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# NEW JERSEY HAZARDOUS WASTE SITING COMMISSION

ANNUAL REPORT 1990



# NEW JERSEY HAZARDOUS WASTE SITING COMMISSION FACILITIES

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



It is our pleasure to submit the New Jersey Hazardous Waste Facilities Siting Commission's 1990 Annual Report. This Report summarizes the Commission's activities from January through December, 1990.

The Commission took important steps in 1990 concerning the potential sites being evaluated under the alternate or additional siting option and the major expansion option of the Siting Act. The Commission awarded grant monies to the City of Linden for the completion of a Municipal Site Suitability Study of the proposed hazardous waste incinerator at the GAF Chemicals Corporation in Linden, New Jersey. The Commission also continued to review the expansion of the Du Pont Deepwater facility in Carneys Point, New Jersey, and continues to maintain dialogue with the citizens of Carneys Point Township as the New Jersey Department of Environmental Protection (NJDEP) reviews Du Pont's RCRA permit application.

The Commission, along with NJDEP personnel, remains an active participant in the Northeast Regional Capacity Assurance Plan (CAP) Project. This group shares regional siting experience and options. Participation in this group is critical for New Jersey because many states currently accepting imports from New Jersey desire to use the CAP to prohibit the interstate movement of waste.

In addition to planning for and siting needed new hazardous waste management facilities, the Commission remains committed to tracking and encouraging waste reduction. The Commission awarded a substantial grant for the start-up of the New Jersey Technical Assistance Program (TAP). The Commission's Executive Director actively participates on the oversight committees of the TAP and the NJDEP's Office of Pollution Prevention and advocates the importance of waste minimization activities.

The Hazardous Waste Advisory Council continues to advise the Commission on a variety of hazardous waste issues. Currently, the Council is to develop a protocol for the fiscal analysis and evaluation of the hazardous waste site cleanup program administered by the NJDEP, pursuant to A-1579.

The Commission continues to rely on the support and cooperation from various state agencies, especially the Attorney General's Office and the NJDEP. The Commission looks forward to continued support from the administration as it works to enhance hazardous waste management in New Jersey.

Sincerely,

Gordon A. Millspaugh  
Chairman

## HAZARDOUS WASTE FACILITIES SITING COMMISSION

# Introduction

The Hazardous Waste Facilities Siting Commission continued its analysis of New Jersey's hazardous waste treatment needs, and the evaluation of potential sites for the location of necessary new, major commercial hazardous waste facilities, pursuant to the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq. Despite legal challenges and other obstacles, the Commission made substantial progress in further evaluating the GAF Chemicals Corporation's application to construct a hazardous waste incinerator on a portion of its facility in Linden. The Commission also continued to facilitate the review of the E.I. Du Pont de Nemours and Co., Inc. proposal involving the expansion of an existing facility. The Commission maintains through its **Hazardous Waste Facilities Plan Update** that these facilities are necessary in order to respond to the state's

need for incineration capacity.

In the spring of 1990, New Jersey received conditional USEPA approval of its Capacity Assurance Plan (CAP), which prevented the loss of Superfund money. The Commission, along with NJDEP personnel, continues to participate in the Northeast States' CAP Project, an effort designed to explore the possibility of regional waste management and siting options to safely handle the area's capacity shortfalls. The Northeast group's formation stemmed from each state's submission in October, 1989, of a CAP to the U.S. Environmental Protection Agency (USEPA), pursuant to the adoption of Section 104 (c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. New Jersey's participation in this Project is crucial due to the importance to the region of this state's existing

hazardous waste management facility infrastructure. In addition, the Northeast region is analyzing the economic viability of siting a land disposal facility under the current market situation and then studying changes due to the possible legal outcomes of a number of challenges being filed by states with private, commercial landfills that are currently taking the region's waste.

The Commission also remains involved in several hazardous waste projects that promote responsible waste minimization. For example, the Commission provided substantial funding for the start-up of the Technical Assistance Program, housed at the New Jersey Institute of Technology, which is designed to provide technical assistance on waste reduction to interested firms that generate hazardous waste. The Commission, in conjunction with NJDEP's

Division of Science and Research, also maintains a contract with Syracuse University's Technology and Information Policy Program for a locational analysis of small quantity generators in six counties in New Jersey. The Commission and the Hazardous Waste Advisory Council continue to study the household hazardous waste issue and are in the midst of planning a Household Hazardous Waste Seminar to be held in 1991.

The past year brought several personnel changes for the Commission. Richard J. Gimello, who had served as the Commission's first Executive Director since 1982, resigned in April, 1990 to accept a position in private industry. During his tenure with the Commission, Mr. Gimello was recognized as a national leader in hazardous waste planning and siting, having served as both President and Director of the Consortium

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of State Hazardous Waste Siting Authorities, Inc. as well as being appointed to the National Governors' Association Advisory Group on Capacity Assurance Planning. In July, 1990, the Commission also reluctantly accepted the resignation of Commissioner George F. Polzer, Jr., who was appointed to the Commission in 1982. Commissioner Polzer served as an industry representative on the Commission. His fellow Commissioners appreciate his dedication to the siting process.

Despite the departure of these talented individuals, the Commission and Commission staff look forward to working with new Executive Staff and Commissioners. Susan B. Boyle, the Commission's former Assistant Director, was promoted to Executive Director, and subsequently, in September, 1990, the Commission hired Richard P. Kurisko to serve as Assistant

Director. In addition, Joseph E. Gilson, Jr. was appointed to fill a county or municipal elected or appointed official vacancy on the Commission. Early in 1991, the Commission was brought to its full complement of nine members with the appointments of James Ferris and Abigail Studdiford. Mr. Ferris is an industry representative and Ms. Studdiford serves as an environmental organization representative on the Commission. With the assistance of these new members, the Commission and its recently reduced staff of three remain dedicated to carrying out the hazardous waste policies of this state.



## Siting Activities

### GAF Chemicals Corporation, Linden, New Jersey

In 1990, the Commission continued to evaluate the GAF Chemicals Corporation site under the "alternate or additional" siting option, which allows industrial firms interested in providing a location for a needed hazardous waste facility to submit an application for site designation. In October, 1988, the Commission received an application from 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. At its June 20, 1989 meeting, the Commission proposed the GAF site for designation as a potential site for the location of a hazardous waste incinerator.

After proposing the site for designation, the Commission awarded the City of Linden a

substantial grant for the completion of a Municipal Site Suitability Study (MSSS) pursuant to N.J.S.A. 13:1E-59 (a)(1). At the April 3, 1990 Commission meeting, counsel for GAF and Linden informed the Commission that their respective clients had reached a settlement agreement subject to approval by the Commission and the Linden City Council regarding the funding and performance of the MSSS. The City Council approved the agreement by resolution adopted by a unanimous vote at its meeting on April 17, 1990. At its meeting on May 1, 1990, the Commission adopted the approved agreement, which states that the funding for the MSSS is \$395,000, the first \$250,000 of which will be supplied by the Commission. The agreement further maintains that once this sum is expended, as evidenced by invoices from the City's MSSS consultant, GAF will issue an additional \$145,000 to the Commission for the City's preparation of the MSSS.

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Prior to Linden's completion of the MSSS, the City requested the Commission to dismiss the GAF application. The Commission, after consideration of the request, took a major administrative step at its November 27, 1990 meeting and passed a resolution authorizing its Executive Director to transmit the GAF case to the Office of Administrative Law (OAL), pursuant to N.J.A.C. 1:1-8.2, no later than February 1, 1991. The OAL will conduct an adjudicatory hearing on the matter at which the City of Linden will have the right to present testimony and to cross-examine witnesses.

As part of the site review process and in anticipation of the OAL hearing, the Commission had 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 will continue to monitor the GAF siting proposal as it undergoes review by the Office of Administrative Law in 1991. Contrary to the traditional procedures for contested cases, the Commission will make the final decision on site designation once it receives the judge's recommendations; the decision will be made by an expanded Commission, which will include a new voting member from Linden and one from Union County.

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

The Commission also continues to evaluate the E.I. Du Pont de Nemours and Co., Inc. proposed incinerator and landfill expansion in Carneys Point, New Jersey. Under the Siting

Act, an expansion of greater than fifty percent at an existing commercial facility requires an EHIS to be prepared addressing potential environmental and health impacts of the proposed facility.

In September, 1989, the Commission authorized the submission of Du Pont's preliminary EHIS to the NJDEP, triggering the formal Resource Conservation and Recovery Act (RCRA) application process. The preliminary EHIS maintains that the proposed incinerator and landfill expansion will not create any adverse impacts that cannot be mitigated.

In 1990, Carneys Point Township completed part of its site plan review with \$15,000 received from Du Pont in accordance with the Siting Act. In addition, the Township was awarded a voluntary grant of \$75,000 from Du Pont for the purpose of reviewing the EHIS. The Township submitted its EHIS review to the Commission in December, 1990. The Commission plans to hold a public meeting in the summer of 1991 to address any remaining questions or comments on the EHIS before the NJDEP holds a public hearing on Du Pont's draft RCRA permit.

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# Hazardous Waste Planning

The Major Hazardous Waste Facilities Siting Act (N.J.S.A. 13:IE-49 et seq.) requires the Commission to prepare a hazardous waste facilities plan and to update it regularly. The plan's purpose is to define the State's future needs for commercial treatment, storage and disposal facilities, taking into account the impact of source reduction and recycling as ways to minimize the amount of hazardous waste generated and treated or disposed of in the state.

The most recent Plan Update, completed in October, 1989, also included the development of the Hazardous Waste Planning System. This System is a series of integrated databases that allow the Commission to project future waste generation and resulting capacity shortfalls, to create tables used in the Plan Update, and to assess the impact of strategic changes, such as those associated with economic growth or waste minimization.

In addition to allowing the Commission to complete future updates in-house, the Planning

System will also allow the Commission and NJDEP personnel to organize information necessary for the Capacity Assurance Plan (CAP), as required by the adoption of Section 104 (c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The CAP, which received conditional approval from the USEPA in April, 1990, contains the state's commitment to assure adequate capacity for the destruction, treatment, or secure deposition of all hazardous wastes that are reasonably expected to be generated in New Jersey for the next twenty years.

The submittal of the CAP has allowed the Commission to participate actively in a regional planning effort reflecting the realities of the current Northeast waste management market. The Commission continues to provide leadership in this regional planning process, especially as it pertains to assessing the need for land disposal capacity for the region.

# Gross Receipts Tax Payments

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

The host municipalities in turn must appropriate and utilize the tax 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.

In 1990, the following amounts were collected from those facilities that have existed since the enactment of the Siting Act. These companies have been paying the tax since 1981.

COMPANY NAME/MUNICIPALITY	1990 AMOUNT
E.I. Du Pont de Nemours & Co., Inc./ Carneys Point Township	\$1,820,420
Marisol, Inc./Borough of Middlesex	5,000
Rollins Env. Services/Logan Township	948,256
Chemical Waste Management/City of Newark	233,129
SRSNJ-Safety Kleen/City of Linden	5,760
<b>TOTAL</b>	<b>\$3,012,565</b>

# HAZARDOUS WASTE FACILITIES SITING COMMISSION

## Operating and Financial Statement

The following is the Commission's summary of appropriations, expenditures, and encumbrances for fiscal year ending June 30, 1990.

By Fund	Available Appropriations	Expended	Encumbrances	Appropriation Balance
<u>Fiscal Year 1990</u>				
Direct State Services	\$1,396.3	\$483.8	\$136.9	\$775.6
State Aid	50.0	-	-	50.0
Dedicated Funds	553.3	-	468.1	85.2
Federal Funds	75.0	75.0	-	-
	<u>2,074.6</u>	<u>558.8</u>	<u>605.0</u>	<u>910.8</u>
<u>Prior Year Obligations</u>				
Direct State Services	195.6	99.7	95.9	-
Dedicated Funds	61.6	61.6	-	-
	257.2	161.3	95.9	-
<b>Total</b>	<u>\$2,331.8</u>	<u>\$720.1</u>	<u>\$700.9</u>	<u>\$910.8</u>
<u>By Program</u>				
<u>Fiscal Year 1990</u>				
Siting Commission Administration	\$672.0	\$223.1	\$103.7	\$345.2
Advisory Council	15.0	.6	1.1	13.3
Review Applications	37.7	32.2	-	5.5
Site Review and Evaluation	321.6	227.9	32.1	61.6
Land Emplacement Facility Site	350.0	-	-	350.0
Training	50.0	-	-	50.0
Environmental & Health Impact Statements	553.3	-	468.1	85.2
Source Reduction & Technical Assistance	75.0	75.0	-	-
	<u>2,074.6</u>	<u>558.8</u>	<u>605.0</u>	<u>910.8</u>
<u>Prior Year Obligations</u>				
Siting Commission Administration	99.3	41.1	58.2	-
Review Applications	38.1	13.3	24.8	-
Site Review and Evaluation	32.7	29.8	2.9	-
Management Plan Update	9.6	-	9.6	-
Hazardous Research - Improved Methods	15.9	15.5	.4	-
Environmental & Health Impact Statements	61.6	61.6	-	-
	257.2	161.3	95.9	-
<b>Total</b>	<u>\$2,331.8</u>	<u>\$720.1</u>	<u>\$700.9</u>	<u>\$910.8</u>

# Hazardous Waste Advisory Council

Established pursuant to 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 to advise both the NJDEP and the Commission on a variety of hazardous waste issues.

In 1990, under the direction of Chairman John Liskowitz, Ph.D., a subcommittee of the Advisory Council, with the support of NJDEP, continued the development of a protocol for the fiscal analysis and evaluation of the hazardous waste site cleanup program administered by the department, pursuant to A-1579. In addition to evaluating the procedures and expenditures by the NJDEP for the cleanup of hazardous discharge sites, this

statute also increases the membership of the Advisory Council by two new members, one from the academic community with expertise in program and management evaluation techniques and one from the private sector with expertise in the financial management of public funds. The statute also includes the participation of the State Auditor and the Director of the Office of Management and Budget as ex-officio members.



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# Commission Supported Activities

The Siting Commission continues financial support to the Technical Assistance Program (TAP) housed at the New Jersey Institute of Technology. The TAP's main goal is to assist small and mid-sized New Jersey firms to minimize the amount of hazardous and other wastes generated during manufacturing. Small project teams evaluate current practices and suggest alternative processes or practices.

Through a grant from the USEPA obtained by the Commission, the TAP began operating in March, 1990. The TAP distributed 15,000 brochures introducing itself and explaining how industry can take advantage of its services.

This outreach program has resulted in approximately two dozen site visits to industries, yielding some definite suggestions to reduce solid waste, solid hazardous waste, air emissions, and discharges to water.

The TAP is currently working with Burlington County to open a field office to focus on small quantity generators in an effort to reduce the county's long term liability for its resource recovery complex. The TAP's goal is to apply technical assistance



practices and options to Burlington County business, especially to small quantity generators that are legally disposing of hazardous waste in the county solid waste facilities.

In addition to serving on the oversight committee of the TAP, the Commission's Executive Director also serves on the oversight committee of NJDEP's Office of Pollution Prevention (OPP) and the judging panel for the Governor's Awards for Outstanding Achievement in Pollution Prevention.

Both the TAP and the OPP complement the work of the Commission in that they both stress the first levels of the Commission's waste management hierarchy of source reduction, followed by recycling, recovery, treatment and incinera-

tion, and as a last resort, secure disposal or storage. By tracking the waste reduction progress determined by the TAP and OPP, the Commission can ensure that the state does not commit itself to more hazardous waste treatment and disposal capacity than it will need. The Commission remains committed to working with these two groups to promote increased source reduction and recycling practices.



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# Public Participation and Education

The Siting Act allows for public participation throughout every step of the siting process. Municipal involvement is required once a site is proposed for designation. Specifically, the Act requires that the affected municipality conduct a Municipal Site Suitability Study with the use of limited state funds, that local representatives be added to the Commission prior to final action on any site, and

that new facilities be inspected by local officials with appropriate training and funding from the NJDEP. The Commission also continues to receive public comment on all business conducted at its monthly meetings. Through its publications and various studies, the Commission strives to keep citizens abreast of hazardous waste management issues in the State.

**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 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)

## HAZARDOUS WASTE FACILITIES SITING COMMISSION



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