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1989 Annual Report

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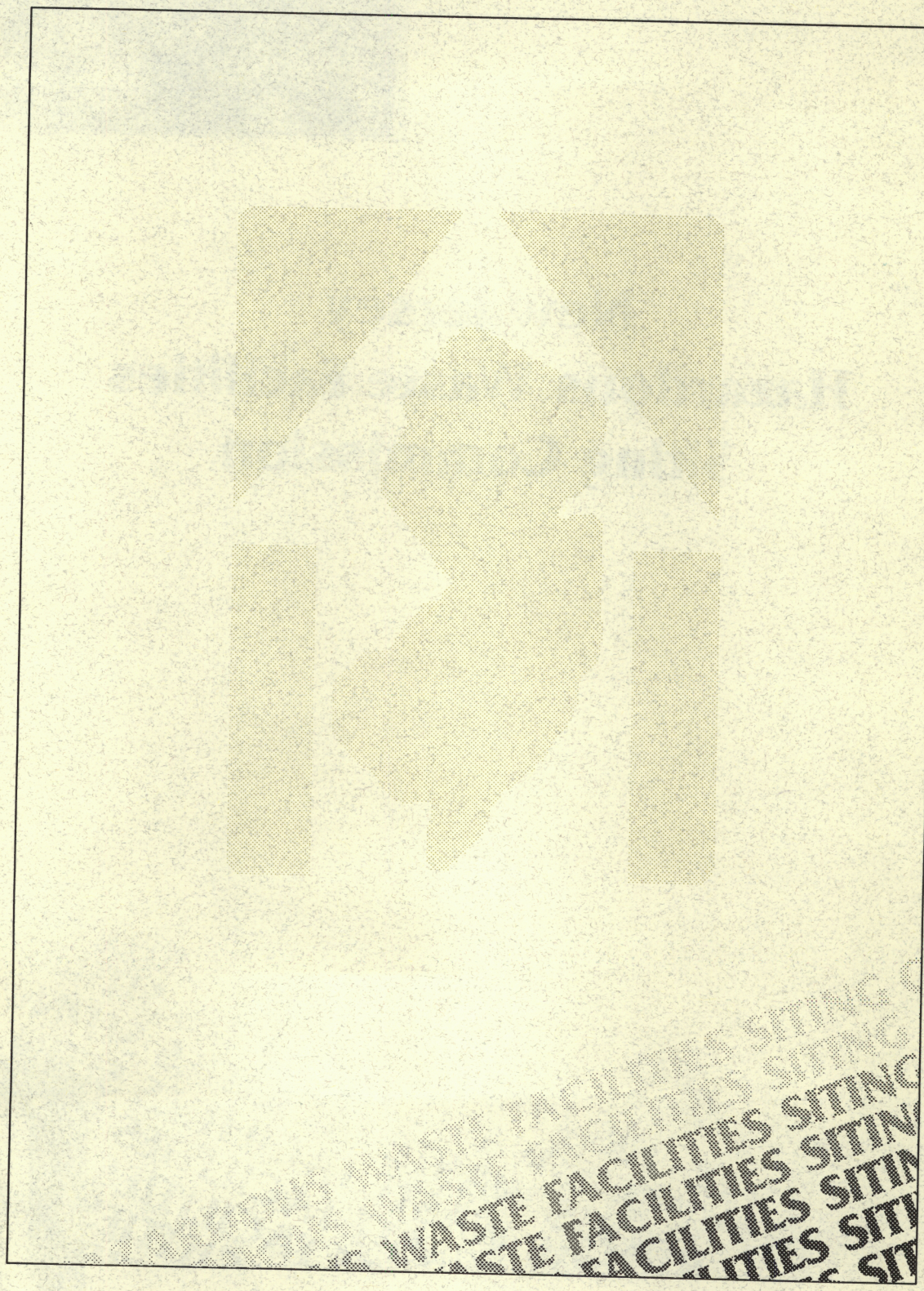
HAZARDOUS WASTE FACILITIES SITING COMMISSION

1989 Annual Report

New Jersey Hazardous Waste Facilities Siting Commission




HAZARDOUS WASTE FACILITIES SITING
WASTE FACILITIES SITING

Honorable James J. Florio
Governor of the State of New Jersey
and Members of the New Jersey Legislature

It is my pleasure to submit the New Jersey Hazardous Waste Facilities Siting Commission's 1989 Annual Report for your review. This Report accounts for the Commission's activities from January through December, 1989.

During the past year, the Commission made great progress in terms of refining the State's hazardous waste capacity needs. The Commission released an Update to the Hazardous Waste Facilities Plan while the New Jersey Department of Environmental Protection was required to submit a Capacity Assurance Plan in accordance with Section 104 (c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended. The Commission remains a participant in the Northeast Regional Capacity Assurance Project, a group devoted to exploring regional siting options.

Siting decisions in 1989 included eliminating a previously designated Commission proposed site, but more importantly, accepting an application for site designation from an industrial firm, and designating a site from an industry proposing an expansion of its existing facility. These potential sites are currently being further evaluated under the "alternate or additional" siting option of the Siting Act.

The Commission continues to stress the importance of waste minimization activities which include source reduction, recycling, recovery and the reuse of hazardous waste, as it carries out its legislative mandate. The Hazardous Waste Facilities Plan Update includes a chapter that analyzes waste minimization reports to derive waste reduction factors, which are then used to revise estimates of projected demand for commercial facilities. As future data becomes available, the Commission will continue to reevaluate the important effects of waste minimization.

The Hazardous Waste Facilities Siting Commission continues to rely on support from various State agencies and expresses appreciation for the cooperation that it has received in improving hazardous waste management in New Jersey. As it enters a new decade, the Commission looks forward to earning the continued cooperation and support from the new administration in the process of planning for and siting new hazardous waste facilities.

Sincerely,

Gordon A. Millspaugh, Jr. Chairman

Introduction

In 1989, the Hazardous Waste Facilities Siting Commission continued working toward its goal of analyzing the State's hazardous waste treatment needs, and the locating of potential sites for the construction of necessary new, major commercial hazardous waste facilities based on siting criteria adopted by the New Jersey Department of Environmental Protection (NJDEP) in conjunction with the Hazardous Waste Advisory Council.

Hazardous waste management has been impacted by the Superfund Amendments and Reauthorization Act of 1986, affecting the work of the Commission. Pursuant to the adoption of Section 104 (c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, each state was required to submit a hazardous waste Capacity Assurance Plan (CAP) to the U.S. Environmental Protection Agency (USEPA) on or before October 17, 1989, to assure that adequate capacity will exist for the disposal or treatment of all hazardous wastes anticipated to be generated in the state over a twenty year period. While the NJDEP worked to meet this deadline, the Siting Commission was preparing to release an Update to its Hazardous Waste Facilities Plan. In October, 1989, the Commission released this Update and the NJDEP submitted the CAP. Mutual cooperation ensured that both documents contain accurate and consistent information.

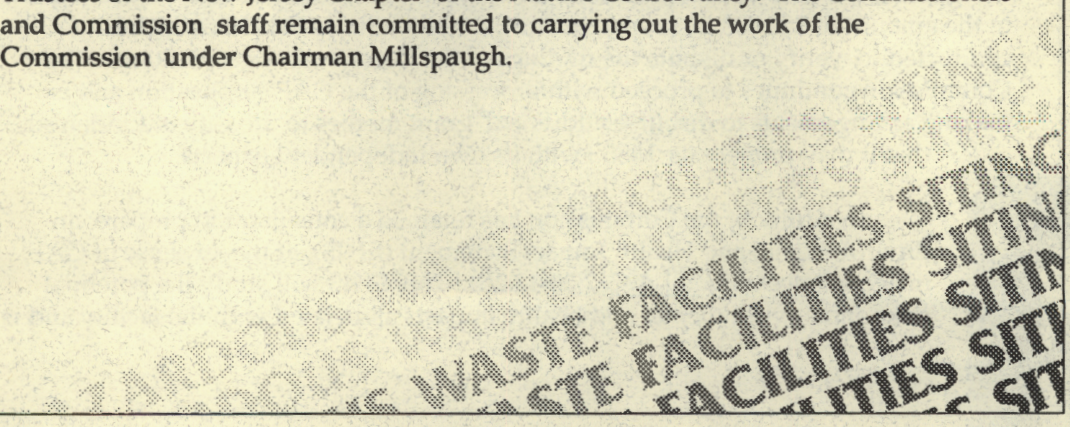
In addition to completing a CAP, New Jersey is participating in the Northeast States Capacity Assurance Project, which is designed to explore the possibility of regional waste management and siting options to safely handle the area's capacity shortfalls. The Commission and the NJDEP remain active participants in this group, which is addressing the regional need for future landfill capacity and is demonstrating a continued commitment to exploring regional solutions to the problem.

The Commission continues to make important contributions to improving hazardous waste management. A land emplacement facility design conference was held in Newark, New Jersey in September, 1989, to develop criteria for the design and operation of new above ground land emplacement facilities. The Commission actively participated in initiating the Technical Assistance Program, an office housed at the New Jersey Institute of Technology, designed to provide technical assistance to interested firms that generate hazardous waste. In addition, the Commission continues to maintain a contract with Syracuse University's Technology and Information Policy Program involving a locational analysis of small quantity generators in six counties in New Jersey. These projects are further described in following sections of this Report.

In addition to the above contributions, the Commission and the Advisory Council have studied the household hazardous waste issue and are responsible for the widespread distribution of the Household Hazardous Waste Wheel. The Wheel displays a variety of household products containing hazardous ingredients and suggests alternative product choices. For each household waste found on the Wheel, a symbol identifies preferred waste management options. The overwhelming request for the Wheel by numerous schools, environmental groups, and individuals indicates New Jersey residents' interest in choosing alternative products for use in the home, and, more importantly, in safely disposing of household hazardous wastes.

In February, 1989, former Senator Frank J. (Pat) Dodd announced his resignation as Chairman of the Siting Commission to fill a vacancy on the Casino Control Commission for which he had been nominated by Governor Kean. Mr. Dodd was the original sponsor of the Hazardous Waste Facilities Siting Act, a landmark piece of legislation introduced to assess the magnitude of the hazardous waste problem in New Jersey and to recommend a course of action for the State. The bill, S-1300, also resulted in the creation of the Siting Commission, a nine member body which Mr. Dodd chaired since its inception in 1981.

The Commissioners and Commission staff are now working under the leadership of Gordon A. (Sandy) Millspaugh, Jr., who had served as a Commissioner on the Siting Commission for the previous seven years. Mr. Millspaugh currently practices law with Young, Rose and Millspaugh, and his interest in the environment includes having been a member of the Board of Trustees of the New Jersey Conservation Foundation and having served as President of that organization during the period 1976 through 1979. He is also a charter member of the Board of Trustees of the New Jersey Chapter of the Nature Conservancy. The Commissioners and Commission staff remain committed to carrying out the work of the Commission under Chairman Millspaugh.



Siting Initiatives

The Commission dedicated most of 1989 to evaluating the suitability of the Millstone Township site as a location for the construction of a new hazardous waste incinerator. The Commission believed that the site would provide a safe and necessary location for a new, major commercial hazardous waste incinerator. Upon further investigation of the Millstone site, it was determined that although the site does not clearly violate any of the siting criteria, certain characteristics of the site presented significant constraints on the location and total area available for the development of a hazardous waste incinerator from an engineering and criteria compliance standpoint. At its November 9, 1989 meeting, the Commission eliminated the Millstone Township site from further consideration as a location for a new, major hazardous waste incinerator.

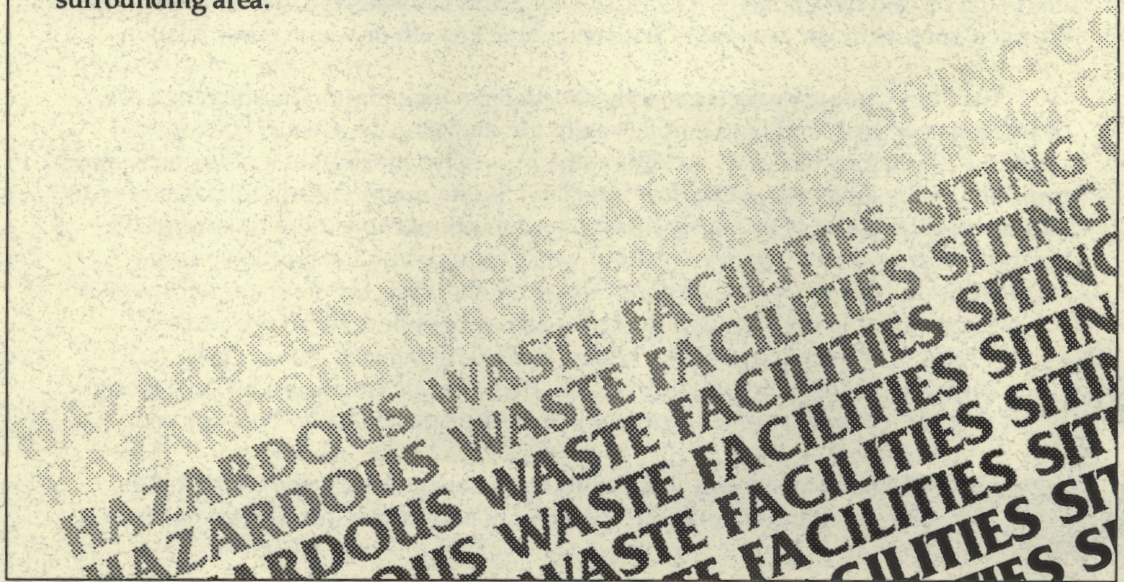
More importantly, in 1989, the Commission continued to evaluate a site under the "alternate or additional" siting option, which allows industrial firms interested in providing a location for a hazardous waste facility to submit an application for site designation. In October, 1988 the Commission had received an application from the GAF Chemicals Corporation which outlined the company's intent to construct an 150 ton per day state-of-the-art hazardous waste rotary kiln incinerator on a section of the GAF manufacturing site in Linden, New Jersey. The incinerator would be constructed to respond to the State's need for a new facility and would accommodate wastes from generators operating within the State.

In order to determine the completeness of the GAF application, the Commission retained a consultant to prepare a Site Evaluation Report (SER), which determines the suitability of the site by comparing it to New Jersey's Siting Criteria for New Major Commercial Hazardous Waste Facilities (N.J.A.C. 7:26-13). At its June 20, 1989 meeting, the Commission accepted the SER and proposed for designation the GAF site. At the same time, the City of Linden was awarded a grant in the amount of $50,000 to prepare a Site Suitability Study (MSSS), which is conducted to verify or dispute the findings of the Commission's consultant. The Commission continues to proceed with processing of the GAF application and is making arrangements to disburse additional grant monies to the City of Linden so that it may prepare its MSSS with its own independent experts.

In addition, the Commission has retained a consultant to prepare an Environmental and Health Impact Statement (EHIS), at the expense of GAF, in accordance with N.J.A.C. 7:26-12.2(i). The EHIS will study the potential risks and environmental and health impacts associated with the facility and is

required for the NJDEP to grant approval for an application for registration and engineering design of a new, major hazardous waste facility.

The Commission also continues to evaluate a site under a third procedure for siting facilities. This siting option involves an expansion of greater than fifty percent at an existing commercial facility and requires that an EHIS be prepared at the company's expense. In 1987, E.I. Du Pont de Nemours Co., Inc. in Carneys Point, New Jersey had approached the Commission with a proposal to construct a hazardous waste rotary kiln incinerator and to expand its above-grade land disposal facility. In 1988, the Commission had retained the services of ICF Technology, Inc. to prepare the Du Pont EHIS, and in July, 1989, received the preliminary EHIS document. In September, 1989, the Commission formally authorized the document's submission to the NJDEP where it entered the formal Resource Conservation and Recovery Act (RCRA) application process. On November 29, 1989, the NJDEP forwarded a letter to Du Pont stating that the application is administratively complete. The Township of Carneys Point, New Jersey, is entitled by law to receive $15,000 from Du Pont, and six months to conduct a review of the application and the proposed technology. This amount has been awarded to the Township in addition to a voluntary grant of $75,000 that Du Pont gave the Township for the purpose of reviewing the EHIS. While the Du Pont application undergoes formal NJDEP review, the Commission will continue to accept written comments and suggestions regarding the EHIS and to maintain dialogue with citizens residing in the surrounding area.



Hazardous Waste Facilities Plan

The Major Hazardous Waste Facilities Siting Act (N.J.S.A. 13:1E-49 et al.) requires the Commission to prepare a hazardous waste facilities plan. The plan's purpose is to define the State's future needs for commercial treatment, storage and disposal facilities. It must include a current inventory of sources, composition, and the quantity of hazardous waste generated within the State, and projections of the amounts and composition of hazardous waste to be generated in New Jersey in the following three years. The plan also outlines the impact of source reduction and recycling as ways to minimize the amount of hazardous waste treated, stored, or disposed of in the State. The Siting Act also requires that the plan be updated regularly.

Prepared under contract by Environmental Resources Management, Inc. (ERM), the first Hazardous Waste Facilities Plan was adopted in March, 1985. In October, 1989, with the assistance of ERM, the Commission released an Update to the Plan which refines capacity projections made in 1985. The Update contains several major improvements based on a better understanding of available information, a more complete understanding of the impacts of the recently passed landfill restriction regulations, and a reexamination of the Commission's policies for projecting future demand for new facilities as realistically as possible. The contract to complete the Plan Update also included the development of the Hazardous Waste Planning System, a computerized database which will allow the Commission to project future waste generation and capacity shortfalls, to recreate tables used in the Plan Update and the Capacity Assurance Plan, and to assess the impact of strategic changes, such as those associated with economic growth or waste minimization.

The Plan Update projects capacity shortfalls in incineration in the range of 60,000 tons per year, and land emplacement for shortfalls between 5,000 tons per year and 75,000 tons per year. Additionally, a capacity shortfall in metals recovery is projected in the long-term scenario. The Plan Update maintains that the need for an additional incinerator is primarily driven by the lack of capacity in the rest of the northeast region and by pretreatment of waste required by the land disposal restrictions and other new regulations. Capacity shortfalls for land emplacement do not appear to be high enough to provide an economic incentive to facility developers given the existing network of less expensive commercial land disposal facilities in the country. The Plan Update concludes by suggesting that the possibility of siting a regional land disposal facility be explored.



The need to site regional facilities is an issue that is addressed by the Capacity Assurance Plan (CAP). As mentioned in the Introduction of this

Report, the CAP and the Plan Update were released simultaneously and are similar in that both contain consistent planning assumptions and projection methodologies. The CAP document contains information on past waste generation and treatment, destruction, and disposal capacity available at on-site, commercial and captive facilities. Documentation of waste minimization efforts that exist or that will be undertaken by the state and industry within the state is contained in the CAP. The CAP also includes descriptions of plans to create and permit facilities if access to additional facilities is necessary, and descriptions of regulatory, economic, or other barriers that might prevent or impede the creation and permitting of facilities.

The submittal of the CAP and the adoption of the Plan Update have allowed the Commission to participate in a regional planning effort reflecting the realities of the current northeast waste management market. The Commission will continue to actively participate in this regional planning process especially as it pertains to the siting of land emplacement capacity.



Gross Receipts Tax Payments

Throughout the siting process, the Commission allows for public participation at virtually every step. The allowance for participation is not suppressed once a site for a facility is located. Once a new or expanded facility becomes operational, the Commission remains involved in encouraging the participation of the citizens residing in the host municipality or surrounding area who may be affected by the operation of the facility.

In order to compensate a host municipality, the Siting Act requires that each year, five percent of the gross receipts from all charges for the treatment, storage, or disposal of hazardous wastes must be paid to the municipality where a major commercial hazardous waste facility is located to help cover the costs of municipal services resulting from the facility. The municipalities in turn must appropriate these monies for extra police and fire protection costs, local facility inspection programs conducted in accordance with the Siting Act, road construction or repair costs necessitated by the transportation of hazardous waste through the municipality to the facility, and any other expense directly related to the impact of the facility on the municipality. The municipality and the facility owner or operator may petition the Commission to adjust the amount of the tax.

The following amounts were collected in 1989 from facilities that existed since the passage of the Siting Act; these companies have been paying the tax since 1981.

Company Name/Municipality	**Amount**
E. I. du Pont de Nemours & Co., Inc./Township of Carneys Point	$ 1,930,088
Marisol, Inc./Borough of Middlesex	$ 5,000
Rollins Env. Services/Township o f Logan	$ 785,773
SCA (Chem. Waste Mgmt.)/City of Newark	$ 165,103
Solvents Recovers Service of NJ, Inc./Safety Kleen/City of Linden	$ 5,760
TOTAL	**$ 2,891,724**

The gross receipts tax is applicable to any new facility that is sited and also applies to the expansion of any existing facility.

Hazardous Waste Advisory Council

Established by the Siting Act, the Hazardous Waste Advisory Council consists of thirteen members representing environmental or public organizations, municipal and county elected or appointed officials, community organizations, fire fighters associations, and various hazardous waste facility users and operators. The Advisory Council played a major role in assisting the NJDEP with the development of the siting criteria, and continues advise both the NJDEP and the Commission on a variety of hazardous waste issues.

In 1989, under the leadership of Chairman Dr. John Liskowitz, the Advisory Council worked to develop owner/operator criteria to select a firm for the construction and operation of a new, major commercial hazardous waste facility should the State ever designate a site for such purpose. In addition, on December 21, 1989, A-1579 was passed, which provides for the evaluation of the procedures and expenditures by the NJDEP for the cleanup of hazardous discharge sites. The bill requires the Advisory Council to develop, in conjunction with the NJDEP, a protocol for the fiscal analysis and evaluation of the hazardous waste site cleanup program administered by the NJDEP. The bill also increases the membership of the Advisory Council by four members to include the participation of the State Auditor and the Director of the Office of Management and Budget as ex-officio members.

In addition to these activities, the Advisory Council is required to review any matter relating to the siting, licensing, construction, operation, or closure of major hazardous waste facilities and make any recommendations to the Commission and the NJDEP. The Advisory Council will also lend its support during any administrative law hearing in which the Commission is required to participate.



Technical Assistance Program

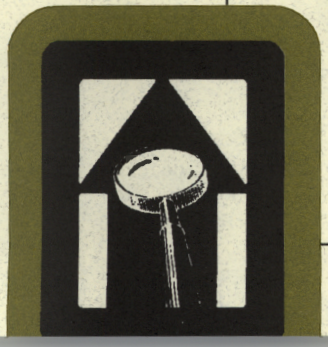
A Technical Assistance Program (TAP) to assist hazardous waste generators in reducing the amount of waste generated each year has been established at the New Jersey Institute of Technology. The TAP stems from the work of the New Jersey Source Reduction and Recycling Task Force, a volunteer group that advised the Commission on ways to increase hazardous waste source reduction and recycling activities in New Jersey.

The Commission obtained a federal USEPA grant to support the TAP, and the State legislature is preparing to address the question of a permanent funding source. Mr. Kevin Gashlin, who gained substantial waste reduction experience while directing the hazardous waste advisement program at the NJDEP, was selected to head the new program.

The TAP will focus on small and mid-sized New Jersey businesses, particularly those that lack substantial in-house expertise to examine their waste generation practices with an eye towards reducing it through the use of less hazardous raw materials, or through process changes, better housekeeping, inventory control, waste segregation, and various recycling options.

The TAP has been an important initiative of the Commission, and complements the Commission's work in other areas. The Commission's legislative mandate makes it responsible not only for the planning and siting of new hazardous waste management facilities, but also for the planning and tracking of waste reduction as well. The TAP will advise the Commission on waste reduction activities in industry, and will allow the Commission to understand the success of companies in implementing waste reduction measures.

By tracking waste reduction progress, the Commission can ensure that the State does not commit itself to more hazardous waste treatment and disposal capacity than it will need. The TAP can also help the Commission identify areas where increased source reduction and recycling opportunities could occur. In areas where there are barriers to increased source reduction and recycling, the TAP can notify the Commission and the Department so that these barriers can be overcome.



Other Commission Activity

The Commission continues to participate in conferences and to conduct research projects pertaining to siting issues and hazardous waste management. The Commission is working with New Jersey Institute of Technology's (NJIT) Center for Research in Hazardous and Toxic Substances to examine and propose above ground land emplacement facility criteria necessary for the construction and safe operation of such a facility. Under the direction of Daniel Watts, NJIT assembled a design criteria task force of national experts who reviewed existing information on above ground facilities in light of current state and federal regulations.

In September, 1989, a Land Emplacement Facility Design Criteria Conference was held in Newark, New Jersey, and in November, 1989, the task force submitted a Design Criteria Report to the Commission. The design criteria were developed within statutory and regulatory guidelines with two additional major assumptions: that the performance of a land emplacement facility go beyond the required minimum to provide the expected level of protection to the public and to the environment and that the requirements allow construction and operation within a competitive economic framework. Three general design approaches were examined: an above-grade earthen-walled, earthen-topped emplacement facility; an above-grade structure built of a material such as concrete; and, an elevated building constructed of prestressed concrete.

The Commission is now preparing to conduct an economic feasibility analysis, which compares the costs associated with siting and operating the various above ground land emplacement facilities.

The Commission, in conjunction with the NJDEP-Division of Science and Research, maintains a contract with Technology and Information Policy staff of Syracuse University to conduct a location analysis of waste streams generated by small quantity generators (SQGs—firms generating more than 100 kilograms in any one month.) The study also includes the analysis of very small quantity generators (VSQGs), firms that generate less than 100 kilograms in any one month that are exempt from regulation, and that are legally allowed to dispose of hazardous waste in public sewers or municipal solid waste facilities. The location analysis will be conducted among three types of firms: pesticide applicators, printers, and photography shops. The Commission anticipates receipt of a final report in the summer of 1990.

Commission Publications

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

A Citizen's Guide to the Major Hazardous Waste Facilities Siting Act (1983)

Basis and Background Document for New Jersey Major Hazardous Waste Facility Siting Criteria (1985)

Consumer Goods Hazardous Waste Study (1988)

Household Hazardous Waste Wheel

How it Works: Incinerating Hazardous Waste (brochure)

Methodology for New Jersey Hazardous Waste Facility Site Search (1985)

New Jersey Hazardous Waste Facilities Plan (1985)

New Jersey Hazardous Waste Facilities Plan Update (1989)

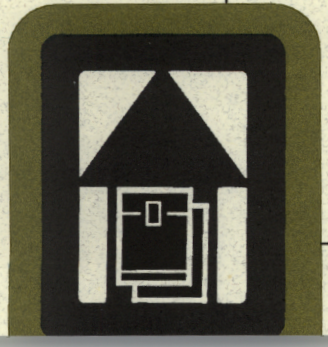
New Jersey Household Hazardous Waste Study (1988)

Siting Update (Commission Quarterly Newsletter)

Source Reduction and Recycling Task Force Report (1988)

The Municipal Guide to Siting Hazardous Waste Facilities (1986)

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



Commission & Council

Hazardous Waste Facilities Siting Commission

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Roy T. Gottesman
Thomas Leane
Louis R. Matlack
George Polzer
Max Weiss

Hazardous Waste Advisory Council

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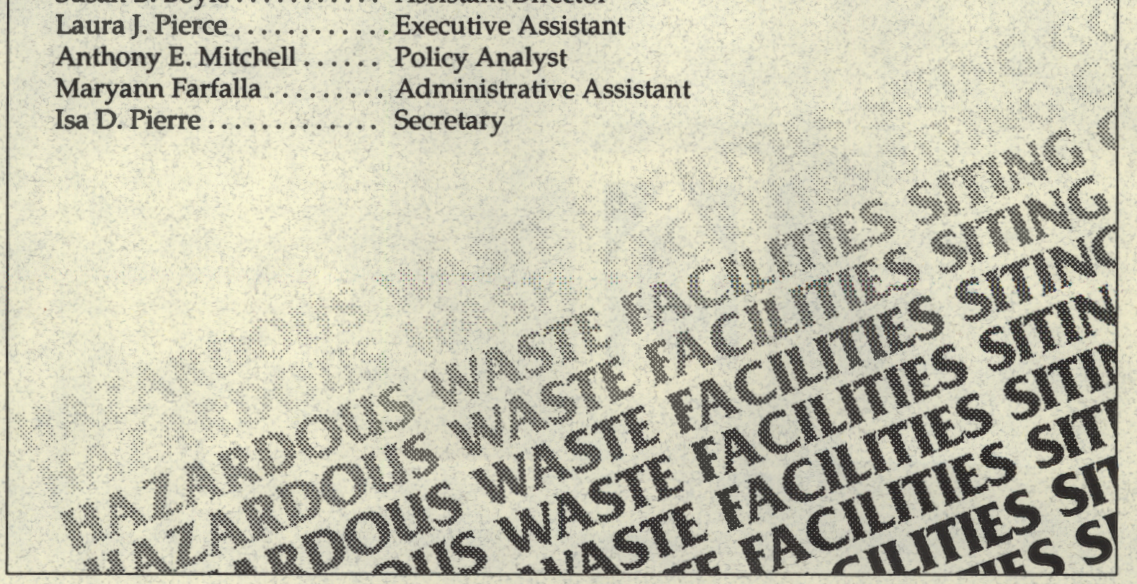

WASTE NEEDS SPACE

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

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

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

HAZARDOUS WASTE FACILITIES SITING COMMISSION

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

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

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

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

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SORT IT OUT
before you
SET IT OUT.

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