

I. EMERGENCY MANAGEMENT

The handling, transportation, treatment, and disposal of solid waste, hazardous waste, medical waste and recyclable materials are subject to comprehensive regulatory standards in New Jersey, including emergency preparedness and prevention procedures for regulated entities. The State's emergency prevention and preparedness regulations are designed to address day-to-day emergencies which may occur at facilities, for example, fires or materials spills. The Department recognizes, however, that certain emergency circumstances, such as natural disasters (i.e., floods, severe storms), and technological disasters (i.e., hazardous materials incidents, acts of terrorism), may not be sufficiently addressed by these standards. Such emergencies generate immense quantities of material that may include human and animal remains. All of these materials must be safely and timely handled in a manner while preserving evidence if necessary, protecting human health and the environment, and providing the victims, their families and loved ones an appropriate level of dignity. Depending on the circumstances of the emergency, therefore, the Department has found it necessary to temporarily relax some of its regulatory requirements to quickly and safely address environmental and health concerns. The Department is able to do this through the emergency powers granted to it under the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) and the Solid Waste Utility Control Act (N.J.S.A. 48:13A-1 et seq.) upon the declaration of a state of emergency by the Governor's Office.

In New Jersey, the Governor has the overall responsibility for Emergency Management activities. On behalf of the Governor, all activities and departments are coordinated, directed and controlled from the State Police Office of Emergency Management (OEM). The OEM is responsible for planning, directing and coordinating emergency operations within the State which are beyond local control. When an emergency situation occurs that involves the disposition of waste or recyclable materials, the Department works closely with the OEM and local, state, and federal agencies (such as the United States Environmental Protection Agency and the Federal Emergency Management Agency), to determine the nature of the emergency and the level to which regulatory standards can be relaxed to facilitate material cleanup, while ensuring that the public's health and safety, and the environment are protected.

To this end, the Department has developed generic guidance on the handling, transportation, treatment and disposal of materials expected to be generated during natural or man-made emergency situations. Such guidance addresses emergency storage of materials, pricing and enforcement issues, and provides a list of contacts. During the Department's response to an emergency, these generic guidelines are tailored to the specific emergency, and implemented on a case by case, or industry-wide basis as the situation warrants. For example: In the event that an emergency involved disposal of large amounts of debris (such as resulted from Hurricane Floyd in 1999), the Department would consider granting temporary exceedances of permitted capacity at solid waste facilities and recycling facilities, and would consider requests from solid waste and

recycling facilities for authorization to accept additional solid waste types or extend operating hours on a case-by-case basis. Additionally, the Department could designate secure areas such as landfills or public properties to temporarily stage materials in an environmentally sound manner. These temporary staging areas would ensure that large amounts of debris do not pile up at residences, businesses or roadsides. These sites would be established in areas capable of maximum feasible containment of the materials (preferably a paved surface) with adequate provisions for stormwater run off, vector control and security (preferably a fenced area). Such sites would not be located in environmentally sensitive areas such as wetlands or delineated flood plains. Lastly, the Department would allow such temporary staging areas to exist until the Department rescinds its emergency-specific guidance.

In the event that an emergency involved human remains (such as resulted from the World Trade Center disaster), the Department would coordinate its efforts with the other stakeholders such as the Department of Health and Senior Services (DHSS), the State Police and the State Medical Examiner or his designee to address the handling of human remains in a dignified and respectful manner. To the extent possible, the Department would consider the religious, cultural, family and individual beliefs of the deceased person when disposing of any human remains. If a public health emergency were declared, the Department would work with the DHSS to issue and enforce orders to provide for the safe disposition of human remains as necessary to respond to the public health emergency. Such orders might include the temporary staging of human remains. These temporary staging areas would allow for collection of evidence, forensic investigations and the recovery of human remains for identification and proper and respectful internment or cremation at the direction of the appropriate authority(ies.) Such measures might also include temporary mass burial or other internment, cremation, disinternment, transportation and disposal of human remains.

In the event a public health emergency involved the disposal of infectious waste, the Department may take the following actions in consultation with the DHSS: issue and enforce orders for the safe disposal of infectious waste, require authorized entities to collect, store, handle, destroy, treat, transport or dispose of infectious waste and require any landfill or other such property to accept infectious waste or provide services or the use of the business property if such action is reasonable and necessary to respond to the emergency.

In the event an emergency involved infected or other animals, the Department would coordinate its efforts with the Department of Agriculture to address proper disposition of the animal(s). The Department would first consider burial of the animal(s) on site or near site. There are many circumstances, however, where burial on or near site is not acceptable. For example, a burial pit would not be placed where it would impact underground wires, water, sewage or gas pipes or potable water supplies. Additionally, beach burial is prohibited since animal carcasses can present problems when they decompose and winter storms may expose any remaining body parts and bones. If on or near site burial were not an option, the Department would consider incineration of the animals followed by debris disposal or landfill disposal.

Depending on the circumstances of the emergency, the Department might need to suspend county waste flows, especially if necessary to open impacted transportation arteries. Guidance documents that are issued are typically effective immediately and valid until such time as the Department officially rescinds them.

In addition to developing and refining such “off the shelf” guidance, the terrorist attack on New York City has necessitated the re-evaluation of the Department’s emergency preparedness plans addressing situations which cause the closure of the agency for various periods of time. The Department has reassessed what functions are critical functions that must be continued during these interruptions. The Department has also developed a five-tiered Threat Advisory System to address emergency preparedness procedures and actions the Department must take during times of no discernable terrorist activity through times of imminent attack against a known target or when an attack has occurred. Through this exercise, the Department will further define and develop its emergency communications, personnel needs, emergency guidance documents and authority delegation procedures. Lastly, the Department continues to work with other local, county, state and federal partners to develop, update and exercise emergency preparedness plans. The Department maintains a 24-hour Environmental Incident Hotline (**1-877-WARNDEP**) to receive reports of environmental incidents affecting the State. Reports to this hotline are disseminated to appropriate Department personnel for investigation and response.