful packaging continues to fill our store shelves and ultimately our trash cans. While some firms have begun to address this problem with voluntary efforts, mandatory yet flexible statewide recycled packaging standards are necessary to deal with this large segment of the waste stream. Consumers, retailers and packagers themselves need to know what constitutes "environmentally sound packaging". S-1366 sets reasonable standards that benefit the consumer, the environment and the recycling industry.

Indeed, the financial giant Shearson Lehman Hutton noted in 1989 that "The profitability of recycling could improve once legislation mandating recycling and increasing incentives to buy recycled goods takes effect. On the other hand, in the absence of such legislation there is now an oversupply of some recyclables, a situation that is unlikely to change much for at least a few years".

New Jersey's citizens are recycling. Approximately 500 municipalities offered curbside recycling in 1990, with the remainder providing depots for their residents. Many of us would be happy to recycle more if we could. The State of New Jersey would like us to recycle more as well, because efficient recycling is the least costly way to dispose of our trash. Most materials are inherently recyclable. We are hindered in recycling things like paperboard and polystyrene because it is not profitable to do so. There is no market demand for such products. New Jersey needs to stimulate demand for products such as

paperboard and polystyrene so that effective recycling of these and other materials can take place. Demand is stimulated when buyers compete for the product. S-1366 creates the missing incentive for packagers to avoid unrecyclable materials or packaging designs and instead to "design for recycling". The end result will be that the producers of packaging will utilize recycled material in new packaging thereby closing the recycling loop.

Recycling standards in packaging are technically feasible and necessary to move recycling forward in New Jersey. Paraphrasing Michael Porter's "America's Green Strategy", which appeared in the April 1991 issue of Scientific American, the application of standards on industry does not necessarily mean a loss in profits or competitiveness with other countries. Industry may tell you that packaging standards will hinder their ability to compete, but strict environmental regulations do not inevitably hinder competitive advantage against foreign rivals; indeed, they often enhance it. Tough standards trigger innovation and upgrading. The US leads in those areas in which its regulations have been the strictest, such as pesticides and the remediation of environmental damage. Environmental protection is universal need and a major export industry. Without competitive technology, America will not only forsake a growth industry, but more and none of our own environmental spending will go to imports. Properly constructed regulatory standards will encourage companies to re-engineer their technology. The result in many cases is a process that not only pollutes less but lowers costs or improves quality. A recent article from "Packaging" magazine features a special report about the Japanese packaging industry focusing on environmentally friendly packaging.

This legislation compliments New Jersey's existing recycling programs by creating strong markets for the materials that municipalities are collecting. Despite the efforts of this Committee and the best efforts of citizens and municipalities to sort and collect bottles, cans and newspapers, recycling is faltering today due to a lack of markets. While prices paid to municipalities for recyclables fluctuate, generally prices have dropped significantly in past months. The drop in prices can be directly tied to market demand. As few people are utilizing the collected materials as supply grows due to increasing recycling efforts, prices drop and the market becomes non-existent. Soda and detergent bottles once generated 10 cents/pound, last year were valued at 7 cents/pound. With collecting costs always rising, we need to make sure plastic values remain as high as possible so that municipalities won't have to continue to lose money on collecting it. Green glass recycling, once generating \$5/ton, last year cost towns \$10/ton to have it hauled away. Newspaper, once a \$30/ton revenue generator for towns, last year brought in \$1/ton.

Recycling is faltering because vast quantities of materials have been collected, with little attention paid to who will buy them. Successful recycling creates a flow of goods and materials from businesses to consumers to local collection programs and then back to business. If any part of the cycle is not

working, then recycling quickly grinds to a halt. Communities cannot efficiently recycle without business buying the recycled material and put it back into new products.

Today our State's and Nation's businesses are the missing link in successful recycling. For recycling to work, the businesses that manufacture and sell us goods and packaging must buy our recycled materials. In fact, if a commitment to using these material does not occur, then the existing infrastructure may collapse, forcing our recyclables into landfills and incinerators.

Much of our Municipal Solid Waste and recycled materials come from packaging, so it makes sense to put these materials back into packaging to both reduce total municipal solid waste and to get packagers put recycling on the drawing board and to take more responsibility for the materials they are putting into the marketplace. Second, the packaging industry is dynamic and innovative, characterized by frequent product redesign, on average packaging for individual products changes every two years. Therefore, the incorporation of recycling materials into new packaging could come about quickly as part of routine design changes.

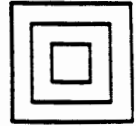
Recycling standards for packaging will improve the collection and recycling of all materials. The materials which are used in packaging make up over half of municipal solid waste. In other words, while packaging is a third of our garbage, paper, glass, metals and plastic make up close to 60%, and if one removes yard waste for composting then these materials make up about 70% of municipal solid waste. Packaging standards will improve the market value for these materials because they will be in greater demand. As demand increases, recyclers will seek new sources of supply. Some of this supply will come from materials which originally had non-packaging uses. Mixed waste paper will be used to make cereal boxes, old aluminum lawn chairs will be made into cans. Therefore, packaging standards will reduce waste for packaging and other sources.

Community recycling programs and material recovery facilities have developed without a clear understanding of who will buy materials once they are collected. Decisions made today regarding capital investments in collection bins, vehicles and sorting and processing technologies will have tremendous implications for future recycling. Content standards send a clear message to communities that their material will be in demand; therefore, it is worth investing in the necessary infrastructure to make recycling work. Standards will also move industries to work with communities to guarantee that their materials get recycled.

Some who will follow me will suggest we let "market forces" work voluntarily, that mandates don't work. Last year we released a report which

examined laws passed in 11 states which require newspaper manufacturers to use recycled newsprint. The report found that in the 80's, as newspaper recycling expanded, supply boomed. Newspaper publishers are the logical source for utilizing old newspapers, but they didn't want to touch the stuff. Prices plummeted. Municipalities had to sell their old newspapers at a loss to avoid landfilling them. States passed laws requiring newspaper publisher use the old newsprint, and mills have reworked their machinery to handle recycled material. New manufacturing mills have opened, creating new jobs. Newspaper which are read and thrown away or recycled are now beginning to contain recycled content. This keeps material out of landfills and lowers costs for the taxpayer. These laws are generating jobs at each step in the recycling process, and a ton of paper made from 100% wastepaper, rather than virgin fiber, saves 17 trees, enough energy to power the average home for six months, 700 gallons of water, three cubic yards of landfill space, and taxpayer dollars that would have been used for waste disposal costs.

In conclusion, S-1366 addresses a number of our solid waste problems. It sets mandatory yet flexible standards which will challenge and stimulate local communities and the manufacturing sector to put recycling on the drawing board. Critical recycling market demand will be created and ultimately less of our valuable resources will be wasted in unrecyclable packaging or packaging without recycled content.



Testimony of
Regional Plan Association -- New Jersey Committee
to the Community Affairs Committee
of the New Jersey Senate

Presented by
Robert Pirani, Director of Environmental Projects

February 17, 1993

Senate Bill No. 1366
County and Municipal Waste Reduction Act

Good afternoon Chairman Connors and members of the Committee. I am Robert Pirani, Director of Environmental Projects for the Regional Plan Association. Regional Plan Association (RPA) is a non-profit organization dedicated to promoting the orderly growth and conservation of the Tri-State New Jersey/New York/Connecticut Metropolitan Region, an area of some 13,000 square miles and twenty million people. I am testifying today on behalf of RPA's New Jersey Committee, headquartered in Newark, NJ.

Regional Plan Association strongly supports the intent of the legislation: To increase waste prevention and recycling while minimizing the use of waste-to-energy plants and landfills as waste-management strategies. RPA research has shown that such an approach is both fiscally-wise and environmentally-sound.

The RPA would like to offer five general comments on aspects of the bill which it believes merit further consideration.

First, RPA endorses the provisions in the legislation that would enhance waste reduction efforts through measures such as requiring local waste reduction plans and volume-based disposal charges. RPA research has shown that effective, rationally designed prevention and recycling programs will pay for themselves by reducing the need to fund other, more costly waste-management systems.

For the last two years, RPA and Tellus Institute have assessed the costs and benefits of alternative waste management strategies in the Tri-State metropolitan area (Existing and Future Solid Waste Management Systems in the RPA Region and Environmental Impacts of Alternative Waste Management Options in the RPA Region). We found that meeting the waste prevention goals set out by New Jersey, New York, and Connecticut -- about eleven percent Region-wide -- will save the Region \$375 million per year by 2015. For Northern New Jersey alone, the savings would be on the order of one hundred million dollars a year.

This twelve percent reduction in the our future waste management bill simply reflect lower costs for managing the waste disposal system. It leaves out the energy and environmental benefits of not producing and disposing of the 3.8 million tons of materials each year that would be prevented. These benefits are estimated at \$690 million per year; 40 percent of the net environmental benefit that will accrue from the entire solid waste management system.

Second, RPA recognizes the need for governmental efforts to encourage or require the use of minimum levels of secondary materials in new products as a way of expanding markets for recycled materials, and applauds the initiative taken in this legislation to begin to develop minimum-secondary-content standards.

The RPA/Tellus study found that the volume of materials collected by recycling programs in the Region will increase 400% by the year 2015. Nurturing the secondary materials markets that will absorb these materials is essential for cost effective recycling programs; maintaining current material prices in the face of increased supply would help defray collection costs by \$230 million per year by 2015. Most importantly, the environmental benefits of recycling will only be realized by incorporating recycled materials into the production cycle.

RPA believes that minimum-content provisions are most likely to be effective when they are based on the technical and economic feasibility of specific levels for specific products. It should be recognized that the technological difficulties associated with using the four types of secondary materials addressed by this legislation vary significantly, as do the transition problems that must be faced before levels approaching this magnitude are achieved.

While there is a certain inherent sense in roughly matching recycling/recovery rates with re-use rates, re-use can involve a variety of new products. Thus there is much to be said for the two-tier approach used in the RCRA amendments proposed last year, in which minimum product content standards would be coupled with higher re-use standards -- so that, for example, in the case of newspapers, a 50 percent reutilization rate would be required, but only a 25 percent mandatory post-consumer content in new newsprint, allowing flexibility for

the other recovered material to be used in other products ranging from cereal boxes to egg cartons to animal bedding.

This approach -- endorsed by environmental and industry groups at the federal hearings last year -- is at once the most practical and politically probable formula. It would allow businesses operating in New Jersey the options they may need to function most effectively in a rapidly changing technological and market environment. At the same time, it would not subject them to unnecessary problems of competition with neighboring states, while still ensuring that the secondary materials recovered in the state's recycling programs are indeed re-used.

Let me add that RPA believes that the most practicable efforts will involve coordination of content specifications and definitions among regional and national entities such as the Recycling Advisory Council of the National Recycling Coalition and the U.S. EPA. RPA further believes that it is appropriate to also take into account, on a product-specific basis, the relevant ongoing voluntary efforts of industry associations, if there is valid reason to believe that such voluntary efforts on their own are likely to achieve satisfactory content levels within the same time frame.

Third, concerning procurement requirements to achieve waste-prevention and recycling objectives, the RPA believes (as in the case of content standards), that realistic, flexible, product-and-technology-specific purchasing rules will be most productive. Again, these practices will be most effective when they are coordinated with those of neighboring states, so that specifications and requirements will have the most far-reaching effect, and will have the highest probability of successful implementation.

The RPA particularly supports the proposal in section 17 that life-time cost accounting be incorporated into the state's procurement policy, since life-time accounting is a crucial ingredient for waste-prevention programs, and can be of particular benefit in procuring products containing secondary plastics (which currently offer among the greatest market-development challenges). And in addition to the procurement measures proposed here, we suggest two others for your consideration as likely to be effective (and cost-effective) in advancing your objectives:

- o cooperative purchase arrangements, both between localities in the state, and between this state and others; and
- o procurement record-keeping systems to track the use of specific products, which will be required as a prerequisite to achieving the heroic prevention targets proposed in this bill.

Fourth, the RPA believes that the proposed restrictions on the development of waste-to-energy capacity may inappropriately restrict the ability to manage wastes that it may not be practicable to recycle or desirable to landfill.

The State should ensure that no more waste-to-energy capacity is created than is actually needed after maximum-practicable waste-prevention and recycling programs are in place. However, since waste-to-energizing is economically and environmentally preferable to landfilling (see for example, the City of New York's recently completed solid waste management plan), and since landfill capacity in New Jersey is severely limited, care should be taken to ensure that this waste-management option is not entirely foreclosed.

Various elements of the proposed legislation, such as the language concerning mandatory recycling rates that must be achieved, are likely to have this effect. Of course, it is precisely the localities that may not be able to reach a 75 percent reduction rate -- perhaps for excellent reasons well beyond their control -- who will be most in need of this option.

Fifth, the RPA believes that, while ending a reliance on out-of-state landfilling is an appropriate goal, imposing legislative restrictions that prevent this export under any circumstances could also unduly limit localities' ability to manage their wastes effectively in the future, under circumstances that obviously cannot be predicted with complete confidence at present.

In summation, the Regional Plan Association endorses virtually all of the objectives of this bill to increase waste-prevention, recycling, and markets for recyclables, while minimizing the state's dependence on waste-to-energy and landfilling, but finds that many of specifics are too broadly framed and rigidly defined to offer the best probability of success in this endeavor.

Thank you. RPA appreciates this opportunity to offer these comments on this legislation.

2-17-93

SITE DOES NOT MEET
REAL ENVIRONMENTAL CRITERIA

- ① SITE AND ENTIRE AREA OUT OF FED. CLEAN AIR ACT COMPLIANCE SINCE INCEPTION IN 1970
- ② AREA KNOWN FOR INVERSION PROBLEMS SINCE FIRST FED. CLEAN AIR ACT. PASSED FOR THIS AREA IN 1962.
- ③ NEWARK - RAILWAY - CARTERET KNOWN AS "THE TOXIC TRIANGLE."
- ④ AREA ALREADY 151 TIMES MORE POLLUTED THAN NATIONAL AVERAGE. CENTER AREA HIGHEST CANCER RATE IN NATION.
- ⑤ EVERY CORNER OF TRIANGLE IS SITE FOR MAJOR REGIONAL INCINERATOR, WITH CENTER AREA SITE FOR STATES 2ND. HAZARDOUS WASTE INCINERATOR.
- ⑥ AREAS IN TRIANGLE SECOND IN POP. DENSITY ONLY TO TOKYO.
- ⑦ EVEN WHEN INCINERATORS CLAIM TO "MEET CRITERIA" ASTHMA RESPIRATORY INFECTIONS GO UP - NOT COUNTING WHEN BLOW OUTS LIMITS ARE EXCEEDED WHICH HAPPEN OFTEN.
- ⑧ PROXIMITY OF RESIDENTS NEVER CONSIDERED.

PETER BUROFF

CONCERNED CITIZENS OF UNION CO.

(908) 581-7259

Frank Janusz
Councilman
604 West Scott Ave.
Rahway, N.J. 07065
(908) 827-8578

Senate, No. 1366
November 23, 1992
By Senator Corman

I would like to thank all of you for hearing us today. I do not believe that we have attempted to exhaust all our alternatives to garbage disposal before we should have even looked at incineration. We could have done a number of things such as source reduction, composting, and expanded recycling.

Also one has to wonder why any person would allow this garbage incinerator in Rahway to be built so close to a school and a day care center (approximately 150 feet from the Day Care Center)

I would appreciate if all who would be voting on this at least take a look at this facility in Rahway to see the negative impact it having on our community. We are already in an area of high pollution and I feel this would add to an already hazardous condition.

I would appreciate any help you might be able to give us on this matter.

Thank you.

A handwritten signature in cursive script that reads "Francis Janusz". The signature is fluid and stylized, with the first and last names clearly legible.

Francis Janusz
Rahway Councilman

TESTIMONY
SENATE COMMUNITY AFFAIRS COMMITTEE
SENATE BILL 1366

By
Dale Florio
For
Waste Management of North America

February 17, 1993

Good Morning. My name is Dale Florio. I am a partner with the firm of Princeton Public Affairs Group. We represent Waste Management of North America (WMNA) which operates 133 solid waste landfills in North America and has 50 others currently in development. Its Recycle America and Recycle Canada programs offer curb side recycling to 5.2 million homes in more than 600 communities. Twenty-six landfill gas recovery and gas-to-electric systems produce energy equivalent to 1.6 million barrels of oil each year. Other services include medical waste services, portable sanitation services and portable office structures.

WMNA is an operating group of Waste Management, Inc. (WMI) which is the world's largest provider of comprehensive environmental services including residential, commercial and industrial waste services. WMI has more than 65,000

employees and provide services throughout the U.S., Canada and 20 countries overseas.

In addition to its disposal capabilities, Wheelabrator Technologies provides a trash to energy capability. It is 58% owned by WMI and is an nationally recognized leader in the development and implementation of resource recovery.

In New Jersey, WMNA has 4 closed landfills and 5 disposal companies around the state. The proposed legislation is comprised of numerous solid waste proposals. They range from a restriction on the development of new resource recovery facilities to a restriction on the disposal of solid waste out of state. In addition, the legislation would allow the Department of Environmental Protection and Energy (DEPE) to regulate the use of the terms "recyclable", "recycled", "reusable", or "compostable" unless specific standards are met.

Finally, the bill would require counties to implement a program of collection on a per container basis. According to the bill statement, the sponsor intends to urge the reduction in the volume of solid waste, through source reduction, reuse, composting and recycling, as the primary method of solid waste management in the state of New Jersey. While this is laudable, the legislation presupposes that certain systems and laws are in place that would make this legislation a likely extension of an existing framework. In fact, as my client, WMNA, fully knows, this is far from the case.

Before further action, the legislature should evaluate existing laws regarding the licensing of recycling and compost facilities. It should evaluate how successful the A901 program has been. Additionally, the legislature should review the existing statutory scheme to see how it encourages or discourages private sector involvement in solid waste

activities. I think a full review will establish that in fact there is very little encouragement for the private sector to engage in solid waste activities. Instead, counties are expending huge amounts of taxpayers dollars to build solid waste infrastructures that in years to come will become obsolete. Taxpayers will be burdened by these huge costs and additional staff when, in fact, the private sector can do it cheaper.

WMNA believes that any solid waste strategy should include waste to energy as one of its major components in addition to source reduction, recycling and composting. I understand that the Governor's recently released update of the state's solid waste plan includes waste to energy as an option for waste disposal.

A three year moratorium on the financing, permitting or construction of solid waste incinerators would remove an option that this state desperately needs. The Star Ledger

recently captured what those of us in the private sector already know that it can take up to a year to receive all the appropriate licenses for a recycling facility. Even before a recycling firm can be licensed by the DEPE, it has to go through a very strenuous process in the county in which it intends to locate. State law requires that the county accept the recycler into the solid waste plan of that particular county. If a county is building its own recycling center, the private sector recycler is often seen as an competitor. Counties have the authority to reject the application of the recycler. Without county approval, the private sector has very little redress at the state level.

Legislation should be introduced and adopted that will require the state and counties to provide a balanced playing field for recycling systems to compete for business in this State. Without a competitive recycling system which is open

to the private sector, New Jersey's recycling effort will never reach the maximum levels sought by policymakers. In a competitive recycling environment, a county and the state can better evaluate the place for the waste to energy option.

Therefore, to place a moratorium on waste to energy at this time, would be premature because the recycling environment is not capable of producing maximum results.

Another critical element of this legislation is its proposed ban of out of state disposal. The waste services industry shares with states and municipalities the responsibility to assure adequate solid waste management capacity for their jurisdictions. Waste Management, Inc. believes that the nation is best served by a waste services system governed by free market principles combined with rigorous environmental regulation and a spirit of coordination and cooperation with local governments.

Solid waste normally should be disposed in close proximity to its place of origin. The cross-boundary transfer of solid waste for recycling, treatment, or disposal is an acceptable practice when environmental, economic, and geographic factors warrant. For example, metropolitan areas that straddle or are adjacent to state borders provide natural wastesheds where regional cooperation across political boundaries often results in the most effective waste management option. Appropriate geological settings in one state may also offer the best disposal option for nearby communities which, in some cases, may be in an adjacent state.

In contrast to arbitrary waste exportation out of such wastesheds, regional facilities which may require waste transport across county and state boundaries are an acceptable and prudent option for many communities.

The cross-boundary transport of solid waste should be undertaken in open consultation and cooperation with the appropriate local authorities.

The bill would require the DEPE to engage in source reduction policies and prohibit a series of items from being incinerated or disposed of in a landfill facility. Simple prohibition from incineration or disposal does not create markets for these items. Rather than prohibit disposal, the legislature should work very closely with the private sector on developing uses for these materials. Once these markets are established, users will pursue these materials and you won't have to worry about whether or not they are being landfilled or incinerated. In fact, WMNA is meeting with the Chairman of the Assembly Solid Waste Committee next week to discuss precisely this issue: What can we do to increase the number of markets for recycled materials?

The legislation requires the development of source reduction plans by counties, state agencies, and large manufacturers. In fact, the State should take a larger roll in developing these plans. Working in conjunction with the private sector, a state-wide strategy would be better than having individual county strategies for waste reduction.

The bill requires counties to implement a system of solid waste charges on a per container basis. Many individual towns are taking a close look at this issue. We believe that a "per bag" requirement would be inappropriate at this time. Clearly, this type of law presents problems in urban areas.

Resort communities like Cape May County are also having problems with their "per bag" law. Vacationers are taking their garbage home rather than buying stickers to dispose of it in Cape May. This is a violation of waste flow laws.

"Per bag" increases administrative costs and "mid-night" dumping. Should we pay only for what we use of a service so critical to our way of life? Should we pay for the police service that we use? What about recreation?

Citizens are angry about disposal costs. For years, the State has prohibited competition among haulers. Legislation adopted a year and a half ago is phasing in competition among haulers.

Just recently, Morris County was able to reduce its \$135 tipping fee to 33 per ton for 15 years. Competition allowed this to occur. We need more of it. The legislature should consider deregulating solid waste disposal in the commercial and industrial sectors immediately.

In summary, it should be known that in the United States, we generate approximately 195 million tons of municipal solid waste annually - an average of 4.3 pounds per person per day.

The best approach to safely and effectively managing all of this trash is an integrated waste management system that includes recycling, combustion, and landfilling. Prohibitions on incineration, out of state disposal, and mandated source reduction plans without the proper recycling laws, state-wide guidance, and incentives for the private sector makes this legislation premature. The legislature must work in tandem with other states to provide incentives for the private sector and help create markets for recycled materials.

Reducing New Jersey's Waste Stream Through Per-Can Fees:

The Chester Township Model

Steve Frysinger

32X

The Old System

- Flat fee of \$30/month per household
- Limited recyclables definition
(aluminum, glass, newsprint, corrugated cardboard)
- Monthly recyclables pick-up
- Semi-weekly garbage pick-up

The Problem

- High cost
- Unfair cost distribution
- Poor recycling performance (<18%)

Formation of a Committee on Garbage and Recycling

Charter: "This committee should make recommendations on how Chester Township can reduce its solid waste disposal costs, make these costs more equitable, and improve its recycling efforts."

Mayor Ken Caro, kick-off letter of 10/13/89

Committee Members:

Lori Anthony	Tony Dahbura
Bob Dubil	Jayne Dubin
Paul Payne	Maria Young
Steve Frysinger (Chair)	

Observation 1

Separate accounting for garbage and recyclables is biased against the economics of recycling.

For example:

- Paying \$25/ton to recycle mixed paper is much cheaper than paying \$122/ton to tip that paper at the county transfer station.
- However, if the recycling operation does not benefit from this cost savings, mixed paper recycling will be perceived as not economical.

Observation 2

Flat-fee garbage systems

- reduce individual incentive to avoid disposables, to employ reusables, and to recycle;
- prevent the township from receiving the economic benefit of a reduced waste stream, fostering a false economy.

Observation 3

- Many people will conserve and recycle for ethical reasons, but many more will respond to convenience and economic incentives.
- Under conventional systems it is much easier to TRASH an item than to RECYCLE it.

Features of Chester Township's New Solid Waste System

- Residents pay for garbage service in proportion to their garbage output.
- The scope of recyclables is expanded to include the most common household materials.
- Scheduling of curbside service is adjusted to make recycling about as convenient as trashing.

Fee Structure

All residents pay a small **service fee** for pickup of recyclables and the overhead of a weekly garbage route.

- Currently about \$9.50/month for the average household
- Includes weekly pick-up of bulky items

A per-container **sticker fee** covers the tipping charge assessed by the county transfer station for the garbage actually generated.

- Currently \$1.90 per 30-pound container
- Collected through purchase of stickers to be affixed to garbage

A Fee Example

For a maximum container weight of 30 pounds, a county tipping charge of \$122 per ton, and a service fee of \$9.50 per month:

The sticker fee for each 30 pound container is

$$\$122 * (30/2000) = \$1.83$$

(plus a few cents to pay for stickers yields \$1.90)

Cans per month	New System		Savings (over old \$360/year)
	Cost per month	Cost per year	
1	\$11.40	\$136.80	\$223.20
2	13.30	159.60	200.40
4	17.10	205.20	154.80
8	24.70	296.40	63.60

Expanded Recyclables Definition

- Mixed paper (e.g. junk mail, magazines, cereal boxes, school papers)
- "Tin" cans
- Plastic containers (e.g. milk jugs, pop bottles, detergent bottles)
- Aluminum cans
- Glass bottles and jars
- Newsprint
- Corrugated cardboard

Recycling Convenience

- **Weekly pick-up:** for example, my recyclables are picked up on Monday and my garbage is picked up on Thursday.
 - Easy to remember
 - Minimizes stockpiling
- **Comingling:** Contractor requested comingling of all containers (plastic, glass, tin, and aluminum), so a "fleet" of recyclables bins is not required.
- **Inclusive:** Includes schools, churches, and businesses in recycling program to encourage recycling.

The Advantages of Contracting Out

- Relieves municipal staff of administrative burden
- Reduces costs through competition
- Allows professionals to manage the system and markets

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Contracting Issues

To arrive at a contract for this plan, a municipality would:

- Define the container size, which therefore determines the sticker fee.
- Define the recyclable materials in detail.
- Establish the garbage and recyclables pickup schedule.
- Submit a Request For Proposal to haulers who have shown an interest in this type of arrangement.

The haulers would respond by quoting the service fee for recyclables pickup and garbage route overhead.

Results

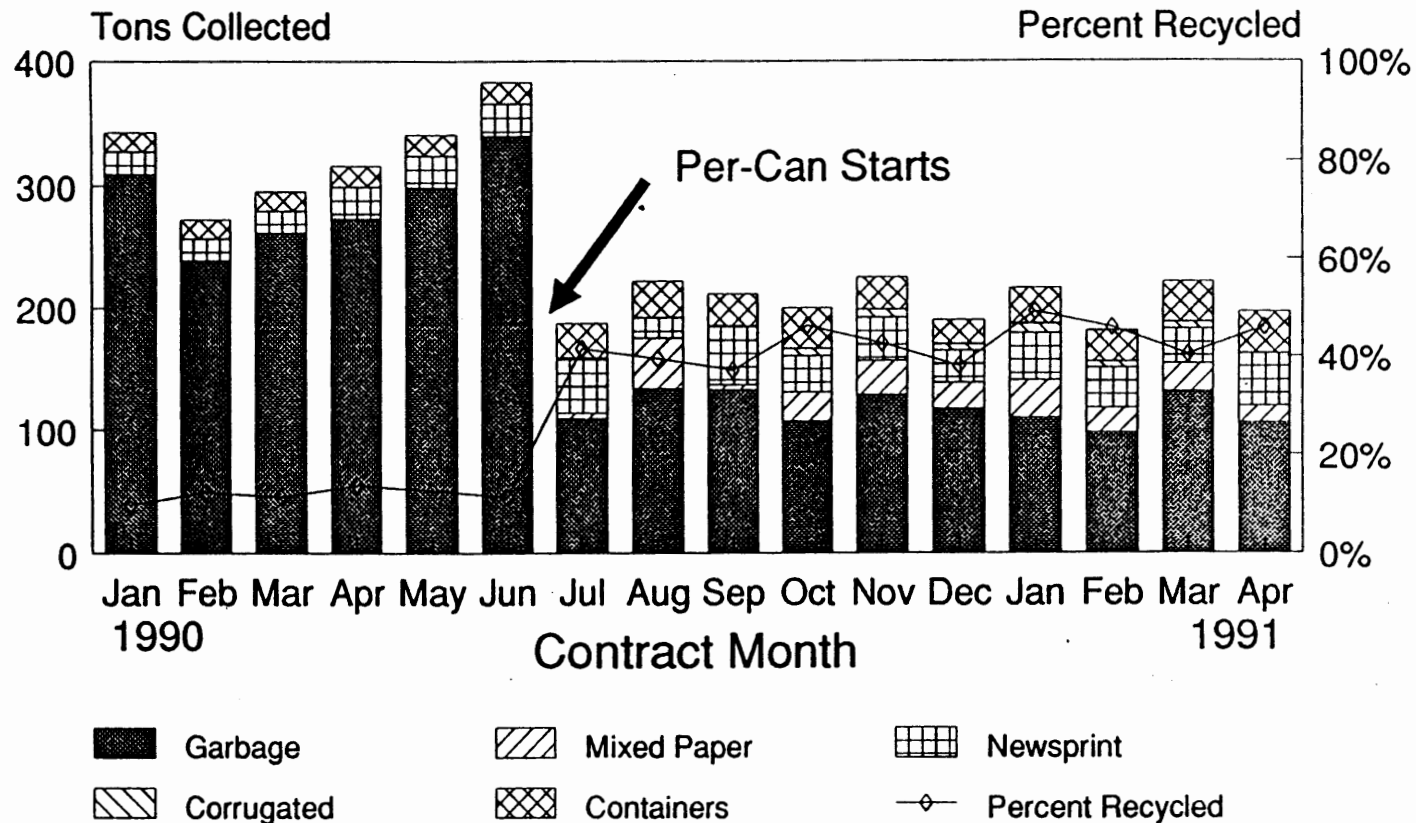
In the first month of the contract, recycling jumped from 18% to 42% of our solid waste stream.

This level of performance has been maintained in subsequent months, reaching a high of 49%.

46X

Solid Waste Performance

Chester Township



Steve Frysinger 6/91

Summary of Benefits

- **Fairness:**
residents pay for services received, ending subsidy of wasteful lifestyles
- **Empowerment:**
cost control is available to resident.
- **Waste Reduction:**
incentives lead to increased recycling and decreased use of disposables.

In 1990 Pollution Probe of Toronto, Canada, commissioned Work on Waste USA to do a series of reports commenting on parts of the Province's energy utility's (Ontario Hydro) proposed 25-year energy plan. WOW-USA contracted out one of the three reports to Sound Resource Management Group. The reports, reviewed below, were submitted in January 1993.

IF THE ANSWER IS INCINERATION, SOMEONE ASKED THE WRONG QUESTION.

Available from *Waste Not*: 33 pages. \$7 for current subscribers. \$14 for non-subscribers.

This report, authored by the editors of *Waste Not*, is a concise, up-to-date and expanded analysis of the advantages and disadvantages of municipal solid waste (MSW) incineration. This report will prove of significant importance to individuals and communities engaged in incinerator battles. The report discusses:

- The Advantages and Disadvantages of MSW Incineration
- The Building History of Trash Incineration in the U.S. and Europe
- Incineration is not the Proven Technology it is Claimed To Be
- The Use of Health Risk Assessment to Placate the Public's Fears about Incinerator Emissions
- The Better Alternative and Avoiding the Trap of "Integrated Waste Management"

We would like to share the generic health risk assessment we produced in this report, that is guaranteed to save communities at least \$50,000 in consultant's fees. It is one sentence long. It reads: No risk is acceptable if it is avoidable. Though much of the information in the report has been discussed in *Waste Not*, it does include new information, such as the timeline of the construction of trash incinerators in the U.S. from 1963 to 1991 as compared to six European countries for the same years. What we learned was: in the early 80's American communities were lured into building incinerators on the basis of how successful this technology was in Europe. In reality, very few incinerators were built in Europe from 1979 to 1991 and only six European countries burn more than 30% of their waste.

Incineration Compared to Energy and Waste Management Alternatives: A Full Environmental Costs Analysis.

By Christopher Neurath for Work on Waste USA.

Available from *Waste Not*: 45 pages. \$7 for current subscribers. \$14 for non-subscribers.

The report addresses the Province of Ontario, Canada, but results are broadly applicable to all areas of North America. This report made quantitative estimates of the overall environmental costs of: incineration, composting, recycling, and waste reduction; and of energy production and energy conservation. Also estimated were the benefits of avoided production of materials due to recycling with the conventional costs of each solid waste management method or energy method to arrive at the overall costs/benefits to society of each technology. The report also compared three mixes of the waste management methods which were representative of three possible Ontario-wide scenarios. **The Report's Findings:**

1. "State-of-the-art" incinerators emit more pollution per kilowatt hour (kWh) than natural gas or even coal fired fueled power plants for virtually all pollutants.
2. When pollutant emissions are weighed by how harmful that pollutant is to health and the environment, incineration turns out to be about 2000% more damaging than natural gas per kWh and about 30% more damaging than coal per kWh.
3. Incineration has higher overall costs (environmental plus conventional) to society than: new lined landfills, centralized composting of organics, backyard composting, recycling, or reduction.
4. Incineration also has higher conventional costs than all the above alternatives.
5. Based on recent estimates of environmental and conventional costs/benefits, the current waste management hierarchy in Ontario is rational and if followed, can provide Ontario society with the lowest overall net costs. Our results of net costs for each method: (a.) Reduction yields a net benefit to society of \$400 Canadian per metric tonne. (b.) Recycling yields a net benefit to society of \$75/tonne. (c.)

Backyard composting has a net cost of \$45/tonne. (d.) Centralized composting of source-separated organics costs society \$150/tonne. (e.) New style lined landfill costs society \$220/tonne. (f.) "State-of-the-art" incineration costs society \$250/tonne.

6. Based on the above findings, one can conclude it is *never* economically or environmentally beneficial to include *any* incineration in a region's waste management system.

Recycling Versus Incineration: An Energy Conservation Analysis.

by Jeffrey Morris and Diana Canzoneri of Sound Resource Management Group, Inc.

Available for \$35 from SRMG, 5025 California Avenue, SW, Seattle, WA 98136. Tel: 206-932-3404. Though Sound Resource Management Group's (SRMG) paper is a critique of the Canadian utility's, Ontario Hydro, 25-year Energy Plan, currently under adjudicatory review, the information in this report is an excellent resource for every community. Prior to the law banning municipal waste incineration, Ontario Hydro produced a 25-year energy plan that included "plans by the year 2000 to obtain over 90 Megawatts (MW) of generation capacity from incineration of at least 30% of Ontario's metropolitan area municipal solid waste (MSW) in large scale energy-from-waste (EFW) facilities." The SRMG report demonstrates EFW is not an efficient source of electrical power. "More energy can be conserved by recycling than can be generated by incinerating the various materials which make up Ontario's municipal solid waste. On average, we estimate that recycling saves three to five times as much energy as is produced by incinerating MSW." Furthermore, energy conserved by manufacturing with recycling materials rather than virgin materials exceeds incineration energy by enough to pay the energy costs of shipping recycled materials to very distant markets. We estimate that on average recycled waste materials can be shipped over 12,000 kilometers (km) by truck, or 54,000 km by rail, before recycling's energy conservation savings are dissipated."

From SRMG's Table E-1:

Energy Conserved in Recycled Content Manufacturing Compared with Energy from Waste Incineration

Waste Stream Materials	Energy Conserved by Substituting Secondary for Virgin Raw Materials	Energy Generated from MSW Incineration
Paper	(MJ/MG)	(MJ/MG)
Newspaper	22,398	8,444
Corrugated Cardboard	22,887	7,388
Office (Ledger & Computer Printouts)	35,242	8,233
Other Recyclable Paper	21,213	7,600
Plastic		
PET	85,888	21,004
HDPE	74,316	21,004
Other Containers	62,918	16,782
Film/Packaging	75,479	14,566
Other Rigid	68,878	16,782
Glass		
Containers	3,212	106
Other	582	106
Metal		
Aluminum Beverage Containers	256,830	739
Other Aluminum	281,231	317
Other Non-Ferrous	116,288	317
Tin and Bi-Metal Cans	22,097	739
Other Ferrous	17,857	317
Organics		
Food Waste	4,215	2,744
Yard Waste	3,556	3,166
Wood Waste	6,422	7,072
Rubber		
Tires	32,531	14,777
Other Rubber	25,672	11,505
Textile		
Cotton	42,101	7,283
Synthetic	58,292	7,283
Diapers	10,962	10,713

WASTE NOT # 224. A publication of *Work on Waste USA*, published 48 times a year. Annual rates are: Groups & Non-Profits \$50; Students & Seniors \$35; Individual \$40; Consultants & For-Profits \$125; Canadian \$US45; Overseas \$65. Editors: Ellen & Paul Connett, 82 Judson Street, Canton, NY 13617. Tel: 315-379-9200. Fax: 315-379-0448.

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COALITION AGAINST TOXICS

223 Park Avenue
Atco, New Jersey 08004
(609) 767-1110

WYNNE FALKOWSKI
CHAIRPERSON
DAVID C. COPELAND
VICE-CHAIRMAN
JANE NOGAKI
SECRETARY-TREASURER

February 17, 1993

**Re: Support for S-1366 : The County and Municipal Waste
Reduction Act (Corman)**

Chairman Connors and Members of the Senate Community Affairs Committee:

Coalition Against Toxics, a grassroots citizens group from Burlington, Camden and Gloucester Counties, strongly supports S-1366, The County Municipal Waste Reduction Act, and urges the Community Affairs Committee to move it affirmatively.

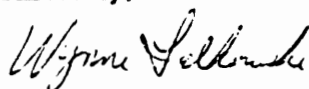
Our support for this bill arises from its comprehensive approach to sound solid waste management, and its proper placement of source reduction at the top of the hierarchy of solid waste management options. The source reduction fund which designates parts of the current recycling tax to source reduction will be very important to insuring that source reduction actually gets accomplished, not just talked about.

The 75% recycling goal is something that we also support because we think it is achievable and furthermore, places the proper emphasis on garbage as a resource rather than as a disposable commodity. The 75% recycling goal, coupled with the packaging requirements and source reduction components will go a long way towards extending the life of our county landfills, which are filling up at an alarming rate.

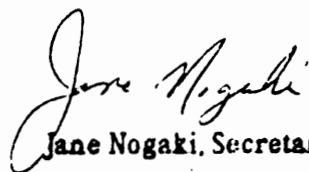
The three year moratorium on the construction, financing, permitting of new incinerators and the expansion of operating MSW incinerators is a very important provision of this bill which we wholeheartedly support. Without the moratorium, counties will tend to look at old, economically and environmentally unsound methods of garbage disposal, such as incineration. The options of aggressive recycling and source reduction will not occur without the option of incineration removed from the table.

The citizens of New Jersey need an economically and environmentally sound method of curtailing and disposing of waste. S 1366 offers that framework, and we urge you to support Sen. Corman's bill in Committee and in the full Assembly. Thank you for holding a public hearing on S1366, and thank you, Senator Corman, for introducing this bill.

Sincerely,



Wynne Falkowski, Chairperson



Jane Nogaki, Secretary

THE LINDEMANN CONCERN

STRATEGIC COMMUNICATIONS
Public Relations/Public Affairs

130 West State Street
Trenton, New Jersey 08606
(609) 394-1166 • FAX: (609) 394-1167

February 11, 1993

The Honorable Leonard T. Connors, Jr.
NJ State Senate
620 West Lacey Road
Forked River, NJ 08731

Dear Mr. Chairman:

I'm writing to you on behalf of the Integrated Waste Services Association (IWSA) and its concerns regarding S-1366. The Senate Community Affairs Committee has scheduled a public hearing on this bill on Wednesday, February 17th.

The IWSA counts among its members American Ref-Fuel, Foster Wheeler, Ogden Martin and Wheelabrator. Together, these four companies manage more than 1.5 million tons of New Jersey trash each year at four waste-to-energy facilities. In the future, waste-to-energy facilities in Union and Mercer counties will add additional in-state capacity.

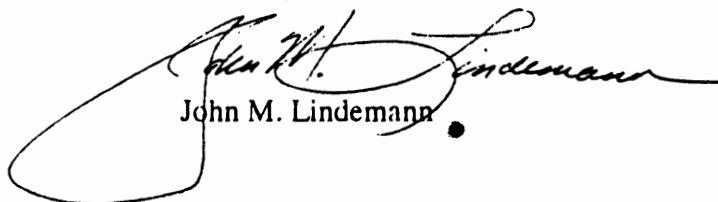
In IWSA's view, while S-1366 focuses on source reduction, it does so at the risk of eliminating other important components of an integrated solid waste management strategy, effectively eliminating options that are and will be relied on by a majority of the counties in our state. Prohibiting the further construction or expansion of waste-to-energy facilities and preventing future out-of-state disposal fails to recognize the risk that the source reduction strategies contained in the bill may not reap the desired benefits. In that event and lacking waste-to-energy capacity, many New Jersey counties would have only one alternative--to rely on the few remaining landfills which most likely would be expanded.

Representatives of IWSA will attend Wednesday's hearing to further express their views on this legislation. They will also discuss why the premise on which S-1366 is based is an inaccurate assessment of the technology's ability to manage solid waste safely and efficiently.

Last year, the enclosed overview was sent to you and your colleagues. I thought some of the information pertaining to waste-to-energy's role in New Jersey and its compatibility with recycling would be useful as you prepare for next week's hearing. A separate report on a recent IWSA survey also addresses the recycling/waste-to-energy compatibility issue.

I look forward to seeing you on February 17th. If you have any questions in the meantime, please don't hesitate to contact me at 609-394-1166.

Sincerely,


John M. Lindemann

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AN OVERVIEW OF WASTE-TO-ENERGY IN NEW JERSEY (June, 1992)

ON-LINE WASTE-TO-ENERGY CAPACITY

COUNTY	PROJECT LOCATION	CAPACITY (tons per day)	STATUS	RECYCLING % ¹
Warren	Oxford	400	Operating	9/30
Gloucester	W. Deptford	575	Operating	41/47
Essex	Newark	2,277	Operating	30/43
Camden	Camden	1,050	Operating	27/44

TOTAL ON-LINE CAPACITY: 4,302 tons per day (1,570,230 tons per year)

PERCENTAGE OF NJ SOLID WASTE STREAM: 10.93%²

PROPOSED WASTE-TO-ENERGY CAPACITY

COUNTY	PROJECT LOCATION	CAPACITY (tons per day)	STATUS	RECYCLING % ¹
Union/Bergen	Rahway	1,440	Under construction	30/41, 28/44
Mercer/Atlantic	Hamilton Twp.	1,500	Permitting	22/56, 14/47
Hudson	Kearny	1,500	Planning	24/45
Morris	Roxbury	1,350	Planning	25/45

TOTAL FORECAST CAPACITY: 5,790 tons per day (2,113,350 tons per year)

PERCENTAGE OF NJ SOLID WASTE STREAM: 14.72%²

¹ The first recycling figure reflects Type 10 municipal solid waste. The second figure is the total percentage of recycled waste, including construction debris and junked autos. The official DEPE figures are for the latest year available, 1989.

² Based on an annual tonnage of 14,355,000 (1991 NJDEPE Planning Estimates)

53X

CENTER FOR THE BIOLOGY OF NATURAL SYSTEMS

CBNS

Queens College, CUNY

Flushing, NY 11367

ph. (718) 670-4180

fx. (718) 670-4189

February 16, 1993

The Honorable Leonard Connors
Senate Community Affairs Committee
State of New Jersey
Trenton, NJ

Dear Committee Chairman Connors:

I am pleased to offer support for bill S1366, the County and Municipal Waste Reduction Act. I have been a Research Associate at the Center for the Biology of Natural Systems, Queens College, City University of New York, since August 1987.

CBNS is an environmental research institute which has considerable experience in analyzing the economic and environmental impacts of solid waste management systems. A copy of the CBNS qualifications is attached for your information. Headed by Dr. Bary Commóner, CBNS prepared a landmark study demonstrating the physical recyclability of 85% of residential trash. A copy of that study, Development and Pilot Test of an Intensive Municipal Solid Waste Recycling System for the Town of East Hampton is being submitted with this statement.

I strongly believe that the County and Municipal Waste Reduction Act which you are now considering deserves your full support for three general reasons:

1) *Waste reduction is not only the least expensive solid waste management option, it is also the most environmentally desirable one because it is aimed at preventing the generation of trash in the first place.* A growing body of literature on the subject of waste reduction reflects accumulating experience in the field. The report last year by the U.S. Office of Technology Assessment, Green Products by Design: Choices for a Cleaner Environment, documents a series of corporate and institutional programs that have been successful in reducing solid waste when the design of a product and its expected life cycle are taken into consideration. The OTA concludes that programs like this cannot succeed without a corresponding commitment by the public sector. S1366 establishes such a commitment by law. A report by the World Wildlife Fund and the Conservation Foundation entitled Getting at the Source: Strategies for Reducing Municipal Solid Waste (1991), also draws on the accumulating experience to identify a variety of practical strategies for

achieving source reduction and waste minimization. S1366 incorporates such strategies. They are essential if waste reduction is to be achieved in any meaningful way.

2) *Trash incineration is the least economic and environmentally desirable technique for solid waste management.* Capital costs for trash incinerators typically run between \$150,000 and \$200,000 per ton of daily capacity. facilities designed to process recyclable materials collected in municipal programs cost between \$20,000 and \$40,000 per ton of daily capacity. If only on this basis, trash incinerators should not be constructed until all the potential for recycling is exhausted. S1366 helps further such goals by establishing a temporary moratorium on the construction of trash incinerators. In my opinion, the time frame of that moratorium in S1366 is too short. I believe that more time is needed to establish a more complete infrastructure for recycling than S1366 would provide. Nevertheless, S1366 would help take New Jersey in an appropriate direction.

In addition to its high monetary costs, trash incineration is also an undesirable solid waste management technique because of its environmental impact. Despite its claims to adapting best available control technologies on emissions, the incinerator industry has demonstrated through its experience of the 190 municipal waste combustors it now operates around the country that even these controls are inadequate, particularly for a number of toxic substances, such as mercury. The frequent technical failures and routine cost over-runs observed throughout the industry must lead us to conclude that trash incineration, far from being a proven technology, is in fact inherently unviable.

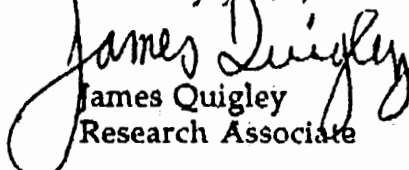
CBNS was led to this conclusion in a study it performed for the Solid Waste Advisory Council of the Bronx in New York City (a copy of which is submitted with this statement). That study, entitled Analysis of "A Comprehensive Solid Waste Management Plan for New York City and Draft Generic Environmental Impact Statement, March 1992", concluded that the City of New York would create more jobs and lessen its burden of pollution by adopting a solid waste management system with recycling and composting as its central techniques rather than by adopting a system which placed its emphasis on incineration. Let me also point out that similar conclusions were reached in two studies performed by Sound Resource Management Group of Seattle: A Non-Incineration Solid Waste Management and Recycling Plan for the Town of North Hempstead, New York (1988) and Recycling Versus Incineration: An Energy Conservation Analysis (1992). These conclusions are important to the bill in question because S1366 requires that any new incinerator project be demonstrated before its approval to be more economically viable than the alternative choices of recycling and composting.

3) *Next to waste reduction, recycling is the more economically viable approach from both the standpoint of its immediate impact and from its longterm effects.* As noted above, CBNS found that recycling would create more jobs in New York City than incineration. Such a conclusion is also supported by the State of Massachusetts, Dept. of Environmental Protection, in their analysis, Value Added by Recycling Industries in Massachusetts (July 1992). They reported that \$588 million was added to the state's economy and resulted in 10,000 jobs, 7,000 of which were in the manufacturing sector. The jobs, principally in paper recycling, would be threatened to the extent that waste paper recovery is deterred by incineration.

The Washington-based Institute for Local Self-Reliance in its study, The Economic Benefits of Recycling (1993), reports that New Jersey's five glass manufacturing plants (utilizing 30% cullet in their furnish), its eight steel mills and foundries (utilizing 100% scrap steel), and its 13 pulp and paper mills (utilizing 100% waste paper as feedstock) generate \$1 billion in annual sales and employ 9,000 people. In order for enterprises like these to succeed and expand, the types of materials generated by municipal recycling programs must continue to be made available. The commitment to recycling that would be institutionalized by S1366 will assure a secure supply of recyclable materials for New Jersey's present and future industries.

I strongly urge the legislature to adopt S1366 as law. Our government needs to make this commitment to waste reduction and recycling both for our economy and our environment. Thank you for your attention to my statement.

Sincerely yours,


James Quigley
Research Associate

Enclsoures

New Jersey Chapter

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(908) 704-9646 Fax (908) 704-9148

TESTIMONY PRESENTED TO THE SENATE COMMUNITY AFFAIRS COMMITTEE ON
SENATE BILL 1366 - "THE COUNTY AND MUNICIPAL WASTE REDUCTION ACT"

PRESENTED BY: STEVE CHANGARIS
MANAGER
NJ CHAPTER/NSWMA

FEBRUARY 17, 1993

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THANK YOU FOR THE
OPPORTUNITY TO PRESENT THESE REMARKS IN BEHALF OF THE NEW JERSEY
CHAPTER OF THE NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION.

THE CHAPTER REPRESENTS OVER 150 COMPANIES AND PEOPLE WHO WORK IN
NEW JERSEY'S PRIVATE SECTOR WASTE MANAGEMENT INDUSTRY.
NATIONALLY, AND INTERNATIONALLY, THE ASSOCIATION REPRESENTS MORE
THAN 2,600 SOLID WASTE COMPANIES, FIRMS AND INDIVIDUALS -- ACROSS
SUCH DIVERSE AREAS AS COLLECTION AND HAULING, DISPOSAL,
RECYCLING, RESOURCE RECOVERY, EQUIPMENT, HAZARDOUS WASTE, BIO-
MEDICAL WASTE, INSURANCE, INTER-GOVERNMENTAL RELATIONS, EDUCATION
AND TRAINING, LEGAL, ENGINEERING, ACCOUNTING AND MORE.

ON THE SURFACE AND PHILOSOPHICALLY, WHO COULD SIT IN FRONT OF YOU
TODAY AND OPPOSE THE SPIRIT OF THIS LEGISLATION? I DARE SAY NOT A
SOUL -- THAT'S BECAUSE WE ALL KNOW IN OUR HEART OF HEARTS THAT
GOOD MOTHER EARTH HAS BEEN ABUSED AND NEGLECTED FOR TOO LONG AND
THE ERRORS OF OUR PAST MUST BE CORRECTED SOON SO THAT FUTURE
GENERATIONS, THE CHILDREN OF OUR SONS AND DAUGHTERS AND THE
CHILDREN OF OUR GRANDCHILDREN'S CHILDREN, WILL HAVE A HEALTHY AND
VIBRANT ENVIRONMENT IN WHICH TO LIVE -- LIKE WE DO NOW.

HOWEVER THE OPTIONS AVAILABLE FOR THE SOUND AND PRUDENT
MANAGEMENT OF SOLID WASTE TODAY OFFER NO SINGLE OR CLEAR CUT
PATH TO OBTAIN THIS LOFTY END RESULT. AND, IN BEHALF OF THE
PEOPLE AND COMPANIES IN OUR INDUSTRY, I WILL TAKE THIS
OPPORTUNITY AND URGE YOU AND ALL OTHER PUBLIC POLICYMAKING
OFFICIALS TO BE EXTREMELY WARY OF ANYONE, OR ANY GROUP,
PROFESSING SUCH KNOWLEDGE. SIMPLY PUT THERE ARE NO EASY SOLUTIONS
WHEN IT COMES TO SOLID WASTE MANAGEMENT TODAY AND NONE WILL
LIKELY EMERGE TOMORROW -- BUT WE'RE TRYING NEVERTHELESS.

ACCORDINGLY ANY CHANGE TO, OR REDESIGN OF, NEW JERSEY'S CURRENT
SOLID WASTE MANAGEMENT SYSTEM NEEDS TO INTEGRATE THE BEST EFFORTS
OF AN EDUCATED CITIZENRY, PROGRESSIVE BUSINESS PLANNING,
VISIONARY PUBLIC LEADERSHIP AND THE USE OF ALL OPTIONS AND
TECHNOLOGIES CURRENTLY AVAILABLE FOR THE MANAGEMENT OF THE
STATE'S SOLID WASTES NEEDS. UNFORTUNATELY WHILE S-1366 MEETS SOME
OF THESE REQUIREMENTS, IT FAILS TO MEET OTHERS. I WILL ADDRESS
SPECIFICS BELOW.

Printed on Recycled Paper

National Solid Wastes Management Association



LESS THAN 12 MONTHS AGO THE NEW JERSEY SOLID WASTE INDUSTRY'S RATE REFORM LEGISLATION WENT INTO EFFECT. THIS LANDMARK LEGISLATION WAS THE STATE'S RECOGNITION THAT UTILITY RATE REGULATION OF THE SOLID WASTE COLLECTION INDUSTRY HAD FAILED AND THAT IT WAS ALSO DESTROYING COMPETITION AND THE COMPANIES THAT SURVIVED SINCE 1970 WHEN UTILITY REGULATION WAS IMPOSED.

YOU SHOULD KNOW THAT WE WILL SOON BE IN YEAR TWO OF THE LEGISLATED FOUR YEAR RATE REFORM PHASE-OUT PERIOD. AND FROM PRELIMINARY ACCOUNTS, THE RATE REFORM ACT IS HAVING A BENEFICIAL EFFECT IN BOTH PROMOTING COMPETITIVE, LEAST COST SERVICE AND IN RESTORING HOPE AMONG HAULERS ABOUT THEIR FUTURE PARTNERSHIP WITH THE PUBLIC SECTOR IN THE MANAGEMENT OF NEW JERSEY'S SOLID WASTE NEEDS.

HOWEVER, SECTION 18 OF S 1366, MUDDIES THE WATERS AND CLOUDS OUR UNDERSTANDING OF WHERE WE'RE GOING ALL TOO SOON AFTER ENACTMENT OF THE RATE REFORM LEGISLATION LAST APRIL. THIS SECTION OF THE MEASURE MANDATES THAT COUNTIES ESTABLISH "PER CONTAINER" RATES FOR EACH OF THEIR MUNICIPALITIES AND IMPLEMENT THEM IN THE NEXT 10 MONTHS.

FIRST, THE CONCEPT OF MANDATING NEW RATES ON THE INDUSTRY NOW-- AT THIS STAGE OF THE DE-REGULATION PROCESS -- CONTRADICTS THE LEGISLATURE'S AFFIRMATION OF THE NEED TO RATE REFORM THE INDUSTRY AND REPRESENTS A SERIOUS RETRENCHMENT FROM A LONG AWAITED AND MUCH NEGOTIATED ACCORD BETWEEN THE STATE AND INDUSTRY. SECOND, MANDATING AN ACROSS THE BOARD "PER CONTAINER" RATE POLICY FLIES IN THE FACE OF THE WAY SOLID WASTE IS CURRENTLY MANAGED IN THIS STATE. SPECIFICALLY, WHAT EFFECT WOULD THIS MANDATE HAVE ON EXISTING LONG TERM MUNICIPALLY BID CONTRACTS WITH PRIVATE HAULERS? WHAT EFFECT WOULD THIS MANDATE HAVE ON CURRENTLY IN FORCE DEPE RATE REGULATED TARIFFS GOVERNING SOLID WASTE CHARGES MADE BY HAULERS DIRECTLY TO HOUSEHOLDS THROUGHOUT THE STATE? WHAT EFFECT WOULD THIS MANDATE HAVE ON MUNICIPAL COLLECTION PROGRAMS WHICH ARE FUNDED BY A COMMUNITY'S GENERAL OPERATING REVENUE WHERE HOMEOWNERS ARE NOT BILLED FOR SERVICE? AND I'M SURE THERE ARE MANY, MANY MORE SUCH QUESTIONS.

IN A DESKTOP SURVEY OF CHAPTER SOLID WASTE COMPANIES, I HAVE FOUND SOME WHO BELIEVE THAT "PER CONTAINER" RATES OFFER A FAIR BASIS FROM WHICH TO PROVIDE SERVICE -- NOTWITHSTANDING SOME OF THE INHERENT CONFLICTS BETWEEN THE "PER CONTAINER BASIS" AND THE "UTILITY BASIS" USED PREDOMINANTLY SO FAR FOR RATE REGULATION BY THE STATE. HOWEVER, PAST THIS THRESHOLD, THE DISCUSSION BECOMES VERY SPLINTERED. INTERESTINGLY, I HAVE FOUND SEVERAL HAULERS THROUGHOUT THE STATE PROVIDE "PER CONTAINER" SERVICES UNDER MUNICIPAL CONTRACT AND THAT THE DEPE HAS SEVERAL REQUESTS FOR "PER CONTAINER" RATE TARIFF'S, SUBMITTED BY HAULERS, PENDING FOR SOME TIME NOW. SOME OF THESE TARIFFS HAVE BEEN, OR WILL SOON LIKELY BE, APPROVED I UNDERSTAND.

IN MY SURVEY DISCUSSIONS IT WAS ALSO POINTED OUT THAT EXISTING TARIFFS, USED TO SERVICE MANY HOUSEHOLDS THROUGHOUT THE STATE, ARE ACTUALLY BASED ON A "PER CONTAINER" METHODOLOGY. HOWEVER THE RATES WERE STRUCK FROM A STANDARD SERVICE BASIS -- SAY TWO CANS PER WEEK PER HOUSEHOLD AND MADE NO REAL PROVISION FOR HOUSEHOLDS THAT USED LESS THAN, OR MORE THAN, THE STANDARD SERVICE. IT IS MY SUSPICION THAT THE "PER CONTAINER" RATE MANDATE THE SPONSOR WANTS TO SEE IMPLEMENTED BY S-1366 FIRMLY LINKS VOLUME/USE TO THE COST OF SERVICE/DISPOSAL ALTHOUGH THIS IS NOT SPECIFIED.

IT IS POPULAR TO THINK THAT IF PEOPLE SEE A LINKAGE BETWEEN THE VOLUME OF WASTE GENERATED AND COST OF DISPOSAL, THAT THEY WILL TAKE STEPS TO REDUCE THEIR VOLUME. IF THIS IS PROVEN TRUE BY EMPIRICAL RESEARCH CURRENTLY UNDERWAY, A MAJOR VICTORY FOR "SOURCE REDUCTION" PROPONENTS WILL BE HAD AND THE ADOPTION OF "PER CONTAINER" RATE PROGRAMS WILL CONTINUE TO RISE. WHAT I'VE LEARNED ANECDOTALLY FROM NJ HAULER'S INVOLVED IN "PER CONTAINER" PROGRAMS SO FAR IS THAT SOLID WASTE VOLUME DOES DECREASE SOMEWHAT UPON IMPLEMENTATION AND THAT THE RATE OF RECOVERY OF RECYCLABLES INCREASES SOMEWHAT TOO. THIS FINDING IS NOT A GREAT VICTORY FOR SOURCE REDUCTION THOUGH HERE IN NEW JERSEY. WE BELIEVE THIS IS THE CASE SINCE LOCAL RECYCLING PROGRAMS ARE NOT REVENUE NEUTRAL - THAT IS THEY COST TAXPAYERS CONSIDERABLE MONEY TO OPERATE -- AND ONLY APPEAR AS AN ATTRACTIVE OPTION (AS OPPOSED TO TRADITIONAL DISPOSAL) IN RELATION TO NEW JERSEY'S TREMENDOUSLY INFLATED AND EXCEPTIONALLY HIGH TIPPING FEES FOR SOLID WASTE DISPOSAL. I'VE ALSO LEARNED, UPON IMPLEMENTATION OF "PER CONTAINER" PROGRAMS, THAT SOME PEOPLE ENDEAVOR TO AVOID ADDITIONAL "PER CONTAINER" COSTS AND ALTERNATIVELY DISPOSE THEIR WASTE BY TAKING IT TO OTHER JURISDICTIONS OR TO WORK OR BY IMPROPERLY USING COMMERCIAL CONTAINERS AND IN SOME CASES DUMPING THEIR TRASH INDISCRIMINATLY IN VACANT OR WOODED AREAS OR ALONG THE ROADWAYS.

AND LAST, THERE A LOT OF QUESTIONS: ABOUT HOW "PER CONTAINER" SYSTEMS ARE MOST FAIR -- WHETHER BY VOLUME OR WEIGHT -- AND WHAT METHODS ARE MOST WORKABLE; ABOUT WHETHER THIS TYPE OF SYSTEM CAN BE EFFECTIVE IN ALL SETTINGS -- RURAL, SUBURBAN AND URBAN; ABOUT HOW BEST TO STRUCTURE AND ADMINISTER SUCH A PROGRAM GIVEN THE SPECIFIC AND PARTICULAR NEEDS OF A COMMUNITY; ABOUT HOW TO IMPLEMENT SUCH PROGRAMS TO GUARANTEE PROGRAM ACCEPTANCE AND SUCCESS; ABOUT DEFINING AND ESTABLISHING REASONABLE GOALS AND OBJECTIVES FOR THE PROGRAM; AND, ABOUT WHAT COUNTY AGENCY, CAPACITY AND PERSONNEL CURRENTLY EXIST TO ESTABLISH THESE RATES AND HOW THE CONFLICT BETWEEN EXISTING DEPE RATE REGULATION JURISDICTION AND THE PROPOSED COUNTY RATE REGULATION JURISDICTION WILL BE RESOLVED.

WHAT WE ASK AS AN INDUSTRY IS THAT SECTION 18 BE DELETED FROM S-1366 FOR NOW. GIVE OUR INDUSTRY'S RATE REFORM ACT TIME TO WORK. ALLOW THE DEPE MORE TIME TO CONSIDER AND APPROVE NEW "PER CONTAINER" TARIFFS FOR HAULERS, ALLOW COMMUNITIES MAXIMUM DISCRETION IN STRUCTURING THEIR "PER CONTAINER" PROGRAMS, ALLOW FREE MARKET FORCES TO CALL FOR AND DEMAND IMPLEMENTATION OF SUCH RATES THROUGHOUT THE STATE AND RECOGNIZE THAT A "PER CONTAINER" RATE MANDATE IDEA LOOKS GREAT ON PAPER, AND IN THEORY, BUT NOT IN PRACTICE AS A MANDATED REALITY HERE IN NEW JERSEY TODAY OR IN THE FORSEEABLE FUTURE.

THERE ARE A LOT OF OTHER POINTS COVERED IN THIS LEGISLATION WHICH I BILLETED ON AN ATTACHMENT TO THIS TESTIMONY AND ON WHICH I COULD PROVIDE PAGES OF ADDITIONAL TESTIMONY. I KNOW OTHERS PRESENT HAVE TALKED, OR WILL TALK, ABOUT MANY OF THESE SPECIFIC PROVISIONS AND WILL OFFER IDEAS, PERSPECTIVES AND SOLUTIONS ABOUT HOW TO BEST ADDRESS THESE VEXING AND COMPLICATED MATTERS. WHAT I WANT TO DO NOW IS LEAVE YOU THINKING ABOUT OPTIONS AND THE OPTIONS THIS MEASURE TAKES AWAY FROM SOLID WASTE MANAGERS THROUGHOUT THE STATE. SPECIFICALLY I'M TALKING ABOUT USING THE DEPE COMMISSIONER'S EXECUTIVE FIAT AUTHORITY TO BAN EXPORT OF NEW JERSEY SOLID WASTE FOR DISPOSAL OUT OF STATE AND THE MORATORIUM PROPOSED ON W-T-E AND OTHER SOLID WASTE DISPOSAL FACILITIES. IF THESE PROVISIONS REMAIN AS WRITTEN AND THE LEGISLATURE ENACTS S-1366, THE PEOPLE OF NEW JERSEY COULD WELL FIND THEMSELVES IN ANOTHER ROUND OF SOLID WASTE MANAGEMENT "CRISES" AND END UP FOOTING MILLIONS OF DOLLARS OF UNNECESSARY FEES TO FIX THE PROBLEM AT A LATER TIME. LET ME EXPLAIN WHY I THINK THIS IS POSSIBLE UNDER S-1366.

I DO NOT HAVE EXACT FACTS AND FIGURES HERE TODAY BUT MY RESEARCH OVER THE LAST FEW MONTHS INVOLVING SEVERAL OF NEW JERSEY'S SOLID WASTE MANAGEMENT REPORTS AND DOCUMENTS AND FROM DISCUSSIONS WITH INDUSTRY LEADERS HAS LED ME TO CONCLUDE THAT WE NOW, AND FOR THE IMMEDIATE FUTURE, LACK SUFFICIENT IN-STATE DISPOSAL CAPACITY TO HANDLE THE SOLID WASTE GENERATED BY THE CITIZENS AND BUSINESSES OF NEW JERSEY. IN-STATE DISPOSAL CAPACITY WILL LIKELY STILL BE INSUFFICIENT EVEN IF WE REACH OR EXCEED THE RATES OF RECYCLING, SOURCE REDUCTION AND RESOURCE RECOVERY AS CALLED FOR IN S-1366 BY EARLY IN THE 21ST CENTURY. MY BELIEF IN THIS POSITION GROWS EVEN STRONGER IF I DRAW MY CONCLUSION STATING THAT NO NEW LANDFILLS OR W-T-E MASS BURN PLANTS WILL BE SITED BETWEEN NOW AND THEN AND THAT CURRENTLY OPERATIONAL SOLID WASTE FACILITIES -- LANDFILL AND W-T-E -- WILL NOT RECEIVE PERMITS TO EXPAND BEYOND THEIR CURRENT CAPACITY. AND, THE CHERRY ON THE WHIPPED CREAM, ICING MY BELIEF HERE IS THE TAKING AWAY OF THE OUT OF STATE EXPORT DISPOSAL OPTION. IF ALL THE ABOVE COMES TO PASS, NEW JERSEY WILL BE IN THE THROWS OF A SOLID WASTE DISPOSAL CRISIS, LIKE NEVER BEFORE, WITHIN THE NEXT DECADE.

SO WHAT SHOULD WE BE DOING? THE CHAPTER BELIEVES THAT WE SHOULD BE PURSUING RECYCLING, SOURCE REDUCTION, RESOURCE RECOVERY AND THE LIKE. ALL ACTIVITY IN THESE AREAS SHOULD BE UNDERTAKEN BY PRIVATE ENTERPRISE WHERE POSSIBLE TO ASSURE THE PUBLIC OF LEAST COST/ENVIRONMENTALLY SOUND SERVICE. EXTRACTION OF RECYCLABLE AND OTHER RECOVERABLE MATERIAL FROM THE WASTE STREAM SHOULD BE IN SYNCH WITH MARKET DEMAND FOR SUCH RECOVERED MATERIALS. WE BELIEVE THAT THE STATE SHOULD BE DEFENDING AND CHAMPIONING THE CONSTITUTIONAL PROTECTION CURRENTLY AFFORDED THE INTERSTATE MOVEMENT OF SOLID WASTE UNDER THE COMMERCE CLAUSE AS A NECESSARY AND VITAL COMPONENT IN MEETING OUR STATE'S CURRENT SOLID WASTE MANAGEMENT NEEDS. AND LAST, WE BELIEVE THE STATE MUST PURSUE, WITH VIGOR, EFFORTS TO HAVE ITS SOLID WASTE MANAGEMENT DISTRICTS SITE NEW, AND EXPAND EXISTING, SOLID WASTE DISPOSAL FACILITIES IN THE VERY NEAR FUTURE. FAILURE TO INCREASE THE NUMBER AND CAPACITY OF IN-STATE DISPOSAL FACILITIES WILL SIGNIFICANTLY IMPAIR THE STATE'S CLAIM OF BEING INTERESTED IN SOLID WASTE SELF SUFFICIENCY AS WE ENTER THE 21st CENTURY AND WILL INEVITABLY LEAD TO UNSETTLING, UNNECESSARY AND COSTLY FUTURE SOLID WASTE "CRISES".

THANKS FOR YOUR ATTENTION. I WILL FIELD ANY QUESTIONS MEMBERS OF THE COMMITTEE MAY HAVE AT THIS TIME.

S 1366 if enacted, will do the following:

- * It will require counties to establish per container rates for each of their municipalities and implement said rates by January 1, 1994 (10 months from NOW)
- * It will ban counties, after the first day of the fourth year of the Act's effective date, from entering into "out-of-state" contracts for solid waste disposal (exceptions only with NJDEPE special permission)
- * It will qualify NJDEPE exception authority saying that DEPE can only approve such "out-of-state" contracts when the counties exhaust every appropriate source reduction, recycling, reuse, composting and disposal option available in the STATE
- * It will ban the construction, acquisition and operation of "solid waste facilities" unless the action is consistent with the Statewide Solid Waste Management Plan as determined by the Commissioner
- * Within 3 years of the Act's effective date, all counties will be required to adopt and implement a comprehensive program for the "in-state" source reduction, reuse, composting, recycling and disposal of all solid waste generated within its boundaries
- * It declares, as policy, that the State is to become self-sufficient in its management of solid waste by the year 2005
- * It will mandate WTE (mass burn facilities) to be the "last resort" for solid waste disposal in NJ
- * It conditions any further development of WTE facilities on a 75% reduction in a county's waste stream -- 10% through source reduction and 65% through recycling
- * It will target source reduction of solid waste as the preferred solid waste management technique over reuse, recycling, landfilling and W-T-E mass burning
- * It will establish the following hierarchy for solid waste management in NJ --- source reduction, source separation and reuse, composting and recycling, landfilling preceded by baling, shredding and compaction and W-T-E mass burning

- * Within 3 years of the Act's effective date, a county will have to provide for the reduction of 75% of its solid waste stream requiring disposal, at least which 55% shall be from municipal tonnage (based as a % of 1990 data), 10% on source reduction, and 65% from recycling, or any combination excluding landfill disposal
- * It will place a 3 year moratorium on all aspects of W-T-E facility planning, contracting, financing, etc
- * It will require governmental entities and NJ businesses with more than 500 employees to formulate and submit to the DEPE by January 1, 1994 a "Source Reduction Plan" which includes a waste audit, proposes a cap of overall solid waste generation within 5 years at 1990 rates and demonstrates source reduction of 10% by weight within 5 years
- * It will require smaller businesses (more than 250 employees) to comply with the plan submission by 1/1/95 and businesses with more than 100 employees by 1/1/96.
- * It creates a Solid Waste Source Reduction Advisory Board to oversee/comment on this whole area of policy management
- * It will mandate "minimum" recycled content in many goods and product lines and sets up a "phase-in" schedule to reach these goals



Association of

N.J. RECYCLERS

100 Rindera Avenue • Bridgewater, N.J. 08807 • 908-722-7576 • FAX 908-722-8374

February 17, 1993

The Honorable Leonard T. Connors, Jr.
620 West Lacey Road
Forked River, NJ 08731

Re: S 1366

Dear Sir:

The legislative committee of our association has had the opportunity to review the referenced bill; and, it appears to impede recycling efforts by placing unrealistic goals and mandates on New Jersey's citizens and businesses. In our opinion mandatory quotas and percentages are rarely helpful. We prefer to see education and suggested goals. Our association would like to go on record as opposing this bill in its current form. We shall monitor the bill's progress and comment accordingly in the future.

Very truly yours,

ASSOCIATION OF NEW JERSEY
RECYCLERS

Audrey Winzinger

AW/dkh



ASSOCIATION OF ENVIRONMENTAL AUTHORITIES

2333 Whitehorse-Mercerville Rd. • Suite 4 • Mercerville, NJ 08619 • (609) 584-1877 • FAX (609) 584-8271

Position Statement
Senate Bill 1366/Assembly Bill 2046
February 16, 1993

The Association of Environmental Authorities (AEA) represents 141 water, wastewater, solid waste and improvement authorities in the State of New Jersey. AEA recently had the opportunity to review S-1366/A-2046, "The County and Municipal Waste Reduction Act", and would like to offer the following comments.

S-1366 proposes to reduce the amount of solid waste generated in the State through an ambitious recycling and source reduction program. The bill promotes composting and clearly disfavors incineration. S-1366 calls for New Jersey to be self sufficient in solid waste management by 2005.

The Association has always been supportive of recycling and source reduction as strategies for the reduction of solid waste generated in the State. Clearly, both are important parts of any integrated solid waste management program. AEA also agrees with the goal of State self sufficiency in solid waste disposal. Current New Jersey disposal practice makes New Jersey a "bad neighbor." However, we have always been, and continue to be, concerned about the mandating of recycling percentages and target dates. Traditionally, mandates equal violations and fines that municipal and county budgets can not tolerate. The Association would urge the Legislature to think in terms of goals with regard to recycling and source reduction. Goals allow for proactive programs that can reward communities for participation in contrast to mandates which are often punitive and punish communities for not making the numbers. The Association is aware that Gov. Florio recently signed A-987, mandating that municipalities reach a recycling rate of 50% and counties 60%. A-987 contained various flaws which will create problems in implementing S-1366. Please see the attached comments. S-1366 will effectively expedite the schedule of A-987. Why is this necessary?

S-1366 does little to encourage the research and growth of markets for recyclables collected. For communities to reach the ambitious recycling rates set forth here and in A-987 there must be reliable markets in place for the recyclable products. The current market for recyclables is unpredictable at best. Two years ago, communities were being paid for the newsprint they collected, today they must pay to have it hauled away. Mandating recycling percentages not only increases the disposal cost of recyclables to communities, but increases the storage costs for items that have no market (i.e. green glass). Certainly, with the poor economic situation in the State, it is inappropriate to mandate that communities continue to invest in an uncertain market. Until strong markets are in place for recyclables, the Association recommends that the recycling percentage numbers in S-1366 and A-987 be viewed only as goals, and not be legally binding.

Association of Environmental Authorities

S-1366/A-2046

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It is obvious that the main intent of this bill is to end, or at least curtail, disposal of solid waste in New Jersey through incineration. S-1366 "prohibits the financing, permitting, or construction of new solid waste incinerators, or expansion of existing solid waste incinerators, for three years." After the three years, communities must comply with an exhaustive review of all solid waste disposal options and be able to guarantee that an incinerator will not be used to burn recyclables. If this test is met a community may apply for a permit to construct, operate or upgrade an incinerator. Many times in the past, New Jersey has adopted policies to outlaw particular disposal options, only to find that a new crisis management situation was created. For this reason, AEA supports multiple options. It is clear that the States landfills are very close to being filled, composting is still in it's infancy, and the markets for recyclables are unreliable. In order to avoid out of state exportation of solid waste, all possible in state disposal options will be needed, including incineration. Source reduction, recycling, composting, landfilling and incineration should all be included in any integrated solid waste management plan. Multiple options are needed if the State of New Jersey is to become self sufficient in solid waste management by 2005.

New Jersey needs multiple solid waste management options. The Association of Environmental Authorities urges you not to release this bill from committee.

Should you have any questions, please contact the Association at (609) 594-1877. Thank you for your consideration of this very important issue.



ASSOCIATION OF ENVIRONMENTAL AUTHORITIES

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October 5, 1992

Senator Donald DiFrancesco
1816 Scotch Street
Scotch Plains, NJ 07076

RE: ASSEMBLY BILL 987/S-1082

Dear Mr. President:

The Association of Environmental Authorities (AEA), which represents 141 water, wastewater, solid waste and improvement authorities in the State of New Jersey, is opposed to Assembly Bill 987 (A-987) sponsored by Assemblyman Albohn.

A-987 proposes to amend the Mandatory Recycling Act to require every municipality to recycle at least 50% of the total municipal waste stream (TMWS) including yard waste and vegetative waste, and every county to recycle at east 60% of the total solid waste stream.

The Association agrees with the concept and goals of this bill. Recycling should be an integral part of every municipal solid waste plan. However, we are concerned with the mandating of solid waste recycling percentages. In order for municipalities and counties to consistently meet the ambitions goals set forth in A-987 there must be strong markets in place for the recyclables products. The current market situation for recyclable products is unpredictable and subject to surprise surpluses and shortages. Certainly, with the poor economic situation in the State, mandating that municipalities and counties invest in an uncertain market is inappropriate. Fifty and sixty percent recycling rates for municipalities and counties should remain goals, not be legally binding.

This bill is opposed because it also contains a number of "fatal flaws" which are summarized below:

- o The mandate to recycle 50% of the TMWS was never intended to be applied to each and every municipality in the State. In fact, the Emergency Solid Waste Assessment Task Force clearly sought to achieve this goal on a State-wide basis, not within each and every municipality. It has also been the stated policy of the NJDEPE, the Association of New Jersey Recyclers (ANJR) and various other organizations that such recovery targets should not be required of municipalities, rather, such goals should be established on a county-wide basis. Fifty percent TMWS diversion can only be achieved on a county-wide basis through the establishment of a wide-range of regional

recycling facilities and programs, if at all. This legislative proposal to require every municipality in the State to individually achieve at least 50% TMWS diversion is technically, administratively, and financially unrealistic.

- o The inclusion of yard waste (leaves, grass, brush) in the total municipal waste stream would, in most counties, make it easier to achieve the 50% goal since more than 50% of yard wastes, on average, are already being recycled. However, the proposed inclusion of vegetative wastes, other than yard wastes, in the TMWS would make it more difficult to achieve the 50% mark since the target tonnages would be higher. Neither the Task Force Recommendations nor NJDEPE's Revised Data Management System (2nd Draft) identifies "other" vegetative wastes for recycling. While the Task Force Report anticipated that 90% of all yard wastes could be recycled, it did not target any (0%) "other" vegetative wastes for recovery.
- o The definition for "total municipal solid waste stream", as currently included in the Mandatory Recycling Act, is vague at best and could, at worst, be misinterpreted to mean more than ID #10 waste disposed. Such an interpretation would substantially increase the target tonnage to be recycled. This legislation does not propose to correct this ambiguity.
- o A-987 proposes to define "total solid waste stream" as the "aggregate amount of solid waste generated within the boundaries of any county from all sources of generation, including the municipal solid waste stream." A 60% total solid waste target, based on this proposed definition, could be interpreted to include not only waste types 10, 13, 23, 25 and 27 disposed plus total recyclables, but also other "solid wastes" such as septage, sludges, liquid, semi-solid, gaseous, infectious and hazardous wastes (see N.J.A.C. 7:26-1.6 for definition of solid waste). Furthermore, NJDEPE's Revised Data Management System (2nd Draft) proposed to track the origin of only a select group of recycled materials. Therefore, the origin data for many recyclables will no longer

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by available to determine the "total solid waste stream" as defined in this legislation. The definition of "total solid waste stream" should be clearly defined as the amount if ID 10, 13, 23, 25 and 27 (as set forth in N.J.A.C. 7:26-2.13) waste disposed, as measured in tons, plus the total number of tons of recyclable materials recovered.

The Association of Environmental Authorities is opposed to A-987 and asks that you please not post this bill for vote. Thank you for considering our comments.

Very Truly Yours,



Ellen Gulbinsky
Executive Director

/mck

cc: Edward Buzak
Kim Young

SOUTH JERSEY WORK ON WASTE, INC.

759 HADDON AVENUE • COLLINGSWOOD, NJ 08108 • (609) 858-4545 • FAX: (609) 858-2532

Date: February 17, 1993

To : Senate Community Affairs Committee

From: Patricia H. Townsend, President
South Jersey Work on Waste (S.J.W.O.W.)

Re : County and Municipal Waste Reduction Act
Senate Bill 1366

South Jersey Work on Waste (S.J.W.O.W.) is a coalition of environmental groups, committed to safe waste disposal alternatives to include waste reduction, reuse, recycling, and composting.

Our efforts are motivated by a growing concern for human health, which is negatively impacted by ever increasing pollution problems caused by air born emissions from incineration and other industries.

Overall, S.J.W.O.W. supports Bill S.1366, which provides a change in direction from current waste disposal practices. It is time that safer alternatives take precedence over landfilling and incineration. We urge you to support these positive changes.

Experience in South Jersey has shown that risk assessment modeling, done prior to permitting incineration is, in our opinion, inaccurate and ineffective.

We support the three year moratorium on incineration expansion and construction, and hope this will be extended indefinitely.

Further, S.J.W.O.W. supports a phase out plan for all currently operating MSW incinerators. We propose implementation of a non-burn plan similar to that developed in Camden County by members of the County Solid Waste Advisory Council.

South Jersey Work on Waste is a grass roots, non-profit affiliation of environmental groups:

CATS - Citizens Against Trash to Steam (Camden)

SIN - Stop Incineration Now (Pennsauken)

ASAP - A Solution Against Pollution (Collingswood, Haddon Heights, Cherry Hill)



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*President***Testimony on The County and Municipal
Waste Reduction Act (Bill No. S-1366)****INFORM, Inc.****Joanna D. Underwood, President****John P. Winter, Senior Research Associate****February 17, 1993**

On behalf of INFORM, a national non-profit environmental research organization that examines the environmental practices of businesses and municipalities, we appreciate the opportunity to comment on New Jersey's "County and Municipal Waste Reduction Act" ("The Act").

The New Jersey legislature has an opportunity to shape New Jersey's future in a critical environmental area. Our commentary focuses on the great economic and environmental benefits the state can achieve by placing strong attention on the strategy of source reduction.

Over the last three years, as part of INFORM's research of municipal solid waste practices, INFORM, with support from the U.S. Environmental Protection Agency, has analyzed possibilities for reducing municipal waste at the source and has found that this strategy offers distinct promise. Source reduction has been designated by EPA and many states, including New Jersey, as the highest strategic priority in charting the nation's waste management future. Based on INFORM's research, we believe this strategy has great potential to reduce New Jersey's waste burden by 10 to 20 percent and save the state millions of dollars.

Unfortunately, while jurisdictions across the nation have applauded source reduction in concept, they have not known how to design programs to make it happen and have therefore given it little attention in practice. New Jersey may have had the same problem, explaining why the current legislature is considering this Act. Instead, landfilling, incineration, and recycling, expensive and environmentally more risky strategies, have been the focal points of New Jersey's solid waste management options.

In 1990, the 21 counties in New Jersey disposed of nearly 15 million tons of garbage from the state's 7.7 million residents. Not only does the state have the densest population of any state in the country -- over 1,000

people per square mile -- but it has a per capita waste generation of 5.3 pounds per person per day, way above the national average of 4.3. (In citing these per capita figures, we include only DEPE Type 10 and Type 23 wastes). Worse yet, per capita rates in New Jersey are rising. According to the New Jersey Emergency Solid Waste Task Force Final Report, unless the current trend is altered, daily per capita waste generation can be expected to increase to 8.7 pounds per person per day by 2010.

While New Jersey's waste stream has steadily grown, its disposal options have been shrinking. An alarming portion of New Jersey's solid waste is exported. In 1991, the state exported 21 percent of its waste to five states. If the US Congress passes increasingly popular legislation allowing states to limit garbage imports, New Jersey will face a serious situation. Furthermore, unless New Jersey's waste stream is diminished, 10 of the 11 existing state landfills will reach their current capacity and close by 2010.

The Governor's Emergency Solid Waste Assessment Task Force Final Report for New Jersey makes clear the urgent need not only for better management of waste but also for significant source reduction. INFORM has recently published a study entitled *Making Less Garbage: A Planning Guide for Communities*. The study was undertaken to identify what could be included in the source reduction component of local solid waste management plans and what criteria states could use in evaluating these plans. The testimony below is based on this study.

There is much that the New Jersey legislature can do to accomplish source reduction at the local and state level. Legislation can set a source reduction goal and outline a specific source reduction agenda. Government can serve as a model but at present, is behind the private sector in implementing source reduction initiatives. Many of the initiatives would save considerable amounts of money over time.

The need for source reduction is urgent. New Jersey, through legislation like the County and Municipal Waste Reduction Act, has a special opportunity to make source reduction happen at this time. What is required is a serious commitment and investment now.

I. THE ESSENTIAL OF SOURCE REDUCTION PLANNING

The three essentials of a source reduction effort are:

1) Defining source reduction and distinguishing it from recycling

INFORM defines source reduction as a reduction in the amount and/or toxicity of waste generated. Since recycling deals with waste already generated, it cannot be considered source reduction.

The EPA hierarchy lists source reduction as the first priority, then recycling, and finally, disposal. Recycling is an important strategy for reducing the need for disposal, it is preferable to disposal, but it properly follows source reduction in the hierarchy. This means that first, efforts should be made to reduce waste at source. After this is accomplished, recycling should be pursued to its maximum potential. To give a practical example, when there are several excess layers of packaging around a product, the first priority is to eliminate the unnecessary layers. After this waste is eliminated, the remaining packaging should be made out of recycled materials and be recyclable.

The Act clearly distinguishes the strategy of source reduction from recycling and other waste management options (not the case in most solid waste legislation). This is an important first step in designing effective source reduction legislation.

2) Setting and establishing a measurement methodology

A separate goal must be set for source reduction. Source reduction goals can be set on an aggregate basis or by material or by generating sector. Measurement requires good data collection and waste audits to determine a baseline and to analyze results.

The Act sets a source reduction goal of 10 percent. This goal, while somewhat modest, should ensure that New Jersey's waste stream is reduced. At the same time, a more ambitious goal than the one proposed (i.e., 15 to 20 percent) could provide the impetus for developing programs that would reduce greater amounts of waste and save more money.

Baseline years and target years are also essential for a meaningful source reduction goal. By itself a goal of 10 percent means very little: 10 percent by when? from when? of what? The Act states that the 10 percent goal is to be reached within four years of the effective date of the act. It also states that 1990 will serve as the baseline year and that a county's total annual solid waste stream requiring disposal will serve as the measurement parameter. Together, these components provide the essential elements for a meaningful source reduction goal.

Measurement systems are important for effective source reduction programs not only because they help states and municipalities set realistic goals for their programs and establish program priorities, but also because they allow communities to track and evaluate the progress of their source reduction activities: to recognize their accomplishments and target areas for further efforts. Yet, measuring source reduction can seem complex, and difficulties in establishing measurement systems have been a major factor hindering widespread source reduction efforts.

Source reduction has been effectively measured at the micro level of individual materials or small groups: companies, institutions, or several dozen households. Measurement on a macro level -- a community-wide, multimaterial basis -- has proven more difficult.

However, Seattle, Washington has reported results from a large-scale source reduction initiative -- their variable waste disposal system. Ratepayers there select subscription levels based on the number and size of cans of garbage they generate each week. The program has been so successful that customers have asked that cans smaller than the current minimum size of 19 gallon can be offered for weekly waste. Since 1981, the average subscription for a residential ratepayer has fallen from 3.5 to 1.4 cans. However, cans set out for recycling are not included in this statistic, and it does not account for compaction. Thus, it is unclear whether the results reflect increased recycling or actual reduction at the source. According to the Seattle Solid Waste Utility, there is certainly better separation of recyclables, and people are more aware of what they are throwing away, thus creating a climate in which source reduction can be increasingly encouraged. Seattle is also exploring a weight-based garbage system that would allow each

customer to be charged on the basis of the weight of the garbage put out for collection, thus neutralizing the effects of different compaction rates and partially empty cans.

New Jersey can move ahead with setting up information and measurement systems that will improve their ability to set source reduction program goals and analyze the effectiveness of their actions. In fact, it is useful for communities to determine their measurement strategy as they design source reduction programs so that measurement is an integral part of their efforts, rather than an issue to be addressed later. While accurate macro measurement is difficult, it is not impossible, and the difficulty need not preclude the implementation of source reduction strategies.

Focusing first on quantity reduction, then on toxicity reduction, communities can gather basic information about the composition and source of their waste stream, identify trends in population and business growth that affect waste generation, and make choices about how to measure reductions.

3) Developing an administration and budget

It is not reasonable to assume that source reduction will be accomplished without a staff that has proper independence, authority, and budget to carry it out. Source reduction does not require waste management operations such as collection, processing, and disposal so it is far cheaper. It does, however, require people to work on planning, program implementation and evaluation, government assistance programs, education, and legislation.

The Act, while mentioning the establishment of a source reduction program in the Department of Environmental Protection and Energy, does not provide for a distinct institutional "home" for source reduction. What is needed is a discrete "Bureau of Source Reduction" separate from other functions in DEPE. Only by removing source reduction from its current association with recycling can it become a significant addition to New Jersey's waste management options.

With regard to funding provisions for source reduction, the Act's "State Recycling and Source Reduction Fund" appears to be an appropriate funding vehicle for

supporting source reduction program planning and public information and education initiatives. What must be kept in mind is that funding for source reduction planning and educational efforts should be commensurate with the Act's goal of reducing New Jersey's solid waste stream by 10 percent.

II. SOURCE REDUCTION STRATEGIES

Once the "Essentials of Source Reduction" are in place, the next step is to develop and implement specific strategies aimed at reducing the amount and toxicity of waste.

Following are strategies INFORM has identified that are designed to reduce waste and that are being used in some states or municipalities throughout the country. New Jersey may wish to adopt some or all of these strategies.

1. Government Procurement Policy

Government procurement programs favoring source reduction could save substantial amounts of money, reduce waste, provide a role model for the private sector, and influence manufacturers to make less wasteful and less toxic products and packaging.

Source reduction procurement guidelines could encourage the purchase of reusable, refillable, repairable, more durable, and less toxic items. The guidelines could require reusable, minimal, and less toxic packaging for all items purchased and shipped. Connecticut, Illinois, Minnesota, Wisconsin, and Rhode Island are incorporating source reduction into their procurement policies.

Private companies in the United States are using their procurement clout to accomplish source reduction. AT&T has a goal to reduce its office paper waste 15% from 1990 to 1994. Since AT&T is a major purchaser of photocopy machines, it has been working with its suppliers to retrofit AT&T's large machines so that the "default mode is duplex." In other words, these machines would copy all documents two sided unless instructed by the user to make a single sided copy.

The Act establishes source reduction procurement guidelines for state government offices. Such an effort can be effective as a model for source reduction efforts

in business and institutional facilities throughout New Jersey.

2. Government Operations

Source reduction guidelines can become a part of state and local government operations. Changes can be made in government, such as switching from disposable to reusable products -- for example, using ceramic cups rather than throw away plastic or paper ones and converting cafeterias to reusable dishware. In other areas, newspaper sharing can be encouraged in government offices and backyard composting can be mandatory wherever it is feasible.

State and local governments produce many documents. A document printed double-spaced on one side of the page (which, unfortunately, is common practice) uses four times as much paper as a document single-spaced and copied on both sides of the page. INFORM's report, *Reducing Office Paper Waste*, demonstrates the potential waste reductions and cost savings of strategies designed to reduce office paper waste. In one case, INFORM estimates that New York City alone could save over 5 million dollars a year and over 4,000 tons of copy paper by increasing two-sided copying along with a modest reduction in the number of copies made. The potential for source reduction in the area of photocopying is large.

At the first central reproduction facility to implement the new AT&T source reduction program, the rate of duplex copying was increased from 10% to 79%. AT&T is estimating a reduction in photocopy paper alone of 77 million sheets annually for a savings of \$385,000.

New Jersey could require that all local solid waste plans include a component on reducing office paper waste. Office paper is one of the fastest growing segments of the waste stream, up from 1.7% of MSW in 1960 to 4.1% in 1988 and projected to increase to 6.4% by 2010. Halting this trend and ultimately reversing it is a matter of urgency.

3. Technical Assistance to Business

About one-third of the national solid waste stream is generated by the commercial sector. Government can help reduce this waste through technical assistance programs.

New Jersey already requires all businesses over a specified size to conduct waste audits and to submit source reduction plans to the state. Government technical assistance programs can provide expertise and financial support and are a worthy use for the funds provided for in the Act.

WasteCap, a technical assistance program in Maine, Vermont and New Hampshire, is a good example of a low cost program that helps businesses reduce waste. This program relies on volunteers from the business community to help other businesses recognize opportunities for reducing waste.

4. Backyard Composting

Backyard composting is considered source reduction because no waste management is required by the public sector. No collection costs are involved. The only investment is in education and supplies, such as composting bins. New Jersey could require all local solid waste plans to fund backyard composting programs. In Seattle, \$564,000 of the city's \$800,000 source reduction budget has been dedicated to backyard composting. A recent survey by the Seattle Waste Utility, which administers the program, indicates that for every ton of yard waste that is home composted, the city saves \$18. Yard waste, at almost 20% of the national waste stream, can be dealt with most effectively at the source.

5. Other Source Reduction Strategies

Among the other source reduction strategies that INFORM has identified are: institutional source reduction programs, grants, pilot programs, clearinghouses, awards and contests, reuse programs, publicizing and encouraging business source reduction programs, educating consumers, developing waste reduction curriculums for schools, variable waste disposal fees, taxes, tax programs, bans, and packaging legislation.



STATEMENT OF
Ann H. Mattheis
GROCERY MANUFACTURERS OF AMERICA, INC.
Before The
NEW JERSEY SENATE COMMUNITY AFFAIRS COMMITTEE
Trenton, New Jersey
February 17, 1993

Mr. Chairman, members of the Committee, my name is Ann Mattheis and I am Senior Manager of State Affairs for the Grocery Manufacturers of America. GMA is the national trade association of the manufacturers of food and non-food products sold primarily in retail grocery stores and supermarkets throughout the U.S. Our members produce approximately 85 percent of the grocery products sold domestically and our sales total close to \$360 billion annually. In New Jersey, GMA members have 93 manufacturing and processing facilities and employ about 31,000 people.

Our main concern with S 1366 are the sections that address packaging. Because our industry manufactures food, household products, cosmetics, and other items typically found in grocery stores, packaging is essential to the safe transportation, handling, storage, and marketing of our products in interstate commerce. We cannot make packaging that will meet state-specific requirements and still maintain the high quality and competitive prices that our customers have come to expect. Consequently, we are very sensitive to state legislation that would restrict how we manufacture, use, design, and label our packaging.

Therefore, we appreciate the opportunity to offer comments on S. 1366, the "County and Municipal Waste Reduction Act." This bill proposes a comprehensive county-based plan for the management of solid wastes, primarily municipal solid wastes. The plan would ban further development of waste-to-energy facilities for three years, require that counties achieve a 75 percent reduction in their solid wastes (55 percent of which must be municipal solid wastes) also within three years, and promote disposal strategies that rely on source reduction, recycling, reuse, and composting.

S. 1366 also proposes restrictions on certain products and would restrict the use of environmental labels and emblems on products and packaging that do not meet certain environmental requirements. The bill also proposes to ban certain packages that are not recyclable.

Before addressing my remarks to specific provisions in S. 1366, I would like to present some general principles that grocery manufacturers believe should guide the development of solid waste management legislation.

First and foremost, the grocery industry recognizes that packaging is a significant component of municipal solid waste and considerable efforts have and are being expended to reduce that volume and percentage of packaging in the waste stream. Toward that end, the industry is using lighter weight materials, less material in products and packaging, concentrates for cleaners and soaps, and larger product sizes that use less packaging per unit of product.

The industry is also committed to developing products and packaging that make better use of our natural resources through recycling and reuse. We are using packaging made with recycled materials, developing new applications for reusable and refillable containers, experimenting with commercial composting techniques that can transform organic wastes (i.e. paper and yard debris) into soil additives and fertilizer, and cooperating with national, state and local groups to develop and implement recycling programs for grocery products and packaging.

These efforts are real and ongoing. And more is being done to further reduce, reuse, and recycle packaging wastes among those who supply and use our products.

But, even with those activities, more than 70 percent of the waste stream remains. We will not solve this country's or New Jersey's solid waste management problems with one magic bullet. Lasting progress in reducing and better managing the waste stream can only be achieved through the strategic application of all available MSW management approaches - reduction, recycling, waste-to-energy incineration, and landfilling. Effective solid waste management begins in the community with reasoned and rational planning and the implementation of appropriate MSW management strategies.

Product bans and environmental restrictions on materials and packaging, based on arbitrary environmental standards that have little or no relevance to the performance requirements of the product or package or the manufacturer's ability to meet them, will not achieve long-term, effective solid waste management for New Jersey or any other state. Rather, such provisions only serve to disrupt markets and undermine the world's most efficient consumer products distribution system.

Moreover, a solid waste management approach which would have mandated "rates and dates" requirements on packaging was presented recently to the voting citizens of Massachusetts. Their answer was clear and unmistakable—no mandates. Massachusetts voters understood that such proposals would impose punitive, costly, wasteful, and restrictive requirements on consumer product packaging, but would leave the greatest portion of the solid waste stream virtually untouched. With their votes, the people of Massachusetts told their elected officials that they want effective solid waste management programs that provide real incentives to business and industry aimed at developing markets for recovered materials, not mandates.

At this point, I would like to address my remarks to specific sections of S. 1366.

ENVIRONMENTAL MARKETING

Sections 21 through 24 establish environmental marketing standards for the terms "recyclable", "recycled", "reusable", and "compostable", respectively, based upon various performance rates. After July 1, 1994, product manufacturers who wish to use the term "recyclable" on their packaging must ensure that the package is being collected in New Jersey at a 65 percent rate through a recovery infrastructure available to 75 percent of the state's residents. The bill also prohibits use of a "recycled" emblem or logo on a product or package unless it is composed of minimum levels of post-consumer materials, beginning at 35 percent in 1994 and rising to 75 percent by 1998. Similar prescriptive requirements are proposed for use of the terms "reusable" and "compostable." Section 25 requires that manufacturers apply to the state for permission to use such labels or emblems on their products.

GMA agrees that consistent rules should govern the use of environmental marketing claims for consumer products and packaging. However, this effort falls most appropriately within the federal government, specifically the Federal Trade Commission (FTC). GMA and the grocery industry believe that if each of the states assumes regulatory responsibility for environmental marketing, the regulation of environmental claims will become a patchwork of inconsistent and conflicting standards, definitions, label designs, and procedures. Manufacturers of products sold and distributed nationally cannot meet differing requirements for each state and still maintain the efficiency of their distribution systems. We are very concerned that grocery manufacturers will remove legitimate environmental claims from their products to the detriment of consumers who value this information in making their purchasing decisions.

These concerns convinced GMA to participate with a number of other national trade associations in petitioning the FTC to develop national guidelines for the use of environmental claims. Last summer, the agency completed its deliberations and issued the guidelines. GMA would therefore prefer that the states rely on existing truth in advertising laws and allow the FTC Guidelines to serve as the measure for judging the acceptability of environmental terms, emblems, and logos on packaging. With respect to Sections 21 through 25 of S. 1366, we believe these sections would serve to impede, rather than enhance, progress in achieving the objectives of an environmental labeling effort and therefore suggest the Committee eliminate them from the bill.

PRODUCT BANS

Section 30 would prohibit the sale or use of multilayered or aseptic packaging and disposable polystyrene food and beverage containers that are not recyclable by July 1, 1994. We object to this section because it imposes a condition on manufacturers which is beyond their control to achieve. The recyclability of any material, product, or package is largely dependent on the willingness of communities to collect the items and consumer demand for products made from recovered materials—i.e. the market. Industry has been working with communities around the country for several years in developing the recovery infrastructure for both kinds of materials. While the technology is proven, the economics are still uncertain. Again, consumer and market factors determine the economic success of any such materials processing system. We believe these efforts should be encouraged, not discouraged with premature sanctions.

Moreover, grocery manufacturers use all available materials in designing packages that ensure the protection, integrity and safety of products from the point of manufacture to the point of sale. When states ban products or materials, consumers' interests are undermined by less product variety and higher costs.

Mr. Chairman, members of the committee, these remarks highlight GMA's greatest concerns with this bill. We must emphasize that bans, prohibitions, and restrictions on technologies and products only complicate and impede the development of workable, reasonable solutions to the solid waste challenge. GMA has and will continue to participate in these debates and we appreciate the opportunity to offer comments toward that end.

Thank you. I will be happy to answer your questions.

SHARON FINLAYSON
COOPER RIVER PLAZA SOUTH
5105 NORTH PARK DRIVE
PENNSAUKEN, NEW JERSEY 08109-4664

DATE: FEBRUARY 17, 1993

TO: SENATE COMMUNITY AFFAIRS COMMITTEE

FROM: SHARON FINLAYSON, SOUTH JERSEY WORK ON WASTE

RE: COUNTY AND MUNICIPAL WASTE REDUCTION ACT
SENATE BILL - 1366

Thank you for the opportunity to speak on behalf and in favor of this legislation. This bill represents real deliberation about the consequences of our waste disposal problems and practices with a willingness to seek new paths. The impact of solid waste disposal on our endangered environment and the potential for risk to human health makes a sensitive, progressive approach to handling our solid waste an absolute necessity. In my opinion, this bill represents that new path to solid waste reduction and disposal.

Awareness of our solid waste crisis has grown as controversial approaches to this crisis have been implemented. The simple fact that there is no technological panacea for trash disposal directs that the solid waste management hierarchy must be changed. I am especially pleased that bill 1366 contains a new hierarchy with emphasis on disposal alternatives which are safer and more practical than landfilling and incineration. In order to ensure the success of these goals, the extensive education programs contained in the bill must be implemented. Incentives must be developed to encourage new markets and the expansion of current markets for recyclable products. Another incentive for the maximization of reduction and recycling is a volume based collection program, otherwise known as a "pay by container" basis. The principle is simple, and its success in other communities demonstrates that it is workable.

I am pleased to note that the bill calls for a three year moratorium on the construction and expansion of new msw incinerators and feel this should apply generally without a clause that allows for new and expanded incinerators if criteria is met. Incineration promotes the sloppy disposal practices that have prevailed throughout our nation. The area in which I live in Camden County is impacted by two incinerators which are closely situated (about four miles apart as the wind blows). This proximity makes us extremely vulnerable to emission fallout. We want cleaner air to breath and would be rigidly opposed to an expansion approval for either the Camden or Gloucester incinerators. Inclusively, I, and other environmentalists from my area, would oppose incinerator expansion anywhere in New Jersey.

A problem that I personally find within the bill is the requirement for all existing incinerators to continue operating. In looking at the mercury issue in New Jersey, it became apparent that we are just beginning to deal with the detrimental impact of msw incineration. The airborne emissions are numerous and their negative effects on life of all kinds are just as numerous. The long term effects of landfilled ash, which is also highly contaminated, is yet to be determined. We have barely begun to understand the true consequences of msw incineration. We must redirect the focus from a maximizing of existing incinerators to a phase-out of incineration. I believe such a plan could be developed to coincide with successful reduction and recycling programs, and to correspond with financial management plans within the affected counties. I am requesting that you consider amending bill 1366 to include a plan for the graduated phase-out of all msw incinerators in New Jersey.



Alliance for a Living Ocean

P.O. Box 95, Ship Bottom, New Jersey 08008

February 10, 1993

Senator Leonard T. Connors
Chair of Senate Community Affairs Com.
620 Lacey Road
Forked River, N.J. 08731

Dear Senator Connors:

The Alliance for a Living Ocean is committed to educating the public on ocean pollution AND viable waste disposal alternatives. Towards this goal we support Bill S1366/A.2046 and hope you will work for its passage.

ALO backs aggressive recycling, and we look forward to stronger packaging laws. Our future lies in state-of-the-art research dealing with environmental problems. Many of our young members are anxious to join this field.

Thank you for your concern.

Sincerely,

ALLIANCE FOR A LIVING OCEAN

Joan Koons, President
Board of Trustees

105X



New Jersey Press Association

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February 24, 1993

The Hon. Leonard Connors, Chairman
Senate Community Affairs Committee
State House
Trenton, NJ 08625

Re: Senate Community Affairs Committee
Public Hearing of February 17, 1993
on Senate Bill No. 1366.

Dear Senator Connors:

On behalf of the New Jersey Press Association (NJPA) I would like to request that this letter be submitted into the record of the above-referenced hearing in order that the following information be available to the committee.

Specifically, NJPA is concerned about Section 28 of S-1366, which mandates the use of post-consumer waste material in newspapers. While NJPA shares the goal of this section -- to find new and/or expanded markets for recyclable products -- we would like to make the committee aware of another legislative approach.

NJPA has been working with Assemblyman Shinn in the development of ACR-95, which creates the Wastepaper Usage Task Force. This resolution has been approved by the Assembly and now awaits consideration by the Senate Environment Committee.

The Wastepaper Usage Task Force will be given six months to study and recommend ways to bring about further utilization of recycled newsprint. We strongly support this measure and believe that the Task Force's recommendations will be a necessary first step for determining the use of recycled material in newspapers.

Accordingly, we ask that Section 28 be stricken from S-1366 and that efforts to mandate the use of post-consumer waste in newspaper production be halted until the Wastepaper Usage Task Force presents its findings to the Legislature. Thank you for your consideration of this request.

Sincerely,

John J. O'Brien
Executive Director

1993 Officers

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Executive Director, John J. O'Brien

106 X



P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/531-4233

February 23, 1993

Senator Leonard Connors, Chairman
Senate Community Affairs Committee
620 W. Lacey Road
Forked River, New Jersey 08731

Re: Senate Community Affairs Committee Public
Hearing of February 17, 1993 on S-1366
American Ref-Fuel Company of Essex County -
Responses Regarding A-901 Certification and
Regional Use of the Facility

Senator Connors:

During the February 17, 1993, public hearing of your committee on S-1366, allegations were made by Attorney Michael Gordon in testimony before the committee that American Ref-Fuel Company of Essex County, the operator of the Essex County Resource Recovery Facility, did not hold a valid 901 license from the NJDEPE. The company was issued a 901 certification in 1990 and has subsequently made all required filings and paid all fees necessary to maintain that license. The following is the chronology of the matter:

- 12/84 - Ref-Fuel first filed A-901 Disclosure Statements
- 12/31/90 - The New Jersey Department of Environmental Protection, now known as the New Jersey Department of Environmental Protection and Energy, "NJDEPE" determined that "the Department has conducted a review of Ref-Fuel Essex's disclosure statements, the Attorney General's investigative report and other relevant information and has determined that on the basis of that extensive material that Ref-Fuel Essex meets the standards set forth in A-901."

- 01/01/91 - Ref-Fuel provided the NJDEPE several updates to the Business Concern Disclosure Statement and the Personal History Disclosure Forms as required by A-901's continuous update provisions on March 11, March 20, July 22 and December 2, 1991.
- 12/20/91 - Ref-Fuel filed an Annual Updated Disclosure Statement, as required by the 1991 amendment to A-901.
- 11/05/92 - Per NJDEPE request, Ref-Fuel filed updated Second Level Business Disclosure Forms for Air Products Ref-Fuel of Essex County, Inc. and BFI Energy Systems of Essex County, Inc.
- 12/10/92 - Upon NJDEPE's recent determination that the General Partners, Air Products Ref-Fuel of Essex County, Inc. and BFI Energy Systems of Essex County, Inc. should report information in the (First Level) Business Disclosure Statement, Ref-Fuel filed Second Level Business Disclosure Forms for Air Products Ref-Fuel Holdings Corp and BFI Energy Systems, Inc., shareholder corporation of the General Partners.
- 02/19/93 - Ref-Fuel is currently preparing its 1992 Annual Updated Disclosure Statement.

In addition to the above-mentioned filings, Ref-Fuel has paid A-901 Assessments totalling over \$100,000.

To give you some background of the permit application process before A-901 implementation, the following is an excerpt taken from the December 31, 1990 NJDEPE certification determination which captures the history:

"A-901 makes a distinction between licensees and applicants. See N.J.S.A. 13:1E-127. The terms 'licensee' refers to an entity which has already received A-901 clearance, but it also refers to those entities whose existence predated the effective date of A-901 in June 1984. . . Licensee status also applies to those entities which received solid waste or hazardous waste permits during an approximately 11-month period between February 1985 and January 1986. It was within that period that enforcement of A-901 was under injunction by the United States District Court for the District of New Jersey on constitutional grounds. The injunction was lifted by the United States Court of Appeals for

the Third Circuit, which reversed the district court decision. Trade Waste Management Association v. Hughey, 780 F2d 221 (3rd Cir. 1985). . . Ref-Fuel Essex received its solid waste facility permit in December 1985. It is therefore considered a licensee. The Appellate Division of Superior Court has expressly ruled, in an appeal involving the very permit of Ref-Fuel Essex, that the fact that A-901 was later restored by the Third Circuit did not invalidate the permit issued to Ref-Fuel Essex during the period in which the Injunction was in effect. NJPDES Permit No. NJ00527, 216 N.J. Super. 1, 12 (App. Div. 1987). . . Ref-Fuel Essex has therefore been allowed to proceed with the construction and operation of the Essex County Resource Recovery Facility during the A-901 investigative process. The permit is subject to revocation if the company fails to meet the standards of A-901. . ."

This information clearly demonstrates that American Ref-Fuel Company of Essex County applied for and obtained A-901 approval, and is currently in good standing with NJDEPE.

On another matter discussed before your committee in that hearing, committee members questioned the sizing of capacity of the Essex County Resource Recovery Facility, since Essex County's waste flow has since reduced below that originally expected. Ref-Fuel would like to point out for the record that it was recognized by all the project participants (Essex County, The Port Authority of New York and New Jersey, and American Ref-Fuel) as well as the NJDEP, BPU and NJ DCA (DLGS) that seasonal variations, social changes, recycling, and the economy would all affect waste generation quantities over the 25 year contract period. Accordingly, the contracts executed by those parties and approved by those agencies provided for waste flow to the facility from other sources to maintain maximum efficiency and full utilization to derive the best economics for Essex County. Further, it was established in these agreements that a system of priorities would apply to assure that New Jersey waste would have first priority use of the facility. The priorities (highest first) are:

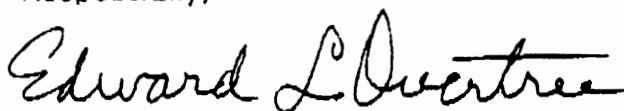
1. Waste from within the Essex County waste disposal district.
2. Waste from another NJ district having a WTE facility which is out of service and needs back up.
3. Waste from another NJ district which does not have a WTE facility.
4. If necessary, waste from sources from outside the state.

The above priorities, first suggested by Ref-Fuel in 1985, are consistent with the state's current goal for self-sufficiency and regional use of facilities. By maximizing

the use of existing facilities, they reduce the number of facilities needed and insure the optimum cost basis for the host county. Regional use of the Essex facility was planned for very early in the process and there are many examples of close coordination between NJDEPE, Essex County and American Ref-Fuel to achieve that goal.

We respectfully request that this letter be made a part of the record of the Senate Community Affairs Committee Public Hearing of February 17, 1993 on S-1366.

Respectfully,



Edward L. Overtree
General Counsel

cc: W. Glover
D. Samson
T. O'Neil ✓
G. Doherty/PANYNJ
B. Maynard/PANYNJ
N. Miller/NJDEPE



**Aseptic
Packaging
Council**

**Testimony of the
Aseptic Packaging Council
before the
Senate Community Affairs Committee
State of New Jersey
February 17, 1993**

Mr. Chairman, members of the Committee, thank you for this opportunity to submit the views of the Aseptic Packaging Council (APC) on Senate Bill 1366.

The APC is a small Washington, D.C.-based trade association comprised of the manufacturers of aseptic packaging, more commonly known as "drink boxes." The purpose of the APC is to educate consumers and policymakers about the benefits and environmental attributes of drink boxes and to help facilitate sustainable community recycling programs throughout the country. A secondary, but equally important mission, however, is to comment on and help shape the development of sound public policy in the areas of packaging and solid waste.

We commend Senator Corman for his willingness to address the thorny issue of solid waste through this legislation. In particular, we support the establishment in law of the now familiar hierarchy of solid waste management. Similarly, we support the establishment of public education programs on source reduction, and the system of volume based solid waste charges. At the same time, however, there is at least one aspect of this legislation which the APC unalterably opposes at the present time.

We are vehemently opposed to the language in Section 30 which proposes to ban the sale and distribution of aseptic packaging on or after July 1, 1994. For a variety of reasons, not the least of which is that the industry is working vigorously to establish viable recycling programs throughout the country, including in New Jersey, we do not believe packaging bans constitute sound

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packaging policy. The inclusion of this type of language in Senate Bill 1366 will result in discouraging and eliminating from the consumer market one of the most environmentally friendly packages on the market today. Moreover, it will discourage the industry from continuing its good faith efforts to establish recycling programs in New Jersey. Assuming that a reduction of the volume of material in the solid waste stream is one of the primary goals of this legislation, we respectfully submit that Section 30 completely undermines this important goal.

We suggest in the strongest possible terms that Section 30 be deleted and replaced with language encouraging -- or mandating -- municipal collection of polycoated paperboard packaging, including drink boxes and milk cartons. Drink boxes reduce solid waste today. Without aseptic packaging the U.S. solid waste stream would rise by as much as 338,000 tons. Moreover, if all paperboard, plastic and glass beverage packaging were converted to drink boxes, America's solid waste stream would diminish by as much as 800,000 tons, a 77 percent reduction!

Rather than banning a product which, at most, constitutes less than three one hundredths of one percent (0.03%) of the municipal solid waste stream, New Jersey's recycling goals will be attained much more quickly if homes, schools, municipalities and state institutions are encouraged to separate and collect these materials from the waste stream.

There are a variety of reasons that innovative packaging such as the drink box should be encouraged, rather than banned, in any final public policy and law dealing with packaging:

First, aseptic packaging, or "drink boxes," are the leading example of source reduced minimal packaging. The drink box is a lightweight package consisting of paper, plastic and aluminum foil. It is typically 96 percent beverage and only 4 percent packaging material. In contrast, a glass container holding the same amount

of liquid tips the scale at 36.9 percent packaging, nearly eight times more packaging than the drink box! Needless to say, this makes aseptic packaging entirely consistent with the hierarchy which is set forth in Senate Bill 1366.

Second, drink boxes are being successfully collected and recycled in many places throughout the country. Through a widely available process called hydropulping, paper pulp is recovered from drink boxes and milk cartons and recycled fibers are being used in a variety of tissue and paper products. Drink boxes are collected with other polycoated paperboard packaging such as milk cartons (which are 10-15 times more plentiful in the waste stream), paper plates and paper cups. Most important, hydropulpers are paying up to \$120 per ton for post-consumer drink boxes and milk cartons and selling the recovered pulp for as much as \$400 ton to paper companies which use the pulp in a variety of recycled paper products.

In just two short years the APC has established successful recycling programs in nineteen states, serving approximately 1,349 schools and nearly one million homes. The State of New Jersey is high on our list of target states for recycling programs. We are currently in discussions with Mercer County officials to add drink boxes and milk cartons to the existing school and curbside collection program countywide. Collected materials will be sent to a paper company in Glens Falls, New York, to be processed through a hydropulper which recovers valuable paper fibers. These fibers will, in turn, be used in tissue and paper towel products produced by the paper company. This will not only divert a substantial amount of material from the county waste stream, but also result in savings from avoided landfill costs. We encourage the State of New Jersey to continue its efforts to purchase recycled products such as these in order to close the recycling loop.

Third, aseptic packaging uses less energy in manufacture, shipping and storage than any other comparable packaging. Total energy

input into the aseptic package is less than half that required for a single-serve glass bottle.

Finally, aseptically packaged products provide high quality and nutrition. The unique design of the drink box preserves the nutritional quality and taste of wholesome beverages without adding preservatives. The drink box's foil lining acts as a barrier to light and air, protecting riboflavin and other nutrients in milk as well as vitamin C in juices. Because the heating time is dramatically reduced during the aseptic process, beverages retain more of their original flavor and quality as well. Perhaps most important, the aseptic process extends the shelf life of most packaged foods well beyond that of any other type of packaging on the market today.

Late last year the Tellus Institute completed a significant packaging study for the New Jersey Department of Environmental Protection, the Council of State Governments and the U.S. Environmental Protection Agency. The purpose of the study was to describe the lifecycle environmental impacts of packaging. That is, the environmental impacts -- energy usage, air and water emissions, and disposal) of extracting, processing, and manufacturing packaging material. According to the study, when compared with a variety of packaging materials, aseptic packaging had the lowest environmental impact. To quote the study, "For single serving packages, the recycled aluminum can and the aseptic package have the lowest environmental costs, while the virgin aluminum can has the highest environmental cost." Moreover, "It is interesting to note that that aseptic package, which has been banned in Maine and received poor publicity in general does not have a very high valued impact; only recycled aluminum has a lower per ounce impact."

The Tellus Institute study is important because it provides independent data that seeks to address the fact that public policy decisions on packaging are "frequently lacking in firm scientific

foundation." As the manufacturers of a product that has been repeatedly attacked by environmentalists with emotion, and not facts, our industry could not agree more with Tellus Institute premise: that a scientific basis is needed for the formulation of sound packaging policy.

Again, we urge the deletion of Section 30 language banning the aseptic package. We encourage the Committee to replace this language with substitute language encouraging the separation and collection of polycoated paperboard, to add polycoated paperboard packaging to the list of designated recyclable materials, to add drink boxes and milk cartons to the public education program language in Section 19.

Thank you for this opportunity to submit our views and concerns about SB1366. We look forward to working with the legislature and the State of New Jersey in coming months to ensure the existence of effective recycling programs and sound solid waste and packaging policy throughout the State.

MARK S. LOHBAUER

ATTORNEY AT LAW

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February 17, 1993

New Jersey Senate Community Affairs Committee
The Honorable Senator Connors, Chairman
Committee Room "B"
Legislative Office Building
Trenton, New Jersey

Re: S-1366 The "County and Municipal Waste Reduction Act"

Dear Chairman Connors and Honorable Committee members:

There is a guiding principle that drives the people of the State of New Jersey who are concerned and active on a grassroots level in solid waste issues: "Waste is not waste until it is wasted." Deceptively simple, that phrase points out the folly of waste management practices to this point.

Traditionally, solid waste managers have asked the question "What will we do with the trash?" We have come to see that the proper question is "Why do we consider so many things to be trash?" I am writing in support of the County and Municipal Waste Reduction Act, because I can see at its core that guiding principle, the desire to reduce wastefulness in New Jersey.

As a former Camden County freeholder charged with the obligation to manage the solid wastestream of a half-million people, I understand the temptation to implement the quick-fix disposal solution that caters to our contemporary throwaway lifestyle, and insures that trash will not sit on our curbsides. We have filled our land with our wastes; we have tainted our waters with our wastes; we have even filled our very air with our wastes; and yet our wastes continue to mount at the curbside, as if there were some yet untainted frontier which we could sanitarily fill with them. We deceive ourselves.

S-1366 imposes bold new measures which would take meaningful action to do the work which must be done first to reduce our wastestream, to end the presumption that it is acceptable for society to discard so many things as trash:

Printed on recycled paper

116X

New Hierarchy

It establishes as a matter of policy a sensible waste management (or should it be called "resource management") hierarchy which places source reduction as the top priority management technique, followed by reuse, composting, and recycling. It puts waste disposal techniques on the bottom rung of this hierarchy. Under this policy, the State will examine each discard in the wastestream to see first whether the item may be eliminated outright from the wastestream; if not, then whether it may be re-used; if not, then whether it may be composted or recycled. Failing in all of these, it will be examined for disposal in a landfill, or if not, then in an incinerator.

Implements Waste Reduction Policy

All of the states talk about reduction. With this bill, New Jersey will probably be the first to actually do something about it. The bill has specific provisions for reduction of certain discards out of the wastestream. The creation of a waste reduction advisory, and the requirement of waste reduction planning by both public and private institutions, insures that the scope of waste reduction will continually grow. An unmentioned benefit of this policy, in addition to the obvious savings of resources and avoidance of disposal costs, is the prevention of pollution associated with waste disposal methods.

Ends Waste of Recyclables/Compostables

S-1366 appropriately compels solid waste incinerator and landfill operators to cease disposal of recyclable or compostable materials (within two years), regardless of impact on their tonnages and profits.

Moratorium

Importantly, the bill has the courage of its convictions to say that we will not require further disposal facilities: it imposes a moratorium of three years on construction or expansion of new incinerators. Following the moratorium, a strict four part test must be passed by any county seeking to permit a new incinerator that the facility a) will not impede reduction goals; b) is the most economical method for waste management; c) is needed because all other facilities are at capacity; and d) that it will not harm public health.

Implements "pay by container" policy

By requiring each county to implement a pay-per-bag policy, we go a long way toward educating the public that wastefulness costs money, and that there is a large price to pay for being wasteful. The true costs of "waste management" are not even imagined by a public

New Jersey Senate Community Affairs Committee
The Honorable Senator Connors, Chairman
February 17, 1993
Page 3

that simply sets its trash at curbside, and doesn't see or care what becomes of it thereafter. The public education provisions of the bill will supplement this effort.

Under S-1366, New Jersey will learn to become a state that treats its discards as resources, rather than waste. At that point, we will all understand that the trash crisis was not a shortage of disposal capacity, but an excess of wastefulness. With this bold, necessary step, you will bring New Jersey out of crisis and into understanding: our "wastes" will no longer be wasted, and our futures will be all the better for it.

Very truly yours,

Mark S. Lohbauer

Mark S. Lohbauer
Member, NJDEPE Task Force
on Mercury Emissions;
Board of Directors, NJ GREO
Board of Trustees, South Jersey
Work On Waste

JOAN C. LEONARD, OTR

759 HADDON AVENUE • COLLINGSWOOD • NEW JERSEY 08108

OCCUPATIONAL THERAPY
HAND REHABILITATION

TELEPHONE:
609-858-4545

February 15, 1993

Senate Community Affairs Committee
S- 1366
County and Municipal Waste Reduction Act
Attn: Hannah Shostack
(Committee Aide)

I am writing in support of County and municipal Waste Reduction Act; S:1366. I especially support a three year moratorium on incinerator construction and expansion. Living near two giant MSW incinerators (West Deptford and Camden) I can see the struggle between recycling-reducing-composting versus incinerating our waste. I strongly support eliminating incinerators by a phase out program which could be achieved through setting a firm goal of 75% waste reduction. The remaining trash should not be sent to an incinerator, but should be landfilled. Our goal, then, would be to constantly reduce trash and recycle instead of allowing incinerators to destroy our air, water and soil through the destructive emissions and ash which we must live with today. I support the pay by container method of dealing with trash. Those of us who practice recycling would set an example to everyone else and towns would quickly learn to reduce-compost-recycle. Now there is very little incentive to recycle, except for those who are wholeheartedly committed to saving the environment. The goal of 75% reduction is a realistic and necessary goal and needs to be enforced, not just suggested and hoped for. Incinerators should be stopped for 3 years as the "Waste Reduction Act" suggests and then the existing incinerators should be phased out altogether. It was begun as an alternative to landfills but was a negative approach from the beginning, and has had a negative impact both environmentally and financially. They have negatively impacted property values and health.

MARTIN • BONTEMPO, INC.

GOVERNMENT RELATIONS

CLARK W. MARTIN
PAUL N. BONTEMPO

202 W. STATE ST. • TRENTON, NJ 08608
TELEPHONE (609) 392-3100
FAX: (609) 392-6347

MEMORANDUM

TO: Members of the Senate Community Affairs
Committee

FROM: Paul Bontempo

RE: S-1366

DATE: February 17, 1993

The attached letter to Senator Corman from Kris Kiser of the American Forest and Paper Association addresses their serious concerns with S-1366. We hope you will consider AFPA's comments should this legislation be scheduled for a vote by your committee. If you have any questions or comments please do not hesitate to contact me. Thank you.

PB:dra
Attachment

1207

AMERICAN
FOREST &
PAPER
ASSOCIATION

February 17, 1993

The Honorable Randy Corman
449 Washington Road
Suite 5
Sayreville, NJ 08872

Dear Senator Corman:

The American Forest and Paper Association (AFPA) appreciates the opportunity to provide comments on S-1366, the "County and Municipal Waste Reduction Act."

AFPA is a national trade association representing the U.S. forest products industry. The United States is the world's leading producer and consumer of forest products and a vital component of the nation's economy, representing eight percent of all U.S. manufacturing capacity. Our members produce more than 90 percent of the pulp, paper and paperboard in this country. The forest products industry ranks among the top ten employers in 40 states, directly employing some 1.6 million people with an annual payroll of approximately \$43.5 billion. In New Jersey, the industry employs over 25,000 people and manufacturers annually well over \$3 billion worth of product in more than 335 facilities.

AFPA supports efforts in New Jersey, in other states and at the national level to establish an effective integrated waste management program and to explore new solutions to this complex problem. It is also our objective, however, to insure that these various solutions remain relatively homogenous and do not conflict with other efforts and programs already underway.

The industry has made a strong commitment to increase the amount of paper that is recycled as one element of a comprehensive approach to improve waste management. The industry will achieve its publicly announced goal to recover -- for domestic recycling and export -- 40 percent of all paper consumed by the end of 1995. This is estimated to total 40 million tons of paper, about 50 percent more than was recovered in 1988. Today, we are recovering more paper for recycling than is being landfilled, and 80 percent of all post-consumer material recovered for recycling is paper and paperboard. This effort requires a projected multi-billion dollar investment in the expansion and modification of paper mills and recycling facilities throughout the nation.

1250 Connecticut Avenue, N.W. Second Floor, Washington, D.C. 20036
Phone: 202-463-2700 Fax: 202-463-2785

121X

Page Two
The Honorable Randy Corman
February 17, 1993

While we commend your efforts to address municipal solid waste issues and agree with your goal of reducing solid waste through source reduction, reuse, composting and recycling, we believe that many elements of this legislation will actually deter future development in these areas and could slow the substantial progress that New Jersey and this industry have made in addressing solid waste issues. In particular, we offer the following comments on this legislation.

ENVIRONMENTAL LABELING (Section 21, page 12).

AFPA agrees that consistent, truthful environmental labeling is essential to consumer education and product identification and endorses the Federal Trade Commission (FTC) Guidelines for Environmental Marketing Claims released in July of 1992. These labeling guidelines offer a clear and uniform, national standard for packaging claims. Individual state labeling programs, like the one set forth in Section 21 of S-1366, actually lead to consumer confusion and withdrawal of truthful environmental labeling claims. A state-by-state patchwork of labeling regulations discriminates against companies that distribute and market products nationally and internationally and further restricts their ability to provide useful packaging information to the consumer.

PRODUCT PROHIBITIONS (Section 30, page 15).

AFPA supports policy, voluntary or mandatory, to encourage separation of recyclable paper as a first step in improved materials management. However, product prohibitions such as those outlined in Section 30, are inefficient, place an unnecessary financial burden on the consumer and often produce counter-productive environmental impacts.

MANDATED CONTENT STANDARDS (Sections 26, 27, 28 & 29, pages 14 & 15).

AFPA strongly opposes the Sections requiring telephone directly stock, newsprint and high grade printing and writing papers to achieve specified post-consumer content standards. These requirements are unnecessary to stimulate paper recycling and will disrupt the substantial, ongoing expansion of recycling capacity by domestic paper manufacturers. Mandated content standards ignore the distinct product functions and process technologies typical of this industry, which allow supplies of recovered paper to be used in the most appropriate manner from a product standpoint.

Further, because paper is a cellulose product, it cannot be recycled an infinite number of times -- each trip through the manufacturing process reduces the strength of the fiber and the number of fibers available for reuse. As a result, a constant infusion in the overall fiber supply of never-before-recycled fiber is essential to keep the entire process going.

Page Three
The Honorable Randy Corman
February 17, 1993

The substantial gains already made in paper recycling have been achieved because recovered paper has been allowed to flow based on economic imperatives and end-product requirements. An artificial and mandatory system of fiber allocation will clearly undermine what has taken decades to build. It most certainly will call into question current investment plans and projects for additional recycling capacity in the paper industry. Manufacturers who fear state mandates to direct recovered paper to specified products will be reluctant to proceed with current, economically justified capacity expansion plans.

Further, this industry believes that in order to maximize recycling and reduce the amount of paper and paperboard entering the municipal solid waste stream, public policies should not distinguish between pre- and post-consumer recovered paper. Total recovered paper content should be the primary criterion for determining a recycled paper product.

Again, AFPA appreciates your efforts and those of other legislators to address these issues of concern. We strongly support legislation sponsored by Assemblyman Robert Shinn, ACR-95, which has passed the Assembly and is awaiting consideration by the Senate Environment Committee. This legislation would create a "Wastepaper Usage Task Force" and addresses a number of the concerns expressed in S-1366. We believe your proposal for volume or container based solid waste charges is a positive step in developing a comprehensive strategy for managing municipal solid waste.

Although there are positive aspects of S-1366, we feel that the overall impact of this legislation would forestall the progress that this industry and the state of New Jersey have made in addressing municipal solid waste issues. For these reasons, AFPA cannot support this legislation but would welcome the opportunity to work with you and other legislators to address these issues.

Sincerely,



Kris Kiser
Associate Director
State Government Relations

cc: Senate Community Affairs
Committee Members



THE PROCTER & GAMBLE COMPANY

STATE & LOCAL GOVERNMENT RELATIONS
1 PROCTER & GAMBLE PLAZA, CINCINNATI, OHIO 45202-3315

TESTIMONY IN OPPOSITION TO S-1366

NEW JERSEY SENATE COMMUNITY AFFAIRS COMMITTEE PUBLIC HEARING

BY

Deborah A. White

Regional Manager

Procter & Gamble

February 17, 1993

Procter & Gamble appreciates the opportunity to submit comments for consideration by the Senate Community Affairs Committee as part of the February 17 public hearing record on **New Jersey S 1366**. P&G, one of the world's largest manufacturers of consumer products, operates 57 manufacturing plants in 25 states, including plants in Avenel and South Brunswick, New Jersey.

We are opposed to NJ S 1366, the "County and Municipal Waste Reduction Act". While we commend Senator Corman's and the other sponsor's well-intentioned efforts to encourage a reduction in the volume of solid waste, through source reduction, reuse, composting, and recycling, we do not support legislative efforts such as this one which eliminate incinerators and landfills as waste disposal options. We support the U.S. Environmental Protection Agency hierarchy for an integrated approach to solid waste management which includes incineration and landfill disposal. We believe firmly that S 1366, if enacted, would actually discourage source reduction and recycling because of the unrealistic and unattainable standards contained in the legislation.

In practice, Procter & Gamble makes the environment a priority. Minimizing the environmental impact of our products during their entire life cycles (development, manufacturer, use and disposal) is a key element of our product development strategy. We use more recycled content in our packaging than any other company in the world. Our efforts have been recognized internationally. For example, last May, we were presented the 1992 Gold Medal Award for International Corporate Environmental Achievement.

Procter & Gamble judges the free market system as the absolutely best basis for any business, and is therefore opposed philosophically to unwarranted intervention in the free market system. The free market system is working. P&G, and other companies, have voluntarily taken the initiative to reduce our product packaging, use recycled content in

many of our packages and are committed to using more, as soon as we feasibly can. Technological challenges and food, drug and cosmetic regulations currently prohibit us from using more. We also support the development of municipal solid waste composting as a means of further minimizing the volume of solid waste which must go to landfills.

NJ S 1366 has serious shortcomings:

- Ignores the integrated waste management approach. -- As stated above, Procter & Gamble supports the EPA integrated solid waste management approach of reduce, reuse, recycle and composting, incineration and landfill.
- Bans certain products and packages. -- The bill is disruptive because it threatens to ban or discourage the use of a variety of packages, including packaging which is not recyclable, is made of virgin materials, or is multilayered or aseptic packaging. Some of our packaging used by our New Jersey sites, particularly the South Brunswick facility, would be potentially affected by such restrictions.
- Imposes very stringent environmental labeling standards. As written, this bill would ban the sale of products and packaging with labels containing "recyclable, reusable or compostable" emblems or terms but not meeting extremely high rates by specific dates. This provision would set the highest standards in the nation and would be extremely costly and burdensome, especially for New Jersey manufacturers and small producers. Furthermore, we fundamentally believe that environmental labeling regulation should not be the vehicle for establishing solid waste policy at either the state or federal level. The flow of environmental information to consumers should not be jeopardized by creating hurdles tied to efforts to minimize solid waste, though important are those efforts. We believe national uniform guidelines for environmental labeling will best insure the flow of environmental information to consumers. Consequently, we support the Federal Trade Commission Guidelines adopted July, 1992 and encourage states to support them rather than creating additional state-specific regulations.
- Unclear food, drug and cosmetic exemptions. The exemptions for packaging normally associated with food, drug and cosmetics are written such that there is no clear unconditional protection afforded these products. Because we must ensure that these products are not adulterated or contaminated as they come in contact with their packaging, we are concerned that the bill would put these products at risk of being banned.
- Discourages the use of disposable products, including disposable diapers. P&G strongly objects to the provision which authorizes the NJ DEPE to develop public education programs which target

specifically disposable diapers and other disposable products. We urge you to consider the total life cycle analysis of these products, not just one aspect of environmental impact. In addition, research has shown that disposable diapers comprise less than 2 percent of municipal solid waste. And a peer reviewed report by Franklin Associates, *Energy and Environmental Profile Analysis of Children's Single Use and Cloth Diapers*, June 1992, found that all diapering options -- reusable cloth and single use diapers -- have some environmental and energy effects. It is unfair to discriminate against disposables as a diapering choice for parents.

- Compostable definition needs broadening. While we support the use of composting as a waste reduction tool which counts toward recycling, we respectfully suggest that waste paper be defined as part of the compostable fraction. We commend for your consideration Pennsylvania's law includes in its composting definition "waste paper and other products made from paper which cannot be recycled". In NJ, grocery stores which are sorting their wastes report that 60% of that waste is paper and 40% is food.

In conclusion, we applaud Senator Corman and the co-sponsors of S 1366 for their efforts to better manage New Jersey municipal solid waste but believe that the approaches recommended in the legislation would be costly, bureaucratic and punitive while failing to meet the objective of reducing the state's solid waste generation.

Procter & Gamble respectfully requests that NJ S 1366 not be advanced.



Township of Mansfield
300th Anniversary (1688-1988)
ENVIRONMENTAL COMMISSION

P.O. BOX 249
COLUMBUS, N.J. 08022

MUNICIPAL COMPLEX
609-298-0542

February 16, 1993

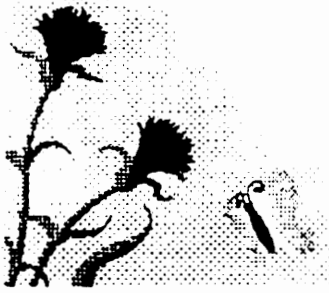
To: Senator Corman

Environmental Commission of Mansfield Township supports The County and Municipal Waste Reduction Act (S1366). Mansfield Township is a host community for the Burlington Co. Solid Waste Facility. It is extremely important to our residents that we limit the amount of waste that is deposited in this facility. We need to recycle as much waste as possible, and to drive the market for recycled goods. We need to encourage source reduction and educate the public to make this possible.

The development of a solid waste advisory board to oversee this process and to mandate the implementation of source reduction policies that were recommendations of the 1990 Solid Waste Task Force is a necessary step for meeting this goal. Our state and county agencies must lead the way and be a positive example to encourage others in recycling and source reduction.

Sincerely,

Dorothy Wirth



PUKE

of Mansfield Township

February 16, 1993

To: Senator Corman

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Sincerely,

Dorothy Wirth

Dorothy Wirth

3187 Rt. 206

Columbus N.J.

08022

2/12/93
S1366 Hearing

Daniel LeRoy
41 FOREST ST
MONTCLAIR, NJ
07042

Dear Senator Connors,

I am writing you to urge your support of S1366. This bill will set a realistic, forward-thinking, and practical solution to the solid waste problems that New Jersey now faces. This bill ~~attacks~~ attacks the problem at the ~~source~~ source, by reducing the waste stream and finding uses for our recycling, and not offering an "end of pipe" solution.

We need to reward the people of New Jersey for reducing their waste with pay-per-container programs. If you don't burden the state you would pay less, (plain and simple).

I urge you and the other committee member to vote for this bill and move it to the senate floor with your support and approval.

Thank You
Daniel LeRoy

P.S. I would appreciate a written response to

this letter. Send to: Daniel LeRoy
41 Forest St
MONTCLAIR, NJ 07042
129X

Feb 17, 1993

Dear Senator Connors,

I am a resident of Bricktown
I am an avid recycler and feel
extremely frustrated at the amount
of recyclable goods I am forced to
throw away because my town doesn't
"take" them ie chip board (pasta boxes,
cereal etc) 100% of all plastics + batteries

Obviously, NJ, being one of the most
populated states in the country, has the
largest garbage crisis. Our landfills
are, or will be, superfund sights, and
incineration is extremely environmentally
and financially risky. S 1366

I urge you to support A 2046. I
want less packaging and the ability
to recycle everything possible. (co-mingling
is easiest)

New Jersey needs a low-impact,
~~low~~-ticket solution to a growing, critical
problem that affects everyone not only
in New Jersey, but in the country.

We can set an example.

P.S. My son's
xl does not recycle
does the post office!
is that all about?
~~the~~

Thank you,

Wendy Greenblatt

130X 28 Long Pt. Drive Brick

Feb 17, 1993

Dear Senator Connors

I am a resident of Asbury Pk, N.J.
I am a strong believer in recycling,
reusing and reduction. It takes a
bit of work but I feel that once
into the habit of reducing the amount
of trash one generates it becomes
very satisfying in that you eventually
save money and you often tend to
find new ways to make it easier.
Personally I find reusing items a
very strong point. It's a good habit
to get into.

I want S1366 to become a law
soon. We need it.

Bill Fischer
305 7th Ave
Asbury Pk, N.J.

2/17/93

Dear Senator Connors and Committee Members,

My name is David Paulus and I live in Toms River, NJ. ~~and~~ I am in support of S1366.

S1366 is clearly a bill that gets to the root of NJ's garbage solid waste problems. Reduction. If we as residents address ourselves to the concept of reducing what we produce through effective buying and product use, we will save money, and our environment.

As a father of a 2½ year old daughter who currently recycles better than I do, I can tell you that I am learning how to recycle better ~~everyday~~. S1366 helps to legislate ~~effective~~ recycling and starts us on the road to compliance. The identification of sources and markets for recycled products is also a way to help stabilize and/or reduce the taxes that I pay on my Toms River home.

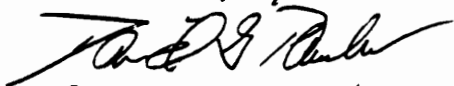
Incineration does several things

X732X

which are ~~the~~ bad for New Jersey
Pollution; incineration pollutes the air
and water. The stack reports prove
that at the Ft. Dix (A Federal Incinerator) incinerators
the scrubbers were not working more
than they were. Lead and mercury
to name two were at 5 to 25 times
the legal limit. Waste; when we can
reusable products we waste taxpayer
money, natural resources, and energy
Taxes; the cost of incinerators is a
cost that taxpayers need not be
encumbered by. I do not feel we should
be spending 150 to 450 million taxpayer
dollars on these incinerators.

Thank you so much for addressing the
concerns herein expressed, and if I
can be of any assistance to you
or your committee in supporting this bill
please - call or write me.

(908) 929-9280.

Sincerely,

David G. Paulus
114 Swan Blvd
Toms River N.J. 08755

233X

Dear Senator Cunniff,

My name is Sean Duffy. I am
A Resident of Spring Lake Hts. N.J. I
Have however lived in Manasquan, Pt Pleasant
Bridgeton, Belmar, and Spring Lake. All of
These towns have different laws or
regulations in regard to Recycling.
making it difficult and confusing
to the locals. I have read S.1366
from cover to cover. I had a friend
who works ~~for~~ for the E.P.A. To
look it over. He feels it is a
very strong Bill. As I do. I want
to thank you for supporting it.

Thank you Again

Sean Duffy

Sean Duffy

715 OCEAN RD
SPRING LAKE HTS.
N.J. 07762

February 17, 1995

Dear Senator Cornwale,

I would like to express my feelings on Senate Bill 1366. We, in New Jersey, have got a severe garbage crisis. We need a strong solution that benefits both the environment and the economy. I do believe S-1366 is the solution.

I am, to put it Frank, sick of the excessive packaging on the goods I buy. Reducing our waste would indeed benefit the economy and the environment.

Incineration is in no way a solution to dealing with garbage. Roughly one third of the garbage remains after burning in ash form. The toxins that are released through the stacks is no doubt sickening.

I urge you to be behind this solution oriented bill. We need to reuse, reduce, and recycle!

Peace

Jennifer S. Macken

312 Main St. #1

Bradley Beach, NJ 07720

135X.

Dear Sen. Connors,

2-17-93

Please accept S13.66. Make this bill into a law. The reason for this law is completely obvious, we have to think of the future! Incineration is only the quick-fix of the garbage not the solution. Please use your best judgement and think of future generations to come.

Sincerely,

Pine Torre

224 Paulsen Avenue

Point Pleasant, NJ

08742

87 West Broadway
Salem, New Jersey
08079

February 16, 1993

Mr. Randy Corman
New Jersey Legislative District 19
449 Washington Road
Suite 5
Sayerville, New Jersey 08872

Dear Mr. Corman,

I am writing to express support for Bill S.1366. A good solid waste management plan which incorporates waste reduction and reuse/recycling is of primary importance when it comes to maintaining a good quality of life. At the same time, such policies will make prudent use of municipal revenues. I wish to emphasize the following points that our State must adopt to gain control of the solid waste problem that all communities are confronted with today.

1. The state should be self sufficient in waste management no later than the year 2005.
2. The State should create a new solid waste policy through law which establishes a new solid waste management hierarchy; i.e., source reduction, reuse, composting, recycling, landfilling proceeded by baling, shredding and compaction and lastly (hopefully never) incineration.
3. The state should demand 75% waste reduction consisting of 10% source reduction and 65% recycling techniques.
4. The State should cap waste generation in the State within 5 years.
5. The State should prohibit out-of-state disposal within 4 years.

6. The State should institute a three year moratorium on the construction and expansion of municipal solid waste incinerators unless certain criteria are met. After three years no permit shall be issued to construct or expand until the governing body of the host county fulfills the following criteria:
 - a. the incinerator shall not impede the ability of the county and the state to achieve a 75% waste reduction goal,
 - b. an adequate economic evaluation demonstrates that the construction of an incinerator is the most economical method of solid waste management,
 - c. all existing MSW incinerators are at capacity,
 - d. that the planned incinerator will not harm the public.
7. The State within two years shall prohibit any recyclable or compostable material from being disposed of in a landfill or an incinerator.
8. The State shall establish within the Department of Environmental Protection and Energy a solid waste reduction program.

Thank you,

William Bloemer

William Bloemer

164 Kettlebrook Dr.
Mt. Laurel, New Jersey
08054

February 11, 1993

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New Jersey Legislative District 19
449 Washington Road
Suite 5
Sayerville, New Jersey 08872

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Thank you

Vincent Christopher

66 Lincoln Drive
Laurel Springs, NJ
08021

February 11, 1993

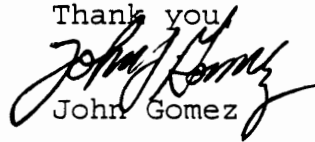
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New Jersey Legislative District 19
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Sayerville, New Jersey 08872

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6. The State should institute a three year moratorium on the construction and expansion of municipal solid waste incinerators unless certain criteria are met. After three years no permit shall be issued to construct or expand until the governing body of the host county fulfills the following criteria:
 - a. the incinerator shall not impede the ability of the county and the state to achieve a 75% waste reduction goal,
 - b. an adequate economic evaluation demonstrates that the construction of an incinerator is the most economical method of solid waste management,
 - c. all existing MSW incinerators are at capacity,
 - d. that the planned incinerator will not harm the public.
7. The State within two years shall prohibit any recyclable or compostable material from being disposed of in a landfill or an incinerator.
8. The State shall establish within the Department of Environmental Protection and Energy a solid waste reduction program.

Thank you

John Gomez

257 Washington Drive
Pennsville, New Jersey
08070

February 11, 1993

Mr. Randy Corman
New Jersey Legislative District 19
449 Washington Road
Suite 5
Sayerville, New Jersey 08872

Dear Mr. Corman,

I am writing to express support for Bill S.1366. A good solid waste management plan which incorporates waste reduction and reuse/recycling is of primary importance when it comes to maintaining a good quality of life. At the same time, such policies will make prudent use of municipal revenues. I wish to emphasize the following points that our State must adopt to gain control of the solid waste problem that all communities are confronted with today.

1. The state should be self sufficient in waste management no later than the year 2005.
2. The State should create a new solid waste policy through law which establishes a new solid waste management hierarchy; i.e., source reduction, reuse, composting, recycling, landfilling proceeded by baling, shredding and compaction and lastly (hopefully never) incineration.
3. The state should demand 75% waste reduction consisting of 10% source reduction and 65% recycling techniques.
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Thank you,


James Kerr

101 Harvard Avenue
P.O. Box 159
Collingswood, NJ
08108

February 11, 1993

Mr. Randy Corman
New Jersey Legislative District 19
449 Washington Road
Suite 5
Sayerville, New Jersey 08872

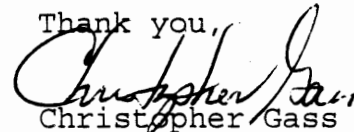
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Thank you,


Christopher Gass

32 Evergreen Rd.
Stratford, NJ
08084

February 16, 1993

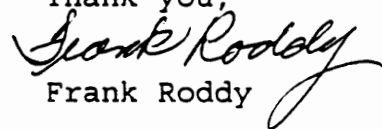
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449 Washington Road
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Sayerville, New Jersey 08872

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Thank you,

Frank Roddy

147 Harvest Road
Swedesboro, NJ
08085

February 16, 1993

Mr. Randy Corman
New Jersey Legislative District 19
449 Washington Road
Suite 5
Sayerville, New Jersey 08872

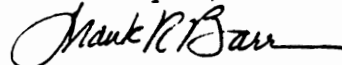
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Thank you,



Frank Barr

INCINERATION NOT A VIABLE SOLUTION TO SOLID WASTE DISPOSAL

SUBMITTED BY: ROBERT P. SPIEGEL
DIRECTOR : EDISON WETLANDS ASSOCIATION
FEBRUARY 17, 1993

When evaluating options to the solid waste management problems in New Jersey incineration has been accepted as an cost effective, environmentally safe way of disposing of our waste. When all the costs are evaluated nothing could be further from the truth. Incineration has no place in a modern society. When you add up all the costs of incineration you must include:

- * health problems associated with living near incinerators
- * the decline in the quality of life of residents who live around the facilities
- * the loss of natural resources and the destruction of the environment

When these thing are taken into account it becomes clear the cost of incineration far outweigh any benefits the community may receive.

ENVIRONMENTAL RACISM

Incinerators often are sited in racially mixed urban areas. Environmental racism plays a big part in the placement of incinerators in minority neighborhoods. It has been well documented that most waste facilities are placed in less affluent communities. These communities are often offered "host benefits" which are nothing more than bribes in return for the poisoning of there community. Recently at a public meeting in Rahway the Union County utility authority was asked if the property values would go down around the incinerator site? There answer was " According to there studies there would be no adverse effects on the property values as a matter of fact the property value may even go up". This misinformation is a good example of how communities are often given inaccurate or misleading information at public meetings.

INCINERATORS POLLUTE

Incinerators emit Dioxins, Mercury, Arsenic and dozens of other chemicals into the environment. These chemicals and particulates have been identified as hazardous chemicals by the EPA and ATSDR. Most of New Jersey does not comply with the Federal Clean Air Act standards. Incineration is worsening the already chronic health problems New Jersey residents already experience. Incineration will add to global warming and the Greenhouse effect and contribute to the expanding hole in the ozone. We must reconsider the logic of disposing of cooked molecules in our atmosphere. This type of short term thinking to this problem will

come back to haunt our future generations.

Incinerators are usually sited on the banks of rivers due to the large amount of water they use. The waste water contains residue from the ash and add significantly the contamination of our surface water. New Jersey is not in compliance for federal surface water quality and the federal government has stated that if we cannot meet these standards in three months that they will step in and force compliance. Incineration can only worsen the problem when we should be looking for solutions to it.

What are the alternatives to incineration? When the alternatives to incineration are examined namely aggressive recycling, composting and source reduction it must be taken into account that these solutions will directly conflict with the financial interest of incineration. Incinerators need to burn plastic, paper and other recyclables in order to maintain the combustion process. This burning of recyclables is not only wasteful but also adds to the levels of pollutants produced by incinerators.

New Jersey could better manage its solid waste problems by using the alternatives to incineration. Recycling, composting and source reduction. These alternative are environmentally safe, economically feasible and could be implemented with a minimum of cost. The technology already exist and could be used provided the economic incentives to special interest groups who are pro-burn be done away with. Organized crime has ruin the solid waste industry for decades. They control this industry and make millions by using incinerators and landfills instead of the alternatives. They have spent large sums of money to try to convince the public and private sector that incineration is the only viable option to our solid waste problem. Our experts tell us differently. We do have options. It is time that we reconsider incineration and start to look towards the 21st century. If our nation and planet are to survive we must learn to coexist with nature not dominate and pollute it. I hope New Jersey will lead the way in offering hope to our children that they may live in a cleaner world than we do.



SAVE, Inc.

Joris Reese, President, Crook Road, R D 9, Bethlehem, PA 18015 Telephone: (215) 838-7666

Page 1 of 4

May 31, 1991

Scandalous mass burn incineration emissions to rival emissions from all cars in the US, as varied subsidies soar.

At the same time that the 1991 Clean Air act calls for spending \$25 billion per year to clean US air quality, subsidies to mass burn units will grow to double the $\frac{1}{2}$ trillion dollar losses of the S&L scandal.

While each mass burn unit varies in specific details, it is valid to assess the combined impacts of the about 300 municipal solid waste incinerators operating, under construction or planned in the US.

This memo offers an order of magnitude comparison between the impact of NOx (a major causal agent of smog) as generated by cars in the US vs Mass Burn Incinerators (MBIs). While it is claimed that NOx can be eliminated from the gaseous emissions with new technology, the comparison is still valid as an indicator of sheer volume of pollution to be expected from MBIs, whether it is toxic ash, CO₂, mercury or chlorinated compounds like dioxin or furans..

NOx FROM MBIs: Assuming the average MBI to have a capacity of 2000 tons per day of municipal solid waste with a typical NOx emission design of 1600 tons of NOx per year(1) for a total of 300 MBIs existing, under construction and planned in the US we get 300 times 1600 tons = 480,000 tons per year of NOx. This will be almost 25% of the 2,000,000 tons per year estimated to be generated in the US from all sources by the year 2000.(2)

NOx FROM CARS: Average NOx per mile per car is regulated not to exceed .4 grams per mile.(3) Average number of miles travelled per day per car is 30 (4) and rising, total US cars operating in the US in 1990 is estimated at 150,000,000.(5)

Total tonnage of NOx per year from cars therefore:
 $150,000,000 \times .4 \text{ gr.} \times 30 \times 365 \text{ days} = 657,000 \text{ tons NOx/}$
per year. If regulations of the Clean Air Act are tightened

166X

to allow only .2 gr NOx per mile as proposed, NOx from MBIs will exceed NOx from all US cars combined.

The staggering conclusion from this comparison is that air pollution from MBIs will rival that of all cars driven in the US by the year 2000, while appropriate alternative technologies are available in reduction of waste, recycling and composting. Additional landfill space is coming available in response to higher market prices. This in turn has lowered tipping fees to \$35 to \$40 per ton in PA.

The MBI SUBSIDY SCANDAL: Over the rated life (20 years) of the typical MBI(2000 ton per day) total subsidies could easily exceed \$3,000,000,000 (three billion dollars). For the estimated 300 MBIs existing, under construction, and planned that could be close to a trillion dollars, twice as much as estimated for the cost of the S & L scandals.

The following list of identified "sweeteners" under varied jurisdictions all come out of the public treasury. (Welfare for the wealthy.). For a typical 2000 ton per day unit:

	in millions of dollars	
	per year	over 20 yr
* Plant construction at public expense.	500 (once)	500
* 6% interest subsidy of 3% Industrial Development loan.	30	600
* 33% US and State Tax subsidies on no tax municipal bonds.	10	200
* Electric Power subsidies for MBI @ \$.06 per KWH, plant rating at 57,000KW but reduced to avg of 40,000 because of estimated down time.(6)	21	420
* Tipping fee subsidy \$21 (\$61 at MBI less about \$40 tip fee at current landfills) 365 days X 2000 tons X \$21.(6)	15.2	304.2
* Estimated Real Estate tax subsidy on \$500,000,000 plant at 10 mills per year.	5	100
* Insurance subsidies by the municipalities which would carry unlimited liability for plants that are essentially <u>uninsurable</u> . Plus use of 2 million gal of water per day. Plus externalized ecological and health costs.(7)	1x	20x

* Toxic Ash disposal estimated at 20%
of input weight = 400 tons/ day at \$300
dollars a ton.(8)

43.8

876

Total

\$3,020
plus x millions

That's over \$3 Billion per unit over their 20 year life. 300 MBIs would be subsidized to the tune of 900 billion dollars. To support bad projects at any price is not "bright", to support MBIs at near one trillion dollars is self destructive insanity. The US and planet Earth cannot afford them! The very least we can do is to implement the 10 year moratorium as called for in the WAR on WASTE platform.

The "Green Triangle" of ECOLOGY, HEALTH AND ECONOMY shows that if you do something good for the ecology you automatically help health and the economy; Vegetarianism is a good example. The opposite is also true: injure the ecology and you automatically do injury to health and economy. Mass burn incinerators are prime examples of such inappropriate technologies.

The seven WIN WIN alternatives to biosphere destruction interact upon each other in positive geometric progression to allow regeneration of planet earth: Appropriate technologies, personal transformation, peace conversion, wholesome eating-living, responsible reproduction, resource conservation, earth's regeneration. Emphasis of the seven WIN WINs is stimulated by intuitive common sense and by "Green Catalyst" grassroots activism.

Joris Rosse, President SAVE Inc.
(215) 838-7666

Footnotes:

(1) From the 1988 municipal Solid Waste Incinerator proposal by American Refuel and the City of Bethlehem, PA. on file in Bethlehem Public Library.

(2) Economics and Finance, June 1991.

(3) Motor Vehicles Facts and Figures 1991.

(4) Per AAA Lehigh Valley, PA 1991. Statistical Abstract of the US 1990 pg 603.

- (5) Statistical Abstract of the US, 1990, pg 603.
- (6) Same as (1) Technical specifications A-8-18.
- (7) Local insurance companies queried, stated that MBI type plants are essentially uninsurable.
- (8) By legislating toxic ash to be renamed "special waste" MBI proponents attempt (by verbal detoxification) to deny the reality and cost of treating toxic ash appropriately. In Japan ash is cementified into blocks and stored in hazardous waste dumps.

REMARKS PREPARED FOR DELIVERY BY GOVERNOR JIM FLORIO
PASSAIC INCINERATOR ANNOUNCEMENT
PASSAIC, NEW JERSEY
MONDAY, FEBRUARY 11, 1991

ONE OF THE REASONS I WANTED TO BE THE GOVERNOR OF THIS STATE IS BECAUSE I WAS CONCERNED ABOUT THE ENVIRONMENT. I WANTED TO MAKE SURE WE HAD CLEAN AIR AND CLEAN WATER, AND TO PRESERVE OUR JERSEY SHORE. I SAW OUR LITTLE CORNER OF THE EARTH THREATENED BY POLLUTION.

SO I WAS PLEASED TO MAKE THE ENVIRONMENT ONE OF MY FIRST PRIORITIES WHEN I CAME INTO OFFICE IN JANUARY 1990. AND ONE OF MY FIRST ACTIONS -- ALONG WITH APPOINTING THE NATION'S FIRST ENVIRONMENTAL PROSECUTOR, AND SIGNING THE CLEAN WATER ENFORCEMENT ACT INTO LAW -- WAS TO PLACE A FOUR-MONTH MORATORIUM ON THE CONSTRUCTION OF SOLID-WASTE FACILITIES SUCH AS INCINERATORS AND LANDFILLS.

BECAUSE UNTIL I CAME TO OFFICE, THERE WAS NO OVERALL POLICY IN PLACE TO DEAL WITH OUR SOLID WASTE PROBLEM. EVERY COUNTY WAS FREE TO ACT IN WHAT IT PERCEIVED TO BE ITS BEST INTERESTS.

WHEN I CAME INTO OFFICE, THERE WERE 21 INCINERATORS PLANNED FOR THE 21 COUNTIES. THAT MADE NO SENSE. SO WE INSTITUTED THE MORATORIUM. AND IN THAT TIME, WE PUT TOGETHER A COMPREHENSIVE TASK FORCE.

IT INCLUDED ENVIRONMENTALISTS. INDUSTRY REPRESENTATIVES. LOCAL OFFICIALS. WE ASKED FOR THEIR BEST SUGGESTIONS, AND WE ASKED FOR AN EMPHASIS ON RECYCLING.

THE TASK FORCE MADE ITS RECOMMENDATIONS. A 60 PERCENT RECYCLING GOAL TO BE REACHED IN FIVE YEARS. PLUS A REGIONAL APPROACH TO DEALING WITH THE REMAINING SOLID WASTE.

I WELCOMED THESE PROPOSALS. THEY MADE SENSE.

MANY COUNTIES HAVE COME FORWARD WITH THEIR PLANS FOR RECYCLING.

PRIVATE BUSINESSES -- SUCH AS AT&T -- HAVE DEVELOPED PLANS ALONG THESE LINES AS WELL. AT&T WILL RECYCLE 60 PERCENT OF IT'S GARBAGE -- THIS YEAR.

UNFORTUNATELY, WE'RE STILL WAITING FOR A NEW SOLID WASTE PLAN FROM PASSAIC COUNTY. ONE THAT TAKES INTO ACCOUNT THE GOAL OF 60 PERCENT RECYCLING, AND AN EFFORT TO REGIONALIZE.

WE DON'T KNOW HOW PASSAIC INTENDS TO ACHIEVE 60 PERCENT RECYCLING. AND WE DON'T KNOW HOW THE PASSAIC PLANS FIT INTO ANY REGIONAL SCOPE. WE DIDN'T KNOW SIX MONTHS AGO -- WE STILL DON'T KNOW TODAY. WHAT WE DO KNOW IS THAT PASSAIC WANTS TO BUILD AN INCINERATOR.

THERE ARE SEVERAL PROBLEMS WITH THIS PARTICULAR INCINERATOR PLAN. A MEMO FROM THE PRESIDENT OF THE BOARD OF PUBLIC UTILITIES SUGGESTS THAT THIS INCINERATOR CANNOT SATISFY CURRENT FINANCIAL TESTS.

THERE ARE QUESTIONS OF WHETHER THE INCINERATOR WOULD BE FINANCIALLY SOLVENT.

IF PASSAIC WERE TO REACH ITS 60 PERCENT GOAL OF RECYCLING, THE SOLID WASTE FROM PASSAIC WOULD NOT PROVIDE EVEN HALF THE TRASH NECESSARY TO FUEL THIS INCINERATOR. THAT ALONE MAKES IT PART OF THE PROBLEM, NOT THE SOLUTION.

PUTTING ASIDE THE FINANCIAL QUESTIONS, THERE IS A GREATER CONCERN AT ISSUE. I'VE HEARD FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION THAT THEY HAVE GRAVE RESERVATIONS ABOUT THIS INCINERATOR. THERE IS A SCHOOL, AND A HOSPITAL RIGHT NEXT TO THE PROPOSED SITE FOR THE INCINERATOR AND TWO CHURCHES ARE NEARBY.

COMMON SENSE DICTATES THAT AN INCINERATOR SITE MAKE ENVIRONMENTAL SENSE. TO DATE, NO ONE HAS JUSTIFIED THE CHOICE OF THIS SITE. THIS SITE FAILS THAT TEST.

THERE WAS A TIME WHEN EVERY COUNTY THOUGHT IT NEEDED ITS OWN INCINERATOR. THOSE DAYS ARE PAST. THE DEP AND THE PRESIDENT OF THE BPU ARE ADVISING THAT THIS INCINERATOR NOT BE BUILT. I CAME HERE TO TELL YOU THAT I AGREE WITH THEM.

BUT GARBAGE IS NOT GOING TO DISAPPEAR, AND ANSWERS NEED TO BE FOUND. THE UNITED PASSAIC COALITION HAS WORKED HARD FOR PASSAIC. YOU'VE BECOME A SIGNIFICANT ORGANIZED FORCE. I URGE ITS MEMBERS TO WORK TOWARD SOLVING THE SOLID WASTE PROBLEMS OF THIS COUNTY.

BECAUSE THE SOONER WE ACHIEVE OUR 60 PERCENT RECYCLING GOAL, THE BETTER.

THE REMAINING 40 PERCENT IS A PROBLEM THAT WILL TAKE COOPERATION AND REGIONALIZATION. NO ONE COUNTY CAN SOLVE THE SOLID WASTE PROBLEM ALONE. PUT TOGETHER, WE CAN MAKE OUR CORNER OF THE EARTH GREENER AND CLEANER THAN WE FOUND IT. WE OWE NO LESS TO OUR CHILDREN AND THEIR FUTURE.

CONCERNED CITIZENS OF UNION COUNTY
PO BOX 594
RAHWAY, NEW JERSEY 07065
908-391-4199 908-394-9629

December 9, 1991

Governor James Florio
State of New Jersey
Office of the Governor
LN-001
Trenton, New Jersey 08625

Dear Sir,

As the Department of Environmental Protection and Energy considers the final approval for the Union County mass-burn garbage incinerator, we ask that you consider the following:

- # The situation in Rahway, the site of the proposed burner, is exactly the same as that in Passaic, where you cancelled the incinerator. The site is in the middle of a residential area, 100 feet from a community/day care center, 1500 feet from an elementary school and a few blocks from churches and senior citizen housing.
- # The incinerator site is in the center of an African-American residential area. This proposed placement is part of a pattern that exists across New Jersey and the nation in which negative facilities are placed in minority communities where political power is minimal. It constitutes environmental racism.
- # Every time the citizens of New Jersey have had a chance to vote on incineration, they have voted it down, as in Cape May County in 1988 and Monmouth County recently. The Union County Utilities Authority has twice sued the Rahway City Council to force the removal of non-binding incineration referenda from the ballot. The democratic rights of Union County citizens are being crushed.
- # Pursuant to your regionalization directive, Bergen County has agreed to send garbage to Union County. The existing memorandum of understanding has no termination date, entails "put or pay" provisions for Bergen County and states that Union County accepts all environmental and financial liability from ash disposal while Bergen is totally free from such liability. No public hearings have been held, nor are any scheduled, in either Bergen or Union on this plan.
- # Union County has never submitted figures for alternative, non-burn plans to its citizens because no such formal plans or forecasts have ever been made. The UCUA plans to spend

nearly \$300 million to finance the incinerator while cheaper and safer alternatives exist. This situation flies in the face of the DEPE's stated position that mass-burn garbage incineration should be used only as a last resort.

Many more salient points could be raised in opposition to this project. Particularly in these times, when New Jersey faces difficult environmental and financial prospects, alternatives which are less expensive and environmentally acceptable should be thoroughly explored before we are committed to a technology which is expensive, dangerous and already obsolete. Please consider these matters carefully as the DEPE final approval review is completed.

Thank you for your attention.

Yours truly,