901
H20
(1988)

Hazardous Waste Facilities Siting Commission

PROPERTY OF
NEW JERSEY STATE LIBRARY
186 W. STATE ST. PO BOX 520
TRENTON, NJ 08625-0520

Annual Report for 1988



Honorable Thomas H. Kean
Governor of the State of New Jersey
and Members of the New Jersey Legislature

It is my pleasure to submit the New Jersey Hazardous Waste Facilities Siting Commission's 1988 Annual Report for your review. This report summarizes the Commission's activities from January through December, 1988.

Despite the challenges encountered during the past year, the Commission remains committed to its mission of analyzing and planning for the State's hazardous waste capacity needs. In order to administer its programs, the Commission continues to rely on support from other State agencies. In addition to the Department of Environmental Protection, the Departments of Treasury, Transportation, and Health, and the Office of the Attorney General have assisted the Commission in meeting its goal of utilizing existing governmental expertise.

Siting decisions made in 1988 rendered the Commission one step closer toward its goal of providing for needed hazardous waste capacity. Based on recommendations made to the Commission by its site search consultant, several sites that failed to meet certain criteria were eliminated from the list of potential hazardous waste incinerator locations. More importantly, the Commission designated a potential site for the construction of a hazardous waste incinerator and has begun preparations for site review according to the procedures outlined in the Major Hazardous Waste Facilities Siting Act. The Commission is also in the process of evaluating sites proposed under the "alternate or additional" option clause of the Siting Act.

The Commission continues its research of hazardous waste management not only in New Jersey but also in the rest of the United States. Studies initiated by the Hazardous Waste Advisory Council and the Source Reduction and Recycling Task Force have indicated an ongoing interest in new methods to encourage further hazardous waste reduction, recycling and exchange.

The Hazardous Waste Facilities Siting Commission remains thankful for the support and cooperation that it has received in its efforts to improve hazardous waste management in New Jersey. We look forward to your support in the controversial process of siting new hazardous waste facilities.

Sincerely,

Gordon A. Millspaugh, Jr.
Chairman



Introduction

The Hazardous Waste Facilities Siting Commission was established by the Major Hazardous Waste Facilities Siting Act to analyze the State's hazardous waste treatment needs and to locate potential sites. The principal duties of the Commission include preparing a hazardous waste facilities plan which involves an assessment of the number and type of new facilities needed in New Jersey, and proposing/and or adopting site designations for new, major commercial hazardous waste facilities based on the siting criteria adopted by the New Jersey Department of Environmental Protection (NJDEP) in consultation with the Hazardous Waste Advisory Council. The Commission is also charged with establishing a comprehensive public participation program and holding public meetings and hearings in the state on any matter related to the siting, licensing, construction, operation, or closure of major hazardous waste facilities.

As a comprehensive program, hazardous waste management involves not only the Commission and the NJDEP, but also every resident of the State. Although policies are being implemented to encourage waste generators to produce less waste, and to recycle or recover wastes when possible, hazardous waste management remains a major public concern.

Hazardous waste management has also been impacted by the Superfund Amendments and Reauthorization Act of 1986 (SARA). The major intent of the law is to facilitate cleanups at Superfund sites by imposing new requirements and schedules upon the United States Environmental Protection Agency (USEPA), but more importantly it authorizes the federal government to withhold Superfund money in states that fail to make good faith efforts to assure future hazardous waste disposal or treatment capacity. By October, 1989, all states will be required to enter into contracts or cooperative agreements with the USEPA to assure that adequate capacity will exist for the disposal or treatment of all hazardous wastes anticipated to be generated in the state within a twenty year period.

The Hazardous Waste Facilities Siting Commission continues to make progress in assuring hazardous waste treatment and disposal capacity for New Jersey. In 1988, with assistance from the Hazardous Waste Advisory Council, the Commission made important contributions to improving hazardous waste management by:

- ❑ continuing with its site search efforts;
- ❑ designating a potential site for the construction of a hazardous waste incinerator;
- ❑ actively reviewing industrial applications submitted by firms interested in constructing a hazardous waste incinerator or expanding an existing hazardous waste facility;
- ❑ preparing to release an update to the Hazardous Waste Facilities Plan;
- ❑ releasing the Source Reduction and Recycling Task Force's Initiatives Report;
- ❑ managing a Locational Analysis of Small Quantity Generators Waste Stream Project in conjunction with Syracuse University;
- ❑ publishing *Siting Update*, the Commission's newsletter.

These tasks are further described in the following sections of this report. The responsibilities of the Siting Commission will continue to grow as the issues surrounding the siting process become more complex. The work of the Commission, in cooperation with other state agencies, is bringing New Jersey one step closer towards comprehensive hazardous waste management.



Site Search

The Commission's state-wide search for new potential hazardous waste facility locations is based upon work undertaken by the NJDEP in consultation with the Hazardous Waste Advisory Council, between 1981 and 1983. These two bodies developed and adopted the siting criteria (N.J.A.C. 17:26-13.1 et. seq.) to guide the Commission in choosing sites.

The criteria were developed with the intent to ensure that the siting of any new, major commercial hazardous waste facility will not pose any significant threat to human health or the environment. More specifically, the goals that guide the Commission's site search include protecting the residents of the State, protecting surface and ground water, protecting air quality, and protecting environmentally sensitive areas. The Commission is also concerned with ensuring structural stability of the new, major commercial hazardous waste facility and providing for the safe transportation of hazardous waste to the facilities.

In striving to achieve compliance with the siting criteria, the Commission's work is further impacted by factors such as the dense population of the State and the number of manufacturers that generate hazardous wastes as byproducts. In addition, the Commission is faced with land use issues which include retaining agricultural land in the face of development pressures and strains being placed on the existing transportation network. Therefore, the challenge to the Commission is to properly balance these needs and realities.

Ten sites were investigated in 1986 and 1987, and the eleventh site, a potential hazardous waste incinerator site in Tinton Falls Township (Monmouth County), was eliminated from further consideration by the Commission at its July 26, 1988 meeting. Although this was one of the eleven original sites, it was not under active investigation since it had been designated in adopted amendments to the Monmouth County District Solid Waste Management Plan as a location needed to satisfy the solid waste needs of the County.

At the July meeting, the Commission also heard reports from its site search consultants, Rogers, Golden and Halpern (RGH) regarding the two remaining incinerator sites under active consideration: the Millstone Township (Monmouth County) site, and the Edison Township (Middlesex County) site.

At the September 20, 1988 meeting, the Commission again heard reports from RGH regarding both potential sites. At this meeting RGH maintained its earlier conclusion that both sites continued to meet the siting criteria.

At its November 28, 1988 meeting, the Commission adopted by resolution the Millstone Township site as a location for the construction of a new hazardous waste incinerator. The Commission believes that this site will provide a safe and necessary location for a new, major commercial hazardous waste incinerator. At the same time, the Commission also officially eliminated the Edison Township site from consideration as a potential location for a hazardous waste incinerator. Although the Commissioners believed that the Edison site met all the exclusionary siting criteria, they felt that an incinerator on this site was not in the public interest of the entire State.

In addition to the further investigation of the Millstone site, the Commission is also evaluating industrial firms that have submitted applications with the intent to provide a site for a hazardous waste facility. This "alternate or additional" site proposal option is further explained in the section of this report entitled "Other Commission Activity."

PROPERTY OF
NEW JERSEY STATE LIBRARY
186 W. STATE ST. PO BOX 520
TRENTON, NJ 08625-0520



Hazardous Waste Facilities Plan

One of the requirements of the Major Hazardous Waste Facilities Siting Act (N.J.S.A. 13:1E-49 et al.) is for the Commission to prepare a hazardous waste facilities plan which reflects the planning phase of the siting process. The intent of the plan is to determine the number and type of major new hazardous waste facilities needed to treat, store, or dispose of hazardous wastes in the State. It must include a current inventory of sources, composition, and the quantity of sources, composition, and the quantity of hazardous waste generated within the State, and projections of the amounts and composition of hazardous waste to be generated in New Jersey in each of the following three years.

Prepared under contract by Environmental Resources Management, Inc. (ERM), the Hazardous Waste Facilities Plan was adopted in March 1985 and showed a clear need for rotary kiln incineration capacity of at least 50,000 to 75,000 tons per year, and possibly as much as 110,000 tons per year. The Plan also revealed that the State needs land emplacement capacity of 110,000 to 120,000 tons per year.

In November, 1987, ERM was awarded the contract to update the Hazardous Waste Facilities Plan. This investigation will expand on the work done in 1985 and will aid the Commission as it attempts to refine its capacity projections. The Plan update will analyze current manifested hazardous wastes and will provide an accurate account of existing commercial facilities in the State. Potential future sources of manifested hazardous waste and the expected reduction of manifested hazardous wastes will also be addressed. The Plan update will also include a discussion of hazardous waste transportation.

Since the task of projecting needs on a state level is challenged by the fact that it is a dynamic situation, the Plan consultants have designed a computer database system that will allow the Commission to easily access and update hazardous waste information and to make further projections concerning future waste generation and capacity shortfall.

The Plan update, which is scheduled to be released later in 1989, will not only provide the Commission with broad options and explanations of the implications of each of New Jersey's economic and environmental goals, but will also provide the State with an updated Plan that is technically sound. The consultants in charge of the Plan update are confident that it will provide the Commission with the necessary capacity assurance projections to comply with the requirements imposed by SARA Title III.

Another provision of the Siting Act allows for the "alternate or additional" method of siting facilities. The Commission encourages industrial firms interested in providing a location for a hazardous waste facility to submit an application for site designation. This application would then be reviewed against the siting criteria and the Plan.

In October, 1988, the Commission received an application for site designation from GAF Chemicals Corporation, Linden, New Jersey. The next step in the process, which has been completed, is for the Commission to hire a consultant to prepare a Site Evaluation Report (SER) for use as a decision tool to aid the Commission in determining the suitability of the proposed site by comparing it to the siting criteria. The SER is to be a review and advisory document for the Commission that assists in the decision about whether to process the application and whether supplemental information is required to verify the accuracy of the applicant's statements.

If the SER is accepted by the Commission, funds will be provided to the municipality to complete a Municipal Site Suitability Study, which gives municipal and county officials the opportunity to verify or dispute the accuracy and completeness of the data collected by the applicant and the Commission's consultants. The Commission anticipates receipt of the SER in the second quarter of 1989.

The Siting Act also provides a third procedure for siting facilities. In addition to sites chosen by the Commission and sites proposed by private companies, the expansion of existing facilities may also occur. This siting option involves an expansion of greater than fifty percent at an existing commercial facility and requires that EHIS be prepared at the company's expense. Once the EHIS is completed, it would be submitted to the NJDEP as part of the permit application.

At present, the Commission is evaluating the expansion of an existing facility at the E.I. du Pont de Nemours Co., Inc. in Deepwater, New Jersey. The Commission has retained a consultant to prepare an EHIS at du Pont's expense. The Commission anticipates receipt of the EHIS in the second quarter of 1989.

PROPERTY OF
NEW JERSEY STATE LIBRARY
186 W. STATE ST. PO BOX 520
TRENTON

Research Initiatives

In addition to its siting responsibilities, the Commission manages several other projects pertaining to the study of hazardous waste management. In April, 1989, the Commission anticipates the completion of the RCRA Strategic Scanning System Project undertaken by Syracuse University's Technology and Information Policy Program (TIPP) personnel. This project, an extension of a past survey of Small Quantity Generators (SQGs) completed by TIPP, expands the scope of the University's previous work to anticipate changes in the process and manufacturing technologies among SQGs, and to forecast the resulting changes in wastes generated by these firms.

Through the use of a computerized interactive database, the scanning system will provide a framework to record and organize technical knowledge gained from small quantity generators so that information can be shared in an interactive manner. The system will also be used to determine how existing technology can be used by specific generators to reduce waste generation. More significantly, the project will identify important factors in hazardous waste generation and will assist planners in identifying the impact of changing technology.

In addition to their work on the RCRA Strategic Scanning System Project, the Commission, with funding provided by the NJDEP— Division of Science and Research, retained Syracuse University TIPP personnel to conduct a locational analysis of waste streams generated by SQGs (firms generating more than 100 kilograms in any one month). This study also includes the analysis of very small quantity generators (VSQGs), firms that generate less than 100 kilograms in any one month that are exempt from regulation, and that are legally allowed to dispose of hazardous waste in public sewers or municipal solid waste facilities.

Since the prior SQG survey had found that voluntary regulatory compliance among VSQGs was minimal and that many firms were not aware that they were considered hazardous waste generators, the Commission felt that this issue and the geographic impact of VSQG waste management practices warranted further investigation. The location analysis will be conducted among three types of firms: pesticide applicators, printers, and photography shops. The Commission anticipates the receipt of a final report from Syracuse University in the fall of 1989.

The Commission is also working with New Jersey Institute of Technology's (NJIT) Center for Research in Hazardous and Toxic Substances to examine and propose above ground land emplacement facility criteria necessary for safe operation. NJIT has assembled a panel of national experts who have reviewed existing information on above ground facilities in light of current and anticipated state and federal regulations. The group recently toured an above ground facility in the southern part of the United States, and is currently evaluating earthen structures versus concrete "warehouse" facilities. The panel's report is due in the spring of 1989. It will be followed by a national conference, which is anticipated to result in recommendations to the Commission for New Jersey's above ground facility design.



Hazardous Waste Advisory Council

The establishment of the Hazardous Waste Advisory Council provides for public participation at the decision making level of the siting process. The Council consists of twelve members representing environmental or public organizations, municipal and county elected or appointed officials, community organizations, fire fighters associations, and various hazardous waste facility users and operators.

Under the leadership of Chairman Dr. John Liskowitz, the Advisory Council is required to review any matter relating to the siting, licensing, construction, operation, or closure of major hazardous waste facilities and make any recommendations to the Commission and the NJDEP. The Advisory Council has been working to develop owner/operator criteria to select a firm for the construction and operation of a new, major commercial hazardous waste facility.

In addition to their work on the selection criteria, the Advisory Council continues to support the Commission's efforts to develop new treatment and disposal capacity to properly manage New Jersey's waste streams. The Advisory Council also continues to advise the Commission on the site search process and will support the Commission during any administrative law hearing.

Source Reduction and Recycling Task Force



In its Plan, the Commission developed a waste management hierarchy that advocates waste reduction, recycling and recovery over other forms of waste management. To assist in the development of source reduction and recycling policies, the Commission established its Source Reduction and Recycling Task Force. This volunteer body is structured to represent a variety of interests, including environmentalists, industrial representatives, and academic experts.

In January, 1988, the Task Force released the results of the first phase of its work, which indicated the need for a technical assistance program (TAP) to assist generators in voluntarily reducing the amount of waste generated each year. This innovative program builds on the expertise of two existing New Jersey institutions: the Advanced Technology Center for Hazardous Substance Management, located at the New Jersey Institute of Technology, and the Rutgers Cooperative Extension.

The Task Force maintains that the first and most effective approach to minimizing the burden that hazardous wastes place on the environment is to significantly reduce the outputs of hazardous waste from production processes and then encourage the recycling and recovery of those wastes still generated. Before this approach becomes effective, companies, particularly small companies that lack in-house technical expertise to evaluate and choose various waste reduction and recycling options, must be made aware of potential source reduction and recycling practices.

The TAP proposal in New Jersey is unique in that it fosters a cooperative approach between industry, government, and academia, and builds on the strengths of existing activities. It also provides for coordinated efforts among agencies responsible for these existing activities and assures the State's assistance to those industries with documented interests and needs. Through education and outreach, detailed technical assistance, and research and research-derived data, the TAP offers the benefit of cost savings and reductions in long term liabilities for waste generators.

Although source reduction and recycling is only one answer to the problem of hazardous waste management, the Task Force is pursuing this option with the intent that it can only benefit New Jersey which is home to a large number of hazardous waste generators. The Commission looks forward to working with the Legislature to pass other measures that will supplement the TAP and establish a permanent waste minimization program for the State.



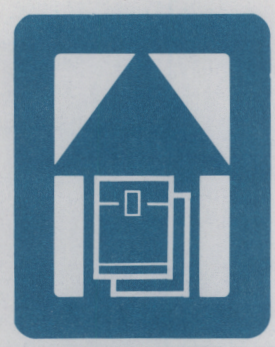
Public Participation

The Siting Act, in addition to establishing the Commission and the Advisory Council, allows for public participation at virtually every step of the siting process. In addition to helping develop the siting criteria and the Plan, public input has also aided the implementation of the criteria during the site search.

As the process continues towards the selection of sites for developing new capacity, the direct participation of affected parties will play a greater role in the Commission's decision making process. Now that a potential site for the location of a new, major commercial hazardous waste facility has been formally designated, the Commission will provide a grant to the municipality involved, to allow officials to independently conduct a Municipal Site Suitability Study (MSSS). The conclusions of this study, and comments from other interested parties will be heard before an administrative law judge who will make a recommendation to the Commission on site adoption. Once a decision on site adoption is made, the Commission will be expanded to include two members from the affected communities. These public participation provisions of the Siting Act assure that a fair decision will be made.

To ensure that an impartial decision on siting hazardous waste facilities will occur, the Commission continues to hold its siting deliberations in open public session. The Commission not only encourages the public to express its opinions, but considers other viewpoints as a plus to the siting process. Although it is often difficult to maintain a process that focuses on the technical and environmental suitability of a site rather than political feasibility, the Commission strives to achieve this balance in order to assure an equitable and environmentally sound siting decision.

Commission Publications



The following publications are available upon request from the Siting Commission Office:

A Citizen's Guide to the Major Hazardous Waste Facilities Siting Act

Basis and Background Document for New Jersey Major Hazardous Waste Facility Siting Criteria

Household Hazardous Waste Wheel

How it Works: Incinerating Hazardous Waste (brochure)

Methodology for New Jersey Hazardous Waste Facility Site Search

New Jersey Hazardous Waste Facilities Plan

New Jersey Household Hazardous Waste Study

Siting Update (Commission Newsletter)

Source Reduction and Recycling Task Force Report

The Municipal Guide to Siting Hazardous Waste Facilities

Ways to Site: How Facilities are Sited in New Jersey (brochure)

The Siting Commission regrets to announce the resignation of Chairman Frank J. (Pat) Dodd in February, 1989. Subsequently, Gordon Millspaugh has been named as Chairman. The Commissioners and staff look forward to working with newly appointed Chairman Millspaugh.

Hazardous Waste Facilities Siting Commission

Gordon Millspaugh, *Chairman*
Ann Auerbach
Roy T. Gottesman
Thomas Leane
Louis R. Matlack
George Polzer
Max Weiss

Hazardous Waste Advisory Council

John Liskowitz, *Chairman*
Anthony Bucci, Sr.
H. George Buckwald
James Butler
Patricia Hart
William Ehrhardt
Cynthia Jacobson
Steven Kehs
Harry Moscatello
James Rogers
Mimi Upmeyer
Millard Wilkinson

Hazardous Waste Source Reduction and Recycling Task Force

Wayne Conrad, *Acting Chairman*
Robert C. Ahlert
Ken Brown
David S. Kosson
Vito Luciano
William Payne
Diane Walker
Paul Wyszkowski

Commission Staff

Richard J. Gimello	*Executive Director*
Susan B. Boyle	*Assistant Director*
Laura J. Pierce	*Executive Assistant*
Anthony E. Mitchell	*Administrative Analyst*
Maryann Farfalla	*Administrative Assistant*
Isa D. Pierre	*Secretary*

Graphics by Rudy Rackowski of the NJDEP/Office of Communications and Public Education.

WASTE NEEDS SPACE

Almost every week, somewhere in New Jersey, hazardous waste is discovered improperly stored in some abandoned building, or illegally dumped in some open field.

And immediately the cries are heard: "Get it out!" "Clean it up!" "Do it today!"

Answering those cries will require the construction of new, clean facilities to properly treat, suitably recycle, or safely store those hazardous wastes.



HAZARDOUS WASTE FACILITIES SITING COMMISSION

Without such facilities we'll only be moving our hazardous wastes from one community to another, in a very dangerous kind of shell game.

And the longer we keep playing that game in New Jersey, the more every New Jerseyan stands to lose.

HAZARDOUS WASTE.
Think about it,
or it won't ever go away.

For further information contact: Hazardous Waste Facilities Siting Commission, CN 406, Trenton, NJ 08625

(Please detach from book along the dotted line)

State of New Jersey
Hazardous Waste Facilities Siting Commission
CN 406
Trenton, New Jersey 08625-0406



SORT IT OUT
before you
SET IT OUT.

Printed on Recycled Paper