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State of New Jersey

HAZARDOUS WASTE FACILITIES SITING COMMISSION



ANNUAL REPORT

FOR

1994

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The Honorable Christine Todd Whitman,
Governor of the State of New Jersey,
and Members of the New Jersey Legislature

State of New Jersey
HAZARDOUS WASTE FACILITIES
SITING COMMISSION
CN 406
Trenton, N.J. 08625-0406

With pleasure, the New Jersey Hazardous Waste Facilities Siting Commission submits this 1994 Annual Report for your review. Our report summarizes the Commission's activities for the calendar year.

First, the Commission is most grateful to you, Governor Whitman, to your Authorities Office, and to the Senate for confirming our new Commissioners: John Schroeder and J.B. Wiley, Jr., Industry representatives; and William Librizzi, an Environmental/Public Interest representative. They replace three Commissioners, former Vice-Chair Ann Auerbach, former Chair Gordon Millspaugh, Jr., and Dr. Roy Gottesman, who, after a combined 37 years of service to the Commission, understandably resigned during 1994. Two vacancies remain for Environmental/Public Interest representatives on the Commission.

Pursuant to its enabling legislation, the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49, the Commission has focused on two major areas in 1994: completing the 1994 Major Hazardous Waste Facility Plan Update (covering the years 1988-1992) and continuing to consider various concerns related to the GAF application for a new hazardous waste incinerator in Linden. Other activities include organizing a multi-state conference on measuring the effectiveness of hazardous waste cleanups and refining the planning software to simplify preparation of annual Plan Updates.

The final draft of the 1994 Hazardous Waste Plan Update, was ready in June 1994. This Plan Update details and thoroughly analyzes 100% of the approximately 800,000 hazardous waste manifests of shipments in New Jersey for the five year period 1988-1992. The Plan Update also projects trends in treatment demand and related facility changes in New Jersey. Public hearings on the Plan Update were held in Trenton, Linden, and Laurel Springs in September. The Commission adopted the 1994 Plan Update at its of meeting January 24, 1995.

The 1995 Plan Update, which will include 1993 and preliminary 1994 manifest data, will be released by the end of the year. The Commission expects to release Plan Updates annually. This document is unique in the country in its completeness and detailed analyses. Hazardous waste industry experts say this precise market data is invaluable in spotting and adapting to changes in this dynamic industry.

The GAF application to site a new hazardous waste treatment incinerator in Linden continues on Commission agendas. In January 1994, Governor Whitman accepted our December 28, 1993 Minutes which adopted the Linden site, conditioned on access to the site by either rail or by direct exit from the New Jersey Turnpike and further conditioned on conformance of the plans to the conceptual designs presented to the Commission. Except for supplying requested documents and exhibits, the Commission has had no contact with the Turnpike Authority. Nonetheless, the City of Linden and many Linden residents have commented on the Plan Update and on other Commission issues. Two Commissioners, Ellen Faria and Jeff Sias, are appointees of Union County and Linden respectively. They have made valuable contributions to the Commission's work during the period of time in which the Siting Act has authorized their membership.

During 1994, the Commission staff performed extensive planning and organization for a conference entitled, "Measures of Effectiveness of Hazardous Waste Cleanup Program" which was held in March. Participants in the conference included representatives from the Legislature, the NJDEP, the Federal USEPA, and at least six other states. The Hazardous Waste Advisory Council sponsored the conference, which was funded by grants from the USEPA and the Victoria Foundation.

Our 1995 priorities are to refine and consolidate the Plan Update system; to publish the 1995 Plan Update; to publish the results of the March conference promptly in useful form; to seek ways to improve the process of siting hazardous waste treatment facilities; to offer effective public education whenever appropriate; and to conserve State funds while serving our citizens well.

Sincerely,

Louis R Matlack

Louis R. Matlack, Ph.D., Chairman

OVERVIEW

In 1994, the Hazardous Waste Facilities Siting Commission continued working toward its goals of analyzing the State's hazardous waste treatment and disposal needs and considering the siting of new major commercial hazardous waste facilities based on siting criteria adopted by the New Jersey Department of Environmental Protection (NJDEP) in conjunction with the Hazardous Waste Advisory Council pursuant to the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq.

Siting Activities

GAF Chemicals Corporation, Linden, New Jersey

This site application was accepted by the Commission for consideration in October 1988. Final agency action by the Commission was taken on this application on December 28, 1993 and found that plans for the facility conform to conceptual designs presented to the Commission. The Commission final agency action concurred with the Initial Decision of Office of Administrative Law Judge Joseph Lavery. During 1994, the entire record of this proceeding was forwarded to the New Jersey Turnpike Authority at its request. The Turnpike Authority is now reviewing the feasibility of GAF's proposal to provide direct access ramps from the Turnpike to the site. The City of Linden, the City of New York, and GAF have all appealed portions of the Commission's decision of December 28, 1993, to the Superior Court of New Jersey Appellate Division. All parties have submitted briefs and the Appellate Division is likely to schedule oral argument at some point in the future.

E.I. DuPont de Nemours and Co., Inc., Carneys Point, New Jersey

During 1994, DuPont continued to develop plans to expand its existing hazardous waste landfill in Carneys Point. The original expansion plans called for an increase in capacity of 1.8 million cubic yards. Revised expansion plans call for an increase to only 860,000 cubic yards. As a result of design changes, a revised Environmental and Health Impact Statement will be required.

1994 Hazardous Waste Facilities Plan Update

The preparation of the ***1994 Hazardous Waste Facilities Plan Update*** continued to be the Commission's highest priority in 1994. The 1994 Plan Update took a more pragmatic approach to hazardous waste planning rather than the hypothetical approach taken in previous Commission plans. The Commission relied on in-house staff instead of consultants to analyze and interpret manifest data for this Plan Update. A database record was developed which indicated precisely how hazardous waste was managed in New Jersey and out-of-state. The final 1994 Plan Update was adopted by the Commissioners at its January 24, 1995, meeting, subject to gubernatorial review of the minutes of the meeting.

Commission Staff Changes

Marie Dursin, systems consultant employed on a part-time basis since 1993, became a permanent full-time member of the Commission staff in September 1994. The addition of Ms. Dursin brings the size of the Commission staff to five — four full-time and one part-time — employees.

In September, Deputy Attorney General Robert E. Fabricant, who had served as legal advisor to the Commission since April 1992, accepted a position as member of the Office of Governor's Counsel. Deputy Attorney General John A. Covino, who had represented the Commission from 1985 to 1992, was reassigned to replace DAG Fabricant as chief attorney to the Commission. Deputy Attorney General Judeth A. Piccinini also represents the Commission.

SITING ACTIVITIES

The Siting Act provides two distinct alternative routes for siting new major hazardous waste facilities: sites proposed by industry and sites identified by the Commission. In addition, expansions of existing major commercial hazardous waste facilities are also a means of increasing treatment, storage, and disposal capacity in the State. Between 1986 and 1989, the Commission eliminated eleven potential facility sites, which had been identified by its site-search consultant, because upon further testing, they were determined to have failed regulatory siting criteria developed pursuant to the Siting Act by the Hazardous Waste Advisory Council and the NJDEP.

GAF Chemicals Corporation, Linden, New Jersey

Background

In October 1988, GAF proposed for site designation a section of its former manufacturing site in Linden. The company's application called for a 150 ton per day state-of-the-art hazardous waste rotary kiln incinerator. The GAF application was sent to the Office of Administrative Law (OAL) in February 1991. The record on this administrative law proceeding was closed in April 1992, and in May 1992, Administrative Law Judge (ALJ) Joseph Lavery issued an initial decision pertaining to the GAF site application.

In June 1992, the Commission affirmed ALJ Lavery's recommendations except those concerning the siting criteria of protection of ground water, protection of the population, and safe transportation, the three criteria that he had found that the site failed to satisfy. The Commission rejected ALJ Lavery's recommendations concerning the issues of depth to ground water and recharge to deep aquifers, components of the criteria concerning protection of ground water. The Commission made no decision as to whether or not the site satisfied the criteria concerning protection of the population and insuring safe transportation because it found that the record was insufficiently developed as to those issues. The Commission remanded the matter to the OAL for further development of the record on the issue of evacuation routes and means of access to the proposed site in addition to South Wood Avenue, including possible access by rail and barge as well as by truck.

Following 19 days of hearings, in which expert testimony was presented by both sides, ALJ Lavery issued an initial decision on the remand issue in November 1993. He concluded that three transportation alternatives - the barge alternative, the LIMAC evacuation route, and any of the local routes through streets of the City of Linden - failed to meet the siting criteria. He further concluded that the rail alternative and the Turnpike direct access ramps alternative, as presented by GAF, satisfied the siting criteria with respect to the protection of the local population and safe transportation routes. On December 28, 1993, after a series of public meetings (including one in Linden), the Commission decided to adopt the GAF site provided that access to the site is accomplished by rail or by direct exit from the New Jersey Turnpike and that construction be in accord with conceptual designs included in the record of the OAL hearings. Under the Siting Act, that decision constituted final agency action for purposes of appeal.

Progress in 1994

The Commission's first official action in 1994 was to approve the minutes of the three meetings held at the end of December 1993 (December 22, 27, and 28) relating to the siting of a hazardous waste incinerator in Linden, New Jersey. Because January 1994 spanned the administration of former Governor James J. Florio and incoming Governor Christine Todd Whitman, the Commission submitted the minutes of those meetings for gubernatorial review so that both Governors would have a chance to approve or veto them. Governor Florio took no action and Governor Whitman approved the minutes of the Commission's December 28, 1993, meeting on January 25, 1994.

On February 10, 1994, the City of Linden filed an appeal in the Superior Court of New Jersey, Appellate Division, from all elements of the Commission's decision except those concerning the Commission's rejection of truck access routes other than the New Jersey Turnpike. On February 14, 1994, the City of New York also appealed. On February 28, 1994, GAF appealed from those portions of the Commission's decision pertaining to the non-Turnpike truck access routes.

In March, GAF requested that the Commission contact the New Jersey Turnpike Authority, asking it to review the GAF proposal, and the City of Linden countered by asking the Commission to hold any decision on this matter in abeyance. The Commission agreed to transmit its resolution to the Turnpike Authority, but decided that it must remain nonpartisan, taking no position as far as the Turnpike Authority was concerned. In response to a letter to this effect sent to the Turnpike Authority in early April, the Turnpike Authority established an *ad hoc* committee to review the GAF proposal.

In May, the Commission and the City of Linden requested from the Legislature and the Office of Management and Budget additional funding to offset expenses incurred by the City of Linden for technical issues raised during the OAL proceedings pertaining to the GAF hazardous waste incinerator application. The Legislature appropriated, for FY '95, $100,000 for "the purpose of the City of Linden's technical defense in the GAF hazardous waste incinerator proceeding." The increased amount would also assist Linden in its proceedings before the Turnpike Authority, which was not contemplated in the original resolution.

At the request of the Turnpike Authority, the Commission forwarded in June all documents relating to the Commission's consideration of the Linden site and the Administrative Law Judge's decisions.

During the later part of 1994, the City of Linden, the City of New York, GAF and the Commission each submitted briefs in the appeal pending before the Appellate Division on the Commission's decision of December 1993. Briefing was completed in January 1995. Oral argument will be scheduled at the discretion of the Appellate Division and a decision from that Court is anticipated at some point after such argument.

If the Turnpike Authority approves the use of direct access ramps to the site, and if the Appellate Division upholds the Commission's decision, GAF must submit a permit application to NJDEP and receive permit approval before any construction may begin. GAF will likely have to submit an updated Environmental and Health Impact Statement (EHIS), since the existing EHIS was prepared at least four years ago. Although the NJDEP permitting process comes after the Commission's siting process, the Siting Act designates the Commission to manage the EHIS process, including the gathering of public comment. The Siting Act requires Commission comment on the completeness of the EHIS but not any interpretation by the Commission as to the accuracy or validity of the information.

E.I. DuPont de Nemours and Co., Inc., Carneys Point, New Jersey

During 1994, DuPont continued to pursue an expansion to its existing on-site hazardous waste landfill to provide ultimate disposal service for its 40 million gallon per day aqueous hazardous waste treatment facility. Due to the pending closure of DuPont's FR-1 incinerator, the storage and treatment tanks associated with the incineration system are being consolidated into the hazardous waste facility permit covering general storage and treatment activities at DuPont's Chambers Works.

DuPont's application to construct and operate a new rotary kiln incinerator, originally submitted to NJDEP in 1989, was withdrawn in 1993, and the company was subsequently directed to reduce the capacity of the landfill planned to accompany the incinerator. DuPont is expected to submit a revised landfill application in mid-1995.

Rollins Environmental Services Inc. (NJ), Bridgeport, New Jersey

Rollins has added a shredder to its facility in Bridgeport to provide a more uniform feed for solids to its incinerator and is continuing its plans to expand with a new Container Processing Center and additional areas for shipping, receiving, and storage. This expansion is scheduled for completion during 1995. Rollins plans to submit an EHIS for this Container System expansion and will submit an additional EHIS upon resumption of permit application for construction of a rotary reactor incinerator designed to process low BTU solids and sludges.

PUBLIC PARTICIPATION AND EDUCATION

As a result of efforts by Executive Director Gilson, the Commission is now part of an Electronic Data Interchange Committee organized by NJDEP Information Systems to establish a standardized format for electronic data that would allow users of computerized data to exchange and use the data more easily. The primary objective of the EDI is to provide the regulated community with a single source of information. The Committee plans to make recommendations to policy makers on the issue of making computerized information available to the public, and appropriate terms and conditions for such release. The Committee is currently debating the question of use of the Internet, including availability of data and cost of access.

Outreach programs to universities, colleges, schools, and public and private organizations interested in hazardous waste management and treatment are provided by the Commission staff. The Commission has also participated in conferences with the New Jersey Alliance for Action, the HazMat Conference, and Mercer County College. In October, Mr. Gilson appeared as a speaker at the Environmental Exposition regarding the Hazardous Waste Facilities Plan Update and the Siting Act.

The Commission continues to receive public comment on all business conducted at its monthly meetings. Transcripts of these meetings and formal minutes are available for public review.

Response to public requests for information is a high priority. Copies of the Siting Act, the siting criteria, the Draft Plan Update, and various documents describing incineration technology, industrial pollution prevention activities and small quantity generator practices are available upon request from the Commission office.

1994 HAZARDOUS WASTE FACILITIES PLAN UPDATE

The Siting Act requires the Commission to prepare a Major Hazardous Waste Facilities Plan and to update it on a three-year basis. A primary purpose of the Plan is to define the State's need for new major hazardous waste facilities, taking into account the impact of source reduction and recycling as ways to minimize the amount of hazardous waste generated and treated or disposed of in the State. The first Plan was issued in 1985. It was updated in 1989.

The current Plan Update reflects a change in the basic concept of what the report can and should do. The previous approach to the Plan used strategies that attempted to predict where hazardous waste *should* go for processing, treatment, and disposal, and analyzed theoretical changes. It is the Commission's belief that the present system makes the data more accessible to New Jersey industry and encourages the development of relationships that maximize opportunities for business growth and resource utilization in the State.

The 1994 Plan Update is a detailed picture of how hazardous waste was actually handled, from generator to ultimate disposal, from 1988 through 1992. The structure of the latest Plan Update is very different from that of the 1985 and 1989 Plans. Changes in computer capability made it possible to move from a theoretical system and dependence on an outside contractor to a complete analysis of actual practice as measured by transport manifests. The previous plans used straight-line economic projections for the future; the current report acknowledges that hazardous waste generation and disposal is in a constant state of transition.

The Plan Update is based on approximately 800,000 manifests, each including at least 20 data items, representing up to 26,181 generators — a total of 14 million pieces of data. The data show the hazardous waste treatment industry in New Jersey and serving New Jersey to be a sophisticated, responsible, interstate operation. The Commission is interested in looking at five-year projections as well as the statutory requirement for three-year projections, but variations of thousands of tons in cleanup waste data from one year to another over the five-year period make accurate projections very difficult.

The first formal presentation of the Plan Update data was made to the Commission in February. During March, April, and May, the draft was reviewed with the representatives of the Office of Governor's Council and circulated to the Commissioners and to several NJDEP departments for comment. In June and July, the draft Plan Update was reviewed with NJDEP Commissioner Robert Shinn and Assistant Commissioner Richard Gimello, and was circulated to nearly 30 people in various departments within the NJDEP for comment.

In August, Executive Director Joseph Gilson and Marie Dursin were invited to USEPA to discuss the 1994 Plan Update and to demonstrate the Commission's capabilities in working with New Jersey hazardous waste manifest data. The meeting included discussion of a proposal by the Commission to compare New Jersey manifest data with manifest data from three other states and to verify the New Jersey data and/or identify any discrepancies regarding waste transferred between New Jersey and each of the other states. The participants also discussed a concept for developing a computerized database, using standardized input programming, whereby generators could enter manifest data directly into the system and transfer it electronically to state or federal reporting agencies. This system could dramatically reduce the volume of paper forms currently being generated. Data would be available for analysis much more quickly than is currently possible, and could be downloaded to USEPA or to state reporting agencies to use in periodic summary reporting on a quarterly or even a monthly basis. Because of budget constraints,

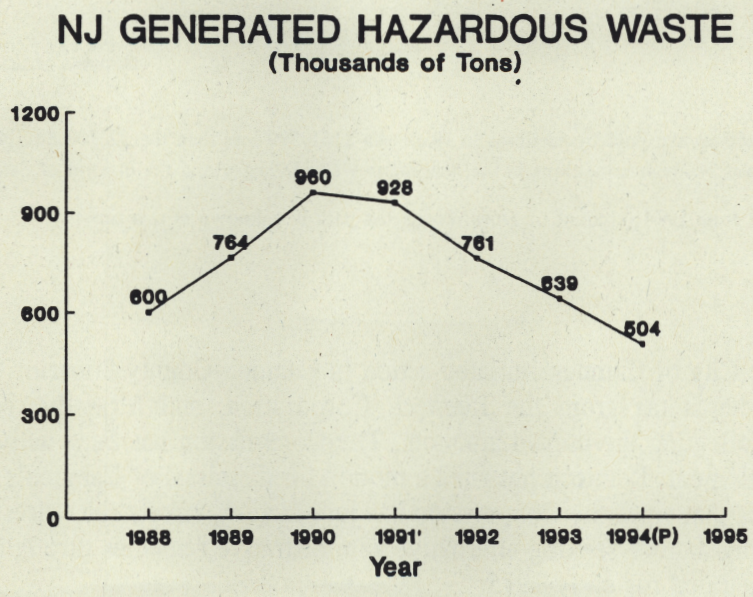
USEPA could not act on either proposal immediately, but expressed willingness to consider them in the budget for the next fiscal year.

In September, three public meetings were held to solicit public comment on the Draft Plan Update, and written comments were accepted until October 11th. Copies of the comments were provided to the Commissioners for review. During September and early October, Commission staff prepared responses to questions and comments relating to the Draft Plan Update, which were also reviewed by the Commission. Language changes to the Draft Plan Update, based on public comment and the Commission's response, were distributed to the Commission for further review, and a comment and response document was distributed to all commenters in December. Voting on the 1994 Hazardous Waste Facilities Plan Update was postponed to allow for review of the proposed changes and additional public comment. The Plan Update was approved by the Commission at its January 24, 1995 meeting, subject to gubernatorial review.

Latest Hazardous Waste Data

The 1993 hazardous waste data showed a 16% reduction from 1992 in the total tons of hazardous waste and reductions in almost all the large industry categories. Preliminary 1994 data continue to show a further decrease of 21% from 1993. In these two years there has been a 33% overall reduction in the amount of hazardous waste generated in New Jersey. From the peak of 960,000 tons in 1990 to the preliminary 1994 amount of 504,000 tons, there has been a 48% decrease in five years. This reduction can be said to be the result of: more contaminated soil from Superfund sites managed on-site; high disposal costs which energized generators to reduce hazardous waste volumes; and waste minimization becoming a priority in manufacturing process changes and raw material substitutions. The Commission plans to publish annual updates.

The Commission requested and received a tape of manifest data from the State of New York to help verify the accuracy of the New Jersey manifest data relating hazardous waste shipments between the two states. There are some differences in the coding methods used by the two states, but specific data comparisons show very few differences. The Office of Telecommunications and Information Services (OTIS) assisted the Commission in processing the New York manifest data and the 1993 New Jersey data. The Commission hopes to obtain funding from USEPA to do additional interstate data comparisons during the next fiscal year.



GROSS RECEIPTS TAX

The Siting Act requires the owner or operator of every major hazardous waste facility located in New Jersey to file each year with the chief fiscal officer of the municipality where the facility is located a statement showing the gross receipts from all charges imposed for the treatment, storage, or disposal of hazardous waste at the facility. More importantly, the Act requires the facility to pay to the host municipality a sum equal to five percent of the gross receipts. The municipality and the facility owner or operator may petition the Commission to adjust the amount of the tax.

1994 Tax Payments

COMPANY NAME / MUNICIPALITY	AMOUNT PAID TO MUNICIPALITY
Chemical Waste Management City of Newark	$9,547.07
E.I. DuPont de Nemours Carneys Point Township	$1,438,364.60
Marisol, Inc. Borough of Middlesex	$7,972.09
Republic Environmental Recycling, Inc. Borough of Clayton	$57,584.00
Rollins Environmental Services Logan Township	$981,294.65
Safety-Kleen Corp. Borough of Clayton	$. **
SRSNJ-Safety Kleen City of Linden	$61,500.00
TOTAL*	$2,556,262.41

* Gross receipts tax paid by facilities in 1994 was $151,599 less than the $2,707,861 paid in 1993 due to general business conditions in the hazardous waste industry and the closure of Safety-Kleen (Clayton).

** Closed June 1994 (amount of gross receipt tax paid is unknown at this time).

During 1994, the City of Camden initiated action in Camden County Superior Court to recover the five percent gross receipts tax from the Remtech Corporation, and formally requested the help of the Commission in collecting the unpaid amounts. The Commission has been actively involved in attempts to negotiate a settlement. Remtech has filed a motion for dismissal of Camden's case before the Superior Court, on grounds that since the Commission has jurisdiction, efforts for redress before the Commission should be exhausted before seeking alternative administrative remedies through the Court. A settlement conference is scheduled for early 1995.

HAZARDOUS WASTE ADVISORY COUNCIL

The Hazardous Waste Advisory Council consists of representatives from environmental or public interest organizations, municipal and county elected or appointed officials, community organizations, fire fighters, and various hazardous waste facility users and operators. The Council is required by the Siting Act to review the audit report of NJDEP's hazardous waste site remediation program annually. In addition, the Council advises the Commission and the NJDEP in all areas of hazardous waste management. Council members serve for three-year terms.

Term for ten of the fifteen Advisory Council positions expired during 1994. These included two representatives of environmental organizations (Cynthia Jacobson and Katherine Becker), two municipal officials (Raymond DiFrancesco and Joseph Foy), and representatives of Industry (Asim Ray), Licensed Transport (William Ehrhardt), Licensed Operator (Randall Vieser), Firefighters (James Butler, Jr.), the Academic Community (John Liskowitz), and Community Organizations (Carlos Murawczyk). No nominations for appointments or re-appointments to the Council were made during the year, and Harry Moscatello of Monmouth County, who was nominated in 1993 for the vacancy for a Private Sector representative, is still awaiting confirmation.

The term of William Librizzi, an environmental organization member on the Advisory Council, expired in January 1995. Since his confirmation as a member of the Commission there has been an additional vacancy on the Advisory Council.

Site Remediation Workshop

In 1991, the Hazardous Waste Advisory Council released its first review of New Jersey's Hazardous Waste Site Remediation Program, as required by P.L. 1989, c.243 (A-1579). In 1992, the Council made recommendations to the Governor and the Legislature based on a review of the NJDEP's hazardous waste site remediation program. One major recommendation was that the NJDEP, in cooperation with the Office of Management and Budget (OMB), establish better means to measure the effectiveness and progress of the hazardous waste site remediation program. A national workshop organized by the Council was suggested to aid the NJDEP in developing ways and means to measure the effectiveness and progress of remediation efforts. Funding for the workshop was obtained from the Victoria Foundation and the USEPA to provide a forum for experts from New Jersey and other states to examine measurement tools now being used to evaluate cleanup programs and potential additional measurement tools being used or considered by other states but not currently being used in New Jersey. The end result of the workshop will be recommendations to assist New Jersey and other states to improve their respective programs.

The Steering Committee for the workshop includes representatives of the USEPA, the NJDEP, Site Remediation Program, New Jersey Hazardous Waste Advisory Council, and the Commission. During 1994, members of the Advisory Council and the Commission staff worked to plan and develop the workshop, which was conducted on March 23-24, 1995.

The Council was unable to carry out its full statutory responsibilities under the Siting Act during 1994 because no state funding was approved or appropriated for the Council for either FY 1994 or FY 1995. In spite of the success in obtaining grant funding for the site remediation workshop, such funding cannot be relied upon for the normal operations of the Council. Without State support, the Council will continue to be unable to fulfill the functions required of it by the Siting Act.

Pollution Prevention

As a member of the Pollution Prevention Advisory Board reporting to the NJDEP, Executive Director Gilson is involved with such issues as recommending candidates for the annual Governor's Award for Outstanding Achievement in Pollution Prevention; developing criteria for analysis of publicly reported pollution prevention data; and developing a plan for conducting quality assurance/ quality control checks on reported data. The activities of the Advisory Board include conducting workshops, training sessions, and a statewide pollution prevention conference; assessing the potential for electronic reporting of pollution prevention data; and maintaining a database/mailing list of individuals, organizations, and firms involved in pollution prevention.

New Jersey Technical Assistance Program

The New Jersey Technical Assistance Program (NJTAP) is a free, confidential program addressing single and multiple media (air, water, and land) industrial pollution sources. Services to the industrial community include evaluating existing operating conditions and recommending practical, economically feasible ways to enhance production while, at the same time, minimizing and recycling hazardous wastes. NJTAP is designed to help small companies reduce the volume of hazardous and other wastes generated.

Now in its fifth year, the NJTAP has gained visibility and credibility with industry as a premiere environmental pollution prevention extension service that delivers technical assistance to New Jersey companies and promotes improvements in industrial processes leading to elimination, reduction, and reuse of non-product output (i.e., anything that is not product) before consideration of control and ultimate disposal of wastes. NJTAP a) reaches out to all manufacturers in New Jersey annually and offers free, but valuable, environmental audits that focus on the environmental waste management hierarchy (i.e., source reduction, recycling, control, and ultimate disposal; b) functions as an information clearinghouse for literature and videotapes related to pollution prevention; c) delivers education and training to interested people and groups; and d) aids in the adoption and development of pollution prevention technologies.

NJTAP has performed greater than two hundred site visits. A library of greater than two thousand articles and reports in approximately seventy sub-categories of pollution prevention has been developed. More than fifty videotapes related to source reduction have been collected and are available to the public. More than one hundred presentations have been given in the past five years. In addition, approximately forty training sessions related to facets of pollution prevention have been delivered by NJTAP personnel.

The NJTAP teams consists of a director with twenty years of experience in the environmental field and a background in industrial waste treatment and pollution prevention, two soon-to-be hired pollution prevention analysts and five retired engineers with greater than 225 years of combined experience in the chemical process industries, dyes and pigments, solvent sales and manufacturing engineering. Salient success stories include Constant Services, a gravure printer in Fairfield, City Auto Radiator in Trenton, and Orbel Manufacturing in Phillipsburg.

NJTAP began operating in 1990 under a USEPA grant obtained from the Commission in the amount of $225,000. In 1991, the Commission granted a contract extension of $100,000 to this grant so this program could continue its work in the area of pollution prevention. In 1993, the USEPA awarded an additional $10,500 to the Commission for the development of a Vocational Environment Education Pilot Project (VEEP) through the NJTAP program.

The VEEP project was intended to educate trainees preparing to enter the work force about pollution prevention tools and best operating practices in certain targeted industrial sectors. During 1993, NJTAP completed a curriculum guide for environmental education instructors for use in Vocational Education Training Centers. This curriculum is directed toward auto body repair specialists and printing press operators. It covers all aspects of materials handling, safety, and waste reduction procedures to be used in the work place.

Also in 1993, NJTAP and Waste Advantage, Inc. completed their work with three volunteer companies, through the Office of Pollution Prevention, in order to formulate the State's facility wide permitting approach. Information from this pre-pilot program identified waste quantities, waste costs, waste sources, and developed source reduction recommendations for each of the three large industrial companies.

Alliances have been formed with sewerage authorities such as the Bergen County Utilities Authority and the Linden-Roselle Sewerage Authority so as to develop curricula to train Publicly Owned Treatment Works (POTW) personnel in pollution prevention techniques. In addition, NJTAP personnel have worked with industrial pretreatment coordinators in an effort to educate businesses about pollution prevention and its relation to industrial pretreatment. Another notable alliance has been formed with the Burlington County freeholders. A program has been developed in conjunction with them to identify, recruit, and educate small quantity generators of hazardous waste in the county so as to preclude the entry of their waste into the Burlington County landfill.

Current funding for NJTAP comes from four sources. The NJDEP provides major funding. The USEPA supports a special county based pollution prevention activity (in conjunction with local officials) in Burlington County and the development of a similar "local-level" program in Puerto Rico. The balance of the USEPA grant is assigned to the vocational education program.

PERSONNEL/FINANCIAL

Three original members of the Commission resigned in 1994: Commissioners Ann Auerbach, Roy Gottesman, and Gordon Millspaugh, Jr. Commissioner Millspaugh served as chairman of the Commission between 1989 and 1992 and Commissioner Auerbach served as vice-chair during that time. In 1994, J.B. Wiley, Jr. was appointed to replace Dr. Gottesman and John Schroeder was appointed to replace Maxwell Weiss. On January 10, 1995, William Librizzi, who had served for three years as a member of the Hazardous Waste Advisory Council (and is also a member of the New Jersey Water Pollution Control Association and chairman of their Hazardous Waste Committee) was appointed to replace Mr. Gilson. The appointment of Katherine A. Becker to replace Ms. Auerbach was still awaiting confirmation by the Senate at the end of 1994. The Senate confirmed the reappointments of Chairman Louis Matlack, Vice Chairman James Ferris, and Commissioner Thomas Leane. The reappointment of Commissioner Abigail Studdiford was still awaiting confirmation at the end of 1994.

The Commission's budget request for FY 1995 was reduced by $25,000, and a request for $20,000 for the Hazardous Waste Advisory Council was not approved. As a result, the cost of any Advisory Council meetings regarding revision of siting criteria must be paid from the Commission budget. The proposed Commission budget for FY 1996 is $225,000 with carry forward language, and includes a request for $10,000 to fund the activities of the Hazardous Waste Advisory Council.

FISCAL YEAR 1994

COMMISSION OPERATING AND FINANCIAL STATEMENT

HAZARDOUS WASTE FACILITIES SITING COMMISSION
SUMMARY OF GENERAL FUND APPROPRIATION AND EXPENDITURES – (BUDGET BASIS*)
FOR THE FISCAL YEAR ENDED JUNE 30, 1994

BY FUND

	AVAILABLE FUNDS
Legislative Appropriation Siting Commission FY94	$225,000.00
Carry Forward FY93	$75,737.00
Advisory Council	–0–
Victoria Foundation (Advisory Council Workshop)	$8,000.00
USEPA (Advisory Council Workshop)	$10,000.00
EHIS DuPont (ICF)	$5,159.00
EHIS GAF (Weston)	$32,837.00
EHIS GAF (TAMS)	$10,433.00
TOTAL	$367,166.00

BY PROGRAM		FUNDS EXPENDED	BALANCE
Siting Commission			
Salary (4 Full–Time Employees & 1 Part–Time Employee)	$185,000.00	$163,201.00	$21,798.00
Special Purposes Account	$115,732.00		
Office Expenses		$12,504.94	
Administrative Expenses		$32,476.75	
Computer Expenses		$9,484.25	
Insurance Expenses		$2,500.00	
Travel Expenses		$2,026.63	
Balance Special Purposes			$56,739.43
Advisory Council	–0–		–0–
Victoria Foundation (Advisory Council Workshop)	$8,000.00		$8,000.00
USEPA (Advisory Council Workshop)	$10,000.00		$10,000.00
EHIS DuPont (ICF)	$5,159.00		$5,159.00
EHIS GAF (Weston)	$32,837.00		$32,837.00
EHIS GAF (TAMS)	$10,433.00		$10,433.00
TOTALS	$367,161.00	$222,193.57	$144,966.43

*Supplement to Auditor's Report prepared by Commission staff

LEGISLATIVE
SERVICES COMMISSION

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DONALD T. DiFRANCESCO
Chairman

ASSEMBLYMAN
GARABED "CHUCK" HAYTAIAN
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New Jersey State Legislature

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The Honorable Christine Todd Whitman
Governor of New Jersey

The Honorable Donald T. DiFrancesco
President of the Senate

The Honorable Garabed "Chuck" Haytaian
Speaker of the General Assembly

Mr. Albert Porroni
Executive Director
Office of Legislative Services

We have completed an audit of the Hazardous Waste Facilities Siting Commission for the period July 1, 1993 to June 30, 1994.

We found that the financial transactions included in our testing related to the commission's programs, were reasonable, and were recorded properly in the state accounting system.

This audit was conducted pursuant to N.J.S.A. 13:1E-83, which states that the State Auditor shall conduct an annual audit of the commission's activities pursuant to the provisions of Title 52 of the New Jersey Statutes.

Richard L. Fair
State Auditor
March 29, 1995

HAZARDOUS WASTE FACILITIES SITING COMMISSION

Scope

We have completed an audit of the Hazardous Waste Facilities Siting Commission (Commission) for the period July 1, 1993 to June 30, 1994. Our audit included financial activities accounted for in the state's General Fund.

Total expenditures of the Commission during the twelve-month audit period were $229,431. The primary responsibilities of the Commission are the approval of sites for new hazardous waste facilities, the preparation of a hazardous waste plan and regular updates to that plan.

Objectives

The objectives of our audit were to determine whether financial transactions were related to the Commission's programs, reasonable, and recorded properly in the state accounting system. To achieve these objectives, we reviewed the internal control structure and tested for compliance with applicable laws and regulations.

This audit was conducted pursuant to N.J.S.A. 13:1E-83, which states that the State Auditor shall conduct an annual audit of the commission's activities pursuant to the provisions of Title 52 of the New Jersey Statutes.

Methodology

Our audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States.

In preparation for our testing, we studied legislation, administrative code, circular letters promulgated by the State Comptroller, and policies of the agency. Provisions that we considered significant were documented and compliance with those requirements was verified by interview and observation and through our samples of financial transactions. We also read the budget message, reviewed financial trends, and interviewed agency personnel to obtain an understanding of the programs and the internal control structure.

A judgmental sampling approach was used. Our samples of financial transactions were designed to provide conclusions about the validity of transactions as well as internal control and compliance attributes.

Conclusions

We found that the financial transactions included in our testing related to the objectives of the Commission, were reasonable, and properly recorded in the accounting system.

THE FUTURE

The Commission continues to be committed to finding solutions to the increasingly complex problems of hazardous waste management. During 1994, the Commission staff continued to work closely with government and industry to keep abreast of the dynamic changes occurring in hazardous waste generation. Annual Plan Updates will continue to provide authoritative data to help decision makers in both government and industry understand this rapidly changing field.

The Commission will review applications for site designation as they are submitted, and will continue to work with both government agencies and private industry to promote the timely and expeditious review and development of new or expanded facilities.

This is a time of increasing awareness of the fragility of our environmental balance and the need to clean up the abuses of the past and prevent their occurrence in the future. At the same time, there is increasing awareness of the limitations of both environmental and financial resources. Unless adequate and safe facilities are made available, proper cleanup of contaminated sites may be impossible. The responsibility for providing these facilities must be shared by the public and private sectors. If government cannot find a way to ensure safety without over-regulation, it will not be able to promote industrial initiatives and development. Publishing the Plan Update on an annual basis is one way of providing more timely information to help ensure wise decision making. Positive feedback has already been received from hazardous waste generators and treatment facilities regarding the accuracy and usefulness of information contained in the 1994 Plan Update.

We live in a time of change. Ten years ago, many people felt New Jersey could no longer look toward neighboring states for hazardous waste capacity, but as the conclusions in the 1994 Plan Update indicate, it has become evident that we must look toward neighboring states and regions just as they must look to us. The Commission recognizes the vital interdependence among states for hazardous waste processing, treatment, and disposal, as well as the important role that New Jersey hazardous waste facilities play in hazardous waste management for neighboring states and regions. Changes in technology, in industrial pollution prevention activities, in public attitudes, in the regulatory environment, and in the economy have forced companies to change the way they deal with hazardous waste.

The Commission believes that New Jersey must continue aggressive efforts to support source reduction, materials recovery/reuse and recycling, and high technology waste treatment methods. Additionally, we must persist in the controversial process of siting in-state hazardous waste facilities. While we believe New Jersey should work toward establishing interstate and regional agreements to satisfy capacity shortfalls, we support the expansion of existing hazardous waste facilities and/or the siting of new facilities if such facilities can lessen New Jersey's dependence on out-of-state treatment, storage, and disposal facilities. The Commission will endeavor to improve and expedite the existing process for the siting of major commercial hazardous waste treatment, storage, and disposal facilities. The goal is to ensure an active and vital industrial base while at the same time continuing to provide safe, environmentally acceptable facility siting.

The members of the Hazardous Waste Facilities Siting Commission invite all interested parties, public and private, individual and corporate, scientific and industrial, legal and educational, to join our efforts to seek responsible, environmentally safe, and affordable solutions to the problems of hazardous waste management in New Jersey.

Hazardous Waste Facilities Siting Commission

Louis R. Matlack, PhD., Chairman
James Ferris, P.E., Vice-Chairman
Thomas Leane
William Librizzi
John Schroeder
Abigail Studdiford
J. B. Wiley, Jr., P.E.

Ellen Contente Faria
Union County Representative

Jeffery Sias
City of Linden Representative

(2 vacancies)

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Raymond J. DiFrancesco
William C. Ehrhardt
Robert Fixter

Joseph D. Foy
Cynthia Jacobson
Carlos Murawczyk
Asim B. Ray, Ph.D.
Donald Schneider
Randall E. Vieser, P.E.

(2 vacancies)

Commission Staff

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Richard P. Kurisko	Assistant Director
Marie Dursin	Systems Consultant
Christine Gozikowski	Administrative Assistant
Rose Mary Schwarz	Secretarial Assistant (part-time)

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State of New Jersey
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