

CAPACITY ASSURANCE PLAN
FOR THE
STATE OF NEW JERSEY

Volume 4 of 4
Appendices

DEP

Submitted to the USEPA
October 17, 1989

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Appendix 1

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Reportable Waste Streams

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APPENDIX I REPORTABLE WASTE STREAMS

The United States Environmental Protection Agency's "Guidance to State Officials for the Assurance of Hazardous Waste Capacity" (OSWER Directive No. 9010.00) requires each state to demonstrate an understanding of its hazardous waste generation and associated management capacity and to make projections for 20 years based on that generation. Waste streams to be included in this analysis include, but are not limited to, hazardous waste generated and handled through: Superfund and other corrective action authorities; on-site NPDES processes; on-site treatment and discharge to municipal treatment works; direct discharge to publicly owned treatment works without treatment; on-site recycling; and treatment, recycling and disposal in regulated and permitted units. The purpose of this Appendix is to provide information regarding the accessibility of this data in New Jersey and all data sources used. Additionally, any efforts to obtain data regarding the quantities and types of wastes generated from exempt processes is included in this Appendix as well as a description of planned efforts to obtain these data in the future. Each waste stream will be addressed in turn.

Superfund and Other Corrective Action Authorities

Data regarding wastes generated from cleanups carried out under Superfund or other Corrective Action Authorities are readily accessible through the Division of Hazardous Waste Management's, Bureau of Manifest and Information Systems. In New Jersey, the program areas which may generate these cleanup wastes are: the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the New Jersey Spill Compensation and Control Act; New Jersey's Underground Storage Tank Program; the New Jersey Pollutant Discharge Elimination System Act; and enforcement actions carried out by the Division of Hazardous Waste Management and the Division of Water Resources. Wastes generated under these authorities are classified as one-time waste streams in Table 3-1.

On-Site NPDES Processes

New Jersey has identified approximately 52,000,000 tons of aqueous wastes treated on-site under the NJPDES Program. These wastes can be attributed primarily to the DuPont, Chambers Works and the Monsanto facility. These wastes were generated as leachates from the existing on-site landfill at DuPont and the former (?) on-site landfill at Monsanto. However, these flows were reported in terms of total gallons discharged, and do not therefore contain concentration parameters, thus making it impossible to determine whether or not the flow is hazardous.

Discharges to Publicly Owned Treatment Works

Data regarding the types and quantities of wastes discharged to Publicly Owned Treatment Works (POTW's), with or without treatment, are generally not accessible. This is primarily due to Section 1004(27) of RCRA, otherwise known as the Domestic Sewage Exclusion (DSE), which provides that a hazardous waste, when mixed with domestic sewage, is no longer considered hazardous. Therefore, POTW's receiving hazardous waste in this manner are

not subject to the RCRA treatment, storage and disposal facility requirements, including reporting requirements. The premise behind the DSE is that RCRA management of wastes within a POTW is unnecessary and redundant because these wastes are regulated under the Clean Water Act's regulatory programs. The following discussion, taken from EPA's "Report to Congress on the Discharge of Hazardous Wastes to Publicly Owned Treatment Works" (EPA/530-SW-86-004) further delineates the requirements of Industrial User's (IU's) under RCRA.

"The Domestic Sewage Exclusion goes into effect when the wastes "first enter" the system. However, this exclusion does not work to exempt an industrial user from all RCRA requirements. If the industrial user generates a waste during the production process, and if that waste fits the extremely broad definition of a solid waste, then unless the solid waste is excluded under the 261.4 exemptions, the generator must test to see if the solid waste is a hazardous waste.

RCRA and the implementing regulations define the term solid waste broadly. According to 40 CFR 261.2, a solid waste is any "discarded material" not specifically excluded from the definition. This may include solid, liquid, semisolid, or contained gaseous materials. It also includes certain waste materials which are recycled or reclaimed.

The next step is to determine whether the waste is excluded. Two significant exclusions are the DSE, discussed before, and the waste water treatment exemption which applies to industrial wastewater discharges for point source discharges subject to NPDES permits. Both exclusions have limits to their application.

In the case of the domestic sewage exemption, the preamble to the May 19, 1980 RCRA regulations (Fed. Reg. 33097) state that the exemption takes effect when the waste "...first enters..." the sewer system. Consequently, if a solid waste was generated prior to entry, the dischargers would need to meet steps 4A, 4B, and 5, and thereby determine whether the solid waste was a hazardous waste. If so, the discharger must obtain an identification number and meet applicable recordkeeping requirements, e.g., maintenance of test records. These are the same requirements that need be met by all generators who treat, store, or dispose of hazardous wastes on-site.

This view is consistent with 'the Agency's interpretation of the limitations on the industrial wastewater exclusion, which appears as a comments to 40 CFR 261.4. The substance of the comment is that the exclusion of industrial wastewater discharges from the definition of solid waste "...applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment." Consequently, an IU whose discharge is destined for treatment at a POTW is not exempted from all generator requirements if he generates a hazardous solid waste. Such dischargers must test to see if the solid waste is hazardous, and if it is hazardous, notify the Agency of generator activities, obtain an ID number and maintain records of testing for hazardousness.

If the waste is discharged to a POTW prior to any treatment, storage, or disposal at the facility, at "first entry" the hazardous waste is no longer a solid waste or, consequently, a hazardous waste. The generator is excluded from further RCRA generator requirements, including manifesting, pretransport requirements, recordkeeping requirements for the manifest, and reporting requirements. If the waste is treated on-site, only sludges generated from the facility's wastewater treatment operation must also be tested for hazardousness. Thus, IU's responsibilities under a DSE scenario are similar to the generator with an on-site treatment, storage, or disposal facility. This appears to give IU's an incentive not to treat wastes prior to discharge to the sewer. However, pretreatment requirements directly counter this result by mandating treatment to achieve limits.

Although the DSE simplifies some industrial user RCRA responsibilities, it complicates industrial users' RCRA reporting responsibilities. Do they need to notify, must they receive an EPA identification number, etc.? Section 3018(d) of RCRA, added by the 1984 amendment, clarifies that Section 3010 notification requirements apply to "...solid or dissolved material in domestic sewage...". However, the Agency has not yet implemented this provision. Notification forms have not been changed, and, apparently, few IS's have notified."

'USEPA' Guidance to State Officials for Assurance of Hazardous Waste Capacity" requires that these wastes should be translated into the appropriate SARA waste code and be represented in Table III-1 (Summary of In-State Generation by Waste Type in Baseyear). In order to represent these wastes in Table III-1, these waste must further be characterized as either a one-time waste or a recurrent waste. This requirements poses yet another difficulty. The little information that may be available from Industrial Waste Surveys, Discharge Monitoring Reports or POTW Annual Reports, is not amenable to conversion to SARA waste types.

For example, the Clean Water Act principally protects one medium, the Nation's water, and does this by controlling the discharge of pollutants from point and non-point sources. The primary target of the CWA is the wastewater discharger, whether that facility discharges directly to water or indirectly, through a POTW. Whereas the RCRA program regulates any waste defined as hazardous, the focus of the CWA pretreatment programs is, first, on 34 industrial categories and 126 toxic pollutants, otherwise known as the priority pollutants.

The Department's, Division of Hazardous Waste Management has, however, made an attempt to gather data regarding the types and amounts of hazardous wastes discharged to POTW's. This effort was based on a survey (Attachment 1) of over 200 POTW's in the State of New Jersey and an analysis of our Right to Know Database. A summary of the results of these efforts is tabulated in the attached Table A-2.

The Division of Hazardous Waste Management chose to survey the POTW's rather than the discharges primarily for two reasons. First, the universe of POTW's in the state is well defined; whereas, the total universe of generators which may discharge hazardous materials to POTW's is not well defined. Second, the universe of POTW's number in the hundreds whereas, the

universe of generators which discharge to POTW's may number in the tens of thousands. Therefore, given the time in which DEP was given to assemble this data, the only prudent choice was to survey the POTW's.

Of the 1987 surveys distributed, 71 responses were received. However, the responses which were received are not verifiable, and because each POTW responded differently, it is difficult to make comparisons and to establish a uniform database within the time allotted to complete the CAP's. It is also important to note that, in the vast majority of cases, only those POTW's with designated pretreatment programs were able to give the names of facilities which discharge to POTW's. Even if a POTW could list some facilities which discharge to them, they were generally not able to provide the type of information which we are seeking because the emphasis in POTW regulatory programs is more on the effluent rather than on the influent.

The RTK database was useful in representing a portion of the universe of generators which discharge to POTW's (Attachment 3). This universe only includes facilities which meet the threshold reporting requirements of SARA Title III. These discharges are also not reported in RCRA waste types but rather under the list of reportable streams under SARA Title III. It is also important to note that many generators might report a "standard" discharge of 250 lbs/year if the generator was unable to define the discharge.

Once NJDEP begins to utilize the new EPA biennial reporting form, data regarding the discharge of materials to POTW's will be more accessible. As of this writing, DHWM's manifest program expects conversion to BIRD's for the 1989 reporting cycle.

On-Site Recycling

The 1984 Hazardous and Solid Waste Amendments to Section 3002 of the Resource Conservation and Recovery Act (RCRA) mandated that the industries report information on their waste minimization efforts. The Division of Hazardous Waste Management within the NJDEP designed and distributed a two part Waste Minimization Report for the first time in 1986 in fulfillment of these requirements. Information on the waste minimization and source reduction activities of more than 3200 New Jersey generators was received in the first year. In 1987, 3347 generators responded to the survey.

The original database from the 1986 report contained 8493 records and reported a total of 6,341,673 tons of waste for 1985 and 5,455,715 tons of waste for 1986. The 1987 reports were filed by 3354 generators and contained 9337 records. In comparison with the estimates of hazardous waste generation in New Jersey (based upon the 1985 Manifest Data and TSD Facility Annual Reports) the Hazardous Waste Minimization Reports received by DHWM are incomplete to fully describe both on-site and off-site wastes generated in the state. However, hazardous waste managed at exempt facilities (e.g. on-site recyclers) may have been reported exclusively in the waste minimization database. Therefore, although these reports have not identified the entire universe of on-site recyclers in 1987, we believe that the waste minimization database comprises some of the best data which we have on these facilities at this time. Data obtained from this source has been included as Attachment 4 this Appendix. In the future, we anticipate

using the waste minimization reports to obtain data regarding these on-site processes.

Treatment, Recycling and Disposal in Regulated Units

These are the processes about which we have the most data. Data sources include: manifest data, generator annual reports, TSD Annual Reports, TSDR Survey, New Jersey's PETS database and survey information obtained through our consultant.

Conclusion

NJDEP has made a thorough attempt to obtain all data which is required by the Guidance Document. However, because of the reasons presented in the preceding text, it is not possible to identify the entire universe of exempt process waste streams generated in this state, and we believe, this assertion will be confirmed as all state's CAP's are analyzed. In preparation for future CAP submittals, the State of New Jersey will attempt to find alternate data collection mechanisms for the exempt process waste streams. However, the State of New Jersey would like again to urge USEPA to delete this requirement for future CAP submittals.



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

Michelle M. Putnam
Deputy Director
Hazardous Waste Operations

John J. Trella, Ph.D., Director

Lance R. Miller
Deputy Director
Responsible Party Remedial Action

MAY 05 1989

Dear Sir/Madam:

The United States Environmental Protection Agency (USEPA) has recently provided the states with guidance on how to comply with Section 104(k)9 of the Superfund Amendments and Reauthorization Act (SARA) of 1986. This section of SARA requires that all states provide assurances to the Administrator of the USEPA that there will be adequate capacity to treat, store or dispose of all hazardous waste which is reasonably expected to be generated within its borders for the next 20 years. Failure to provide an adequate assurance will result in the loss of Superfund remediation monies.

As part of their Capacity Assurance Plan (CAP), each state must submit information regarding discharges of hazardous materials to publicly owned treatment works (POTWs). This will be an extremely challenging task, therefore, the Division of Hazardous Waste Management would like to request your assistance in this matter.

Specifically, the Division would like to know if you have any information as follows:

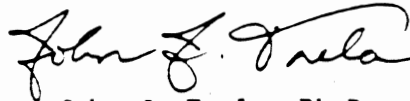
- 1) The names and addresses of the facilities which discharge hazardous materials to your POTW
- 2) Whether pre-treatment occurs prior to that discharge
- 3) The constituents of the influent to your POTW and any known concentrations
- 4) The average influent rate of any hazardous materials (gal/day) and what this information is based on
- 5) The average daily flow of your POTW (gals./day)

This data should reflect the status of your facility for calendar year 1987. While I realize that you might not have all of this information, any input you can provide is important so that our CAP will be as complete and accurate as possible. Please provide any information which you have within 30 days to:

Frank Coolick, Assistant Director
New Jersey Division of Environmental Protection
Division of Hazardous Waste Management
401 East State Street, CN 028
Trenton, New Jersey 08625

Should you have any questions, Frank may be reached at (609) 633-1418. Your anticipated cooperation in this matter is greatly appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John J. Trela". The signature is fluid and cursive, with the first name "John" and last name "Trela" being the most prominent parts.

John J. Trela, Ph.D
Director

SAT/abl

POTW'S WHICH RECEIVED SURVEY POTW	ADDRESS	TOWNSHIP	ZIP CODE
ALLENTOWN WTP	PO BOX 487	ALLENTOWN	08501
ASBURY PARK STP	8TH & OCEAN AVE	ASBURY PARK	07712
ATLANTIC CO UTILITIES AUTHORITY	1701 ABSECON BLVD	ATLANTIC CITY	08401
BAYONNE STP	630 AVENUE C	BAYONNE	07002
BAYSHORE REGIONAL SA C/O G MARSHAL	100 OAK STREET	UNION BROOK	07731
BEDMINSTER STP	HILLSIDE AVE ADM & EXEC OFFICES	BEDMINSTER	07921
BELLMAR SEWERAGE AUTHORITY	21 EAST BROWNING ROAD	BELLMAR	08033
BELVIDERE AREA WWT	1000 FOUL RIFT ROAD	BELVIDERE	07803
BERGEN COUNTY STP	BOX 122	LITTLE FERRY	07643
BERLIN BOROUGH WPC PLANT	59 S WHITE HORSE PIKE	BERLIN	08009
BEVERLY STP	38 WARREN STREET	BEVERLY	08010
BLACKS CREEK STP	140 FARNSWORTH AVE	BORDENTOWN	08505
BLACKWOOD WASTEWATER TP	LANDING ROAD PO BOX 1339	BLACKWOOD	08010
BOROUGH OF ATLANTIC HIGHLANDS	100 FIRST AVE	ATLANTIC HIGHLANDS	07712
BOROUGH OF AUDUBON	OAK ST & OAKLAND AVE	AUDUBON	08106
BOROUGH OF BARRINGTON	TRENTON AVENUE	BARRINGTON	08107
BOROUGH OF BERNARDSVILLE	ROUTE 202	BERNARDSVILLE	07904
BOROUGH OF CALDWELL	1 PROVOST SQUARE	CALDWELL	07011
BOROUGH OF CARTERET STP	PERSHING & COOKE AVE	CARTERET	07014
BOROUGH OF COLLINGSWOOD	678 HADDON AVE	COLLINGSWOOD	08103
BOROUGH OF DEAL	DURANT SQUARE	DEAL	07703
BOROUGH OF FIELDSBORO	5 FOURTH STREET	FIELDSBORO	08503
BOROUGH OF FRENCHTOWN	SECOND STREET	FRENCHTOWN	08821
BOROUGH OF LAWNDALE	4 DOUGLAS AVE	LAWNDALE	08043
BOROUGH OF MANVILLE	101 SOUTH MAIN STREET	MANVILLE	08833
BOROUGH OF MT EPHRAIM	121 S BLACKHORSE PIKE	MT EPHRAIM	08851
BOROUGH OF NEW PROVIDENCE WTP	PARK PLACE	NEW PROVIDENCE	07974
BOROUGH OF OAKLAND	MUNICIPAL BUILDING	OAKLAND	07431
BOROUGH OF OAKLAND DPW (3 STPS)	OAKLAND-OAK STREET	OAKLAND	07431
BOROUGH OF PEAPACK & GLADSTONE	BROOK STREET	PEAPACK	07977
BOROUGH OF ROOSEVELT	ROCHDALE AVE	ROOSEVELT	08553
BOROUGH OF SOMERDALE	SOMERDALE & POST ROAD	SOMERDALE	08882

POTW'S WHICH RECEIVED SURVEY POTW	ADDRESS	TOWNSHIP	ZIP CODE
BOROUGH OF STONE HARBOR	95TH AND SECOND AVENUE	STONE HARBOR	08247
BOROUGH OF SWEDESBO	500 KINGS HIGHWAY	SWEDESBO	08095
BOROUGH OF WEST PATERSON	853 MCBRIDE ST MUNICIPAL BLDG	PATERSON	07424
BOROUGH OF WILDWOOD CREST	6101 PACUFUC AVENUE	WILDWOOD CREST	08260
BOROUGH OF WOODYLYNE	200 COOPER AVENUE	WOODYLYNE	08107
BRANCHBURG NESHANIC STP	27 CEDAR GRAVES ROAD	SOMERVILLE	08876
BROOKLAWN STP	HAAKON AVENUE	BROOKLAWN	08033
BUENA BOROUGH MUA	PO BOX 346 EUNE	MINOTOLA	08341
BURLINGTON TWP MAIN STP	CENTRAL AVE	BURLINGTON TWP	08016
BURLINGTON WTP	432 HIGH STREET	BURLINGTON	08016
BUTLER-BLOOMINGDALE STP	BOROUGH HALL	BUTLER	07405
CAMDEN COUNTY MUA C/O H. ENGLEBERT	PO BOX 1432 1645 FERRY AVENUE	CAMDEN	08101
CAPE MAY	CAPE MAY COURT HOUSE	CAPE MAY	08210
CAPE MAY CTY MUA REGIONAL WTP	PO BOX 18	CAPE MAY POINT	08212
CARNEYS POINT SEWAGE PLANT	TOWNSHIP HALL-HARDING HWY	CARNEYS POINT	08069
CENTRAL WATER POLLUTION	501 HICKORY LANE BOX P	BAYVILLE	08721
CHATHAM GLEN STP	24 SOUTHERN BLVD	CHATHAM	07928
CHERRY HILL TOWNSHIP	820 MERCER STREET	CHERRY HILL	08034
CINNAMINSON SEWERAGE AUTH	1621 RIVERTON ROAD	CINNAMINSON	08077
CITY OF ELIZABETH	50 WEST SCOTT PLACE	ELIZABETH	07201
CITY OF MILLVILLE SA	SOUTH HIGH STREET	MILLVILLE	08330
CITY OF NORTH WILDWOOD	10TH & ATLANTIC AVES	NORTH WILDWOOD	08260
CITY OF PERTH AMBOY	260 HIGH STREET	PERTH AMBOY	08861
CITY OF TRENTON C/O J VOGLER	319 E STATE STREET	TRENTON	08608
CLEMENTON SEWAGE AUTHORITY	23 GIBBSBORO ROAD	CLEMENTON	08021
CLIFFWOOD BEACH STP	30 NOBLE PLACE	ABERDEEN	07747
CLINTON SEWAGE AUTHORITY	PO BOX 5194	CLINTON	08809
COUNTY OF MERCER	SCOTCH ROAD BUILDING #1	WEST TRENTON	08628
CRESCENT PARK SEWAGE TREATMENT	1480 UNION VALLEY ROAD	WEST MILFORD	07480
CUMBERLAND CO UTILITIES	333 WATER STREET	BRIDGETON	08300
DELAWARE TWP MUA	PO BOX 103	SERGEANTSVILLE	08557
DELRAN SEWAGE AUTHORITY	NORMAN & RIVER AVES	DELRAN	08078

POTW'S WHICH RECEIVED SURVEY POTW	ADDRESS	TOWNSHIP	ZIP CODE
E WINDSOR WATER POLLUTION	7 WILTSHIRE DRIVE	EAST WINDSOR	08520
EDGEWATER BOROUGH	916 RIVER ROAD	EDGEWATER	07020
EGG HARBOR CITY WTP	500 LONDON AVE	EGG HARBOR	08315
ELMWOOD STP	PO BOX 467	MARLTON	08053
EWING-LAWRENCE SA	600 WHITEHEAD RD	LAWRENCEVILLE	08648
FLORENCE TWP STP	FRONT AND BROAD STS	FLORENCE	08518
FLORHAM PARK STP	PO BOX 131	FLORHAM PARK	07932
FORT LEE BOROUGH C/O JOHN CIRSCO	309 MAIN STREET	FORT LEE	07024
GIBBSBORO SEWAGE CORP	900 HADDON AVENUE	COLLINGSWOOD	08107
GLOUCESTER CITY WWT	512 MONMOUTH STREET	GLOUCESTER CITY	08030
GLOUCESTER CO UA C/O R DIXON	PO BOX 340	THOROFARE	08086
GREENWICH TOWNSHIP STP	BROAD & WALNUT STREETS	GIOBBSTOWN	08027
HACKETTSTOWN MUA	424 HURLEY DRIVE	HACKETTSTOWN	07840
HAMILTON TOWNSHIP MUA	319 NORTH CAPE MAY AVENUE	MAYS LANDING	08330
HAMILTON TOWNSHIP STP	INDEPENDENCE AVE	TRENTON	08609
HAMMONTON WWT	CENTRAL AVE, 3RD STREET	HAMMONTON	08037
HANOVER SEWERAGE AUTH	PO BOX 250	WHIPPANY	07981
HARRISTON TWP-MULLICA HILL STP	110 SOUTH MAIN ST RR#1 BOX 25	MULLICA HILL	08060
HIGH POINT HOMES STP	60 MARGARET KING AVENUE	RINGWOOD	07456
HIGHTSTOWN STP	148 NORTH MAIN STREET	HIGHTSTOWN	08520
HOBOKEN STP	16TH & JEFFERSON STS	HOBOKEN	07030
HOPEWELL TREATMENT PLANT	290 RIVER ROAD	HOPEWELL TWP	08540
JEFFERSON TWP	WELDON RD MUNICIPAL BUILDING	OAK RIDGE	07849
JERSEY CITY STP	555 STATE HWY 440	JERSEY CITY	07306
JOINT MTG OF ESSEX & UNION	500 SOUTH 1ST ST	ELIZABETH	07208
LAMBERTVILLE SEWAGE AUTHORITY	PO BOX 300	LAMBERTVILLE	08530
LAUREL HOMES STP	530 NEWARK-POMPTON TPKE	POMPTON PLAINS	07444
LAUREL RUN STP/BORDENTOWN SA	140 FARNSWORTH AVENUE	BORDENTOWN	08505
LINDEN ROSELLE SEWAGE AUTH	PO BOX 4118	LINDEN	07036
LINDENWOLD BOROUGH MUA	2115 WHITE HORSE PIKE	LINDENWOLD	08027
LOGAN TOWNSHIP MUA	PO BOX 71	BRIDGEPORT	08014
LONG BRANCH SEWERAGE AUTH	PO BOX 700	LONG BRANCH	07740

POTW'S WHICH RECEIVED SURVEY POTW	ADDRESS	TOWNSHIP	ZIP CODE
MAGNOLIA SEWERAGE AUTHORITY	438 W EVESTAM AVE	MAGNOLIA	08049
maple shade twp stp	main st & maple ave	maple shade	08052
MEDFORD LAKES BOROUGH		MEDFORD LAKES	08055
MENDHAM BOROUGH STP	6 WEST MAIN ST	MENDHAM	07945
MIDDLESEX CTY UTILITIES C/O F KURTZ	PO BOX B-1	SAYREVILLE	08872
MIKE HOLLOW STP/BORDENTOWN SA	353 FARNSWORTH AVE	BORDENTOWN	08505
MILFORD SEWER UTILITY	WATER STREET	MILFORD	08848
MONTGOMERY STP (COMBO OF 5 STPS)	ROUTE 206	BELLE MEADE	08502
MONTVILLE TOWNSHIP MUA	7 CHURCH LANE	MONTVILLE	07045
MONTVILLE TWP MUA	86 RIVER ROAD	MONTVILLE	07045
MOORESTOWN TWP STP	111 WEST 2ND STREET	MOORESTOWN	08057
MORGAN PLANT	167 MAIN STREET	SAYREVILLE	08872
MOUNT LAUREL MUA	1201 S CHURCH STREET	MOUNT LAUREL	08054
MT HOLLY SEWERAGE AUTH C/O W. G. DUNN	PO BOX 486	MT HOLLY	08060
MT OLIVE TOWNSHIP	PO BOX A	BUDD LAKE	07808
MUSCONETCONG SEWERAGE AUTH	PO BOX 386	STANHOPE	07874
N ARLINGTON-LYNDHURST STP	205 CHUBB AVE	LYNDHURST	07037
NORTHEAST MONMOUTH CTY REGIONAL SA	1 HIGHLAND AVE	MONMOUTH BEACH	07751
NORTHWEST BERGEN CO SA C/O MR PORFIDO	DOW AVENUE	WALDWICK	07463
OAKLYN WWT	MUNICIPAL BLDG WHITE HORSE PIKE	OAKLYN	08107
OLD BRIDGE TWP SA	PO BOX 72	LAURENCE HARBOR	08574
PALMYRA STP	FIFTH LANE AND TEMPLE BLVD	PALMYRA	08053
PARK CENTRAL SEWAGE TREATMENT	2029 MORRIS AVENUE	UNION	07080
PASSAIC VALLEY SEWERAGE COMM C/O C PERRAPATO	600 WILSON AVE	NEWARK	07102
PASSAIC VALLEYSEWERAGE COMM C/O F DASCENSIO	600 WILSON AVE	NEWARK	07102
PENNS GROVE SEWERAGE AUTH	MILL & BEACH ST	PENNS GROVE	08069
PENNSAUKEN SEWERAGE AUTH	6705 PARK AVE	PENNSAUKEN	08104
PENNSVILLE SEWAGE AUTHORITY	90 NORTH BROADWAY	PENNSVILLE	08070
PEQUEST SEWER & WATER CO	PO BOX 252 ROUTE 517	ALLAMUCHY	07820
PINE BROOK STP	PO BOX 390	ENGLISHTOWN	07726
POMPTON LAKES BORO MUA	2000 LINCOLN AVE	POMPTON LAKES	07440
PRINCETON FARMS WTP	SCOTCH ROAD	TITUSVILLE	08560

POTW'S WHICH RECEIVED SURVEY POTW	ADDRESS	TOWNSHIP	ZIP CODE
PRINCETON SEWER OPER COMM	BOX 309 MONUMENT DRIVE	PRINCETON	08540
PT PLEASANT BEACH BORO STP	416 NEW JERSEY AVENUE	PT PLEASANT BEACH	08742
RAHWAY VALLEY SEWERAGE AUTH C/O R TOKARSKI	1050 E HAZELWOOD AVE	RAHWAY	07065
RARITAN TWP STP	PO BOX 387	FLEMINGTON	08822
REGIONAL STP	PO BOX 136	WHITEHOUSE	08888
RIVER GARDENS STP	30 NOBLE PLACE	ABERDEEN	07747
RIVERSIDE SEWERAGE STP	SCOTT ST & PAVILION AVE	RIVERSIDE	08075
RIVERTON SEWAGE TREATMENT	501 FIFTH AVE	RIVERTON	08077
ROCKAWAY VALLEY REGIONAL SA	99 GREEN BANK ROAD RD#1	BOONTON	07005
RUNNEMEADE SEWERAGE AUTH	5TH AVE & BLACK HORSE PIKE	RUNNEMEADE	08078
RUTHERFORD/E RUTHERFORD/CARLSTADT JNT MTG	PO BOX 281	RUTHERFORD	07070
SALEM SEWAGE TREATMENT PLANT	520 GRIEVES PKWY	SALEM	08079
SEA ISLE CITY STP	1416 LANDIS AVE	SEA ISLE CITY	08242
SKYVIEW STP	72 EYLAND AVENUE	SUCCASUNNA	07876
SOMERSET RARITAN VALLEY SA C/O J DECKER	PO BOX 6400	BRIDGEWATER	08807
SOUTH AMBOY STP	140 N BROADWAY	SOUTH AMBOY	08879
SOUTHAMPTON SEWERAGE CO	1 PLYMOUTH COURT	VINCENTOWN	08388
SPARTA TOWNSHIP PLAZA SF	65 MAIN STREET	SPARTA	07857
STONEHILL STP	ROUTE 94	VERNON	07460
STONY BROOK REG SEW AUTH C/O J GASTON	290 RIVER ROAD	PRINCETON	08540
STRATFORD SEWERAGE AUTHORITY	MUNICIPAL BLDG	STRATFORD	08384
STRATHMORE STP	C/O ABERDEEN TWP MJA	ABERDEEN	07747
SUSSEX BOROUGH	2 MAIN STREET	SUSSEX	07461
SUSSEX COUNTY	RD#3 140A	NEWTON	07860
TOTOWA-BORO OF RIVERVIEW	537 TOTOWA ROAD	TOTOWA	07510
TOWN OF KEARNY	402 KEARNY AVENUE	KEARNY	07030
TOWN OF MORRISTOWN	PO BOX 709	MORRISTOWN	07960
TOWN OF NEWTON	39 TRINITY STREET	NEWTON	07860
TOWN OF PHILLIPSBURG	600 S MAIN ST	PHILLIPSBURG	08855
TOWN OF SECAUCUS	KOELLE BLVD	SECAUCUS	07094
TOWNSHIP OF HADDON	COLES MILL ROAD	WESTMONT	08108
	HADDON & REEVES AVE	WESTMONT	08108

POTW'S WHICH RECEIVED SURVEY POTW	ADDRESS	TOWNSHIP	ZIP CODE
TOWNSHIP OF HAMILTON C/O T HORN	300 HOGSON AVE CN 150	HAMILTON	08650
TOWNSHIP OF LOWER	2900 BAYSHORE ROAD	VILLAS	08251
TOWNSHIP OF MAHWAH	142 W RAILROAD AVE	MAHWAH	07430
TOWNSHIP OF MEDFORD	17-19 NORTH MAIN ST	MEDFORD	08055
TOWNSHIP OF MIDDLETOWN SEWAGE AUTHORITY	PO BOX 125	BELFORD	07718
TOWNSHIP OF NEPTUNE STP	PO BOX 384	NEPTUNE	07753
TOWNSHIP OF NORTH BERGEN C/O J STANKARD	4233 KENNEDY BLVD	NORTH BERGEN	07047
TOWNSHIP OF NORTH BRUNSWICK	711 HERMAN ROAD PO BOX 182	NORTH BRUNSWICK	08902
TOWNSHIP OF OCEAN SA	224 ROOSEVELT AVE	OAKHURST	07755
TOWNSHIP OF PASSAIC	1802 LONG HILL ROAD	MILLINGTON	07946
TOWNSHIP OF WOODBRIDGE	1 MAIN STREET	WOODBRIDGE	07095
TRENTON SEWAGE TREATMENT	LAMBERTON ROAD	TRENTON	08611
TWO BRIDGES SEWERAGE AUTH	PO BOX 188	LINCOLN PARK	07035
TWP OF CEDAR GROVE STP	525 POMPTON AVE	CEDAR GROVE	07009
TWP OF LITTLE FALLS	35 STEVENS AVE	LITTLE FALLS	07424
TWP OF LIVINGSTON	357 S LIVINGSTON AVE	LIVINGSTON	07039
TWP OF PARSIPPANY	1001 PARSIPPANY BLVD	PARSIPPANY	07054
TWP OF ROXBURY AJAX TER STP	72 EYLAND AVE	SUCCASUNNA	07876
TWP OF WEST WINDSOR	PO BOX 38 271 CLARKSVILLE RD	PRINCETON JCT	08550
VALLEY ROAD SEWERAGE CO (3 STPS)	314 WINDSOR STREET	BOUND BROOK	08806
VERONA WTP	600 BLOOM FIELD AVE	VERONA	07044
VOORHEES TOWNSHIP	PO BOX 620 BERLIN ROAD	VOORHEES	08043
WANAQUE MUA	579 KINGWOOD AVENUE	WANAQUE	07456
WARREN STAGE V STP	46 MOUNTAIN BLVD	WARREN	07060
WASHINGTON BOROUGH	100 BELVIDERE AVENUE	WASHINGTON	07880
WASHINGTON TWP MUA	PO BOX 226 46 EAST MILL ROAD	LONG VALLEY	07858
WATER POLLUTION CONTROL	29 PARK AVENUE	BERKELEY HTS	07901
WEST MILFORD TWP MUA	1480 UNION VALLEY ROAD	WEST MILFORD	07483
WEST NEW YORK STP C/O C WEDLE	428 60TH STREET RM 15	WEST NEW YORK	07093
WILLINGBORO MUA STP	KENNEDY WAY	WILLINGBORO	08046
WOOD-RIDGE STP	85 HUMBOLT STREET	WOOD-RIDGE	07075
WOODCLIFF STP	MUNICIPAL BUILDING	NORTH BERGEN	07047

POTW'S WHICH RECEIVED SURVEY
POTW

ADDRESS

TOWNSHIP

ZIP CODE

WOODLAND STP C/O E. TARATKO

CN 7603 50 WOODLAND AVE

CONVENT STATION

07961

WOODSTOWN SEWERAGE AUTHORITY

WEST AVENUE

WOODSTOWN

08098

WOODSTOWN STP

PO BOX 467

MARLTON

08053

WRIGHTSTOWN MUA

PO BOX 186

WRIGHTSTOWN

08562

Count:

196

POTW	KNOWN DISCHARGE	OTHER INFO	INFLUENT RATES	AVE DAILY FLOW
ASBURY PARK STP	N	N	NG	2.2 MGD
ATLANTIC CO UTILITIES AUTHORITY	N	NG	NG	25 MGD
BEDMINSTER STP	N	NG	NG	NG
BERGEN COUNTY STP	Y	PRETREATMENT ANALYTES	SEE FILE	NG
BERLIN BOROUGH WPC PLANT		PART OF CCUA		
BLACKWOOD WASTEWATER TP	N	NG	NG	4 MGD
BOROUGH OF AUDUBON		PART OF CCUA		
BOROUGH OF COLLINGSWOOD	N	NG	NG	1.4 MGD
BOROUGH OF LAWNESIDE		PART OF CCUA		
BOROUGH OF MANVILLE	N	NG	NG	1.15 MGD
BOROUGH OF NEW PROVIDENCE WTP	N	HOOKED INTO ELIZABETH JOINT MEETING	NG	2 MGD
BOROUGH OF OAKLAND DPW (3 STPS)	N	NG	NG	.068 MGD
BOROUGH OF PEAPACK & GLADSTONE	N	NG	NG	.0001 MGD
BOROUGH OF ROOSEVELT	N	NG	NG	NG
BOROUGH OF SOMERDALE		PART OF CCUA		
BOROUGH OF SWEDSBORO	N	NG	NG	.2 MGD
BRANCHBURG MESHANIC STP	N	NG	NG	.0245 MGD
BURLINGTON WTP	Y	NG	NG	1.3 MGD

POTW	KNOWN DISCHARGE	OTHER INFO	INFLUENT RATES	AVG DAILY FLOW
CAMDEN COUNTY MUA C/O H. ENGLEBERT	Y	Y	NG	36.29 MGD
CAPE MAY CTY MUA REGIONAL WTF	N	TOXIC ORG CMPS AND METALS REPORTS	NG	NG
CENTRAL WATER POLLUTION	Y	ANALYSIS DATA SHEETS	SEE FACILITY	40.8 MGD
CHATHAM GLEN STP	N	NG	NG	.714
CHERRY HILL TOWNSHIP		PART OF CCUA		
CRESCENT PARK SEWAGE TREATMENT	N	NG	NG	.056 MGD
DELAWARE TWP MUA	N	NG	NG	.065 MGD
DELRAN SEWAGE AUTHORITY	N	NG	NG	1.5 MGD
E WINDSOR WATER POLLUTION	Y	Y	NG	2.798
EDGEWATER BOROUGH	Y	Y	SEE FILE	2.8 MGD
ELMWOOD STP	N	NG	NG	1.548
EWING-LAWRENCE SA	Y	PRTREAT ANNUAL REPIS/	NG	NG
GIBBSBORO SEWAGE CORP	N	NG	NG	NG
GLOUCESTER CO UA C/O R DIXON	N	ANALYTICAL DATA	NG	15 MGD
HIGHTSTOWN STP	N	NG	NG	.840 MGD
JOINT MTG OF ESSEX & UNION	N	NG	NG	66.61 MGD
LAMBERTVILLE SEWAGE AUTHORITY	N	NG	NG	.75 MGD
LINDENWOLD BOROUGH MUA		PART OF CCUA		

POTW	KNOWN DISCHARGE	OTHER INFO	EFFLUENT RATES	DAILY FLOW
LONG BRANCH SEWERAGE AUTH	N	N	NG	3.84
MENDHAM BOROUGH STP	N	NG	NG	.4 MGD
MILFORD SEWER UTILITY	N	NG	NG	.225 MGD
MONTGOMERY STP (COMBO OF 5 STPS)	N	NG	NG	.492 MGD
MOORESTOWN TWP STP	N	NG	NG	NG
MOUNT LAUREL MUA	N	NG	NG	3.5 MGD
MT HOLLY SEWERAGE AUTH C/O W. G. DUNN	N	ANALYTICAL DATA	NG	2.43 MGD
MT OLIVE TOWNSHIP	N	NG	NG	.322 MGD
NORTHEAST MONMOUTH CTY REGIONAL SA	Y	HEAVY METALS & OTHER CHEM REPT	SEE FILE	9.3 MGD
NORTHWEST BERGEN CO SA C/O MR PORFIDO	Y	Y	NG	NG
PASSAIC VALLEYSEWERAGE COMM C/O F DASCENSIO	N	SEE FILE	NG	228 MGD
PENNS GROVE SEWERAGE AUTH	N	NG	NG	NG
PENNSAUKEN SEWERAGE AUTH	Y	N	NG	3 MGD
PENNSVILLE SEWAGE AUTHORITY	Y	NG	NG	1.4 MGD
PINE BROOK STP	N	NG	NG	5 MGD
PT PLEASANT BEACH BORO STP	N	SERVICED BY OCUA	NG	NG
SEA ISLE CITY STP	N	OUT OF COMMISSION 7/87	NG	NG
SOUTHAMPTON SEWERAGE CO	N	NG	NG	NG
STONY BROOK REG SEW AUTH C.O J GASTON	Y	SEE FILE	NG	NG

POIW	KNOWN DISCHARGE	OTHER INFO	INFLOENT RATES	DAILY FLOW
STRATFORD SEWERAGE AUTHORITY	N	NG	NG	NG
TOWN OF MORRISTOWN	Y	SEE FILE	NG	3.14 MGD
TOWN OF NEWTON	N	NG	NG	1 MGD
TOWNSHIP OF HAMILTON C/O T HORN	Y	ANALYTICAL DATA/1982 SURVEY	NG	9.2 MGD
TOWNSHIP OF LOWER	N	NG	NG	1.5
TOWNSHIP OF NEPTUNE STP	N	N	NG	5.5 MGD
TOWNSHIP OF PASSAIC	Y	Y	NG	.850
TWO BRIDGES SEWERAGE AUTH	N			
VALLEY ROAD SEWERAGE CO (3 STPS)	N	NG	NG	.22 MGD
VOORHEES TOWNSHIP	N	CLOSED 9/87 HOOKED INTO CAM CTY REG	NG	NG
WANAQUE MUA	N	NG	NG	NG
WASHINGTON BOROUGH	Y	Y	NG	NG
WEST MILFORD TWP MUA	N	OTHER STPS	NG	NG
WOODLAND STP C/O E. TARATKO	Y	Y	NG	1.34 MGD
WOODSTOWN SEWERAGE AUTHORITY	N	NG	NG	NG
WOODSTOWN STP	N	NG	NG	1.095
=====	=====	=====	=====	=====

Count:

DOCUMENT: CAPASSUR.42
FOLDER: ABLMCB

ST-NEW JERSEY

TRI Chemical-ID	Chemical/Mixture name	Total Air Release SLM	Fugitive or non-point air emissions SLM	Stack or point air emissions SLM	Discharges to water SLM	Underground injection SLM	Released to land					Total Land Releases SLM	Discharge to POTW SLM	Transfer to other site location SLM
							land disposal code							
							no code on-site land SLM	Landfill SLM	Land Treatment SLM	Surface Impoundment SLM	other on-site land SLM			
000067630	ISOPROPYL ALCOHOL (MANUFACTURING, S	424,824	118,920	300,896	637	0		12			12	4,900	206,130	
000067641	ACETONE	6,371,362	3,606,296	2,646,067	3,459	0		37			150	107	3,306,490	2,675,939
000067663	CHLOROFORM	219,013	211,000	0,013	1,300	0							33,950	40,401
000067721	HEXACHLOROETHANE	500	250	250	0	0							0	250
000071343	N-BUTYL ALCOHOL	1,199,905	304,355	018,550	3,404	0		1,372			120	1,492	475,475	495,690
000071432	BENZENE	236,005	127,924	107,001	3,253	0			250		300	550	223,500	55,462
000071554	1,1,1-TRICHLOROETHANE	1,322,094	1,001,691	321,003	1,019	0		0,077			4,700	13,577	33,227	700,444
000074051	ETHYLENE	477,512	230,404	247,100	0	0							250	0
000074073	CHLOROETHANE	07,050	3,050	04,000	0	0							1,500	0
000074900	HYDROGEN CYANIDE	750	0	750	0	0								
000074953	METHYLENE BROMIDE	160	53	115	0	0								
000075003	CHLOROETHANE	205,313	4,495	200,810	139	0		2				2		
000075014	VINYL CHLORIDE	160,512	40,003	127,709	267	0							0	45,593
000075050	ACETONITRILE	29,480	21,950	7,500	0	0							140,500	112,600
000075070	ACETALDEHYDE	1,250	1,000	250	0	0							250	1,250
000075092	DICHLOROETHANE	1,705,773	015,460	090,313	10,037	0		637			000	1,437	701,820	1,361,234
000075150	CARBON DISULFIDE	12,273	9,250	3,023	10	0					30	30	1,000	7,100
000075210	ETHYLENE OXIDE	344,964	01,304	263,570	250	0					250	250	750	1,000
000075274	DICHLORODIFLUOROMETHANE	1,500	750	750	0	0							250	750
000075354	VINYLDIENE CHLORIDE	24,220	19	24,201	0	0							23	2,600
000075445	PHOSGENE	673	46	627	0	0								
000075550	PROPYLENIMINE	500	250	250	0	0							250	0
000075569	PROPYLENE OXIDE	240,654	10,511	226,143	250	0					250	250	9,590	2,500
000075650	TERT-BUTYL ALCOHOL	66,991	65,260	1,731	490	0							204,000	17,550
000076131	FREON 113	062,545	653,932	200,613	435	0		10				10	50,500	261,460
000077701	DIMETHYL SULFATE	2,000	750	2,000	6,600	0							250	0
000078042	ISOBUTYRALDEHYDE	500	250	250	0	0							25,500	0
000078075	1,2-DICHLOROPROPANE	0,607	2,061	0,126	2,743	0							0	74,127
000078092	SEC-BUTYL ALCOHOL	63,075	43,633	19,442	6,900	0							0,900	41,400
000078933	METHYL ETHYL KETONE	3,929,794	1,130,705	2,791,009	3,104	0		220			200	420	07,729	2,274,252
000079005	1,1,2-TRICHLOROETHANE	1,000	250	750	0	0							250	14,052
000079016	TRICHLOROETHYLENE	571,506	462,517	109,039	1,450	0							1,232	200,627
000079061	ACRYLAMIDE	372	352	20	0	0							326	050
000079107	ACRYLIC ACID	5,303	4,703	520	0	0							690	3,526
000079110	CHLOROACETIC ACID	4,012	20	4,792	0	0							250	4,666
000079210	PERACETIC ACID	500	250	250	0	0								
000079469	2-NITROPROPANE	1,000	750	250	0	0							0	12,130
000000057	4,4'-ISOPROPYLBIPHENOL	7,767	3,245	4,522	0	0							0	19,030
000000159	CUMENE HYDROPEROXIDE	4,500	4,500	0	0	0							0	250
000000226	METHYL METHACRYLATE	77,403	32,433	45,050	1,502	0		200			250	450	1,005	422,710
000004662	DIETHYL PHTHALATE	2,751	1,000	1,751	250	0							554	11,270
000004742	DIBUTYL PHTHALATE	69,654	60,294	1,350	250	0							5,570	69,576
000005449	PHTHALIC ANHYDRIDE	20,210	4,222	23,993	250	0					250	250	1,200	30,561
000005487	BUTYL BENZYL PHTHALATE	25,640	3,231	22,417	0	0							6,310	119,275
000006437	2-PHENYLPHENOL												15,000	0
000006940	NICHLER'S KETONE												0	30,339
000009107	TOLUENE-2,6-DIISOCYANATE	1,111	516	595	0	0					250	250	250	0
0000091205	NAPHTHALENE	37,774	31,704	6,490	600	0		75	250			325	2	3,361

(CONTINUED)

All Toxic Chemical Release Inventory submissions in TRIS as of 3/28/89
ST-NEW JERSEY

11:39 FRIDAY, MARCH 31, 1989

TRI Chemical ID	Chemical/Mixture name	Total Air Release	Fugitive or non-point air emissions	Stack or point air emissions	Discharges to water	Under-ground infiltration	Releases to land					Total Land Releases	Discharges to POTW	Transfers to other off-site location
							land disposal code							
							no opps on-site land	landfill	Land Treatment	Surface impoundment	other on-site land			
		SUM	SUM	SUM	SUM	SUM	SUM	SUM	SUM	SUM	SUM	SUM	SUM	
007664302	PHOSPHORIC ACID	42.388	8.804	37.349	9.047	0		25				25	170.803	193.298
007664393	HYDROGEN FLUORIDE	10.677	6.820	3.857	40	0							750	1,512.001
007664417	AMMONIA	906.000	418.391	490.609	541.600	0	600	25			250	875	540.759	10.169
007664939	SULFURIC ACID	439.327	116.677	322.650	411.729	0		0.050			1.750	9.000	6,019.514	9,671.430
007697372	NITRIC ACID	413.760	10.887	394.881	800	0							930.686	774.802
007757026	SODIUM SULFATE (SOLUTION)	1.976	1.476	500	52,692.765	0		5,300	250			5,640	59,049.175	305.377
007782492	SELENIUM	1.000	750	250	0	0							0	250
007782505	CHLORINE	117.011	62.264	54.746	956.041	0	1,350				400	1,750	1,600	90,502
007783702	AMMONIUM SULFATE (SOLUTION)	500	250	250	750	0							3,312.109	14,400
012427302	WATER	500	250	250	0	0							250	0
025321276	DICHLOROBENZENE (MIXED ISOMERS)	9.296	8.044	4,250	750	0		64.610				64.610	132.000	94.450
total		42,043.607	16,601.945	25,441.742	55,064.740	700	140.270	1,703.369	1,000	750	1,305.424	6,312.753	12,362,334.9	82,040.574

TABLE 3-4E

BASEYEAR (1987) WASTE MANAGED IN-STATE BY WASTE TYPE
AND SARA MANAGEMENT CATEGORIES IN EXEMPT PROCESSES

<u>Waste types</u>	<u>QUANTITY</u>
1. Contaminated Soil	0
2. Halogenated Solvents	1,959
3. Nonhalogenated Solvents	1,639
4. Halogenated Organic Liquids	0
5. Nonhalogenated Organic Liquids	2
6. Organic Liquids, NEC	655
7. Mixed Organic/Inorganic Liquids	0
8. Inorganic Liquids with Organics	0
9. Inorganic Liquids with Metals	0
10. Inorganic Liquids, NEC	0
11. Halogenated Organic Sludges/Solids	0
12. Nonhalogenated Organic Sludges/Solids	0
13. Organic Sludges/Solids, NEC	849
14. Mixed Organic/Inorganic Sludges/Solids	0
15. Inorganic Sludges/Solids with Metals	46
16. Inorganic Sludges & Solids, NEC	0
17. Other Wastes	0
Total	5,150

Appendix 2

Agreement on Baseyear Import and Export Flows

A.2.1. Interstate Agreement

Section 104(k)9 of SARA requires that assurances relying upon the availability of facilities outside the state must be in accordance with an interstate agreement or regional agreement or authority. In order to comply with this statute the Guidance Document required that states "provide their assurances by demonstrating agreement with other states regarding cooperative planning actions. This should include reasonable agreement on baseyear and projected exports and imports between and among states and that "captive" and/or "commercial" capacity will exist or will be created and permitted to manage those flows".

A.2.2. Interstate Commerce

New Jersey, and most states, have expressed concerns regarding this requirement to USEPA. Most importantly, states are concerned because the vast majority of hazardous waste facilities are owned by the private sector and states do not have the statutory authority to direct or control interstate shipments of waste between RCRA facilities. Hazardous wastes have been determined by the courts to be a commodity, and thus control over interstate shipments of waste would appear to be a violation of the interstate commerce clause.

Additionally, the State of New Jersey would like to stress that in accordance with a free market system, generators of hazardous waste will continue to transport their wastes to hazardous waste facilities which satisfy their economic needs; regardless of any agreement which might be reached by the states. Therefore, it should be understood that any agreement which is entered into by this state for the purposes of this CAP is not meant to depict the reality of where future (projection) years' waste generation will be managed. Rather, these agreements are planning exercises to assure that there will be adequate capacity for projected generation of hazardous wastes in the country.

A.2.3. Agreement on Baseyear (1987) Interstate Waste Flow

Tables 3-2 and 3-3 of New Jersey's CAP will be compared with similar tables from other states to determine whether agreement on baseyear import/export flows have been reached with the states with which New Jersey maintains an import/export relationship. In order to assure that this agreement would exist, New Jersey sent a letter (Attachment 1) to all states with which there was an import/export relationship in the baseyear on February 27, 1989. The purpose of this letter was to initiate a dialogue and resolve any discrepancies between New Jersey's and other states' data. The results of these efforts are described in Attachment 2.

A.2.4. Reconciliation of the Database

Throughout the process to establish agreement on baseyear, there were two types of discrepancies which were identified. One is the case in which a discrepancy existed due to an actual error in a state's database. The second is the case in which a discrepancy existed because of the differences between states' planning assumptions. In

order to deal with these discrepancies, New Jersey employed the following methodology. If an actual error in the database was detected, a correction was made to the database. If a discrepancy existed due to differences in planning assumptions, New Jersey did not change its database to "match" other states. Rather, the source of the discrepancy was identified and is documented in Attachment 2.

A.2.5 Exports and Imports Out of the Continental United States in the Baseyear

The following is a description of the qualities of waste exported beyond the continental United States.

Belgium:	38 tons
Canada:	462 tons
England:	1,277 tons
South Africa:	14 tons

The following is a description of the imports from beyond the continental United States:

Canada:	1,472 tons
Puerto Rico:	26 tons

Let's protect our earth



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

Michele M. Putnam
Deputy Director

John J. Trela, Ph.D., Director
401 East State St.
CN 028
Trenton, N.J. 08625-0028
(609)633-1408

Lance E. M.
Deputy Director

Hazardous Waste Operations

Responsible Party Remediation

FEB 27 1989

Buddy E. Cox, Chief, HW Branch
Land Division
1751 Federal Drive
Montgomery, AL 36130

I am sure your office has recently received the final EPA guidance to states for submitting the Capacity Assurance Plans (CAP) which are mandated by SARA 104(k)(9). Chapter II of the EPA guidance directs each state to submit an interstate agreement, supported by planning documents which include reasonable agreement or applicable interstate waste flow characteristics and quantities. Because our records indicate that your state maintains an import/export relationship with the State of New Jersey, our Department would like to initiate a dialogue with your staff in an attempt to develop our interstate agreement. But first, let me describe some of the planning efforts which are currently underway in New Jersey.

The New Jersey Hazardous Waste Facilities Siting Commission (HWFSC) has been delegated the statutory authority to site and plan for all new, needed major hazardous waste facilities in our state. In order to adequately plan for all potentially needed facilities, the HWFSC prepares the New Jersey Siting Plan. In the 1985 Siting Plan, the Commission has determined that New Jersey will need to develop additional commercial incineration and land disposal capacity. The Plan's projections indicate that once this incinerator and land disposal facility are on-line, New Jersey will be, in large part, self sufficient with respect to hazardous waste disposal. The HWFSC is proceeding with the siting of the needed facilities but until the facilities are sited and constructed, hazardous waste will continue to be exported from this state. Therefore, clarifying New Jersey's import/export relationship with your state now will assist us in our effort to comply with the capacity assurance guidance prepared by EPA.

For this reason we respectfully request that you or your staff review the enclosed New Jersey manifest data from 1987 for accuracy. You will notice that there are two types of printouts enclosed. One reflects only waste which is considered to be hazardous via the federal definition of hazardous waste. The other reflects additional waste quantities that were shipped under manifest as a result of New Jersey's definition of hazardous waste (copy enclosed). For the purposes of interstate agreement we believe that

it will be necessary to address only the federal wastes at this time. The additional information is included for your information.


If you agree with this data, please sign and return the enclosure in the envelope provided. Also, please indicate from what source this data was obtained. If you find some discrepancies in the data, please contact Frank Coolick, our Capacity Assurance Liaison, at the address below within 30 days of the date of this letter so that we may begin to reconcile our records.

Your prompt attention and assistance is truly appreciated. Should you have any questions please do not hesitate to contact Frank at (609) 633-1418 or at the following address:

Frank Coolick, Assistant Director
Hazardous Waste Regulation Element
Department of Environmental Protection
Division of Hazardous Waste Management
401 East State Street, 5th Floor
Trenton, New Jersey 08625

Thank you again for your assistance.

Very truly yours,


John J. Trela, Ph.D.
Director

SAT/abl
Enclosures

ATTACHMENT 2

STATUS OF AGREEMENT ON BASEYEAR IMPORT/EXPORT FLOWS

UPDATE SEPTEMBER 15, 1989

ARIZONA

CAP CONTACT: Andy Soesilo
Waste Programs Planning Section
Arizona DEQ
2005 N. Central Avenue
Phoenix, AZ 85004
(602) 257-6995

Data Source: Annual Reports

Data:	NJ Records	AZ Records
Exported to AZ:	0	0
Imported fr AZ:	183 (+404)=587	581.38

Status: Discrepancy was determined by NJ & AZ to be 404 tons of unmanifested shipments of D002 from AZ generators to Madison Industries, NJ. This case was referred to Enforcement for action. If this 404 tons is added to NJ, there is reasonable agreement.

ALABAMA

CAP CONTACT: Dan Cooper
Alabama Dept. of Environmental Management
Land Division, Hazardous Waste Branch
1751 Federal Drive
Montgomery, AL 36130
(205) 271-7939

Data Source:

Data:	NJ Records	AL Records
Exported to AL:	3015	Not Available
Imported fr AL:	470	Not Available

Status: A response to NJ's 2/25/89 letter was never received. NJ responded to AL's request for info and was not "banned" from using their disposal facilities.

ARKANSAS

CAP CONTACT: Karen Deere
Manager, Enforcement Branch
Hazardous Waste Division
8001 National Drive PO Box 9583
Little Rock, AK 72209
(501) 455-6880

Data Source: Manifest/RCRA Codes

Data:	NJ Records	AK Records
Exported to AK:	724	595.47
Imported fr AK:	20.48	Not Provided

Status: Called to request additional info 5/9. Most waste exported to AR is PCB contaminated waste.

CALIFORNIA

CAP CONTACT: Jose Robledo
Alternate Technology Section
Toxic Substances Control Division
Dept. of Health Services
714/744 D Street
PO Box 942732
Sacramento, CA 94234-7320
(916) 322-2507

Data Source:

Data:	NJ Records	CA Records
Exported to CA:	23	24
Imported fr CA:	1799	2056

Status: Numbers appear to be within reasonable agreement.

COLORADO

CAP CONTACT: Jim Kiefer
Colorado DOH
Hazardous Materials & Waste Management
4210 East 11th Avenue
Denver, CO 80220
(303) 331-4830

Data Source: Annual Reports

Data:	NJ Records	CO Records
Exported to CO:	40.51	0
Imported fr CO:	0	0

Status: CO has no record of receiving waste from NJ. Manifest info. reviewed. CO shows no record because the waste in question went to a recycler, therefore CO annual reports show no data. Confirmation letter with manifests sent 6/7.

CONNECTICUT

CAP CONTACT: Kathy Golas
Connecticut DEP
Haz. Materials Mgmt. Unit
900 Asylum Avenue
Hartford, CT 06106
(203) 244-2007

Data Source: Annual Report

Data:	NJ Records	CT Records
Exported to CT:	2251	3353
Imported fr CT:	19832	22772

Status: There are two factors for this discrepancy:

1) NJ data includes 2110 tons of SQG waste that CT does not, 2) many shipments of waste from CT annual reports are reported at higher quantities (4641 tons) than NJ. If both these factors are considered, NJ's number becomes $19832 + 4641$ or 24473. CT's number becomes $22771 + 2110 = 24882$. This appears to be reasonable.

DELAWARE

CAP CONTACT: Ellen Malenfant
Delaware Dept. of Natural Resources &
Environmental Control
Division of Air & Waste Management
89 Kings Hwy., PO Box 1401
Dover, DE 19903
(302) 736-3672

Data Source: Annual Reports

Data:	NJ Records	DE Records
Exported to DE:	0	0
Imported fr DE:	6012	6013

Status: DE and NJ have corresponded several times (Feb., May, July & August) to resolve this discrepancy. After much effort, & comparison between NJ & DE data, it was determined that there was more waste shown on NJ manifest data than on DE's annual report data. DE revised their #'s accordingly.

FLORIDA

CAP CONTACT: Raoul Clarke
Division of Waste Management
Florida Dept. of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Data Source: Annual Reports

Data:	NJ Records	FL Records
Exported to FL:	19	31
Imported fr FL:	469	432

Status: Response to NJ's letter received May, 89. Additional information sent to FL July 89. This discrepancy is probably due to the differences between data sources. There were no transshipments or rejected shipments involved in this case.

GEORGIA

CAP CONTACT: Susan Hendricks
Industrial & Hazardous Waste Program
205 Butler St. SE, Room 1154
Atlanta, GA 30334
(404) 656-7802

Data Source: Biennial Reports

Data:	NJ Records	GA Records
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Exported to GA:	0	0
Imported fr GA:	2072	2798

Status: Called to follow-up May 89. Response to NJ's letter received June 89. GA is part of Region IV agreement. Agreement exists on exports. Discrepancy in imports is probably due to GA generators using volumetric measures on the biennial report, whereas the NJ TSD which accepted the bulk of GA's waste, actually weighs incoming shipments and changes the manifests to reflect the correct amount.

IDAHO

CAP CONTACT: Wayne Hart
Dept. of Health & Welfare
Division of Environmental Quality
450 West State Street
Boise, ID 83720
(208) 334-5879

Data Source: TSD Annual Reports

Data:	NJ Records	ID Records
Exported to ID:	17	16.79
Imported fr ID:	0	Not Available (5/22)

Status: Response to NJ letter received 5/22. This confirmed NJ's data. Agreement exists.

INDIANA

CAP CONTACT: Mike Dalton
Indiana Dept. of Env. Management
Solid & Hazardous Waste Management
105 S. Meridian Street
Indianapolis, IN 46225
(317) 232-8884

Data Source: Manifest

Data:	NJ Records	IN Records
Exported to IN:	18,930	19,898
Imported fr IN:	258	274

Status: Letter requesting additional info. sent to IN-4/89. Resolution needed for NJ CAP. Called 6/9 to request data from Manifest. Difference probably lies in shipments of D008. Our original numbers did not include 5338 tons of F001 from cleanup of D'Imperial site. Our numbers now in very close agreement. Letter of confirmation sent 6/89.

IOWA

CAP CONTACT: Tom Blewett
Waste Management Authority
Iowa Dept. of Natural Resources
Wallace State Office Building
Des Moines, IA 50319
(515) 231-8489

Data Source: Biennial Reports

Data:	NJ Records	IA Records
Exported to IA:	0	0
Imported fr IA:	24	43

Status: Response to letter received 8/31. Agreement exists on exports. Difference in imports is probably due to IA generator reporting volumetric quantities on biennial report. Whereas, NJ TSD, which received all of IA's waste, weighs incoming waste and adjusts manifest accordingly.

ILLINOIS

CAP CONTACT: Gene Theios
ILEPA
PO Box 19276
Springfield, IL 62794-9276
(217) 782-6760

Data Source: Annual Reports

Data:	NJ Records	IL Records
Exported to IL:	1201	2449
		(1896-1 ⁰ +553-2 ⁰)
Imported fr IL:	800	794

Status: Called re: discrepancy 5/9/89. Letter w/additional info sent 5/11/89. IL revised their data according to ours, however, they still are not in perfect agreement. Part of this is due to the fact that IL assigned 553 tons of waste to NJ which was supposed to be residuals from NJ which went to landfill. IL sent us a letter of confirmation.

KENTUCKY

CAP CONTACT: Russ Barnett
Kentucky DEP
Division of Waste Management
18 Reilly Road
Frankfort, KY 40601
(502) 564-6716

Data Source: Annual Report

Data:	NJ Records	KY Records
Exported to KY:	1436	
Imported fr KY:	204	

Status: No response/Called 5/5/89-will be sending soon. Net importer (Incinerator & Solvent Recovery). Response still not received 9/15.

LOUISIANA

CAP CONTACT: Dennis Duszynski
LA DEQ
PO Box 44307
Baton Rouge, LA 70804

(504) 342-4685

Data Source: Biennial Reports

Data: NJ Records LA Records

Exported to LA:	12664	13186
Imported fr LA:	33	33.3

Status: No response. Called 5/1/89. Letter sent w/info. 5/10. Called to follow up 6/12. Received data from LA. Data agrees within 3%. Confirmation letter sent 6/20.

MASSACHUSETTS CAP CONTACT: Stephen Roop
Mass. Dept. of Env. Quality & Eng.
Div. of Hazardous Waste
1 Winter Street, 5th Floor
Boston, MA 02108
(617) 292-5867

Data Source:

Data: NJ Records MA Records

Exported to MA:	69	109
Imported fr MA:	19818	18476

Status: Data agrees within 7% for imports. Data OK for exports: therefore reasonable agreement exists.

MARYLAND CAP CONTACT: Brian English
Maryland Dept. of the Environment
2500 Broening Hwy.
Baltimore, MD 21224
(301) 631-3343

Data Source: Converted To BIRD'S (One Of Very Few States Using This Option)

Data: NJ Records MD Records

Exported to MD:	5897	5553
Imported fr MD:	18370	14005

Status: Exports to MD agree within reason. MD & NJ have been working diligently to resolve discrepancies. Our state have corresponded 2/28, 3/28, 7/6 and 7/31. It has been difficult to completely resolve these discrepancies because of MD's conversion to BIRDS.

MAINE CAP CONTACT: Cindy Beriocci
Maine DEP
Bureau of Land Quality
State House - Station 17
Augusta, ME 04333
(207) 289-2651

Data Source:

Data:	NJ Records	ME Records
Exported to ME:	0	0
Imported fr ME:	1472.10	1481

Status: Numbers agree within reason.

MICHIGAN

CAP CONTACT: Lois Debacker
Michigan Dept. of Natural Resources
Waste Management Program
PO Box 30028
Lansing, MI 48909
(517) 355-4925

Data Source:

Data:	NJ Records	MI Records
Exported to MI:	16595	18515
Imported fr MI:	2838	3158

Status: Amounts are within 10%, therefore we have agreement on quantity/Letter stating agreement sent 5/11/89.

MINNESOTA

CAP CONTACT: Brett Smith
Minnesota Pollution Control Agency
4350 Energy Lane
St. Paul, MN 55108

Data Source: Manifest

Data:	NJ Records	MN Records
Exported to MN:	144	153
Imported fr MN:	228	223

Status: Response to our letter received 3/9/89. Numbers agree within reason. No followup is required.

MISSOURI

CAP CONTACT: Roy Brower
Missouri Department of Natural Resources
Waste Management Program
PO Box 176
205 Jefferson Street
Jefferson City, MO 65102
(314) 751-2468

Data Source: Monitoring and permitting activities
Based on FY.

Data:	NJ Records	MO Records
Exported to MO:	0	0
Imported fr MO:	7	?

Status: Response received 4/14/89 at which time MO data

was not available. Second response received 8/22/89. It is not possible to compare data because MO uses a fiscal year.

NEW HAMPSHIRE CAP CONTACT: Heidi Littlefield
NH Dept. of Environmental Services
6 Hazen Drive
Concord, NH 03301
(603) 271-3203

Data Source: Manifest and Annual Report

Data:	NJ Records	NH Records
Exported to NH:	0	0
Imported fr NH:	4387	3644

Status: Exports are in agreement. Data is as good as it will get. Additional info was provided to NH so they know what the discrepancies are. Part of their data is average of a fiscal year. Letter sent to NH confirming numbers 4/89 and 6/89.

NEW YORK CAP CONTACT: Jim Moran
NYSDEC
50 Wolf Road
Albany, NY
(518) 457-3273

Data Source:

Data:	NJ Records	NY Records
Exported to NY	54733	36940
Imported fr NY	35035	33086

Status: Waiting for NY's final numbers (6/20)

NORTH CAROLINA CAP CONTACT: Dr. Linda Little
Governors Waste Management Board
325 N. Salisbury Street
Raleigh, NC 27611

Data Source:

Data:	NJ Records	NC Records
Exported to NC:	2226	2143
Imported fr NC:	4378	5341

Status: Reasonable agreement exists on quantity of exports, therefore data is OK for NJ CAP.

OHIO CAP CONTACT: Michael Kelley
Ohio EPA
Div. of Solid & Hazardous Waste Mgmt.
PO Box 1049
1800 Watermark Drive

Columbus, OH 43266-0149
(614) 644-2956

Data Source:

Data:	NJ Records	OH Records
Exported to OH:	30706	30546
Imported fr OH:	2992	3436

Status: Reasonable agreement exists on imports/exports.
Confirming letter sent 3/89.

PENNSYLVANIA CAP CONTACT: Gayle Leader
PA DER
Bureau of Solid Waste Management
PO Box 2063 Fulton Building
Harrisburg, PA 17120
(717) 787-7657

Data Source:

Data:	NJ Records	PA Records
Exported to PA:	73214	68981
Imported fr PA:	83654	67027

Status: Waiting for final numbers 6/20

RHODE ISLAND CAP CONTACT: Beverly Migliore
RI Dept. of Environmental Management
Solid Waste Program
204 Cannon Boulevard
75 Davis Street
Providence, RI 02908

Data Source:

Data:	NJ Records	RI Records
Exported to RI:	578	708
Imported fr RI:	787	573

Status: Is this data (RI) RCRA only/Follow up with Farooque.

SOUTH CAROLINA CAP CONTACT: Hartsill Truedale
SC Dept. of Health & Env. Control
Bureau of Solid & Haz. Waste Management
2600 Bull Street
Columbia, SC 29201
(803) 734-5200

Data Source:

Data:	NJ Records	SC Records
Exported to SC:	5158	7538
Imported fr SC:	1460	2203

Status: Response received from SC on 4/5/89.

TENNESSEE

CAP CONTACT: Bobby Morrison
Div. of Solid Waste Management
Dept. of Health & Environment
4th Floor, Customs House
701 Broadway
Nashville, TN 32719-5403
(615) 741-3421

Data Source: Annual Report

Data:	NJ Records	TN Records
Exported to TN:	133.75	131.45
Imported fr TN:	3984	4237.05

Status: Response received 4/4/89. Due to discrepancy NJ call to clarify data. Additional info. from TN on 5/9/89. Issues resolved. Reasonable agreement exists. Confirmation letter sent 6/20.

TEXAS

CAP CONTACT: Kathey Ferland
Texas Water Commission
PO Box 13087 Capitol Station
1700 North Congress Avenue
Austin, TX 78711-3087
(512) 463-7830

Data Source: Records of Shipments and Receipt.

Data:	NJ Records	TX Records
Exported to TX:	297.77	263
Imported fr TX:	837.16	672

Status: Response received 4/4/89. Export data agrees within reason for NJ CAP. TX does not think it's required to agree on 1987 data.

UTAH

CAP CONTACT: Rusty Lundberg
Dept. of Health
Bureau of Solid & Hazardous Waste
288 North 1460 West, PO Box 16690
Salt Lake City, UT 84116-0690

Data Source:

Data:	NJ Records	UT Records
Exported to UT:	0	
Imported fr UT:	2	

Status: Response received 3/22 stating data is not on line. Due to small amount of waste, no followup was done.

VERMONT

CAP CONTACT: Peter Marshall

VT Agency for Natural Resources
Dept. of Environmental Conservation
1035 Main Street. West Building
Waterbury, VT 05676
(802) 244-8702

Data Source:

Data:	NJ Records	VT Records
Exported to VT:	0	0
Imported fr VT:	2012	2092

Status: Response received 5/24/89. Letter stating agreement sent 6/2/89

VIRGINIA

CAP CONTACT: Bill Sarnecky
Division of Waste Management
Richmond, VA
(804) 225-2881

Data Source:

Data:	NJ Records	VA Records
Exported to VA:	9504	12244
Imported fr VA:	5987	7386-VA is willing to agree w/our numbers (e.g. 5841)

Status: Followup letter & data sent to VA on 5/1/89/VA is re-reviewing their data/VA still disagrees on NJ wastes managed in VA/Need to decide how to resolve.

WEST VIRGINIA

CAP CONTACT: Michael Dorsey
WV DEP
Division of Waste Management
1260 Greenbriar Street
Charleston, WV 25311
(304) 348-5935

Data Source:

Data:	NJ Records	WV Records
Exported to WV:	44.57	79.02
Imported fr WV:	6371.38	6293

Status: Agreement exists on import/export data/Letter stating agreement sent 5/20.

WISCONSIN

CAP CONTACT: Barb Zellmer
WI Dept. of Natural Resources
Bureau of Solid Waste Management
PO Box 7921
Madison, WI 53707
(608) 266-7055

Data Source:

Data:	NJ Records	WI Records
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Exported to WI:	.08	
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Imported fr WI:	139.93	
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Status: Waste exported is minimal, so no followup was done.

Appendix 3

Definitions and Descriptions of SARA Categories

APPENDIX III Definitions

Captive Management Facility - A facility that manages waste generated under the same ownership at a different location. (This differs from the definition used in the EPA provided state report data, which includes as captive those facilities that manage wastes from a limited number of generators).

Commercial Management Facility - A facility that manages waste generated at a different location not under the same ownership.

Commercial Status - The appropriate disposition for a waste based upon management at a particular type of facility. Facilities include commercial, captive, and on-site facilities (collectively referred to as all treatment, storage, disposal and recovery (or all-TSDR)), and non-TSDR facilities. Commercial status categories help keep track of where generated wastes are capable of being managed.

Exempt Processes - Included in on-site and non-TSDR management, exempt processes refer to processes that are exempt from regulation under RCRA.

Federal Hazardous Waste - Waste regulated as hazardous within the state that are hazardous wastes under 40 CFR Part 261.

Generation Status - The type of waste generated, by the general form of activity producing the waste. Generation status includes primary recurrent, secondary recurrent, primary one-time, and secondary one-time waste.

Maximum Capacity - The maximum amount of waste that can undergo treatment, disposal, or recovery that a unit or facility can manage within a single reporting year, given all physical restrictions and permit conditions and legal restrictions.

New Biennial Report - This refers to the revised EPA reporting system, issued for the 1987 reporting cycle. New information required by the 1987 Biennial Report includes data on waste stream constituents, details on a state's waste minimization activities, and facility capacity information.

Non-hazardous wastes - Waste that are not federal or other hazardous wastes.

Non-TSDR Management Facility - A "facility" that manages waste where no permitted or interim status treatment, storage, or disposal occurs. Non-TSDR capacity represents only exempt processes.

On-Site Management Facility - A facility that manages wastes generated under the same ownership at the same site where permitted or interim status treatment, storage, or disposal occur. On-site capacity can include exempt processes at permitted or interim status facilities.

One-time Generation - The generation of hazardous waste that results from non-recurrent events, such as Superfund cleanups or other corrective actions, equipment or decommissioning, disposal of off-specification products, etc.

Primary Generation - The generation of hazardous waste from production processes or from treatment of non-hazardous waste.

Recurrent Generation - The generation of hazardous waste from continuous or frequently occurring processes or events, such as industrial production processes.

Remaining Capacity - The amount of unused capacity that could have been used during a year. It represents, for any given year, the maximum capacity available at the start of the year minus the capacity utilized during the year, i.e., unused capacity.

State Hazardous Waste - Wastes that are considered hazardous within the state but that would not be hazardous wastes under 40 CFR Part 261. Other hazardous wastes can include Superfund hazardous substances that are not federal hazardous wastes, PCB wastes, wastes regulated by a state hazardous waste program that is broader in scope than the federal program, etc.

Residual - see Secondary Generation

Secondary Generation - The generation of hazardous waste from the management of hazardous waste (i.e., a residual from hazardous waste management).

System - One or more processes used together to treat, recycle, or dispose of a waste stream.

Utilized Capacity - The actual amount of waste managed by a treatment, storage, disposal, or recovery system within a single year.

SARA Management Categories

SARA management categories were created to cover the full range of hazardous waste management practices in the country. Fuel blending is not covered in the SARA management categories because this capacity is believed to be adequate or easily developed and because blended fuels are accounted for by incineration, energy recovery and other practices. Storage is not covered in the SARA management categories because it does not provide for treatment, destruction, or secure disposition of wastes. The type of system used to manage a hazardous waste is the basis for classifying waste volumes under particular SARA management categories. The SARA management categories are defined as follows:

Metals Recovery - Any system used to recover metals from a hazardous waste stream for reuse. Systems found under this category include:

- Secondary smelting
- Retorting
- Electrolytic metals recovery
- Ion exchange
- Reverse osmosis
- Acid leaching
- Other metals recovery

Solvent Recovery - Any system used to recover solvents from a hazardous waste stream for reuse. Systems found under this category include:

- Fractionation/distillation
- Thin film evaporation
- Solvent extraction
- Phase separation
- Other solvent recovery

Other Recovery - Any system used to reclaim constituents from a waste stream for reuse that does not fall under the above-mentioned categories. This is the catchall recovery category. Systems found under this category include:

- Non-solvent organic recovery
- Acid regeneration

Incineration - Liquids - Any system used to destroy liquid hazardous waste streams by combustion. Systems found under this category include:

- Liquid injection incinerators
- Rotary kilns with liquid injection
- Two-stage incinerators
- Fixed hearth incinerators
- Multiple hearth incinerators
- Fluidized bed incinerators
- Pyrolytic destructors

Incineration - sludges/solids - Any system used to destroy sludges and/or solid hazardous wastes by combustion. Systems found under this category include:

- Rotary kilns
- Two-stage incinerators
- Fixed hearth incinerators
- Fluidized bed incinerators
- Infrared incinerators
- Pyrolytic destructors

Energy Recovery - Any system that burns hazardous waste for its fuel value. Note that this category does not distinguish between liquids and sludges/solids as does incineration. Capacity to burn liquids in kilns dominates this category at the national level because sludges/solids are not often burned in kilns and because industrial furnaces and boilers burn at comparatively lower volumes. Systems found under this category include:

- Cement, aggregate, and asphalt kilns
- Blast furnaces
- Coke ovens
- Sulfur recovery furnaces
- Smelting furnaces
- Other industrial furnaces
- Industrial boilers

-Other reuse-as-fuel units

Aqueous Inorganic Treatment - Any system used to remove or destroy inorganic constituents from an aqueous hazardous waste stream. Note that this category does not include neutralization (pH control). Neutralization is categorized under "other treatment" to prevent its large capacity from dominating over the capacity of systems such as chemical precipitation. Systems found under this category include:

- Chromium reduction
- Chemical precipitation
- Cyanide oxidation
- General oxidation
- Ion exchange
- Reverse osmosis
- Other aqueous inorganic treatment

Aqueous Organic Treatment - Any system used to remove or destroy organic constituents from an aqueous waste stream. Systems found under this category include:

- Biological treatment
- Carbon adsorption
- Air stripping
- Steam stripping
- Wet air oxidation
- Other aqueous organic treatment

Other Treatment - Any system used to treat hazardous waste streams that does not fall under categories 1 through 8, 10, and 11. This is the catchall treatment category. Any "other treatment" processes that are part of a wastewater treatment system treating hazardous waste do not fall under this category. Such sludge treatment capacity is included in the treatment system capacity reported under categories 1 through 8, 10, and 11. Neutralization capacity is expected to dominate this category. Systems found under this category include:

- Neutralization
- Settling/clarification
- Equalization
- Denitrification
- Gas incineration
- Other treatment

Sludge Treatment - Any system used to treat hazardous waste sludges except stabilization. Any sludge treatment processes that are part of a wastewater treatment system treating hazardous waste do not fall under this category. Such sludge treatment capacity is included in the aqueous treatment system capacity reported under categories 7 and 8. Only systems that treatment sludges generated from non-hazardous waste treatment and "stand-alone" processes are included in this category. Systems found under this category include:

- Sludge dewatering

- Addition of excess lime or caustic to increase alkalinity
- Absorption/adsorption to render non-liquid

Stabilization - Any system that chemically or physically reduces the mobility of hazardous constituents by binding the hazardous constituents into a solid mass with low permeability that resist leaching. This does not include addition of adsorbates to render a waste stream non-liquid or lime/caustic addition to increase alkalinity (refer to Category 10). Systems found under this category include:

- Cement-based stabilization
- Possolanic-based stabilization
- Asphaltic stabilization
- Thermo-plastic stabilization
- Other-stabilization

Land Treatment- Also called land application or land farming. This management practice is considered to be land disposal under the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Landfill - Also includes surface impoundments closed as landfills (disposal impoundments).

Deep Well Injection - A type of underground injection beneath the deepest stratum containing an underground source of drinking water defined in the regulations pursuant to the Safe Drinking Water Act as Class I wells (40 CFR Section 144.6A). This management practice is considered to be land disposal under HSWA.

Other Disposal - Used as a catchall for disposal operations such as ocean dumping or depositing wastes in salt mines.

SARA Waste Types

These are broad waste groupings designed for aggregation of hazardous waste quantities. The 17 waste types are to be used to classify waste by physical/chemical form and hazardous constituents. The SARA waste types are defined as follows:

Contaminated Sand, Soil, and Clay (not to include spent filter media) - Waste that is primarily soil contaminated with hazardous waste.

Halogenated Solvents - Any liquid waste (a "liquid" contains less than 3 percent total suspended solids) that contains an organic constituent in the F001-F005 definitions, has greater than 90 percent organic content, as well as greater than 0.1 percent halogen content (halogen content refers to organic halogen content as opposed to inorganic halogen salts such as sodium chloride). To be included in this category are solvents whose halogen content has no been determined.

Non-halogenated Solvent - Any liquid waste that contain an organic constituent in the F001-F005 definitions, has greater than 90 percent organic content, and less than 0.1 percent halogen content.

Halogenated Organic Liquids - Any liquid waste that does not contain a constituent listed in the F001-F005 definitions, has greater than 90 percent organic content, and greater than 0.1 percent halogen content.

Non-halogenated Organic Liquids - Any liquid waste that does not contain a constituent in the F001-F005 definitions, has greater than 90 percent organic content, and contains less than 0.1 percent halogen content.

Organic Liquids, Unspecified - Any liquid waste for which nothing is known except that its organic content is thought to be greater than 90 percent.

Mixed Organic/Inorganic Liquids - Any liquid waste that has an organic content between 1 and 90 percent (regardless of halogen or solvent concentration).

Inorganic Liquids With Organic - Any liquid waste that has an organic concentration up to 1 percent, but no metals exceeding 1 ppm.

Inorganic Liquids With Metals - Any inorganic liquid waste that contains RCRA-regulated metals in excess of 1 ppm, and not thought to contain any organic beyond trace amounts.

Inorganic Liquids, NEC - Any inorganic liquid with either unknown constituents, reactive constituents such as cyanide or sulfide, or both metals in excess of 1 ppm and organic up to 1 percent.

Halogenated Organic Sludges/Solids - Any waste that has greater than 3 percent total suspended solids is greater than 90 percent organic compound, and has greater than 0.1 percent halogen content.

Non-halogenated Organic Sludges/Solids - Any waste that has greater than 3 percent total suspended solids is greater than 90 percent organic compound, and has less than 0.1 percent halogen content.

Organic Sludges/Solids, Unspecified - Any waste for which nothing is known except that it is believed to have greater than 3 percent total suspended solids and to have 90 percent or greater organic content.

Mixed Organic/Inorganic Sludges/Solids - Any waste with greater than 3 percent total suspended solids and with an organic content of between 1 percent and 90 percent.

Inorganic Sludges/Solids With Metals - Any waste with at least 3 percent total suspended solids, at least 10 ppm or RCRA-regulated metals, and not thought to contain organic beyond trace amounts.

Inorganic Sludges/Solids, NEC - Any waste with total suspended solids of 3 percent or greater and other characteristics are unknown, reactive due to cyanide or sulfide, or contains both metals in excess of 10 ppm and organic up to 1 percent.

Other Wastes - Any waste that is explosive or highly reactive, contaminated with dioxins, hazardous and mixed with PCBs or radioactive waste, lab packs, or containerized gases. Also, state hazardous waste that is not already covered under RCRA and any waste where not enough characteristics are known to place it in any of the NEC categories.

DOCUMENT: CAPASSUR.51
FOLDER: ABLMCE

Appendix 4

The Northeast Regional Approach to Capacity Assurance Planning

A.4 Northeast States Regional Capacity Assurance Plan

A.4.1 Introduction

In accordance with the requirements of Section 104(c)(9) of the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, each state must submit a hazardous waste Capacity Assurance Plan (CAP) to the US Environmental Protection Agency (EPA) on or before October 17, 1989. The CAP must show that the state has access to adequate treatment and disposal capacity to manage waste generated within its borders over the next 20 years. Without this assurance, EPA may withhold federal money for Superfund site cleanups in the state.

To comply with the requirement to show adequate waste treatment and disposal capacity, the Northeastern states including Connecticut, Washington, DC, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia agreed to formulate a Regional Capacity Assurance Plan (RCAP). Based on the data included in the individual states' plans, the Regional Appendix indicates that the Northeastern states as a group have adequate capacity to treat and dispose of all wastes generated in all management categories for the years 1989, 1995 and 2009 with the following three exceptions:

- o 76,200 ton incineration shortfall in 1989
- o 11,600-16,000 ton sludge treatment shortfall
- o 140,000-283,000 ton landfill shortfall

A.4.2 Overview of Planning Process

The Northeast CAP project has been active since December 1988. Members of the original Northeast Capacity Assurance Project (which included New York) and representatives from EPA met for the first time in Washington, DC on February 17, 1989 to discuss different aspects of CAP, notably import/export projections, waste minimizations and interstate agreements. Representatives from EPA pointed out that the states in some regions were considering forming regional compacts, intending not to share their existing or future capacity with states outside of their regions.

The group had a lengthy discussion on the process for obtaining interstate agreements. To facilitate the process, the group decided to do an import/export analysis for the 14 states region and organized an Import/Export Committee for this purpose. The Committee consisted of representatives from New Jersey, Connecticut, Virginia, Pennsylvania, Massachusetts, Delaware, New York and Maryland.

The Committee met in Newark, New Jersey on April 18, 1989 to discuss issues related to the import/export analyses, and to agree on guidance for developing a regional agreement. The group also discussed revising the interstate agreement letter and CAP transmittal letter. Significant differences in the interstate shipment of wastes were identified. These differences were due to the difference in individual

states reporting system, inaccuracy in data compilation, and incomplete database.

A regional CAP meeting was held in Boston, Massachusetts on June 15 and 16, 1989. Representatives from all 14 Northeastern states were in attendance, as well as representatives from EPA. Representatives from EPA indicated that a regional plan showing self-sufficiency would be an acceptable alternative to individual interstate agreement.

The first day of the meeting was devoted to import/export issues such as the comparison of import/export figures between states, and revisions to the interstate agreement letter. The second day of the meeting was devoted to minimization and projection issues. Significant improvements were made in narrowing the differences in the import/export data since the Newark meeting. It was resolved that states would discuss import/export differences one-on-one. During this meeting, the states also discussed the concept and feasibility of a regional plan.

On August 23-25, 1989, CAP representatives from the 14 states, met in Philadelphia. They reviewed the import/export data and assessed the degree to which Northeast states had achieved "reasonable agreement".

They attempted to finalize the import/export Tables 3-2 and 3-3 from the Guidance Document. The feasibility of the regional self-sufficiency was also analyzed. It was determined from the analysis that there may be a short-term shortfall in incineration capacity between 1989 and 1991. The regional was self-sufficient in all other management categories for the projection years.

After the Philadelphia meeting, each state prepared summary tables listing generation and capacity for 1987 and the three projection years. This information was combined into a region summary table (Attachment 1). On September 22, 1989 the negotiating task force with representatives from several of the Northeast states, met in Newark, NJ to review the summary data and to finalize the text for this appendix.

A draft Regional Appendix was distributed to each state along with a Regional Participation Statement which was due to be signed on September 25, 1989. Participation statements were submitted by all Northeast states except New York. Prior to New York's withdrawal, the Northeast states only had a short-term incineration shortfall. This final Regional Appendix is based on a 13 state approach.

A.4.3 Regional Findings

The following findings were adopted by participating states for a Northeast Regional CAP Agreement.

Finding #1: The Northeast States have obtained
 "reasonable agreement on baseyear exports/
 imports

Based on draft export and import data presented by each state, a computer program was developed that "paired" each Northeast state's determination of imports with the corresponding Northeast state's determination of exports, and vice versa. The resulting "paired" import and export tables, with "mismatches", were presented to each state. Possible reasons for discrepancies were discussed during a breakout session, and states refined data based on discussions. At the end of the meeting, the Northeast states concluded that the amended data constituted "reasonable agreement" on exports and imports within the Northeast region for CAP planning purposes.

Finding #2: The Northeast States have identified regional baseyear capacity surpluses and shortfalls for the baseyear

Based on draft Tables 3-5B (or equivalents) from each state, the group analyzed the Region's remaining capacity (available capacity - utilized capacity) by management category for the baseyear. Since the CAP regional agreement requires regions to demonstrate capacity for all out-of-region exports, but not imports, the group used Table 3-2 and 3-3 data to calculate the Northeast's net exports to other EPA Regions. Net exports out-of-region were in turn subtracted from remaining capacity to show surplus remaining capacity capturing out-of-region exports. If net out-of-region exports exceed remaining Northeast capacity, a negative number, or shortfall of capacity results for the baseyear. Otherwise, the Northeast experiences a surplus capacity, and demonstrates regional self-sufficiency for CAP planning purposes. Based on this analysis, the Northeast States concluded that they had a regional surplus of capacity in the baseyear for all SARA management categories except landfill, incineration and sludge treatment.

Finding #3: The Northeast States have estimated demand scenarios for the 1989, 1995 and 2009 projection years

NY and PA developed demand estimates in conformance with the assumptions of their individual State facility siting plans. These demand assumptions have been incorporated with baseyear remaining capacity data to create 1989, 1995 and 2009 capacity estimates. The remaining 11 states projected relatively constant or reduced demand for each of the projection years. While the other 11 states may show some minor changes in demand during projection years (e.g., for one-time events or regulatory changes), their general planning assumption for long-term demand is that economic growth will be roughly off-set by waste minimization, leading to level demand. Since EPA's official regulatory impact analysis on the land ban has not been completed, some states did not find it feasible to include land ban analysis in their projections.

Finding #4: The Northeast States have developed supply scenarios for the 1989, 1995 and 2009 projection years

At the August meeting, each state discussed its planning assumptions for bringing new capacity on line by 1995. A total of four Northeast states (MA, NJ, PA, WV) indicated that they have plans to bring new incineration or landfill capacity on line in 1989 or 1995. These supply estimates have been incorporated with baseyear supply estimates, and increased demand estimates, to create projection year supply estimates.

Finding #5: The Northeast States plan to be self-sufficient in capacity for CAP planning purposes by 1995 except for landfill and sludge treatment

When the baseyear regional capacity surpluses and deficits (Finding #2) are modeled for demand increases (Finding #3) and supply increases (Finding #4), surplus capacity appears for each SARA management category except for incineration, landfill and sludge treatment. From this analysis, the Northeast States conclude that they will be self-sufficient by the 1995 projection year except for landfill and sludge treatment.

Finding #6: The Northeast States will approach other regions or states to obtain needed capacity

To remedy the capacity shortfalls, the Northeast States named a task force on August 25, 1989, consisting of representatives from five states (NY, NJ, PA, VA, CT). The task force was asked to approach other regions to obtain approval for using needed capacity in exchange for management capacity for which a surplus is expected in the Northeast. Since New York withdrew so late in the process, the Northeast states could only begin to contact other regions on October 4th.

Finding #7: The Northeast States have adopted a cover letter and a regional agreement

The letter and agreement reflect minor modifications from the recommended format of the EPA Guidance Document.

Finding #8: The Northeast States recognizes the need to reevaluate regional landfill capacity and demand

The 13 Northeast states acknowledge that the vast majority of landfill waste is shipped out of the region for disposal. In order to reevaluate the landfill capacity and demand in the region, the 13 states agreed to participate in a regional task force. At the same time, each of the Northeast states will use its best efforts to reduce the demand for land capacity to a minimum. None of the participating states have barriers to the interstate shipment of waste.

Regional Approach

During the Capacity Assurance Plan meeting held on August 23-25 in Philadelphia, the Northeast states agreed to submit generation and capacity data as a basis for a final regional appendix. This data was refined during September. The attached summary (Table 1) presents the results of this regional analysis.

All in-state waste generation under each management category for the baseyear (1987) and the projection years (1989, 1995, 2009) were summed and compared with the total of the capacities under corresponding management categories. Only the absolute in-state generations, primary and secondary inclusive, were included in the analysis.

The region has a deficit of 76,220 tons in the incineration capacity for the year 1989. Capacity shortfall of 140,000 - 283,000 tons for landfill and 11,600 - 16,000 tons for sludge treatment is expected in all the projected years. Northeast states have formed a committee that negotiates with other regions or states. The Northeast states expect to continue their collaborative approach to capacity assurance planning in the future.

TABLE 1
NORTHEAST STATES CAPACITY ASSURANCE PLAN
13 STATE REGIONAL SUMMARY TABLE

Year	Capacity Demand	MANAGEMENT CATEGORIES									
		Metal Recovery	Solvent Recovery	Other Recovery	Incineration	Energy Recovery	Aqueous Treatment	Other Treatment	Sludge Treatment	Stabilization	Landfill
1987	Capacity	444756	197560	80100	40000	332354	1824872	280342	3923	334179	400
	Generation	98107	151634	18070	66340	185930	376002	103531	19895	202315	363139
	Net	346649	45926	62030	-26340	146424	1448870	176811	-15972	131864	-362739
1989	Capacity	448156	183590	80100	40000	336054	1824872	280342	3923	334179	0
	Generation	86145	152481	17095	116220	142011	343445	96914	19583	264191	283470
	Net	362011	31109	63005	-76220	194043	1481427	183428	-15660	69988	-283470
1995	Capacity	469170	237590	81096	302400	365918	2039846	280342	3923	334179	68000
	Generation	77351	137044	19297	123332	139772	305233	83759	16650	213687	224290
	Net	391819	100546	61799	179068	226146	1734613	196583	-12727	120492	-156290
2009	Capacity	469170	237590	81606	312400	365918	2039846	280342	3923	334179	68000
	Generation	66084	121817	14720	115045	128094	273082	74741	16531	272385	208346
	Net	403086	115773	66886	197355	237824	1766764	205601	-11608	61794	-140346

Note: All units are in tons per year.

Appendix 5

Correspondence

A.5 Correspondence

A.5.1. Overview

In the course of preparing this Capacity Assurance Plan, the State of New Jersey has made every effort to comply with the Guidance Document. As part of this effort, it was necessary to correspond with the USEPA and other states and regions. The purpose of this Appendix is to describe these efforts. Please note that correspondence sent to other states regarding baseyear import/export flows is described in Appendix 2; and correspondence sent to POTW's in this state is described in Appendix 1. All letters discussed in this chapter are attached herewith.

A.5.2 Correspondence with USEPA

Since the issuance of the final Guidance Document, the State of New Jersey has been concerned over the implementability of its requirements; particularly as they relate to the reportable waste streams. In response to this concern two letters were sent to USEPA's Administrator. A response to the first letter has been received. The Division of Hazardous Waste Management (DHWM) is still awaiting a response to our second letter.

A.5.3 Letter to Charles Findlay, Assistant Administrator

DHWM sent a letter on June 6, 1989 to Charles Findlay. Mr. Findlay was leading a task force to develop evaluation criteria for the Capacity Assurance Plans. This letter was written to make Mr. Findlay aware of the problems that states were encountering in developing their CAP's in the hopes that meaningful evaluation criteria would be developed.

A.5.4 Letters Sent by New Jersey to States with Landfill Capacity

On July 20, 1989 the State of New Jersey sent letters to the six states (OH, NY, AL, MI, IL and IN) which accepted the bulk of this state's landfills in 1987. Because the state of New Jersey was aware of its land disposal shortfall, this letter was sent to try to gain some information which could have been used to develop future agreements. However to date, responses have only been received from Michigan and Illinois. Both of these responses indicated that these states were, at the time of their letters, assessing their demand. Thus, no useful information could be obtained.

A.5.5 Letters to States Which Exported More Than 5,000 Tons to New Jersey

The State of New Jersey sent letters to all states which exported in excess of 5,000 tons to this state. This was sent in order to get an idea of which states would be planning, for the purposes of this CAP Document, to continue to show exports to the State of New Jersey. Of the 8 states which were sent this letter, 6 responded affirmatively. Two responses have not been received.

A.5.6 Interregional Agreement Attempt

On October 4, 1989, the State of New Jersey sent a letter on behalf of the Northeast Region to all USEPA Regions. The purpose of this letter is to attempt to enter into interregional agreements for those management categories in which the northeast region shows an existing or future capacity shortfall. As of this writing, no responses have been received.

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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHRISTOPHER J. DAGGETT, COMMISSIONER
CN 402
TRENTON, N.J. 08646
(609) 292-2888

APR 13 1989

William Reilly, Administrator
United States Environmental Protection Agency
401 M Street
Washington, DC 20460

Dear Administrator Reilly:

The New Jersey Department of Environmental Protection (NJDEP) has recently received the Environmental Protection Agency's (EPA's) final guidance to states in fulfilling the requirements of Comprehensive Environmental Response Compensation and Liability Act (CERCLA) 104(c)(9). Review of the document has prompted some serious concerns and questions regarding the implementability of this guidance.

EPA initially presented its draft guidance to states for completing their Capacity Assurance Plans (CAP's) in the August 31, 1988 Federal Register. This guidance generally incorporated the guidance prepared by the National Governors Association (NGA) with the exception of EPA's alternative instructions on how to demonstrate "interstate agreement". As you know, the "EPA Alternative" to the NGA interstate agreement has spurred a great deal of controversy. In fact, the EPA Alternative seemed so intrinsically unworkable that most felt that EPA would not pursue this avenue. However, in the final guidance, EPA did incorporate the alternative version of the interstate agreement.

The final EPA guidance on interstate agreement requires that states obtain explicit assurances on the availability of capacity from importing states; reach reasonable agreement on the quantities and types of waste imported and exported; and submit appropriate planning documents. However, when this written guidance is considered in the context of the EPA's interstate agreement "form letter", the requirement becomes muddled and confusing. The guidance is still not clear with respect to how states are to comply and submit an appropriate interstate agreement. For instance, the guidance is silent with respect to whether a state must enter into agreements with all states which maintain an import/export relationship with that state. Representatives from NJDEP have also received conflicting guidance from EPA staff regarding whether agreement on quantities of interstate waste flows will constitute interstate agreement or whether states must enter into "contractual" arrangements with other states to have interstate agreement. Additionally, it will be extremely difficult, if not impossible, to obtain

explicit assurances on the availability of capacity by the October 17, 1989 deadline. This difficulty is compounded by two factors.

First, the majority of hazardous waste facilities are owned by the private sector. We are concerned that we do not have the statutory authority to direct or control interstate shipments of hazardous waste between Resource Conservation and Recovery Act (RCRA) facilities to assure compliance. Additionally, we are not certain that a state controlled market would be beneficial in an environment where the implementation of Hazardous and Solid Waste Amendments (HSWA) requirements has caused the bulk of Treatment, Storage and Disposal Facilities (TSDF's) nationwide to close.

Second, states which receive only a small amount of the available Superfund remediation monies might not be willing to participate in the planning process required for achieving interstate agreement. In these states the loss of the Superfund cleanup money may be a small price to pay for the ability to block the "large" states from exporting to them Superfund cleanup wastes. If or when these disputes arise EPA will not act as a mediator to settle them and there will be little incentive for these states to comply. This scenario would have a serious impact on states such as New Jersey which received in excess of \$250 million for Superfund remediations last year.

Even if state governments are able to reach explicit assurances on the availability of capacity by the October 17, 1989 deadline, these assurances will not result in a real mechanism to assure capacity for imported and exported wastes. Because the majority of TSDF's are owned by the private sector, we do not believe that state governments have the authority to compel these TSDF's to limit their clientele to generators which reside in a state that maintains an interstate agreement with the TSDF's state. In accordance with a free market system, generators will continue to transport their wastes to those TSDF's which satisfy their economic needs; regardless of any "agreement" which might be reached by the states. Therefore, these agreements will not depict reality and will at best be a lengthy paperwork exercise which will only result in maintaining the status quo of imports and exports.

One other notable difference between the final and draft guidance is the change in position on reportable waste streams. EPA assured states at meetings of the NGA work group on data and projections that the reportable waste streams for the CAP would be limited to RCRA wastes. However, in the final guidance EPA broadly expanded the list of reportable waste streams to also include: New Jersey Pollutant Discharge Elimination System (NJPDDES); Comprehensive Environmental Response Compensation and Liability Act (CERCLA); on-site treatment and discharge Publicly Owned Treatment Works (POTW); discharge to POTW's and on-site recycling. There seems to be little basis for this decision in law.

The expansion of reportable waste streams will be an extremely difficult obstacle to overcome. The universe of facilities in New Jersey which discharge or generate the reportable wastes as defined in the EPA final guidance number in the tens of thousands. Of this universe, the majority of the facilities which discharge to POTW's (with or without treatment) are exempt facilities under RCRA and/or are not subject to any reporting

requirements. Consequently, the little information that is available may not be sufficient to perform the detailed analyses required for the CAP.

For instance, many of these facilities might submit monitoring reports, but these reports do not include any data which will indicate: concentration of the discharge; whether the discharge contains a listed waste; or whether the discharge resulted from a listed process. Therefore, there would be no means of determining whether the discharge would be hazardous or if it would have a subsequent impact on capacity. Because many of these facilities are exempt under RCRA, they are also not subject to the biennial reporting requirements. Thus, no data can be collected from these sources.

Under RCRA, on-site recycling is also an exempt process and as such it will be difficult to obtain the data required by the CAP. It is also not clear why this waste stream should even be considered as having a significant impact on capacity because, by definition, recycling is use/reuse or reclamation. In order to qualify for the exemption under federal law it must be currently handled on-site by on-site capacity.

In conclusion, EPA and the states are in a difficult circumstance. In 1986, the Superfund Amendments and Reauthorization Act (SARA) required that all capacity assurance provisions must be in place by October 17, 1989 or the non-complying states could lose all Superfund money. EPA has expended two years and three months developing the guidance on how to assure capacity. This leaves the states nine months to actually assure capacity. In New Jersey's case this requires us to develop 40 interstate agreements by October. There are many questions regarding the development of interstate agreements and how states might obtain the additional information on reportable waste streams.

Due to the limited time available, I am formally requesting that you reconsider the two preceding issues in the EPA guidance to provide states with an obtainable goal for the October statutory deadline. In my opinion, this would best be achieved by removing the administrative requirements for additional reportable wastes and phasing the requirement for interstate agreement. At a minimum, I would like to request that EPA issue further clarification on how to demonstrate interstate agreement and where suitable data on the exempt process waste streams may be obtained.

With the October deadline fast approaching, your prompt consideration of this request will be greatly appreciated.

Sincerely,
ORIGINAL SIGNED BY

Christopher J. Daggett
Commissioner

DAAGETT, CHRISTOPHER J. (AK891387)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 23 1989

THE ADMINISTRATOR

Christopher J. Daggett, Commissioner
State of New Jersey
Department of Environmental Protection
CN402
Trenton, New Jersey 08625

Dear Chris:

Thank you for your April 13, 1989, letter regarding your concerns about the ability of states to implement the Environmental Protection Agency's (EPA) final guidance on meeting the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 104(c)(9). I appreciate your concerns about the difficulties that states will have in obtaining needed data and in making their assurances. I also agree that the three years allowed by law is very short, considering the complexity of the process. This short time line was one important reason why EPA involved the states from the beginning via grant assistance to the National Governors' Association (NGA). We plan to continue to provide the maximum assistance possible to the states via our regional offices, contractors, and non-profit grant agencies in an effort to assist the states to develop adequate assurances.

The final guidance EPA issued in December of last year did not adopt unchanged either of the draft approaches presented for comment in the August 31, 1988, Federal Register. The guidance outlines two key steps in the capacity assurance process that are designed to provide improved planning for hazardous waste management. The first establishes a state-specific "base year" hazardous waste system by identifying: (1) all hazardous waste generated within the state's borders; (2) amounts of all hazardous waste exported from and imported to the state; and (3) the distribution of these wastes within various hazardous waste management categories within the state. Once this baseline has been established, future projections of in-state generated hazardous waste (demand) are compared to current in-state hazardous waste management capacity (supply). These projections take into consideration such influences as economic growth, prospects for waste reduction, and the likely impacts of new regulations.

Based upon this analysis, the states projecting an available surplus of capacity for all categories of waste need no further analysis. States with an available capacity shortfall may seek available capacity in another state or states and assure the availability of such capacity through an interstate agreement. Alternatively, the state may plan for siting necessary facilities in-state to accommodate the shortfall. This process is intended to place the burden of developing plans to meet capacity shortfalls on those states that historically have not sited hazardous waste management facilities, for whatever reason.

You have raised a specific question as to whether interstate agreements must be made with each state with which New Jersey has an import/export relationship. (This approach was considered at one point by the NGA work groups, but rejected by EPA.) As discussed above, the process identified in EPA's guidance is one of planning. After obtaining a basic understanding of your state's hazardous waste system (as established in the base year analysis), your state must account for where the projected waste streams could go, not where they will go in fact. Thus, agreements with other states are only needed where wastes are projected to utilize out-of-state capacity. Moreover, EPA has reduced the burden of reaching an agreement by not requiring bilaterally signed documents; reciprocal commitments reflecting actual agreement will suffice.

EPA has no desire or intent to interfere with the free-market nature of present waste management practices or to force states to control markets to ensure capacity. I agree with your assessment that "generators will continue to transport their wastes to those TSDFs which satisfy their economic needs, regardless of an 'agreement' which might be reached by the states." The interstate agreement called for in the EPA guidance is limited to securing assurances that capacity will be available in another state, as required by the "siting" provision of SARA. Because assurances relying upon out-of-state capacity must include interstate agreements, and because EPA cannot provide remedial action without these assurances after October 17, 1989, we cannot phase in the applicability of the interstate agreement requirements.

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You have also pointed out that early discussions of the NGA work groups focused on limiting the waste streams to those reported under the RCRA Biennial Reporting System. Ultimately, the categories of waste to be accounted for in the assurances were broadened, based upon further analysis and EPA's finding that the intent of the law was to include, at a minimum, all wastes that are considered hazardous under Subtitle C of the Resource Conservation and Recovery Act. This includes wastes currently subject to management standards and wastes that are currently exempt from specific regulatory standards but that, given future regulatory program changes, could require management in Subtitle C facilities. Similarly, the capacity analysis includes all wastes that deplete Subtitle C facility capacity, even if not considered hazardous under Subtitle C, including wastes considered hazardous under state programs. Failure to include such wastes would lead to overestimates of available capacity.

EPA's Office of Solid Waste and Emergency Response is currently developing criteria the Agency will use in evaluating the state capacity assurances. In addition, a high level task force consisting of both headquarters and regional staff is addressing policy issues and will recommend procedures to be used in approving or denying assurances. I am relaying the concerns you have expressed to this task force in order that they may be taken into consideration as they affect our own policy decisions. In the near future we hope to be able to share with the states more information about the policies and steps we will follow in processing state capacity assurances.

I believe that the provisions of Section 104(c)(9) of CERCLA will lead to a better understanding of hazardous waste capacity and management in this country and will encourage better planning for future waste management. The first round of state capacity assurances poses some new and very difficult challenges, both for the states and for EPA. I assure you that we will take a reasoned approach to developing criteria for the evaluation of state assurances, particularly where reliable data are unavailable. I look forward to working with you and your counterparts in other states as we refine our criteria and procedures over time in order to improve capacity assurance planning as a tool for environmental protection and pollution prevention.

Sincerely yours,



William K. Reilly



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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AUG 9 1989

William Reilly, Administrator
United States Environmental Protection Agency
401 M Street
Washington, DC 20460

Dear Administrator Reilly:

Thank you for your June 23, 1989 letter responding to New Jersey Department of Environmental Protection's (NJDEP) concerns regarding the ability of states to implement the Environmental Protection Agency's (EPA) final guidance to states for complying with the requirements of Section 104(c)9 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Your response allayed some of our concerns and clarified several issues which we had raised. In particular, thank you for your explanation of the interstate agreement process and for your assurance that EPA will take a reasoned approach to developing criteria for the evaluation of state Capacity Assurance Plans (CAPs). Because the NJDEP is now much further into the Capacity Assurance process, I would like to take this opportunity to clarify my own understanding of some of the points made in your letter, to redirect to you some questions in our original letter which did not receive a response, and to expand upon some of the issues which we had previously raised.

First, NJDEP still believes that it is not the intent of CERCLA 104(c)9 to evaluate the generation of hazardous wastes which do not utilize hazardous waste capacity. As I understand your letter, EPA's interpretation of the statute is that "wastes that are currently exempt from specific regulatory standards" should be reported in a state's CAP "because future regulatory program changes could require management in Subtitle C facilities."

Yet, the EPA Guidance Document only requires states to report the generation of exempt wastes. It does not require states to evaluate the potential future impacts of these wastes upon management capacity. I am sure you will agree that it would be relatively impossible to perform this task. Therefore, it seems unreasonable and inconsequential to require states to collect and report data on exempt process wastes when these quantities of waste do not utilize existing hazardous waste capacity and cannot be evaluated to the extent that they "might" utilize hazardous waste capacity some time in the future. NJDEP maintains that these waste streams should only be reported if regulatory changes do require management in Subtitle C facilities. If EPA believes these data would be good to have, these data

should be collected through a revised regulatory program. The onus should not be placed on the already overburdened states by imposing this data collection through the CAP process.

Additionally, NJDEP's previous letter to you specifically requested that EPA delineate where adequate data on the exempt process waste streams could be obtained. Your recent response did not address this request. Therefore, NJDEP would like to redirect this request to you at this time. If EPA cannot indicate where appropriate sources for this data can be found, this only serves to strengthen NJDEP's position that the states should not be required to report the generation of exempt process wastes.

As of the writing of this letter, NJDEP has approximately two months to complete our CAP and to develop any necessary interstate agreements. Many of the states which NJDEP has contacted do not have their base year import/export analyses completed. For those that have completed the import/export tables, the data are often very preliminary and not conducive to analysis. With such a short period of time remaining until the statutory deadline, I believe EPA should be concerned about states' ability to complete their CAPs.

Completion of these base year tables is of utmost importance. It is upon the data contained in these tables that projections will be made and interstate agreement on future quantities of imports and exports will be demonstrated. All states' CAPs are interrelated through these tables. Therefore, it is unreasonable to assume that states will have reached agreement on projected interstate waste flows in two months when accurate base year data have not yet been assembled.

Our previous letter stressed the fact that EPA expended two years and three months developing the guidance on how to assure capacity. This left the states only nine months to prepare appropriate CAP submittals. While we certainly appreciate the assistance which EPA has given to the states, we are still concerned about the inequities between the distribution of time and money spent by EPA on the development of a capacity assurance process and that allotted to the states to actually develop Capacity Assurance Plans.

This is a serious problem. Given the difficulties with the current CAP process and its associated interstate agreement, I would again like to stress that both the EPA and the states are in a difficult circumstance. The states now have only two months to comply with the EPA guidance or risk loss of federal Superfund monies. Conversely, EPA will be required to withhold these monies and slow the cleanup of Superfund sites across the country. This is a situation which neither the states nor EPA desires.

I would now like to clarify my own understanding of two points which were raised in your letter. You wrote that "The final guidance EPA issued in December of last year did not adopt unchanged either of the draft approaches presented for comment in the August 31, 1988, Federal Register". Because it is not very clear what the intent of this phrase is, I would like to make clear the fact that EPA did, in fact, impose requirements in the final

version of the guidance document which were not presented in either of the draft versions presented for comment in August 1988.

Also, with respect to our questions regarding whether or not interstate agreement must be made with each state which maintains an import/export relationship with New Jersey, you responded that the EPA approach did not require "bilaterally signed documents" but did require "reciprocal commitments." Your letter further stated that an approach which required explicit agreements "was considered at one point by the National Governors' Association (NGA) workgroup, but rejected by EPA." This is simply not true.

The NGA suggested guidance for capacity assurance required states to involve themselves in a planning process that assures capacity. The NGA process did not require states to guarantee explicit capacity with another state but instead focused efforts on ensuring states participated in the process. Under the NGA process, states would risk losing their Superfund money only if they chose not to participate in the process or if they were in violation of the NGA evaluation criteria. For the first year's submittal, the NGA process required states to examine the extent and volumes of interstate waste flows. Quite to the opposite, under the EPA process, states risk losing their Superfund money if specific capacity is not found for all wastes projected to be generated in twenty years.

Finally, NJDEP understands that some form of interstate agreement must be submitted by the October 1989 deadline. However, because the term "interstate agreement" is not defined in the statute, we believe that the requirements for interstate agreements can be phased in, using a process similar to that developed by the NGA work groups, e.g., for the first CAP submittal, agreement on base year import/export flows could constitute interstate agreement.

In closing, I would again like to suggest that EPA reconsider its position and phase in the requirements for interstate agreement. The NGA has recently voted in favor of this position. I would also like to suggest that EPA remove the administrative burden of reporting exempt process waste streams, at least for the October 1989 submittal.

Thank you for your consideration in this matter. I look forward to working with you on this issue in the future.

Sincerely,

ORIGINAL SIGNED BY

Christopher J. Daggett



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Director
Division of Hazardous Waste Management
Office of Operations

John J. Trela, Ph.D., Director

Lance R. Miller
Deputy Director
Responsible Party Remediation

JUN 06 1989

Charles Findlay, Assistant Administrator
EPA Region X
1200 6th Avenue
Seattle, WA 98101

Dear Mr. Findlay:

I have recently been made aware that you are leading the United States Environmental Protection Agency (USEPA) task force to develop evaluation criteria for the Capacity Assurance Plans (CAPs) that must be submitted by each state pursuant to SARA 104(k)9. Because EPA Region II, of which the State of New Jersey is a part, is not represented on this task force, I would like to take this opportunity to relay some of this state's issues and concerns as well as to present some suggestions. I firmly believe that it is necessary for the task force to understand the issues which are confronting each state in order to develop meaningful evaluation criteria.

One of this state's utmost concerns is the reportable waste streams for capacity assurance planning. As I am sure you are aware, throughout the development of the guidance document, USEPA had indicated that states would only be responsible for reporting Resource Conservation and Recovery Act (RCRA) regulated wastes. Yet, in the final guidance document, USEPA broadly expanded the list of reportable waste streams to also include "waste generated or handled through on-site NJPDES process; on-site treatment and discharge to publicly owned treatment works (POTW's); direct discharge to publicly owned treatment works without treatment, and on-site recycling".

This expansion of reportable waste streams will be an extremely difficult obstacle to overcome. The universe of facilities in New Jersey which discharge or generate the reportable waste streams as defined in the EPA guidance document number is in the tens of thousands. Of this universe, the majority of the facilities which discharge to POTW's (with or without treatment) are exempt under RCRA and/or are not subject to any reporting requirements. Consequently, the little information that is available will not be sufficient to perform the detailed analysis required for the CAP.

In addition, it is not clear why these exempt processes and waste streams should be included in this sort of analysis. For example, on-site recycling, by definition, is use/reuse or reclamation, and as such does not utilize off-site commercial capacity. It is also not clear why discharges to POTW's are included in the capacity analysis because there is adequate POTW capacity and this capacity is not expected to diminish.

Therefore, I would like to suggest that states which do not have adequate data on these exempt processes not be penalized for this deficiency. I would also like to stress that I believe that the guidance document should be revised for the next CAP submittal to require only RCRA regulated wastes. By requiring this data in the CAP, states are put in the position of being required to collect this data. This would in turn require revising the existing regulatory framework to include reporting requirements for these exempt processes. Yet, imposing reporting requirements would be in direct opposition to the reason these processes were initially designated as "exempt". On-site recycling is subject to reduced regulatory requirements because we, as regulators, want to encourage it. Discharges to POTW's usually occur from facilities whose regulatory requirements lie at the vertex of the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA). These discharges are exempt because it was felt that the CWA and RCRA together could adequately manage these wastes. In fact, a 1986 EPA report to Congress stressed that the Domestic Sewage Exclusion (DSE) should remain and that additional requirements were not required for facilities that discharge to POTW's.

Secondly, because the guidance document is silent with respect to any "cutoff" dates for evaluating the impacts of future regulatory developments and wastes generated by Superfund and RCRA corrective action cleanups upon projected waste generation and utilization of capacity, I would like to suggest the following: a state's CAP should be judged as adequate if it includes the effects of land ban regulations and regulations promulgated on or before January 1, 1989; and, a state's CAP should be judged as adequate if it projects wastes based on Records of Decision (ROD's) which existed before June 30, 1989. I believe that this will provide a reasonable basis on which states may base their analysis. Without any "cutoff" dates, states CAP's will vary in construction thus making it much more difficult for EPA to evaluate or to perform comparative reviews.

Third, states should not be required to characterize hazardous wastes imported into their states by SARA waste type. While states know enough about their own generators to assign the wastes produced by them to SARA waste types, individual states do not know enough about the national profile of generators to characterize those wastes generated out of state by SARA type. Therefore, I would like to suggest that a state not be penalized if they feel that they can only characterize their imports by SARA management category. Conversely, if a state chooses to attempt this data manipulation, they should not be required to revise their plans if analysis of other states CAP's show that assignment of imports to SARA waste types was performed incorrectly.

Finally, I would like to suggest the requirement for interstate agreement be "phased in". For the purposes of the October 17, 1989 submittal, agreement on baseyear quantities of imports and exports should be sufficient. Then, for the next submittal, states could be required to perform a more extensive evaluation. I suggest this phased-in approach for several reasons; the most significant of which is the timeframes in which states are required to demonstrate this agreement. It took two years to develop guidance. To expect a state, such as ours, that imports waste from 38 states, and exports waste to 39 states, to develop signed agreements in nine months difficult to reconcile.

In closing, I would just like to thank you in advance for any consideration which you could give to my suggestions. I will be glad to provide further clarification on any of the issues presented here as well as to answer any questions you might have. With the October 17, 1989 deadline fast approaching, I hope that you can develop appropriate evaluation criteria which can be considered by the states as we develop our CAP's.

Very truly yours,

JOHN J. TRELA

John J. Trela, Ph.D.
Director

SAT/abl

c: Connie Simon, Director, USEPA, Region II



601-651-1111

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

Mr. Michael Kelley
Ohio EPA
Division of Solid & Hazardous Waste Management

John J. Trella, Ph.D., Director

Lance R. Miller
Deputy Director
Responsible Party, Remedy, etc.

JUL 20 1989

Mr. Michael Kelley
Ohio EPA
Div. of Solid & Hazardous Waste Management
PO Box 1049
1800 Watermark Drive
Columbus, OH 43266-0149

Dear Mr. Kelley:

Several months ago, the Division of Hazardous Waste Management (DHW) of the New Jersey Department of Environmental Protection (NJDEP) sent a letter to all states which maintained an import/export relationship with the State of New Jersey during 1987. This letter was sent in an effort to comply with the EPA guidance to states for submitting the Capacity Assurance Plans (CAP's) which are required by SARA 104(k)9. I would like to take this opportunity to thank you for the cooperation which you have given to my staff during these data exchanges. Further, because our records indicate that New Jersey generators have sent significant quantities of hazardous waste to your state's land disposal facility in the past, I would also like to take this opportunity to update you on our current efforts and request further dialogue with the appropriate representatives of your state. But first, let me update you on some of our planning initiatives and assumptions which will be of interest to you.

The New Jersey Hazardous Waste Facilities Siting Commission (HWFSC) has been delegated the statutory authority to plan for and site all new, needed major hazardous waste facilities in our state. In order to adequately plan for all potentially needed facilities, the HWFSC prepares the New Jersey Siting Plan. In the 1985 Siting Plan, the Commission determined that New Jersey needed to develop additional commercial incineration and land disposal capacity. The Plan's projections indicate that once this incinerator and land disposal capacity are on-line, New Jersey will be, in large part, self-sufficient with respect to hazardous waste disposal.

The HWFSC has made significant progress in siting incinerator capacity in New Jersey since the writing of our last letter. In fact, HWFSC has recently designated two potential incinerator sites. However, even with the great strides New Jersey has made in siting, it will be at least several years until we reach self-sufficient status.

The HWFSC and the DHWM are now working cooperatively to prepare New Jersey's CAP. At the same time, the HWFSC is also preparing an update to New Jersey's 1985 Siting Plan. Although our projections for waste generation and associated capacity needs are not yet final, preliminary data indicates that New Jersey will probably require some out-of-state land disposal capacity for the short-term projection years. I would like to note here that the quantities of wastes which will require land disposal capacity for the projection years will be significantly lower than what had historically been exported. This is primarily due to the impacts of the land disposal restrictions.

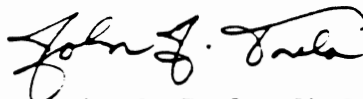
Again, because our records indicate that New Jersey generators have shipped significant quantities of waste to a land disposal facility in your state, we would like to know if your state has made any policy decisions regarding imports to your state's available land disposal capacity for the projection years. Specifically, how will your state be planning for any imports to your land disposal facility from the State of New Jersey in the CAP's projection years?

At this time, New Jersey is planning to maintain the 1987 level of imports from your state in our projections. Thus, if your state had been utilizing New Jersey commercial capacity in 1987, New Jersey will continue planning for your imports. As you might be aware, New Jersey has commercial incineration, solvents recovery and wastewater treatment capacity.

Before our states' CAP's are finalized, we would appreciate the opportunity to discuss our state's CAP and our planning assumptions with you, in an effort to submit an accurate and timely CAP. To initiate these discussions I would like to request that you or your designee, contact Assistant Director Frank Coolick at (609) 633-1418 or at the letterhead address above at your earliest convenience.

Thank you again for your ongoing cooperation. We look forward to hearing about your CAP.

Very truly yours,



John J. Trela, Ph.D.
Director

SAT/abl



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

Michael M. Putnam
Deputy Director
Hazardous Waste Operations

John J. Treia, Ph.D., Director

Lance R. Miller
Deputy Director
Responsible Party Remedial Action

AUG 17 1989

Michael Dorsey
WV DEP
Division of Waste Management
1260 Greenbriar Street
Charleston, WV 25311

Dear Mr. Dorsey:

The State of New Jersey Department of Environmental Protection (DEP) is in the process of completing the New Jersey Capacity Assurance Plan (CAP) as mandated by SARA 104(k)9. Throughout our planning process, we have assumed that New Jersey's CAP will maintain imports, at the 1987 levels, in the projection years for those states which are also planning, in their CAPs, to show an export to New Jersey. As you know, this type of reciprocal planning is needed to demonstrate interstate agreement.

Please be advised, however, that New Jersey's CAP will only show imports in the projection years if a state which is planning to demonstrate adequate capacity by exporting to New Jersey contacts our CAP coordinator, in writing, to request that New Jersey's CAP reflect this agreement. Once such a request is received, New Jersey's CAP coordinator can initiate negotiations and possibly, demonstrate agreement. If a state does not contact our CAP coordinator, it will be assumed that the state has assured its capacity through a different mechanism and thus, New Jersey's CAP will reflect a zero net import from that state in all projection years.

In conclusion, review of our data indicates that your state exported a significant quantity (greater than 5,000 tons) of hazardous waste to New Jersey in 1987. Our records also indicate that DEP has not received any request from your state to maintain this level of imports into the projection years. If you wish New Jersey's CAP to acknowledge future imports from your state, please contact our CAP coordinator, at the address below as soon as possible.

Frank Coolick, Assistant Director
Hazardous Waste Regulation Element
401 East State St., 5th Floor, CN 028
Trenton, NJ 08625
(609) 633-1418



(609,633-1408)

CN 028
Trenton, N.J. 08625-0028

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF HAZARDOUS WASTE MANAGEMENT

Monroe M. Putnam
 Deputy Director
 Hazardous Waste Operations

John J. Trella, Ph.D., Director

Lance R. Miller
 Deputy Director
 Responsible Party Remedial Action

OCT 04 1989

Ms. Diane Sharrow/Ms. Vicki Thomas
 Waste Management Division
 USEPA, Region V
 230 South Dearborn Street
 Chicago, IL 60604

Dear Ms. Sharrow and Ms. Thomas:

The 14 northeast states, comprised of United States Environmental Protection Agency (USEPA) Regions I, II, and III had been working cooperatively on a regional approach to capacity assurance planning. Under this approach, the Northeast Region was self-sufficient with respect to capacity with the exception of a 45,000 ton shortfall in incineration capacity in 1989. However, as you might be aware, the State of New York withdrew from the regional approach on September 29, 1989. This resulted in additional shortfalls for the 13 state region in land disposal and sludge treatment capacity.

The region has convened a delegation to represent the northeast in interregional negotiations. I am currently chairing this delegation. With the very limited timeframe available, I would like to take this opportunity on behalf of the northeast, to provide you with our revised analysis and to encourage you to contact me in the hopes that we might arrange an interregional agreement which will be mutually beneficial.

In performing a supply and demand analysis for the 13 state region it was determined that capacity surpluses or deficits exist in the following SARA management categories. Please be advised, these figures may be subject to change pending finalization of the 13 states' final CAPs.

CAPACITY SURPLUSES (Tons)

	1989	1995	2009
Metals Recovery	362,000	392,000	403,000
Solvents Recovery	31,000	101,000	116,000
Other Recovery	63,000	62,000	67,000
Incineration	--	179,000	197,000
Energy Recovery	194,000	226,000	238,000
Aqueous Treatment	1,482,000	1,736,000	1,768,000
Other Treatment	183,000	197,000	206,000
Stabilization	70,000	120,000	62,000

CAPACITY DEFICITS (Tons)

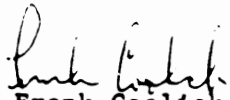
	1989	1995	2009
Incineration	76,000	--	--
Sludge Treatment	16,000	13,000	12,000
Land Disposal	283,000	156,000	141,000

As may be seen from this analysis, there is a significant long-term shortfall in land disposal capacity among the 13 states. In an effort to remedy this shortfall and to provide an equitable distribution of landfill capacity within the region in the future, a regional land disposal task force will be convened. It is also important to note that none of the participating states have barriers to the interstate shipment of waste.

With the October 1989 deadline rapidly approaching, the Northeast Region needs to know whether or not your state or region has excess capacity which will satisfy our shortfalls. Additionally, if excess capacity in any of these management categories exist in your state or region, the Northeast Region needs to know whether we may use these surpluses to alleviate or reduce our capacity shortfalls. Please respond, in writing, as soon as possible. If you have any questions about this request, or would like to utilize excess northeast capacity for your capacity assurance plan, please call me at (609) 633-1418 as soon as possible.

Thank you very much for your prompt consideration of this request.

Very truly yours,


Frank Coolick, Chair
Interregional Delegation

SAT/abl

c: Kathy Golas, CT
Ellen Malenfant, DE
Ann Pistelle, ME
Brian English, MD
Stephen Roop, MA
Vincent Perelli, NH
Gayle Leader, PA
Beverly Migliore, RI
Peter Marshall, VT
Harry Gregori, VA
Mike Dorsey, WV
Angelo Tompros, DC