



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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BERGEN COUNTY AND
HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION
DISTRICT SOLID WASTE MANAGEMENT PLANS

DIRECTIVE DESIGNATING THE LEAD/IMPLEMENTATION AGENCY FOR THE CONSTRUCTION OF THE RESOURCE RECOVERY FACILITY FOR SOLID WASTE GENERATED IN BERGEN COUNTY, ISSUED PURSUANT TO THE CERTIFICATIONS OF APPROVAL WITH MODIFICATION OF THE BERGEN COUNTY AND THE HACKENSACK MEADOWLANDS DISTRICT SOLID WASTE MANAGEMENT PLANS AND MADE A PART THEREOF.

A. Background

The Commissioner of the Department of Environmental Protection issued Certifications of Modification to the Hackensack Meadowlands Development Commission (October 1, 1979) and the Bergen County (May 1, 1980) District Solid Waste Management Plans requiring, among other things, that the two Districts reach an agreement with regard to their respective roles for the implementation of a proposed resource recovery facility, such that it be operational by 1983.

On December 31, 1979, the Commissioner issued a directive entitled "Adoption of Rules Concerning Interdistrict Flow of Solid Waste Between and Among Solid Waste Management Planning Districts in Northeastern New Jersey" which requires, among other things, that Bergen County and the Hackensack Meadowlands District negotiate long term agreements to provide for the flow of solid waste generated within all of Bergen County to disposal or resource recovery facilities in, by or under the authorization of the Hackensack Meadowlands Development Commission.

The Commissioner issued Certifications of Approval with Modification to the Hackensack Meadowlands Development Commission (July 31, 1980) and the Bergen County (October 31, 1980) District Solid Waste Management Plans in which both proposed to build a resource recovery facility utilizing the same waste stream from Bergen County and the same site in Ridgefield on Block 145, Lot 3, and Block 182, Lot 2 directly across the Hackensack River from the Bergen County Sewerage Treatment Plant in Little Ferry. The Natural Resources Bond Act application from the Bergen County Utilities Authority and the Hackensack Meadowlands Development Commission were also consistent with the approved Plans in that they both proposed to build the facility on the same site and utilizing the same waste flow from Bergen County.

While the Certifications of Modification and the "Adoption of Rules Concerning Interdistrict Flow of Solid Waste Between and Among Solid Waste Management Planning Districts in Northeastern New Jersey" required and the Certifications

of Approval with Modification contemplated a final agreement delineating the respective roles of the two Solid Waste Management Districts concerning the implementing of a proposed resource recovery facility, no agreement was forthcoming.

The Department has carefully reviewed and studied the plans and other documents submitted by the Bergen County Utilities Authority and the Hackensack Meadowlands Development Commission, and concludes that the plans submitted by the Bergen County Utilities Authority are not inconsistent with the requirements set forth by the Hackensack Meadowlands Development Commission. In light of the responsibilities outlined in P.L. 1975, C. 326 directing each Solid Waste District to develop and implement a comprehensive solid waste management plan for the disposal of solid waste generated within the District, and because of the failure of the parties to reach an agreement with one another, I hereby issue this directive which shall be an approved part of the Bergen County and Hackensack Meadowlands Development Commission District Solid Waste Management Plans.

B. Directive

- 1) That the Bergen County Utilities Authority is designated as the agency responsible for the implementation of the proposed resource recovery facility for the disposal of waste generated in Bergen County at the site designated in both the approved Bergen County and the Hackensack Meadowlands Development Commission Solid Waste Management Plans in Ridgefield on Block 145, Lot 3 and Block 182, Lot 2 directly across the Hackensack River from the Bergen County Sewerage Treatment Plant in Little Ferry.
- 2) Furthermore, the Bergen County Utilities Authority shall submit an updated schedule for the implementation of resource recovery. This updated schedule shall be submitted to the Department of Environmental Protection in the Authority's next resource recovery quarterly status report which will be due on March 1, 1982.
- 3) Upon completion of the proposed resource recovery facility by January 1, 1985, all processable* solid waste from Bergen County shall be directed to the new facility. Should the resource recovery facility not be completed prior to the closure of the existing Kingsland Landfill Extension, the landfill within Hackensack Meadowlands District designated to accept Bergen County waste, the Bergen County Utilities Authority shall then be responsible for accepting and disposing of this waste at a landfill to be established by them either outside of the Hackensack Meadowlands District with Department of Environmental Protection approval, or within the Hackensack Meadowlands District at a site meeting the approval of both the Hackensack Meadowlands Development Commission and the Department of Environmental Protection.
- 4) Nothing contained herein shall be construed to permit the operation of any new solid waste facility without any and all necessary permits and approvals from the Department including, but not limited to, an approved registration and engineering design approval issued pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-1 et seq.

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

C. Other Provisions Effecting the Plans

1) Certification to Proceed with the Implementation of the Directive

This document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the County of Bergen and the Hackensack Meadowlands Development Commission, as provided for by N.J.S.A. 13:1E-1 et seq., to proceed with the implementation of the directive contained herein.

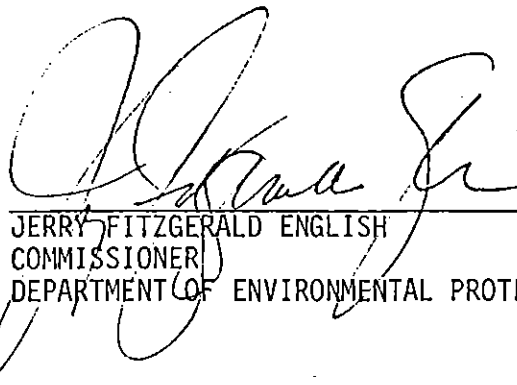
2) Definitions

For the purpose of this directive, and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.5.27.

3) Nothing contained herein shall be construed to supersede or otherwise interfere with any other action taken by the Department of Environmental Protection pursuant to its authority under the law.

4) Effective Date of Directive

The directive contained herein shall take effect immediately.



JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

January 13, 1982
DATE