

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 76

WHEREAS, Development of a comprehensive system for the generation, storage, transport and ultimate safe disposal of hazardous waste generated in the State involves all segments of society including private citizens, local and State officials and representatives of the State's industrial and manufacturing companies which generate hazardous waste; and

WHEREAS, The development of a system of waste processing facilities and disposal sites to safely and economically handle the hazardous waste stream generated by New Jersey's industrial, manufacturing and business community is in the interest of the State and the long-term viability and stability of New Jersey's economic base; and

WHEREAS, The lack of such facilities is a significant factor in the indiscriminate and illegal dumping of hazardous waste; represents a significant danger to the public health, safety and welfare; threatens ground and surface water; causes unnecessary air pollution and results in a substantial burden on the public treasury for remedial action; and

WHEREAS, The technical, legislative and administrative solutions to this problem must involve the development of a partnership between the public and private sectors after open and frank public discussion and full participation of all segments of society;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is created an Advisory Committee on Hazardous Waste Control (hereinafter, "the Committee"), consisting of such members as are appointed by and shall serve at the pleasure of the Governor. The membership of the Committee shall include representatives of the industrial community, private citizens, an elected municipal official, an elected county representative, and members of the Legislature. The members of the Committee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds.

2. The Governor shall designate a Chairman and Vice-Chairman from among the members of the Committee. The Chairman shall preside over the meetings and affairs of the Committee. The Chairman shall have such further powers as may be conferred upon him by the Governor.

3. a. The Advisory Committee shall prepare a report to the Governor within six months of the effective date of this Order which shall include recommendations for administrative or legislative action for the development of a comprehensive hazardous waste management program. Such report shall specifically address the following issues in addition to any others the Advisory Committee deems appropriate:

1. Alternative administrative systems for the regulation of hazardous waste disposal, including siting requirements and site selection procedures for the following: (i) an exclusive State owned and operated hazardous waste authority that would process and dispose of all hazardous waste generated in the State, (ii) State licensing of privately owned facilities, (iii) a combination of i and ii which could include State ownership of land combined with lease agreements with private contractors who would build and operate processing or disposal facilities, and (iv) regional and interstate authorities.
2. Alternatives for financing hazardous waste facilities evaluated pursuant to paragraph a. including: revenue bonds, state regulation of rates, value added tax, and volume fees on generated waste.
3. Methods relating to discouraging to the greatest degree possible illegal dumping including: improved enforcement mechanisms, increased penalties and reduced cost or free processing to encourage use of treatment facilities.
4. Appropriate alternatives for long-term protection of the environment at generation, storage and disposal facilities including: monitoring systems, insurance bonds, escrow accounts and closure requirements.
5. Methods relating to reducing the quantity of hazardous waste requiring disposal, including: resource recovery, recycling, waste brokerage, fuel-from-waste and incentives for reducing the quantity of hazardous waste generated in the State.

6. Regional issues associated with hazardous waste disposal facilities, equalization of rates and the feasibility of an interstate compact for the disposal of such waste with Connecticut, New York, Pennsylvania, and Delaware or such other states as the Committee deems appropriate.
 7. The legislative and administrative programs of other states or countries to determine their applicability to New Jersey.
 8. A suggested timetable and work program for implementation of the recommendations made.
- b. In the furtherance of these duties, the Committee may:
1. Review and evaluate matters related to the manufacture, storage, transportation, reuse or disposal of hazardous waste.
 2. Request from the Department of Environmental Protection, Labor and Industry, Health, Treasury or any other department or agency of State government such information concerning hazardous waste as it may deem necessary.
 4. The Committee shall develop and implement a public participation program which will make available to the public significant and meaningful opportunity to make its views known on the development of a comprehensive hazardous waste disposal program. As part of the public participation program the Committee shall conduct public meetings or hearings and shall solicit information from and consult with relevant public and private agencies and groups, including county and local government, environmental and industrial organizations and other interest groups.
 5. The Departments of Environmental Protection, Health, Labor and Industry, and Treasury and all other State agencies are authorized and directed to the maximum extent possible, not inconsistent with law, to cooperate with the Committee and to furnish them with such information, personnel, and budgetary assistance as is necessary to accomplish the purposes of this Order. The Department of Environmental Protection shall provide technical staff to assist the Committee in its deliberations.
 6. This Order shall take effect immediately.

Given, under my hand and seal this 15th day of
[SEAL] August, in the year of Our Lord, one thousand nine hundred and seventy-nine, and of the Independence of the United States, the two hundredth and fourth.

/s/ BRENDAN BYRNE,

Governor.

Attest:

ROBERT E. MULCAHY, III,
Chief of Staff, Secretary.